

Special District Association of Colorado

SDA NEWS

JULY 2021

Supporting Community-Based Government

Coming soon...

2021 SDA Annual Conference

Tuesday, September 14 through

Thursday, September 16

Keystone, Colorado



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Designed by Emmett Jordan

The SDA Annual Conference Will Be Here Before We Know It...

Now's the Time to Start Making Your Plans to Join Us!

The 2021 SDA Annual Conference, September 14-16, is coming up soon (don't forget, it's **Tuesday, September 14 through Thursday, September 16**)! We are so excited for our new hybrid event this year, with both an in-person option for everyone who would like to come to Keystone and a livestream option for those who prefer to participate remotely.

Since our last update in June, we were thrilled to learn that right now it looks like we will be able to offer a full, regular Conference. This will allow us to have a breakout session schedule similar to what we have had in the past, which is fantastic news! All together we have 50 sessions planned, which will provide an opportunity for participants to hear from a variety of experts on pertinent issues for special districts. And on top of all of this, our entertaining and informative keynote speakers will offer their unique insight and perspective into big picture ideas that affect all of us.

Our lineup of breakout sessions this year is stellar, and the sessions start early on Tuesday morning. All three days of Conference are jam-packed, with a wide variety of universally applicable topics for all district types as well as sessions that are more technical in nature. We will have sessions on:

- » Leading in times of crisis and change
- » Best practices for Board members and Board meetings
- » Document retention
- » DEO and election expert panel
- » Funding water and wastewater improvements
- » Going to the voters for funding
- » Cyber intrusion case study
- » A panel discussion on the East Troublesome and Cameron Peak Fires
- » Navigating new employment laws, including the Equal Pay Act and paid sick leave requirements



Special District Association of Colorado
Supporting Community-Based Government

This is just the tip of the iceberg so stay tuned for more details on all the sessions we have planned!

New for this year we will also have **two large, outdoor event tents set up on the Conference Center patios**. This additional space will be a perfect place to relax during the breaks between sessions or even as a place to **set up your laptop and headphones to tune into any sessions that might fill up**. Since we will be livestreaming the presentations to our virtual platform, if you find a meeting room that's full, but you would still like to listen in, you will be able to access the livestream right on your laptop!

As you are making all your plans to join us, here is a general outline of how each day of Conference is shaping up.

Day One — Tuesday, September 14

- » **Plan to get there early! The Conference begins at 7:00 am** with a welcome breakfast, the singing of the National Anthem, and the Presentation of the Colors.
- » Immediately following our opening activities, we are thrilled to be joined by our **breakfast keynote speaker, Kenyon Salo**. For any of you who have seen a Broncos game, Kenyon is one of the skydivers who flies in at the beginning! His energetic and engaging presentation, **"The Bucket List Life" – Create More Experiences, Share More Stories, and Live More Fulfilled!**, will set the perfect tone for the entire Conference.
- » The day will be filled with **educational and timely sessions** for both Board members and managers alike. Whether you are new to your position or have served in your role for years, there will be something for everyone.
- » We have moved our **Awards Luncheon** to Tuesday so we have a chance to honor our winners on the first day! Join us as we celebrate these exceptional Board members, Managers, and districts.
- » On Tuesday afternoon, take a few minutes to relax and visit with your fellow attendees on the beautiful patio at the Conference Center. Enjoy some great music, a drink, and even oversized, outdoor games!
- » This year's **Opening Night Extravaganza** will immediately follow the afternoon break and will feature a lively dj and brand new trivia games! And of course lots of amazing food!

