

SDA NEWS

AUGUST/SEPTEMBER 2021

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2021 SDA Annual Conference

Tuesday, September 14 to
Thursday, September 16

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Designed by Emmett Jordan

The SDA logo is displayed in large, white, serif capital letters. To the right of the letters is a yellow bell icon with a scalloped edge. The background of the entire page is a photograph of a large crowd of people seated in a conference hall, facing a stage. On the stage, there is a large screen showing a scenic image of mountains and trees, with the SDA logo and bell icon overlaid on it.

This Year's **SDA Annual Conference** is One You Don't Want to Miss!

We are so excited for the **2021 SDA Annual Conference, September 14-16 at the Keystone Conference Center (don't forget, it's *Tuesday, September 14* through *Thursday, September 16*)!** We are thrilled 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.

Altogether we have close to 45 sessions planned, which will provide an opportunity for participants to hear from a variety of experts on pertinent issues for special districts. 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. Please see pages 7-13 for a preview of our breakout sessions!

On top of all of this, **our entertaining and informative keynote speakers** will offer their unique insight and perspective into big picture ideas that apply to all of us (see the following for more details!).

Speaking of the breakout sessions and keynote speakers, **all of the presentations will be livestreamed to a virtual platform** that can be easily accessed remotely. **What's more, the sessions will all be recorded, and everyone who registers will have access to the virtual platform and recordings for a year, including everyone who attends in-person!**

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, 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!

During the registration process, you will be able to choose the in-person option or the livestream only option. Both of these include access to the virtual platform and all the recordings for one year.

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

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!

Continued on page 5

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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 an educational keynote presentation from Dave Chatfield from NetDiligence who will discuss cyber intrusions.
- » 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!

SDA



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 almost 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!

Register Online!

2021 SDA Annual Conference

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Keystone, Colorado

All of this and much, much more awaits you at the 2021 SDA Annual Conference, September 14-16 at the Keystone Conference Center!

For more information and to register today, please visit the **SDA website** at www.sdaco.org (you will need to be logged into the website).

We look forward to seeing you in September!



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The SDA Annual Conference is Right Around the Corner!

Here's a Preview of the Breakout Sessions!

The 2021 SDA Annual Conference will be here before we know it! Here is a preview of the breakout sessions, which start first thing on Tuesday, September 14. You won't want to miss this information-packed, three-day event so make your plans now to join us at the Keystone Conference Center, September 14-16. Find out more and register online at www.sdaco.org. See you there!

Tuesday, September 14

What Does the DLG Do for You?

Chantal Unfug from the Division of Local Government, Colorado Department of Local Affairs

The Division of Local Government (DLG) within the Department of Local Affairs is a wealth of resources. Did you know their mission is to assist and work with local governments? This session will explore the resources they have available, from elections to research, which are valuable whether you are a Manager or a Board member. And, there will be plenty of time to have your questions answered by the team of experts from DLG who will be on hand!

Funding Water and Wastewater Improvements with the State Revolving Fund

Desi Santerre from the Colorado Department of Local Affairs; Ian Loffert from Colorado Water Resources and Power Development Authority; and Sean Oliver from the Colorado Department of Public Health and Environment

This informative presentation will discuss the advantages of the State Revolving Fund (SRF) program, including an overview of the process, program grants, and other benefits. The discussion will also discuss how leveraging other funding sources and grants can lead to a very beneficial funding package. Join us to find out how this low cost loan program can benefit your district.

Nuts and Bolts: Building Better Public Meetings

Tamara Seaver and Jennifer Ivey from Icenogle Seaver Pogue, PC

When it comes to public meetings, even the best laid plans can go awry. Guarding against potential meeting missteps requires patience, planning, and core awareness of the important roles played by various meeting participants. Have you ever felt confused at your own public meetings or faced unruly members of the public? This session will provide you with some nuts and bolts to help you and your district run a better public meeting.

Working Remotely and Safely from an IT Perspective

Jerrold Roth from Colorado SIPA and Jason Bovee from Istonish

With the advent of COVID-19, organizations were forced to pivot to remote work, and many employees continue to work from home or are splitting their time between their offices and home. As districts and employees continue to not only navigate the pandemic but also look to the future, we will discuss how you can work remotely and safely from an IT perspective.

Unique Tools to Fund Capital Projects

Kyle Thomas and Pat Collieran from DA Davidson & Co.

Join us for this informative discussion on how special districts can combine grant funding, community participation, excess cash from operations, and creative financing tools to deliver capital projects.

