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Designed by Emmett Jordan

? Ask Evan

Editor's Note: This Ask Evan originally appeared in the January 2021 issue, and since it is helpful information for this year as well, we made a few updates and are pleased to include it again.

Q: As we begin a new year, what duties must a special district Board take care of entering 2022?

A: There are several important statutory duties that must be performed around the rollover of the annual calendar.

1. At the first Board meeting of each year, the Board must adopt a resolution designating the posting location for the district's 24-hour meeting notices. The location for posting the Board meeting notices should be a public place which is accessible by the public. Most districts are now posting Board meeting notices on their websites, which is probably more effective than a physical posting, but does not eliminate the need to adopt this notice.

A couple of additional points to be made regarding meetings:

- » Legislation was adopted in 2021 to clarify that the "location" of a meeting means the physical, telephonic, electronic, or other virtual place, or combination of such means, where a meeting can be attended. This amendment in House Bill 21-1278 states

that special and regular Board meetings can be held in a physical location or by telephonic or other electronic means.

- » The meeting notice of all meetings of the Board that are held telephonically, electronically, or by other means not including physical presence must include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.
2. By January 1, the district must file a current, accurate map of district boundaries (according to Division of Local Government standards) with the County Assessor, the Clerk and Recorder of each county in which the district is located, and the Division of Local Government. This map should include any inclusions or exclusions of property that affect district boundaries.



Evan Goulding, Consultant and former SDA Executive Director.

3. Between November 16 and January 15, the district must file an updated Notice to Electors (Transparency Notice). (32-1-809, C.R.S.) This is a detailed listing of vital information about the district. SDA members have the option of filing their Transparency Notice on the SDA website at www.sdaco.org.
4. The budget process, which begins with the appointment of a budget officer prior to October 15, normally ends when the adopted budget, with a budget resolution and certified mill levy, are filed with the Division of Local Government.





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? Ask Evan

BONUS QUESTION

Editor's Note: This Bonus Ask Evan originally appeared in the January 2021 issue, but this is a helpful reminder as we begin a new year so we are pleased to provide this information again.

Q. Can you please provide a refresher on the use of executive sessions?

A. Since the use of executive sessions is somewhat technical and frequently not understood, a brief reminder for the beginning of the new year is a good idea.

The Open Meetings Law is the Colorado statutory enactment of the principle that government business is the public's business and should be conducted in full and open view of the public. The authority for special district Boards, as well as other local government entities, to consider certain issues in closed session is a tightly limited and closely guarded exception to open meetings. Its use is a right granted by the state Legislature, which is always subject to further limitations if the right is abused by local governments.

The critical steps in using an executive session are as follows:

- » The posted agenda of a meeting should include notice that an executive session will be held during the meeting and should list the subject matter, including reference to the statutory section that covers the subject matter. The description should be as complete as possible without disclosing the actual facts of the subject.
- » The executive session can only be held as part of a regular or special meeting of the Board.
- » When the item comes up in the meeting, the executive session must be called by a motion, which must be approved by a two-thirds majority. **CAUTION:** In a five-member Board, three out of five does *not* constitute 2/3. Three out of five is only 60%, while 2/3 requires at least 66%.
- » The motion must include an exact reference to the statutory section that covers the discussion. Most districts have ready access to the six statutory sections, and good practice is to read the exact words of the relevant section. **NOTE:** *The statutory sections can be supplied by the district's legal counsel as well as by reference in the SDA Board Member Manual.*

- » As the Board goes into executive session, only the Board and individuals who have specific relevance to the discussion should be in the meeting.
- » The discussion must be limited to the announced subject, and no action can be taken in the meeting. Beware of straw votes or other indicia of how the Board will act when the formal action comes up after returning to the public meeting.
- » The executive session must be electronically recorded, and the recording must be kept for 90 days during which time members of the public may make an open records request. **EXCEPTION:** If the district's counsel determines that the discussion is covered by attorney-client privilege, the attorney will so state, and the recording can be turned off during that part of the discussion.
- » If an open records request is denied, the requestor can ask that the record be heard by a district court. The judge will review the record in private and determine whether the Board discussed items other than what was in the announcement of the session and whether anything indicates that an action was taken, either formally or by wink-wink inference. If so, the judge can require that the record be made public.
- » The discussion within the executive session is confidential and revealing the discussion is a serious breach of a fiduciary duty, unless the reason for confidentiality has passed.