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Day Two — Wednesday, September 15

- » **Dave Mitchell** will kick off the day with his thought-provoking presentation **“Leading in a Peak Performance Culture.”** This powerful program focuses on the leadership characteristics that are the foundation of the most successful organizations worldwide.
- » Pertinent and informative sessions will take place all morning, with a **goodie break** in between.
- » Our lunchtime keynote speaker, **Rorke Denver**, will explore the idea that excellence doesn't happen by accident. You have to pursue it, and you have to be intentional about your training, behavior, and drive to achieve the leadership, culture, and performance the best of us seek. **“Call to Lead”** is a presentation you don't want to miss!
- » Along with additional educational sessions, the **Colorado Special Districts Property and Liability Pool Annual Membership Meeting** will take place on Wednesday afternoon. This meeting will feature the Pool's annual update as well as a pertinent keynote presentation.
- » If you missed the first goodie break in the morning, you can catch another one in the afternoon!
- » Unwind after the busy day at our **brand new Boots and BBQ evening event!** Wear your favorite pair of boots as you enjoy some delicious bbq with all the fixings right on the Conference Center patio. There will even be live entertainment and the outdoor games!



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Day Three — Thursday, September 16

- » At Thursday's keynote breakfast, **Carol Hedges**, Executive Director of the Colorado Fiscal Institute, will discuss proposed ballot Initiative #27, which, if passed, would reduce property tax assessment ratios and result in significant ramifications for special districts. This important issue is definitely one you will want to learn more about.
- » There will be **two full tracks of sessions between breakfast and lunch**. This gives us 10 sessions on Thursday morning!
- » We are offering a new **Grab and Go Lunch** that you can stay and enjoy before heading home or take with you in the car. And you get to keep the lunch bag as our gift!
- » Either way, Thursday will be a full day, and we will conclude at the perfect time to get you back on your way!

All of this and much, much more awaits you at the 2021 SDA Annual Conference, September 14-16 at the Keystone Conference Center! Registration opens in early July so watch your emails and visit the SDA website at www.sdaco.org for more information. The hotel reservation information will also be available on our website in early July.

Mark your calendars, get ready to register, and we will see you in Keystone in September! 🍌

We are so excited for our new hybrid event this year, with both an in-person option for everyone who would like to come to Keystone and a livestream option for those who prefer to participate remotely.

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A Special Thanks to SDA's Platinum Sponsors!

We are thrilled to be working with our 17 Platinum Sponsors throughout the course of this year and for our upcoming Annual Conference! Below is a brief background on each company, many written directly from their perspectives. Please take a minute to learn more about the great services they provide and how they might be able to help your district. And stop by and visit them while you're at Conference in September!



As a risk partner, the **Colorado Special Districts Property and Liability Pool** empowers each of our members with the resources to be the most effective form of local government. We are a cooperative of more than 1,800 special districts providing property, liability, and workers' compensation coverages, as well as innovative risk management and loss prevention services developed with a focus on special districts in Colorado.

We thrive on working proactively with our member districts to shape the future rather than let circumstances shape us. That's why we provide a wide range of unique services, such as training, human resources consulting, pre-loss legal services, and cyber risk assessment tools.



COLOTRUST (Colorado Local Government Liquid Asset Trust) is Colorado's original and largest pooled investment trust in the state. Designed specifically for Colorado's local governments, COLOTRUST provides a convenient method for investing in high-quality, short- to medium-term securities carefully chosen to provide for safety and liquidity while still maximizing interest earnings.

Founded in 1985, COLOTRUST has since experienced rapid growth in both assets and participation. Continually striving to meet the evolving needs of local governments, COLOTRUST proudly offers three investment options that fit into a wide variety of investment strategies, together creating a comprehensive approach to investing.

COLOTRUST is a Platinum Sponsor because it recognizes the importance of SDA when it comes to the support and education of special districts across the state. Special districts make up more than half of the valued participants of COLOTRUST.



Community Resource Services of Colorado (CRS) offers cost-effective, high-quality customized services to more than 250 special district clients. Its approach is to listen as clients outline their needs and then to develop an affordable plan that achieves the clients' goals and objectives.

CRS is dedicated to being your one-stop resource by effectively providing services in management, accounting, financial consulting, elections, billing services, project management, and field supervision. Its clients can depend on CRS' highly ethical, experienced, and skilled consulting team.

CRS has been a Platinum Sponsor of SDA for several years, strongly supporting SDA's efforts to provide effective communication, research, legislative support, administrative assistance, and educational opportunities to its members, thereby improving the function of districts throughout the state.