Document Retention from Apps to Zoom

Carolyn Steffl from Dietze and Davis, PC and Joan Fritsche from Fritsche Law, LLC

The last year and a half has changed the way that special districts conduct their meetings and business, resulting in more electronic communication and records than ever. This talk will go over which documents (both electronic and paper) special districts are required to keep, how they should be maintained, and when/how they can be destroyed. We'll also discuss when a district is legally required to adopt a records retention policy, tips for streamlining the process, and resources for assistance. Finally, we'll examine whether districts can retain electronic copies in lieu of signed original copies, to reduce storage space and promote remote working.

Diversity, Equity, and Inclusion

Regina W. Romeo and Jacques S. Whitfield from CPS HR Consulting

The current call for social and organizational change and heightened focus on diversity that started in 2020 is transforming the world we live in as well as the places we work. Diversity, equity, and inclusion (DEI) practices that were in place before 2020 are significantly different in 2021. While many organizations want to begin or continue their DEI journey, there is uncertainty or confusion on how to revamp and revitalize their DEI efforts in sustainable ways. In this session, we'll discuss a number of important pieces of this issue, including how to address some of the challenges facing public agencies when creating inclusive work environments and how to make DEI strategies an enterprise level effort and not a "one department" responsibility.

Continued on page 9



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Leading in Times of Crisis and Change

Chief Doug Cupp from Greater Eagle Fire Protection District

Leading during times of crisis is when leadership matters the most. We are all dealing with chaos and crises from time to time whether it's politics, wildfires, pandemic, or business continuity. Leaders must make the right decisions based on the values they share. This interactive lecture will take participants on a 25-year journey of fighting catastrophic wildfires and 2500 years of leadership lessons. Doug will teach how we build team cohesion and trust in times of chaos. The journey will include lessons from Harvard's National Preparedness Leadership Initiative of how some of the best leaders succeeded in time of the nation's worst disasters.

GOCO's Strategic Plan Rollout: What's Next for Conservation, Recreation, and Stewardship

Jackie Miller from Great Outdoors Colorado

GOCO's new values-based, community-centered strategic plan will guide strategy for the next five years and beyond, serving as a compass for GOCO to authentically engage communities and partners, including Colorado counties, municipalities, and Title 32 special districts across Colorado. Join us to learn about the strategy's new program portfolio, hear how to collaborate with GOCO staff, and see how Colorado communities have recently leveraged GOCO funding for conservation and recreation projects that made them more resilient given pandemic impacts.

Between a Rock and a Hard Place: Condemning Property When in the Process of Obtaining Development Approvals

Jamie Cotter from Spencer Fane LLP

This session will review the restrictions and limitations placed on metropolitan districts when they seek to condemn property before final development approvals are obtained. This issue is critical because it guides development of property where additional property rights are needed to complete various types of infrastructure. This session will also address the recent legislation affecting metropolitan districts' power of dominant eminent domain.

U.S. and Colorado Economic Outlook

Chris Blackwood from PFM Asset Management

Participants will gain an understanding of the current economic conditions and the implications for the investment environment. This session will also highlight the best practices for employing Investment Policies.

Making Intelligent Districts Simple: Resiliency for the "New Normal" World

Dave Zelenok, PE from HR Green, Inc.

Learn how converged and intelligent infrastructure are key to transforming our districts, utility agencies, and our urban fabric. Gain a crystal-clear understanding of how progressive districts and utility agencies are aligning efforts across multiple priorities to reduce costs, enable economic development, and create the foundation to support these radical changes. Come for a glimpse of the future and leave with an understanding of the steps you must take to position your district for the impact of these exciting new technologies.

Fake News: How to Plan for It, How to Combat It

Mac Clemmens from Streamline and Sloane Dell'Orto from Districts Forward

Planning ahead is your best defense against people spreading false rumors about your district, but that's not always possible. In this talk we'll go over a variety of methods you can use to get the word out—whether you need to justify a rate increase or set the facts straight on a decision your Board has made on a contentious subject, our tips can help ensure your voice is the authority and the one your community trusts.

Special Districts on the National Stage: Federal Update for Special Districts

Cole Karr from the California Special Districts Association and National Special Districts Coalition

Did you know that Colorado's special districts have a voice in Washington, DC with the National Special Districts Coalition (NSDC)? This session will provide an introduction to the Coalition, and the NSDC Advocacy Team will share an overview of the current hot federal topics impacting special districts as well as insights on opportunities and challenges on the horizon.