There are other provisions governing the conducting of an executive session, which legal counsel will make clear to a Board seeking an executive session. Failure to follow the rules can have consequences and should not be taken lightly. 🍂





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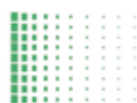
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Election Corner

From now through the May election, please look here for reminders of important dates to keep in mind for election items for the month. Below are the items to keep in mind for January. And, don't forget to watch your emails and the SDA website at www.sdaco.org for information on additional election training webinars and resources.

May 3, 2022 Regular **Mail Ballot** Election Calendar

Date	Action	Authority
Before providing the Call for Nominations	Board adopts Election Resolution calling ¹ the regular election, appointing Designated Election Official, approving any ballot question(s) or ballot issue(s) to be submitted to the electors, if any, and determining other matters. NOTE: The Board can delay adopting a Resolution to approve any ballot question(s) or ballot issue(s) until closer to the date to certify the ballot content.	
1-1-22	Earliest day Self-Nomination and Acceptance forms can be filed with the Designated Election Official or, if none has been designated, with the presiding officer or the Secretary of the Board of Directors (no earlier than January 1 st and no later than the normal close of business on the 67 th day before the election).	1-13.5-303(1) 1-13.5-303(4)
1-23-22	First day to be able to provide* the call for nominations between 100 days and 75 days before a regular special district election. The call shall state the special district director offices to be voted upon, where a Self-Nomination and Acceptance form may be obtained, the deadline for submitting the Self-Nomination and Acceptance form to the Designated Election Official, and information on obtaining an absentee ballot. *Except as set forth below for Metropolitan Districts organized after January 2000, the call for nominations must be made by publication one time in a newspaper of general circulation within the District and by one of the following methods: 1. Mailing the notice to each address at which one or more active registered electors of the District resides; or 2. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election or other informational mailing sent by the District to the eligible electors; or 3. Posting the information on the District's website; or 4. For Districts with fewer than 1,000 electors that is wholly located in a county with a population of less than 30,000, posting the notice in at least three public places within the District boundaries and in the office of the County Clerk and Recorder. FOR METROPOLITAN DISTRICTS ORGANIZED AFTER JANUARY 1, 2000, the District must email the notice to each active registered elector of the District as provided on the voter registration list obtained 150 days prior to the election. If the elector does not have an email of record in the voter registration records, the notice must be mailed to each address at which a registered elector resides. The notice must also be provided by one of the following methods: 1. Publication one time in a newspaper of general circulation within the District; or 2. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election or other informational mailing sent by the District to the eligible electors; or 3. Posting the information on the District's website; or 4. For Districts with fewer than 1,000 electors that is wholly located in a county with a population of less than 30,000, posting the notice in at least three public places within the District boundaries and in the office of the County Clerk and Recorder. NOTE: This election will continue the transition to odd-year regular special district elections. Therefore, all four (4) year terms will be converted to three (3) year terms to expire in 2025.	1-13.5-501(1) 1-13.5-501(1.5) 1-13.5-501(1.7)

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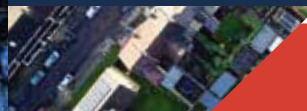
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May 3, 2022 Regular Polling Place Election Calendar

Date	Action	Authority
Before providing the Call for Nominations	Board adopts Election Resolution calling the regular election, appointing Designated Election Official, approving any ballot question(s) to be submitted to the electors, if any, and determining other matters. NOTE: The Board can delay adopting a Resolution to approve any ballot question(s) until closer to the date to certify the ballot content.	
1-1-22	Earliest day Self-Nomination and Acceptance forms can be filed with the Designated Election Official or, if none has been designated, with the presiding officer or the Secretary of the Board of Directors (no earlier than January 1 st and no later than the normal close of business on the 67 th day before the election).	1-13.5-303(1) 1-13.5-303(4)
1-23-22	First day to be able to provide* the call for nominations between 100 days and 75 days before a regular special district election. The call shall state the special district director offices to be voted upon, where a Self-Nomination and Acceptance form may be obtained, the deadline for submitting the Self-Nomination and Acceptance form to the Designated Election Official, and information on obtaining an absentee ballot. *Except as set forth below for Metropolitan Districts organized after January 2000, the call for nominations must be made by publication one time in a newspaper of general circulation within the District and by one of the following methods: 1. Mailing the notice to each address at which one or more active registered electors of the District resides; or 2. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election or other informational mailing sent by the District to the eligible electors; or 3. Posting the information on the District's website; or 4. For Districts with fewer than 1,000 electors that is wholly located in a county with a population of less than 30,000, posting the notice in at least three public places within the District boundaries and in the office of the County Clerk and Recorder. FOR METROPOLITAN DISTRICTS ORGANIZED AFTER JANUARY 1, 2000, the District must email the notice to each active registered elector of the District as provided on the voter registration list obtained 150 days prior to the election. If the elector does not have an email of record in the voter registration records, the notice must be mailed to each address at which a registered elector resides. The notice must also be provided by one of the following methods: 1. Publication one time in a newspaper of general circulation within the District; or 2. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election or other informational mailing sent by the District to the eligible electors; or 3. Posting the information on the District's website; or 4. For Districts with fewer than 1,000 electors that is wholly located in a county with a population of less than 30,000, posting the notice in at least three public places within the District boundaries and in the office of the County Clerk and Recorder. NOTE: This election will continue the transition to odd-year regular special district elections. Therefore, all four (4) year terms will be converted to three (3) year terms to expire in 2025.	1-13.5-501(1) 1-13.5-501(1.5) 1-13.5-501(1.7)