CRS believes that SDA's leadership in helping special districts serve the public in the most efficient and economical manner possible is invaluable.

Founded in 2005, CRS has grown to a staff of 25 with 250 years of combined experience in the industry. Sue Blair, Chief Executive Officer of CRS, has served on the SDA Board since 2013.



At **Collins Cockrel & Cole** we believe we live in the best state in America. We bring our best to representing Colorado local governments to make Colorado a place we all want to live, work, and play.

Since 1978, Collins Cockrel & Cole has provided legal services related to all aspects of local government operation, including: elections; water law and water rights; bonds, lease purchases and other local government financing; employment law; EEOC and administrative responses; administration; construction; fees and charges; condemnation; real property; legislative drafting; and intergovernmental contracting. The firm's 13 attorneys, four paralegals, and support staff serve as General Counsel to more than 240 Colorado special districts, authorities, and municipalities.

Collins Cockrel & Cole believes in supporting SDA as the primary organization providing educational and legislative services to all Colorado special districts.

The firm supports SDA and Colorado special districts by:

- » Creating and annually updating the Board Member Manual;
- » Training special district directors and employees throughout Colorado through the Annual SDA Regional Workshops;
- » Writing topical articles for SDA News;

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- » Regularly speaking at the Annual Conference;
- » Historically producing the Dum Dum Board skit for the SDA Annual Conference (with the disclaimer that none of the humorous antics of the Dum Dum Board reflect anything that CC&C clients do!); and
- » Regularly supporting SDA in its legislative activities, including regularly providing testimony in the Colorado General Assembly and being the primary author of the 1981 recodification of the Special District Act.



CSAFE is an “original” local government financial investment pool established in 1988, celebrating 33 years of service! Our focus is to provide Colorado’s special districts safety of principal, liquidity of funds, and competitive rates in two funds.

“CSAFE Cash” is for your overnight and weekly cash demands, and “Colorado Core” is for your district’s savings and core funds. Both funds provide for “stable net asset value” and professional money management.

CSAFE is proud to have been a member of SDA for over 25 years and a Platinum Sponsor for over 10 years. CSAFE treasures its relationship with SDA and serves more than 200 special districts. Please refer to our website – www.csafe.org – for rate and contact information.



Special district leaders across Colorado come to **TCW Risk Management** when they feel their workers’ compensation claims management process is ineffective and that they are unable to control their total risk cost.

At TCW Risk Management, we help special districts design an insurance program tailored to their organization’s needs; create and implement a formalized risk management program; and develop a proactive claims management process.

Our goal is to help special districts minimize employee injuries, get those who are injured the most appropriate care, and get them back to work as quickly as possible. All of this is designed with the goal of saving the organization valuable time and money.

TCW Risk Management is a Platinum Sponsor because, it says, “SDA and special districts individually have been so supportive of our organization that we would not have it any other way.” The firm was founded in 1945 and provides services to more than 900 special districts in Colorado. Mark Carlson is President of TCW Risk Management.



Special District Management Services’ (SDMS) client base is Title 32 special districts. The firm provides special district management; accounting; financial PIF/PIC collection; community management/ covenant control services; billing and collection services plus operations and field services. SDMS allows special district Board members to spend their time in their roles as elected leaders and on their businesses, professions, or other non-district responsibilities, rather than being preoccupied with detail-intensive administrative tasks.

SDMS is a Platinum Sponsor because, it says, “SDA focuses its work on the interests of Colorado’s special districts as a form of local government, including ongoing education to others working in this unique industry. We believe it is very important that SDA continue these efforts.” Debbie McCoy, SDMS’s President, founded the organization in 1987. The firm has 23 employees providing services to more than 180 clients.



Ramey Environmental Compliance provides contract operational services for domestic drinking water, domestic wastewater, and industrial wastewater facilities for special districts, municipalities, and private owners. Ramey Environmental Compliance also provides consulting services in many areas of the water/wastewater industry along with an Equipment Services Division, which provides service and maintenance on existing and new equipment used in the industry.