GIS with Capital Improvement Planning

Trip McLaughlin from North Line GIS

Using GIS for capital improvement planning provides a clear picture to districts related to the lifespan of assets. We will demonstrate the process to develop a capital improvement plan which looks indoors and out providing a centralized location to access all the information. The GIS platform provides tools and applications to share the information with Boards and the public.

Everything You Wanted to Know about Your Insurance Pool But Were Afraid to Ask

Vicki Sullivan from the Colorado Special Districts Property and Liability Pool

We are better together, and we are looking out for you! Come explore the 50 programs and services your Pool offers to Board and Managers to address their fiduciary responsibility to protect district assets.

Grant Writing

Janet Arrowood from The Write Source, Inc.

Grant writing and grant funding can be very important for districts. This educational session will cover the basics of grant writing and key topics such as ensuring compliance, tracking requirements, identifying the audience, and much more.



Register Online!
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Continued on page 10

Wednesday, September 15

Northern Water's Efficiency Services: Toilets, Trees, Training — Getting the Help You Need!

Frank Kinder from Northern Water

Districts oversee many assets, both providing and consuming water and energy. Are you using the right amount? Do you manage landscapes, golf courses, or buildings that might be using too much? Are you concerned about rising water use and costs? Or do you need help with planned renovations? Northern Water provides resources to address indoor and outdoor water use, and has grant funding to improve landscape efficiency. See project examples and learn opportunities to help you use the right amount of water.

Build a World Class Executive-Board Relationship

Jeff Arnold from Leading Associations

A Board member's term is short, in the life of the organization anyway, so it's important to ensure a strong and effective partnership with the staff leader. This presentation provides the opportunity to build a world-class partnership—maximizing efficiency and trust between the volunteer leader and chief staff executive/executive manager. Reinforce a collaborative approach to strategic leadership; clarify mutual roles and responsibilities; partner in leading your Board, committees, and staff; and maximize the intersection between governance and management, optimizing your shared roles as the vision stewards for your organization.

Community Management in Metro Districts: The Good, Bad, and Ugly

Peggy Ripko from Special District Management Services, Inc.

This enlightening session will discuss the challenges of metro districts providing community management services. We'll also look at helping Board members and homeowners alike understand how it works when the tasks traditionally given to a homeowners association are under the metro district umbrella.

One Special District, Two Reluctant Leaders: The Story of Eagle County Health Service District's Co-Leadership Model and How We Got There

Amy Gnojek and Jim Bradford from Eagle County Health Service District

Historically, organizations have chosen leaders who have demonstrated ambition, self-promotion, confidence, and a self-proclaimed desire to lead. But style over substance can get organizations in trouble. Reluctant leaders are those who step into their roles with trepidation, without entitlement or self-importance, and who are committed to the development of others and selves. We will discuss our experiences as reluctant (and growing) co-leaders of Eagle County Health Service District and how the SDA Leadership Academy is helping us on our journey.

Getting Started with Enterprise Risk Management

Adam Johnsen from the Colorado Special Districts Property and Liability Pool

During this presentation we will introduce Enterprise Risk Management and how you can capitalize on this opportunity to manage your organization's risk. It may seem like a foreign concept, but it really is not very difficult to get started and see results. Unknown and known risks show themselves every day, and the way we manage those risks can save you money and time in the future.

When Do You Call Your Legal Counsel?

Katie James from Folkestad Fazekas Barrick & Patoile, PC

Many district meetings, or months in between, are fairly predictable and routine—the advice of general counsel is available if needed, but it's mostly in the background. At other times, things can become much more complicated. From meeting code of conduct (including questions on public involvement and virtual vs in-person) to CORA requests to how (and when) to handle executive sessions, there are definitely times when you should call your legal counsel! Come find out what to expect from your general counsel and how to handle those sticky situations.

Upgrading Water Storage Tank Infrastructure

Gene M. Schaefer, PE, PMP from SDG, Inc.

Special districts often own and maintain water storage tank structures that provide critical infrastructure for delivering safe and reliable water supplies to their consumers. Persistent maintenance of outdated tank structures can interrupt operations and require costly funding and selection of an appropriate tank replacement structure can be daunting, especially with the geological challenges in the Rocky Mountain Region. This presentation will highlight some of the maintenance challenges encountered with different types of tank structures and point out the benefits of constructing Tendon-Prestressed Concrete Water Tanks under AWWA Standard ANSI/AWWA D115-17 to minimize future maintenance and associated downtime.