Parliamentary Procedures *at a Glance*

As the new year begins, we thought it would be helpful to include an easy to follow guide on parliamentary procedures. The first chart lists motions and/or points in established order of precedence while the motions in the second chart have no established order.

To Do This ¹	You Say This	May You Interrupt Speaker?	Must You Be Seconded?	Is the Motion Debatable?	Is the Motion Amendable?	What Vote is Required?
Adjourn the meeting (before all business is complete)	"I move that we adjourn."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote required
Recess the meeting	"I move that we recess until..."	May not interrupt speaker	Must be seconded	Not debatable	Amendable	Majority vote required
Complain about noise, room temperature, etc.	"Point of privilege."	May interrupt speaker	No second needed	Not debatable ²	Not amendable	No vote required ³
Suspend further consideration of something	"I move we table it."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority vote required
End debate	"I move the previous question."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Two-thirds vote required
Postpone consideration of something	"I move we postpone this matter until..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Two-thirds vote required
Have something studied further	"I move we refer this matter to a committee."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required
Amend a motion	"I move that this motion be amended by..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required
Introduce business (a primary motion)	"I move that..."	May not interrupt speaker	Must be seconded	Debatable	Amendable	Majority vote required

¹ These motions or points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below it, but you may introduce another that is listed above it.

² In this case, any resulting motion is debatable.

³ Chair decides.



To Do This ⁴	You Say This	May You Interrupt Speaker?	Must You Be Seconded?	Is the Motion Debatable?	Is the Motion Amendable?	What Vote is Required?
Object to procedure or to a personal affront	"Point of order."	May interrupt speaker	No second needed	Not debatable	Not amendable	No vote needed, Chair decides
Request information	"Point of information."	If urgent, may interrupt speaker	No second needed	Not debatable	Not amendable	No vote required
Ask for a vote by actual count to verify a voice count	"I call for a division of the house."	May not interrupt speaker ⁵	No second needed	Not debatable	Not amendable	No vote required unless someone objects ⁶
Object to considering some undiplomatic or improper matter	"I object to consideration of this question."	May interrupt speaker	No second needed	Not debatable	Not amendable	Two-thirds vote required
Take up a matter previously tabled	"I move we take from the table..."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Majority required
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	May interrupt speaker	Must be seconded	Debatable if original motion is debatable	Not amendable	Majority required
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	May not interrupt speaker	Must be seconded	Not debatable	Not amendable	Two-thirds vote required
Vote on a ruling by the Chair	"I appeal the Chair's decision."	May interrupt speaker	Must be seconded	Debatable	Not amendable	Majority in the negative required to reverse Chair's decision

⁴ These motions, points, and proposals have no established order of precedence. Any of them may be introduced at any time except when the meeting is considering one of the top three matters listed in the first chart (motion to adjourn, motion to recess, point of privilege.)

⁵ But division must be called for before another motion is started.

⁶ Then majority vote is required.

National Special Districts Coalition

Closes its First Year, Looks to 2022

Guest article by Cole Karr, Federal Advocacy Coordinator, National Special Districts Coalition

Special districts are making waves and elevating their voice in Washington, DC with the National Special Districts Coalition's (NSDC) 2021 expansion into federal advocacy...and we are only just beginning!