Ramey Environmental has chosen to be a passionate part of SDA, and most of its clients are special districts that are associated with SDA. SDA provides education, leadership, and training opportunities that aren’t offered by other associations. SDA also keeps its members informed on legislative and regulatory alerts that affect the costs associated with providing water and wastewater services. This is truly beneficial to Ramey Environmental because when clients are informed on the current status of regulations, it makes Ramey Environmental’s job easier to perform.

The company was founded in 1992 and incorporated in 1997. Ramey Environmental currently has 42 employees. R. Wayne Ramey is President of the company, and Linda Ramey is its Chief Financial Officer.

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Colorado Employer Benefit Trust (CEBT) is the health benefits pool endorsed by SDA for more than 25 years to provide medical, dental, vision, life, and disability benefits for SDA member employers. CEBT is a not-for-profit, self-funded governmental health benefit trust providing quality benefits and excellent service at a reasonable cost to Colorado governmental entities for over 40 years. It currently has approximately 40,000 members from 400 participating public employers of which 237 are special districts.

CEBT chose to be a Platinum Sponsor to honor its long-standing relationship with SDA and to demonstrate its commitment to special districts throughout the state of Colorado and their need for quality affordable employee health benefits. Founded in 1980, CEBT has a staff of 30 dedicated to serving CEBT's public sector customers. Bobby Otte is a Senior Director for Willis Towers Watson, which serves as the administrator for CEBT.



Gregory & Associates has partnered with SDA since its inception in 1975. We supply special districts and fire protection districts with 401(a)/ 457(b) and LOSAP Defined Benefit/ Defined Contribution Retirement plans while offering individual financial advice from Licensed, tenured professionals. Gregory & Associates believes that long-term client relationships are more important than short-term gains and will never sacrifice the former for the latter.

"We are a Platinum Sponsor to say 'Thank you, and we owe you our gratitude.'" We've enjoyed the partnership through the years and are proud that we continue to serve this very special market.

Gregory & Associates specializes in helping special districts build employer-sponsored retirement plans to help districts attract and retain talented employees. We're proud to serve any special district no matter the size, and we take responsibility for our service. Gregory & Associates currently services over 40 retirement plans for SDA members and enjoys working with countless individuals currently or previously employed by a special district.

The company was founded in 1969 in Denver and has three dedicated staff members to support its President, Chad M. Alevras, CRPC®.

Gregory & Associates is a marketing name for Registered Representatives of Lincoln Financial Advisors Corp. Securities and investment advisory services offered through Lincoln Financial Advisors Corp., a broker/dealer and a registered investment advisory. CRN-1506355-052016.



STREAMLINE

Hi, we're **Streamline!** We create software specifically for special districts.

Our mission is a simple one — make the lives of special districts easier.

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It all started with websites. We wanted to create an easy-to-use website to help districts stay connected with the public while remaining compliant with state requirements. So we made Streamline Web — an intuitive website platform with built-in tools to ensure accessibility and transparency compliance. As districts began using Web, we noticed a pattern. Many wanted the ability to send professional looking emails to their community directly from their website. So we made Streamline Engage - a one-click professional email tool with analytics and unlimited sends. When the pandemic hit and many began working from home, districts needed a solution to manage internal operations. So we created Streamline Portal — a private, easy, and secure intranet software with unlimited file storage. Most recently, we asked our districts what they needed most and they said "payments." What they really meant was, things like allowing customers to pay bills online; collecting service, inspection, or permit fees from their website; selling merchandise, classes, and rental services. So, you guessed it, we made Streamline Payments - a tool that allows districts to accept payments, sell products, and receive donations directly through their website.

We know districts want back office operations to be simple and self-service. A single staff member should be able to manage payments, update the website, and send the newsletter, often all in the same day. Without special training. Without having to hire a specialist.

So don't worry, Streamline has your back! We are always creating new products based on your feedback, and improving current products to best fit your needs. We really are here to make districts' lives easier. And we'd love to help your district, too! www.getstreamline.com



SpencerFane®

Spencer Fane LLP serves as general counsel and special counsel to a large number of Colorado's special districts and municipalities, including cities, fire protection districts, water and sanitation districts, metropolitan districts, business improvement districts, intergovernmental authorities, and others. The firm provides services regarding the formation and representation of these entities in the areas of municipal law, election law, TABOR issues, finance, environmental law, land use, eminent domain, litigation, and other related areas. In addition, the firm serves as bond counsel to numerous political subdivisions throughout the state.