Is Your Website ADA Compliant?

Mac Clemmens from Streamline and Sloane Dell'Orto from Districts Forward

Is your district's website accessible to all visitors, including the 15% of the population with a disability? Just as buildings must have wheelchair ramps, websites must have special provisions for users with disabilities. It's a common misconception among special districts that their developer ensures that their site is accessible. Learn more about the interesting history of ADA as well as how you can easily manage a website that is compliant. Attendees will leave the session with an understanding of why this topic should be top of mind; the ability to check their website accessibility score; and tools and strategies to begin, or continue, their journey to a higher level of website accessibility.



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The First Five Steps to Kicking Off Your Risk Management Program

Adam Johnsen from the Colorado Special Districts Property and Liability Pool

In this presentation we will walk through the first five steps of the Risk Management Process showing you that it doesn't have to be as daunting as you may think. During this presentation we will cover the Risk Identification, Risk Analysis, Risk Control, Risk Financing, and Risk Administration steps using the CSD Pool's newest Risk Management tool, PowerNoodle.

Securing Your Greatness in the Eyes of the Public

Mac Clemmens from Streamline and Sloane Dell'Orto from Districts Forward

Special districts are often unsung heroes in their communities, yet they provide critical infrastructure the public may not know exists. In this talk, learn how to tell your story and make sure your district's services can be more easily found online.

Managing the Minefield: How Employers Can Navigate New Paid Sick Leave and Pay Equity Requirements

Allison Ulmer and Ayshan Ibrahim from Collins Cockrel & Cole

The past year has been a wild ride for employers, as many managed an abrupt shift to remote working and then transitioned back to in-person working, while ensuring a safe workplace and, for some, making tough decisions regarding layoffs. Against this backdrop, the Healthy Families and Workplaces Act and Equal Pay for Equal Work Act went into effect in 2021. We will cover the main requirements of these Acts and share our tips for how to stay in compliance.

Not Just for Metro Districts: Changes in Law Around Transparency and Audits- An Overview of Senate Bill 21-262 and How it Works

Jennifer Gruber Tanaka from White Bear Ankele Tanaka & Waldron and Elisabeth Cortese from McGeedy Becher PC

This session will explain and explore the changes to your district's transparency and audit requirements, along with exploring the application and implementation of the new law. We will also answer questions as we walk through best practices from the last year regarding your remote access.

District Collaboration in the Age of Mega Fires: Lessons Learned from Cameron Peak and East Troublesome

Chief Brad White and Assistant Chief Schelly Olson from Grand Fire Protection District No. 1 and Chief David Wolf from Estes Valley Fire Protection District

In 2020, Colorado experienced the five largest wildfires in state history. The two largest fires, Cameron Peak and East Troublesome, impacted communities in Larimer and Grand Counties. These fires prompted wide-spread evacuations, significant property damage, and the loss of life. This session will touch on the lessons learned from these wildfires, and specifically on how the relationships and planning that occurred years earlier led to the best possible response and improved recovery. Chiefs who were involved in the emergency management will discuss how they worked with other special districts to prepare for and survive the worst disasters their communities had ever experienced.

Going to the Voters for Funding: Stories, Strategies, and Best Practices to Get the Job Done

David Flaherty from Magellan Strategies

Our presentation focuses on the best practices and approaches to securing voter approval for a funding ballot measure. Over the years, we have helped many special districts achieve their funding goals using our opinion research and campaign consulting services. Clients and friends we have helped include the Vail Recreation District, Greater Eagle Fire Protection District, North Fork Ambulance District, and the Eagle Valley Library District.

Creating a Collaborative Forest Health/Fire Mitigation Program: Avoiding Catastrophic Effects of Wildfire on District Facilities, Services, Tax Base, and Communities

Ellen Roberts, Former State Senator and attorney; Emily Olson from the National Forest Foundation; and Bob Cole from Collins Cockrel & Cole

Representatives from the Upper Arkansas Forest Fund, the Southwest Wildfire Impact Fund, and the National Forest Foundation will discuss how special districts can minimize catastrophic effects of wildfires on their communities by collaborating across boundaries with private property owners, counties, municipalities, and state and federal agencies.

The Bus is Leaving: Get On or Get Off

Chief TJ Steck and Kara Gerczynski from Elizabeth Fire Protection District

This presentation will provide tools to get the entire organization on board when a culture change is necessary. It will identify the steps needed in building a clear vision and strategic outlook that involves all of the stakeholders, both internal and external.