As NSDC members, SDA and Colorado's special districts have had a front row seat to this year's federal policymaking and have had a voice in the sometimes-awry federal legislative process. Special districts have advocated in favor of legislation that would strengthen local government programs while also ensuring they are not overlooked in their eligibility.

In its first formal year of federal advocacy, NSDC took official positions on 13 bills. The Coalition formally communicated letters of concern to Congressional leadership and executive agencies regarding major policy matters impacting special districts—from full funding of mosquito-borne disease monitoring to advocating for Congress to fully fund



forest management accounts to ensuring the Internal Revenue Service would not place additional regulatory burdens on districts and tax burdens on customers for using COVID utility arrears assistance funds.

NSDC and its members directly engaged with key members of Congress and the Senate on policy priorities. Through these actions this year, Congressional and executive branch officials have grown more aware of special districts, why they exist, the services they provide, and their policy priorities and concerns on the federal level. Educating federal representatives and their staffs and promoting awareness about special districts remains a pivotal



Specifically, Colorado drinking water and wastewater treatment service providers can anticipate \$121,347,000 in available funds for eligible projects in the coming year...

point of the Coalition's priorities.

These actions were executed in accordance with the first-ever Federal Legislative Agenda, which the NSDC Executive Board approved in June. The 2021-2022 agenda and priorities include securing a federal definition of "special district;" ensuring all special districts have fair access to COVID-19 recovery funds; strengthening federal programs to boost resiliency and emergency preparedness; investments in federal infrastructure programs; attention to policies focused on providing public services in "disadvantaged communities;" and monitoring major regulatory issues of broad concern for Colorado's 3,300 special districts and the more than 30,000 districts across the nation.

Two major focuses of the year's legislative activities, as for all sectors of local government, was on COVID recovery and infrastructure.

NSDC's prime achievement of the year was leveraging sponsored legislation to definitively permit states, counties, and cities to transfer crucial pandemic relief and recovery funds established under the American Rescue Plan Act (ARPA). The success was borne from bipartisan efforts to

move the *Special Districts Provide Essential Services Act*, as the Coalition advocated for the provision's inclusion within the underlying bill. This major policy success, made possible in-part by Colorado's special districts involvement in advocacy efforts, sets the stage for a state-push to secure relief funds during the Colorado Legislative Session in 2022. NSDC will continue to provide resources and support for SDA's advocacy of these federally-sourced funds to ensure districts providing critical infrastructure and essential services to millions of Coloradans have access to these funds—just as Congress intended with ARPA.

Special districts have a major stake in federal infrastructure initiatives, for which 2021 was a notable year. Among the Coalition's top federal legislative priorities is the passage of policies investing in the nation's physical and natural infrastructure and assuring special districts have definitive access to infrastructure programs, thus bettering district operations and services to Coloradans across the state. NSDC applauds the passage of the Infrastructure Investment and Jobs Act, which provides historic authorizations for program funds for use of special districts' infrastructure. Among many provisions, this

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...this expansive law authorizes major federal investments in...drought programs focused on the Colorado River Basin and beyond; wildfire mitigation; and federal land management.

expansive law authorizes major federal investments in water and wastewater infrastructure; transit and highway programs; power generation and electric grid reliability; broadband expansion; cybersecurity; western water infrastructure and drought programs focused on the Colorado River Basin and beyond; wildfire mitigation; and federal land management.

The first milestone determination of funding from the Infrastructure Investment and Jobs Act came from the Environmental Protection Agency in early December when it announced its anticipated 2022 Clean Water and Drinking Water state revolving fund allocation of \$7.4 billion to states, territories, and tribes. Specifically, Colorado drinking water and wastewater treatment service providers can anticipate \$121,347,000 in available funds for eligible projects in the coming year—about half of which will be available as grants or principal forgiveness loans to facilitate investments in critical water infrastructure in underserved communities.