Spencer Fane has been a Platinum Sponsor for years because the firm recognizes that SDA provides essential guidance, education, and legislative representative services to all special districts in the state, and those efforts need to be supported, not only financially, but with the firm's active presence and cooperation.

Founded in 1952, Spencer Fane has more than 330 attorneys and 190 support staff in 19 offices across the U.S. It notes that its attorneys were instrumental in writing the Colorado legislation establishing special districts, as well as the laws governing the electoral process for not only special districts but Colorado municipalities generally. The firm says, “Special districts and municipalities require special knowledge. Let us put our experience to work for you.” Denver-based Partner Tom George chairs the Spencer Fane Special Districts group, which is comprised of 10 attorneys and 7 experienced paralegals and support staff.



Colorado SIPA (Statewide Internet Portal Authority) is self-funded and created by Colorado statute to develop the officially recognized statewide internet portal to connect government with residents. SIPA evaluates and negotiates prices with private sector technology companies so you don't have to. These negotiations result in the best technologies and pricing possible to assist you with engaging your constituents, streamline productivity, and lower cyber risk.

The portal provides no-cost services such as payment processing set-up, website hosting, and online form creation. Other reduced pricing technologies include: Google Workspace, Salesforce, Community Engagement, and Cyber Security tools.

Annually, since 2010, SIPA has provided more than 292 grants totaling \$1.36 million to governments to help further its mission of assisting governments to put more information and services online. SIPA improves the quality of life in Colorado by connecting the public to efficient services through technology, enabling governments to focus on their core missions. Learn more at sipa.colorado.gov



Fromm & Company is a family-owned firm providing accounting, management, election, billing, auditing, and compliance services to special districts across the state. Our firm is comprised of individuals with vast experience in the special district world. This experience provides Board members the ability to govern their district while Fromm & Company takes care of the necessary duties to ensure the district is operating smoothly and in compliance with state regulations.

The firm is led by Cathy Fromm, CPA, who has been in the local government finance arena for over 35 years, including ten years as a municipal Finance Director. Cathy also has served as President, Vice President, and Treasurer for the Colorado Government Finance Officers Association (CGFOA). Other team members' experience encompasses over 20 years in administration, accounting, compliance, management, election, and paralegal services to special districts, in addition to Big 4 CPA auditing experience. Another service Fromm & Company can offer our clients is construction management, with over 40 years of experience amongst our team members.

SDA provides a wealth of information and guidance to its members. These members are our clients. Fromm & Company values this resource and is honored to be a Platinum Sponsor.



Today's citizens are used to highly-personalized and seamless digital experiences in the private sector – and as a result, have come to expect that level of service-delivery and quality from government. At the same time, government organizations are under economic pressures to deliver more for less.

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Pinnacle Consulting Group, Inc. was founded in 2004 by Chad Walker and Peggy Dowswell. While actively working in the private and public sectors, our founders observed a need in the Northern Colorado market for comprehensive Title 32 district management services supporting individual Public-Private Partnerships projects. Pinnacle was founded to provide this comprehensive service through district management/administration, finance/accounting, and capital infrastructure/maintenance.

From the beginning, the mission of Pinnacle has been focused on serving our clients and communities by creating mutually beneficial Public-Private Partnerships through many financial and land development tools, including Title 32 metropolitan districts. Title 32 metropolitan districts continue to be a great solution to the needs of both the private and public sectors throughout Colorado.

Pinnacle's foundational commitment to our core values, decades of special district experience, and strong relationships with governmental entities, attorneys, underwriters, engineers, contractors, and other professionals contributes to our success with every client. The team collaboration of district management, finance and accounting, capital infrastructure, and facility management is tailored to the specific needs of each unique and valued client.