Update on the Colorado Fire Commission and Discussion on the WUI

Representative from the Division of Fire Prevention and Control; Kevin Whelan, Colorado Fire Commission Member representing special districts; Pam Feely, Colorado Fire Commission Member representing special districts; and other experts

In a recent letter to the Colorado Fire Commission, Governor Polis has emphasized the importance of finding solutions to issues created by the Wildland Urban Interface (WUI). In his letter, the Governor has asked the Fire Commission to reach out to stakeholders and seek ideas to tackle this important topic. Join us for discussion on this pertinent issue.

Continued on page 13



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Thursday, September 16

What You Need to Know for Your May 2022 Election

Micki Mills from Collins Cockrel & Cole

Elections can generate angst as you try to navigate the tangled requirements and deadlines. This session will cover all the important information that you need for the multitude of steps in the process, from notice to election results.

Legal Issues for Growing Water and Sanitation Districts

Jim Mock from South Adams County Water and Sanitation District

This talk will address the legal underpinnings of several issues facing water and sanitary sewer providers encountering new growth. Issues will include issues such as: tap sales; Clean Water Act 208 compliance; water quality; cross connection control; consecutive systems; rules and regulations; relationships with overlapping local governments; and capital construction.

The Most Valuable Technology/ Practice Improvements for Avoiding a Ransomware Attack

Dave Chatfield from NetDiligence

This enlightening session will discuss not only technology that is valuable in avoiding a ransomware attack at your district, but also changes and improvements that can be made in your processes and practices.

TABOR: Practically Explained, and in Plain English!

Geoff Wilson from Wilson Williams LLP

Special districts confront the often-confusing TABOR Amendment in raising revenue, spending, and budgeting. What does it all mean? This session will provide you with what you need to know about the TABOR Amendment in a clear presentation that will focus on TABOR from an operational perspective. This session is specifically tailored to special district directors who are non-lawyers.

All You Ever Wanted to Know about the 2021 Legislative Session, But Were Afraid to Ask

Michael Valdez and Dianne Criswell from the Special District Association of Colorado

This session will provide a deep dive into some of the proposed and enacted bills that impact special districts, including governance, taxation, elections, and liability. SDA's Director of Policy, Michael Valdez, and Legislative Counsel, Dianne Criswell, will be the dynamic duo walking you through the ups and downs of the Colorado General Assembly's 2021 policymaking.

Ask an Election (DEO) Expert

Micki Mills from Collins Cockrel & Cole; Sue Blair from Community Resource Services of Colorado (CRS); Joe McConnell from the Division of Local Government; Sarah Shepherd from Circuit Rider of Colorado; and Kammy Tinney from Pinnacle Consulting Group, Inc.

Do you have burning questions you have always wanted to ask an election expert? DEO's are the team leader when it comes to your district's election. Whether you have been a DEO or you need to find the right person to be the DEO for your district, come and listen to this panel of experts.

Recent and Proposed Changes to Assessment Rates: Preparing for New Rules

Carol Hedges from the Colorado Fiscal Institute

Following up on her breakfast keynote presentation, Carol will dive deeper into recent assessment rate changes as well as the proposed ballot measure, Initiative #27. It is a time for discussion of what we need to stabilize property tax policy and funding.

Navigating Both Parts 1 and 2 of the Equal Pay Act

Adele Reester and Cathy Tallerico from Lyons Gaddis

On January 1, 2021, the Equal Pay Act went into effect in Colorado for all private and public employers, including special districts that have at least one employee. Part 1 of the Act focuses on pay equity requirements for wages, while Part 2 concerns postings for vacancies, promotional opportunities, and the exceptions to these requirements. Learn about the Act's mandates, exceptions, and potential consequences for violations in this informative session about how to navigate employment matters under the nuances of this new Act.

This Year's SDA Annual Conference is One You Don't Want to Miss!