As NSDC closes the book on its first year of federal advocacy, there is much more to look forward to in 2022. The stage is currently being set to move forward on the Coalition's priority goal of defining "special district" in U.S. Code. This mission is more complex than it may seem. Under many current laws, special districts can access federal funding on a non-guaranteed pass-through basis, such as the Community Development Block Grant. Other programs provide direct access should eligible districts apply, while special programs may require population certifications that special districts do not officially have. NSDC is currently researching the broad

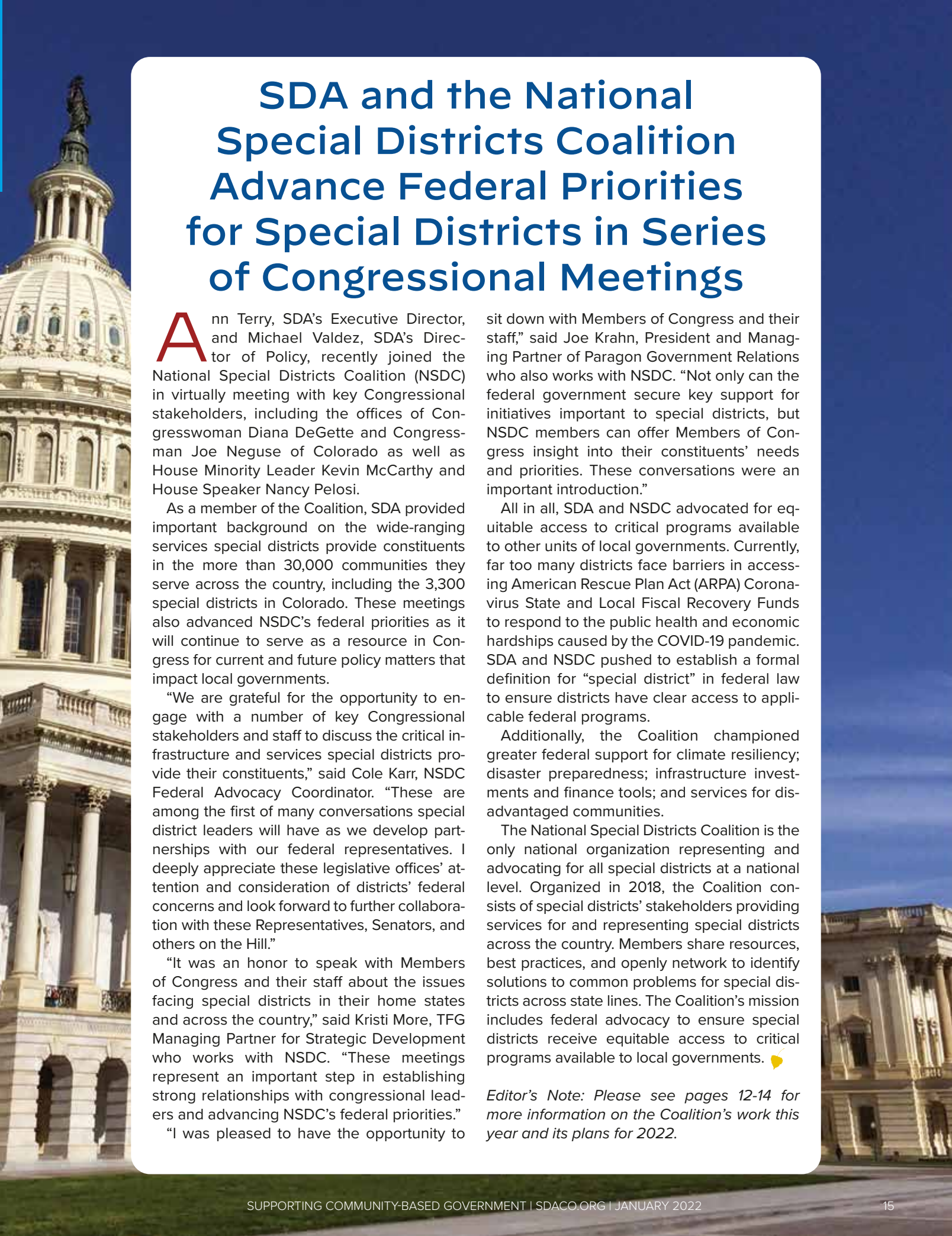
scope of local government programs for which districts are either directly or indirectly eligible, and our team of advocates are carefully examining the language defining eligibility. The Coalition is seeking to formalize its findings with help from a nonpartisan Congressional research office, which would elevate this monumental mission to all members of the U.S. House and Senate. NSDC members can anticipate further actions to be announced in late 2022.

The coming year will also bring opportunities for special districts to engage with their communities through the Districts Make the Difference public awareness campaign. Not only will SDA's members have access to tools for engagement with the residents they serve, but also the ability to work with local high school students as part of a national student video scholarship contest. The program is aimed to develop awareness of districts' services among the students and their families with the submission of a 60-second public service announcement-style video highlighting special districts' services and how they make a difference in their communities. Contest details will be announced in the first quarter of 2022.