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The best part is GovDeals global marketplace, with access to over 3.6 million registered bidders, can be utilized by the SDA membership at no cost.

GovDeals is very proud to be a sponsor of SDA. We look forward to a long relationship helping SDA's members maximize their surplus revenues. 🍌



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The Colorado Statewide Investment Pool ("CSIP") is a local government investment pool in Colorado.

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Recently Enacted Legislation Helps Local Governments Collaborate on Forest Health

Guest article by Bob Cole, Collins Cockrel & Cole

The extreme vulnerability of Colorado communities and special districts to wildfire has been hard felt over the last few years and is likely to be exposed again this summer. To improve forest health and reduce the threat of uncharacteristically large or intense wildfire; improve community safety; and replant areas deforested by fire or otherwise, House Bill 21-1008 provides additional authority and tools for local governments to collaborate on forest health and wildfire mitigation projects.

The need for House Bill 21-1008 was identified from efforts involving La Plata County, the City of Durango, and other local governments in Southwestern Colorado to develop a long-term project to increase the pace and scale of wildfire mitigation and forest health treatments, primarily on private, local government, state, and tribal lands. Similar projects in other areas of Colorado are also being developed.

House Bill 21-1008 has three main focuses:

1. First, it extends to July 2033 the Colorado Water Resources and Power Development Authority's ability to issue bonds and make loans to local governments to conduct forest health and watershed improvement projects.
2. Second, it clarifies that an intergovernmental entity created by local governments may conduct forest health projects and may impose special assessments to finance the work. Special assessments are a common financing tool currently available to municipalities, counties, special districts, and other forms of local government. To implement special assessment powers under House Bill 21-1008, an intergovernmental entity can use either the municipal special assessment district statutes or the county local improvement district statutes.

3. Third, it expressly provides all special districts, counties, statutory municipalities, forest improvement districts, water conservancy districts, and water conservation districts the legal authority to conduct and finance forest health projects, including using lease-purchase financing.

With these additional powers special districts of all types, counties, municipalities, water conservancy districts, and other local governments, along with private property owners and other stakeholders, can develop larger and longer-term collaborative forest health and wildfire mitigation projects based on local input, local priorities, and local needs. The stacking of the efforts and financial resources of multiple local governments is critical in many areas to allow treatment of non-federal lands at a pace and scale needed to protect communities and watersheds. Multi-agency collaborative projects also receive more favorable reception and access to additional funding from a variety of state, federal, and private sources.

By decreasing the areas and time periods Colorado communities are locked up and smoked out by wildfire, or worse yet, devastated by catastrophic wildfires, this work will protect and strengthen local economies. In much of Colorado forest health and fire mitigation work will develop rural economies by expanding the workforce necessary to conduct the work and protecting and improving tourism, recreation opportunities, and wildlife habitat.

Editor's Note: House Bill 21-1008 passed the General Assembly with overwhelming bipartisan support and was signed into law by Governor Polis on May 20. Dee Wisor of Butler Snow LLP and Bob were the primary drafters of House Bill 21-1008, with assistance from former State Senator and Durango area resident, Ellen Roberts. 🍷

The 2013 West Fork Complex fire in southern Colorado was visible from the Space Shuttle. The fire burned an estimated 75,000 acres.





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Senate Bill 21-160

Modification to Local Government Election Codes

A Bit of History

In 1991, the recodification of Colorado's election laws collected the many scattered election laws and procedures into a single election code, adopted by the Colorado General Assembly, and codified as Title 1, Articles 1 through 13 of Colorado Revised Statutes. Although some separate provisions relating to special districts were included in the Special District Act, for the most part special district election provisions were included in this Title 1, Articles 1-13.

This Title included detailed requirements for partisan elections as well as nonpartisan municipal, county, and special district elections. Consequently, those conducting special district elections were always evaluating many of the provisions of the law to see if these provisions actually applied to special districts or not. Additionally, the code was frequently amended, mostly as relating to the partisan elections.

Then in 2013, the election code was repealed and reenacted, reflecting a plethora of changes mandated by federal laws, most of which had nothing to do with nonpartisan elections such as those of special districts.