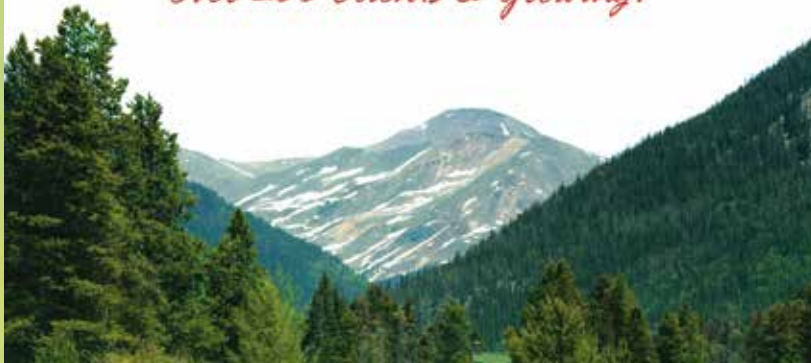
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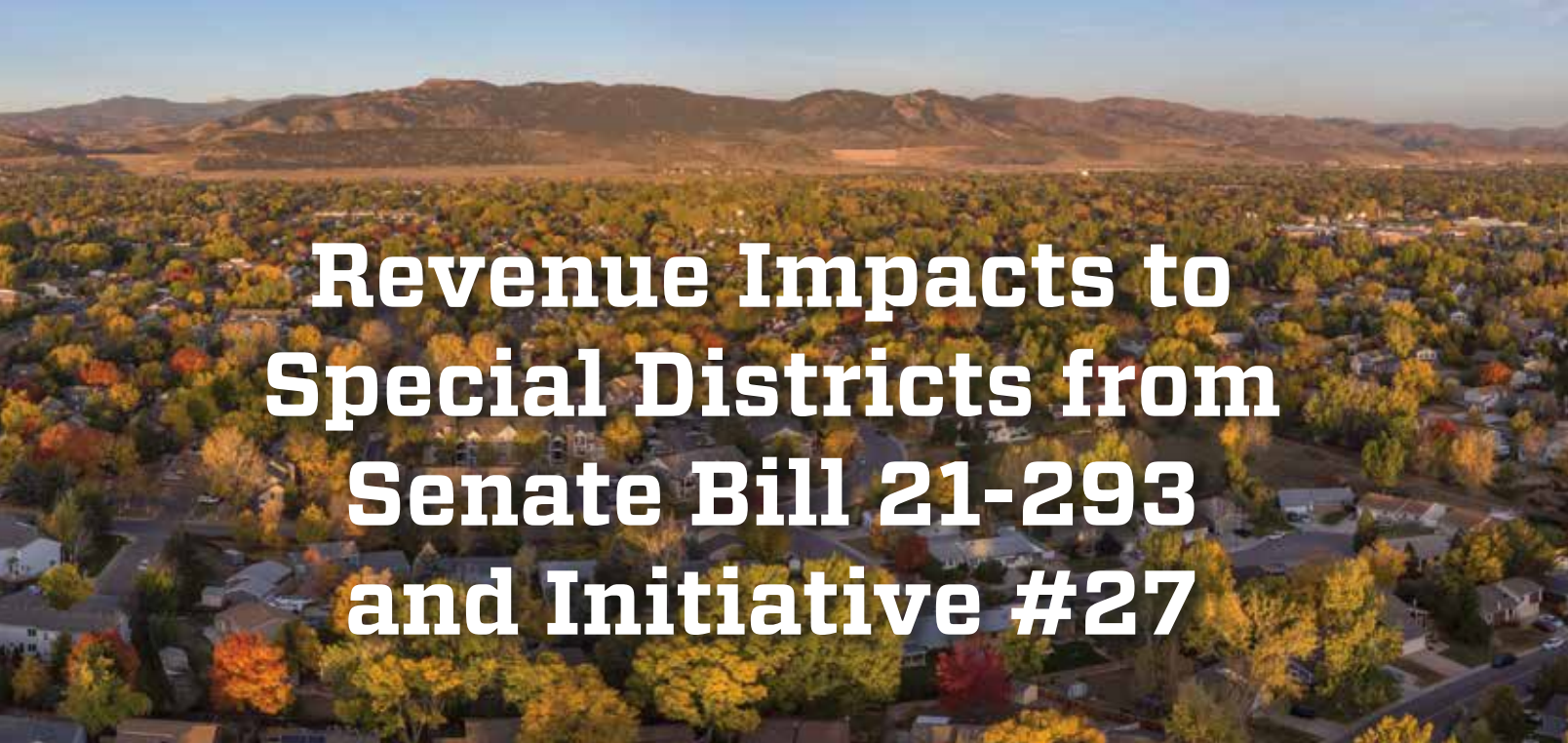
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Revenue Impacts to Special Districts from Senate Bill 21-293 and Initiative #27

Senate Bill 21-293 (SB-293), which significantly changes property tax in 2022 and 2023, was introduced in the last week of the 2021 Legislative Session. While SDA has significant concerns about SB-293, and the process of bringing it forward, we understand the policy purposes and the fiscal dynamics that the Governor and the legislators on the Joint Budget Committee were trying to address (as below).

SB-293 became effective on June 23, 2021. However, the provisions of the bill are either effective at a different date or are contingent upon whether a statewide initiative, Initiative #27, is passed by the voters in November.

SB-293 breaks down the residential and non-residential property classifications and temporarily reduces the assessment rates for the 2022 and 2023 property tax years (impacting revenues collected in 2023 and 2024).

The statewide fiscal context to SB-293 includes:

- » Petitions for Initiative #27, which would be a change to Colorado state statutes (rather than our Constitution), are due on August 2, 2021 for the fall, statewide ballot. Initiative #27 proposes to reduce the assessed value of residential property to 6.5% (from 7.15%) and commercial property to 26.4% (from 29%).
- » The impacts of Initiative #27 are currently being prepared by the Legislative Council, but the approximate annual revenue loss from Initiative #27 starts at \$1 billion. With school districts collecting over half of all property tax revenues statewide, members of the Colorado General Assembly were concerned with the state's capacity to fulfill its obligation to backfill the revenue losses to school districts.
- » The temporary reduction in the assessment rates in SB-293, in contrast with Initiative #27, reduces statewide property tax revenue collections by \$193.1 million in 2023 and \$209.5 million in 2024. Therefore,

the state's obligation to backfill schools is significantly smaller under SB-293. *(Note: there is no current basis for estimated fiscal impacts for the scenario where SB-293 is in effect and Initiative #27 is also approved; however, the annual fiscal impact in that scenario would be greater than SB-293 alone).*

SB-293 is current law, and if Initiative #27 is approved by voters, both will be in statute—albeit the property tax revenue reductions will be less than Initiative #27 alone. Presumably, the General Assembly's intent in drafting SB-293 was that, in creating new subcategories of property, SB-293 leaves the classifications of property proposed to be permanently lowered by Initiative #27 in place.

The many moving parts and effective dates of SB-293 have confounded the best of us. Our colleagues at Colorado Counties, Inc. have prepared a very helpful chart which provides an overview and explains SB-293, including its various contingencies and effective dates. Please visit <http://ccionline.org/steering-committee/sb21-293-property-tax-classification-and-assessment-rates/> to review this information.

SDA is very concerned about the revenue impacts on our members from these changes to property tax assessment rates—as well as the resulting impacts to the essential health, welfare, and safety programs and services to the public. We will continue to work with the growing list of opponents to Initiative #27 to advocate for the fiscal needs of special districts in Colorado. 🍌

Editor's Note: Carol Hedges, the Executive Director of the Colorado Fiscal Institute, will be discussing Initiative #27 at our upcoming Annual Conference, September 14-16, at the Keystone Conference Center. Carol will first discuss this issue as our keynote speaker at breakfast on Thursday, September 16. She will also do a deeper dive breakout session on Initiative #27 following breakfast on Thursday.

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? Ask Evan

Q: What is a “resolution” and is there a particular form and format for drafting a resolution?

A: A resolution is one of several means by which local governments are able to act and accomplish governmental functions. It is a formal declaration of the governing body concerning a certain subject. A special district can act by passing a resolution, but can also act by adopting motions, seconded and when passed, recorded in the official minutes of the district. There are some actions where the enabling statute requires that the action be taken by resolution rather than by motion.

While there is no official form or format of a resolution, tradition and usage over the years have developed a general format. Resolutions are usually in writing, with specific details of the action the Board is considering. A general outline of a resolution is included here.

Title

Spell out what the resolution is about, enacted by what body, and date of enactment:

Example:

Resolution adopted this 12th day of October, 2021, by the Board of Directors of the XYZ Water District, setting rates and fees for water usage.

Preamble

The preamble states the reason or reasons for the resolution in one or more “Whereas” clauses. The “Whereas” clauses articulate the legal authority, as well as the

problems to be solved by the resolution, and the need for the resolution.

Example:

Whereas, the XYZ Water District is authorized to set fees, rates, and charges for water usage, pursuant to 32-1-xx, and;

Whereas, it is patently unfair to the residents of the XYZ Water District to use the district’s water to gain advantages over the residents of the ABC Water District, and;

Whereas, this patently unfair practice has gone on long enough.

The Resolution

States in clear and unambiguous terms, the actual action to be taken or the policy to be established. There may be one or more resolving clauses, which state the terms and conditions adopted by passage of the resolution. The first resolving clause usually starts with, “Now therefore, be it resolved...”