Thus, in 2014, special district election aficionados realized a long-held dream: the adoption of the Colorado Local Government Election Code, which stripped away most of the parts of the general election code that were not relevant to special districts. This newer, more specific Act was also crafted to be relevant to a number of other local governments, but primarily to special district elections.

To facilitate the transition to the new code, a number of provisions still referred

to generally applicable sections of the general code. Now, after several years, many of those transitional sections needed to be narrowed and corrected.

Senate Bill 21-160, Modification to Local Government Election Code

To achieve this, Senate Bill 21-160 has been passed by the General Assembly and signed by the Governor. It becomes effective ninety days after the final day of the Legislative Session, which means it will become effective between September 9 and 12, 2021.

The bill is largely a collection of technical or cleanup amendments to the Local Government Election Code, most of which are only correcting citations and references. In summary, the changes are set out in the sections below as follows:

Section 1 and Section 6: Clarifies that the "property owners list" means the list of property owners prepared by the County Assessor in preparation for special district elections.

Section 2: Redefines the computation of time for election-related acts or events, stating that the first day is EXCLUDED, and the last, or election, day is INCLUDED. This is the reverse of the current law, but is consistent with other code sections regarding counting days.

Section 3: Pertains to the requirements of self-nomination letters, requiring that the candidate must provide a current email address and the county or counties where the special district is located. The section also clarifies procedures for the review and verification of the self-nomination letter.

Section 5: In an independent mail ballot election, not sooner than twenty-two and no later than fifteen days before the election the DEO shall mail to each active registered elector AND ANY ELECTORS WHO ARE AUTHORIZED TO VOTE BY A CONTRACT TO PURCHASE PROPERTY IN THE DISTRICT a mail ballot packet marked, "Do not forward. Address correction requested."

Sections 4, 8 – 18: Each of these sections refer to "Articles 1 to 13.5 of Title 1." Senate Bill 21-160 strikes reference to Article 1 in each section.

Section 14: This section adds a new part, 32-1-902.7, to the Special District Act, as summarized here:

32-1-902.7. Director Districts. (1)

The Board may adopt a resolution to divide the district into director districts, with as many districts as seats on the Board. The director districts shall have as nearly as possible the same number of eligible electors. After the first term, directors shall be an eligible elector of the district from which they are elected.

If, after a reasonable time, the Board determines that it is in the best interest of the district to revert to a single district format, the Board may eliminate the director districts and thereafter operate as a single district by adopting a resolution.

The choice to adopt director districts, or to reverse the decision, is completely optional with the Board, not mandatory. The concept may be useful in districts with some areas with significantly more population than other areas to be able to assure more equal representation on the Board. 🍌

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? Ask Evan

Q: What is a TABOR Notice, how is it prepared, and what must go into it?

A: Section (3) of the Taxpayer's Bill of Rights (TABOR) Amendment contains a number of requirements relating to elections. Section (3)(b) reads as follows:

(3)(b) "At least 30 days before a ballot issue election, districts shall mail at the least cost, and as a package where districts with ballot issues overlap, a titled notice or set of notices addressed to "All Registered Voters" at each address of one or more active registered electors..."

The body of the Section contains terms that were unclear in the beginning, and the Supreme Court and the General Assembly have provided clarity on many of these terms. For instance, section (3)(b) applies to a "ballot issue election," and the court has defined this term to include only those matters that are put to the voters according to TABOR functions, such as tax, debt, or revenue increases. A TABOR notice is not required if other questions not related to tax, debt, or revenue increases are included.

TABOR limits what should be included in the notice:

1. The election date, hours, ballot title, text, and local election office address and telephone number;
2. For proposed district tax or bonded debt increases, the estimated or actual total of district fiscal year spending for the current year and each of the past four years, and the overall percentage and dollar change.

Questions have arisen as to whether the TABOR ballot notice should include only the title of a ballot question or the entire text of the question. Many ballot questions are actually the title and the text in one, so the question does not arise. This section raises different interpretations depending upon the type of question being included on the ballot.