Resolving clauses after the first begin with, “Be it further resolved that...”

Example:

Now therefore, be it resolved by the Board of Directors of the XYZ Water District to hereby adopt the rules and regulations for water usage as attached hereto and made part of this resolution; and



Evan Goulding, Consultant and former SDA Executive Director.

Be it further resolved that the rules and regulations adopted hereto shall be in effect immediately; and

Be it further resolved that the meter readers be directed to immediately turn off the water from all who are delinquent in paying their water bill.

Signature

Example:

Signed by Board President or Chairperson, this ____ day of November, 2021.

Attest: Board Secretary, this ____ day of November, 2021.

Resolutions are frequently used by municipal and county governing bodies, while special districts more commonly conduct their business by motions. Resolutions are required by certain special district actions, but otherwise, motions are adequate for most actions.

Another reason for using a resolution is when it is important that the reasons and authority for the action be spelled out. The “whereas” clauses are in some ways like including the legislative intent in a bill before the Legislature. 🍌

There are some actions where the enabling statute requires that the action be taken by resolution rather than by motion.

Sorry, No Handguns Allowed In Here

In a law enacted in 2003, the Colorado General Assembly included a broad statement of the policy that the regulation of firearms is a matter of statewide concern that should be uniform across the state and that a person carrying, transporting, or selling guns should not have to worry about being subject to different rules (laws) in one local jurisdiction and then subject to another set of rules when crossing into another town or county.

Since the passage of this law, however, at least one local government has sought to ban certain “assault weapons” within its jurisdiction, relying largely on its home rule powers as authority for the action.

However, the Colorado Supreme Court overruled the local government and thus upheld the legislative declaration that regulation of firearms is a matter of statewide jurisdiction.

However, after the tragic mass shooting at the King Soopers in Boulder, there was heightened frustration among legislators and local officials, many of whom felt that state laws are inadequate to control firearms in all situations, and that local officials know local conditions and thus should have authority to enact local regulations that are more restrictive than state laws.

Then Along Came Senate Bill 21-256

Senate Bill 21-256 was introduced late in the 2021 Legislative Session, proposing to reverse the references to firearms regulation being reserved only to state powers, and giving counties and municipalities coequal powers with the State in some general regulatory areas. This new local power does not affect the State’s authority in the issuance of concealed carry permits, but does give local governments the authority to limit areas and conditions where concealed weapons can be carried, with or without state issued permits.

While several key sections of previ-



ous law are modified, the following sections are included here to illustrate the dramatic change in philosophy.

Out with the Old, In with the New

Out: “*The regulation of firearms is a matter of statewide concern.*”

In: “*The General Assembly concludes that the regulation of firearms is a matter of state and local concern.*”

Out: “*The criteria and procedures for the lawful carrying of concealed handguns historically has been regulated by state statute and should be consistent throughout the state to ensure the consistent implementation of state law.*”

In: “*Officials of local governments are uniquely equipped to make determinations as to where concealed handguns can be carried in their local jurisdictions.*”

Senate Bill 21-256 (Local Regulation of Firearms)

Senate Bill 21-256 took effect upon signature of the Governor on June 19, 2021 and authorizes local govern-

ments to take actions to regulate firearms. **For special districts**, the important changes are:

- » Local governments, *including special districts*, may prohibit a permittee from carrying a concealed handgun in certain areas in its jurisdiction;
- » Local governments must post signs at the public entrances which inform persons that carrying a concealed handgun is prohibited in the building or specific area;
- » For special districts, the prohibition can apply in a building or specific area under the direct control or management of the district, including a building or facility managed pursuant to an agreement between the district and a contractor; and
- » Senate Bill 21-256 allows local governments to impose civil penalties for a violation of the conceal carry prohibition and require the person to leave the premises.

There are other provisions that provide additional authority to municipalities, counties, and consolidated city-county governments that are not available to special districts.

A special district wishing to enact limitations on the places where concealed handguns are allowed can do so by enacting an ordinance, resolution, rule, or other regulation that prohibits a permittee (or non-permittee) from carrying a concealed handgun in a clearly described area under the direct control or management of the district.

While special districts typically enact ordinances or rules and municipalities enact resolutions, there is no reason a district cannot enact a resolution as well. Since such an action, by whatever means it is enacted, will likely be challenged, possibly in court, a district taking such action should fastidiously follow all steps and procedures to make sure the action is defensible. 🍌



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