Pro and Con Summaries

Section (3)(b)(v) has generated great confusion over the years. It mandates that the TABOR Notice include pro and con statements concerning support for and against the ballot issue:

(3)(b)(v) "Two summaries, up to 500 words each, one for and one against the proposal, of written comments filed with the election officer by 45 days before the election. No summary shall mention the names of persons or private groups, nor any endorsements of or resolutions against the proposal. Petition representatives following these rules shall write this summary for their petition. The election officer shall maintain and accurately summarize all other relevant written comments."

Because of the ambiguities inherent in the section, subsequent court decisions and statutory changes have provided some guidance:

- » Only comments filed by persons eligible to vote in the district need to be summarized in the ballot issue notice;
- » Comments must address a specific ballot issue and include a signature and an address where the signer is registered to vote;
- » Comments must be filed with the DEO of the district, not with the county clerk, except when the issue is a county issue;
- » At one time it was thought that the duty to summarize relevant comments included a duty of the DEO to examine the "good faith and motives" of those submitting comments. The court of appeals rejected this premise, holding that such a practice would present significant freedom of speech concerns with respect to voters' rights to submit comments.



Evan Goulding, Consultant and former SDA Executive Director.

When more than one comment is submitted on an issue, it is up to the election official to summarize the tone and substance of the comments.

In the early days of TABOR, some proponents, or opponents, of the ballot issue would submit phony comments, mischaracterizing the positions on the issue. This doesn't seem to be prevalent at this time. In fact, it is not uncommon for one side or the other to fail to present any comments.

When more than one comment is submitted on an issue, it is up to the election official to summarize the tone and substance of the comments. Neither the comments nor the summaries are to name any person, nor to include any endorsement concerning the issue. If no comments are received from one side or the other, the election officer is allowed to include in the space for that side a notification that no comments were received.

The TABOR ballot notice can be included along with other election-related information in a mailing and must be mailed at least 30 days before a ballot issue election. 🍌

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Temporary County Authority to Provide Property Tax Relief What You Need to Know if Your District Has Bonded Against Property Tax

This year, Senate Bill 21-279 ("SB 21-279") was passed by the Colorado General Assembly and is expected to be signed into law by the Governor. The policy goal of the legislation is to provide relief to property tax owners (similar to the authority delegated to County Treasurers in the Governor's Executive Order D 2020 012, *et seq.*, issued during the beginning of the COVID-19 pandemic) by allowing Boards of County Commissioners to reduce, waive, or suspend the penalties (known as "delinquent interest") for failure to make property tax payments for the period from June 16 to September 30, 2021.

Notice to (and from) Local Taxing Jurisdictions of Temporary Property Tax Relief

If a Board of County Commissioners (or a City Council in the consolidated municipal-county governments in Denver and Broomfield Counties) intends to exercise the temporary authority in SB 21-279, it must give notice to at least three executives or Board Directors of local taxing jurisdictions.

What Should Your District Do?

If the local taxing jurisdiction would be unable to meet its bond payments due to the proposed reduction, waiver, or suspension of delinquent interest, it must notify the County Commissioners within three business days of receiving notice.

The only means by which a local taxing jurisdiction can request to receive an advance from the county to help pay its

bonded indebtedness or monthly operational costs is to meet these conditions:

- » The local taxing jurisdiction has provided notice to the Board of County Commissioners; and
- » The local taxing jurisdiction has received less than 90% of the property taxes due at the time of the request.

If you have concerns about the impact of SB 21-279 on your district:

- » Start talking with your colleagues at the county and monitoring this issue locally.
- » If your district receives notice that the Board of County Commissioners in which you are located plans to exercise this power, make sure to consider that communication quickly and respond within three business days.
- » If your district is going to provide notice that it may be unable to meet its bond payments, provide notice to the county as prescribed in the county's request; however, if the county does not set the method by which your district should provide its notice, or does not set a method by which the district can prove it transmitted notice (by USPO certified mail, return receipt ...), consider choosing a method that allows your district to prove that timely notice was provided and received.

For more information, please go to <https://leg.colorado.gov/bills/sb21-279>.



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