NSDC will continue to advocate for special districts' consideration in all local government policy matters for enhanced access to grants, financing opportunities, and favorable policies at large. NSDC is proud to have SDA as a founding member and looks forward to ongoing partnership and collaboration with Colorado's special districts in the year ahead and beyond.

Visit www.nationalspecialdistricts.org for more information. 🍌



The background of the page is a photograph of the Colorado State Capitol building in Denver. The building is a large, ornate structure with a prominent dome and classical architectural features like columns and arches. It is set against a clear blue sky.

SDA and the National Special Districts Coalition Advance Federal Priorities for Special Districts in Series of Congressional Meetings

Ann Terry, SDA's Executive Director, and Michael Valdez, SDA's Director of Policy, recently joined the National Special Districts Coalition (NSDC) in virtually meeting with key Congressional stakeholders, including the offices of Congresswoman Diana DeGette and Congressman Joe Neguse of Colorado as well as House Minority Leader Kevin McCarthy and House Speaker Nancy Pelosi.

As a member of the Coalition, SDA provided important background on the wide-ranging services special districts provide constituents in the more than 30,000 communities they serve across the country, including the 3,300 special districts in Colorado. These meetings also advanced NSDC's federal priorities as it will continue to serve as a resource in Congress for current and future policy matters that impact local governments.

"We are grateful for the opportunity to engage with a number of key Congressional stakeholders and staff to discuss the critical infrastructure and services special districts provide their constituents," said Cole Karr, NSDC Federal Advocacy Coordinator. "These are among the first of many conversations special district leaders will have as we develop partnerships with our federal representatives. I deeply appreciate these legislative offices' attention and consideration of districts' federal concerns and look forward to further collaboration with these Representatives, Senators, and others on the Hill."

"It was an honor to speak with Members of Congress and their staff about the issues facing special districts in their home states and across the country," said Kristi More, TFG Managing Partner for Strategic Development who works with NSDC. "These meetings represent an important step in establishing strong relationships with congressional leaders and advancing NSDC's federal priorities."

"I was pleased to have the opportunity to

sit down with Members of Congress and their staff," said Joe Krahn, President and Managing Partner of Paragon Government Relations who also works with NSDC. "Not only can the federal government secure key support for initiatives important to special districts, but NSDC members can offer Members of Congress insight into their constituents' needs and priorities. These conversations were an important introduction."

All in all, SDA and NSDC advocated for equitable access to critical programs available to other units of local governments. Currently, far too many districts face barriers in accessing American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds to respond to the public health and economic hardships caused by the COVID-19 pandemic. SDA and NSDC pushed to establish a formal definition for "special district" in federal law to ensure districts have clear access to applicable federal programs.

Additionally, the Coalition championed greater federal support for climate resiliency; disaster preparedness; infrastructure investments and finance tools; and services for disadvantaged communities.

The National Special Districts Coalition is the only national organization representing and advocating for all special districts at a national level. Organized in 2018, the Coalition consists of special districts' stakeholders providing services for and representing special districts across the country. Members share resources, best practices, and openly network to identify solutions to common problems for special districts across state lines. The Coalition's mission includes federal advocacy to ensure special districts receive equitable access to critical programs available to local governments. 🟡

Editor's Note: Please see pages 12-14 for more information on the Coalition's work this year and its plans for 2022.

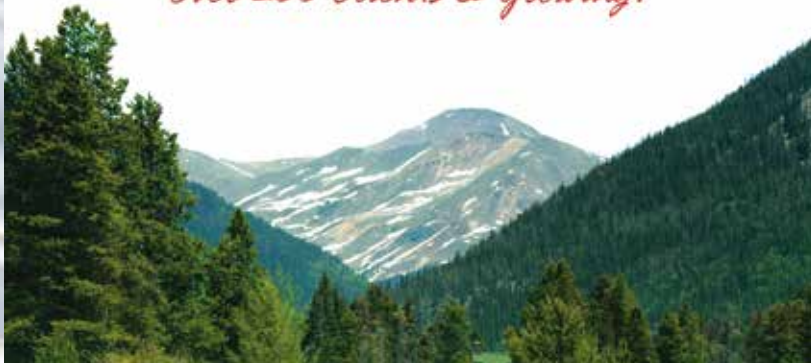
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2022 LEGISLATIVE PREVIEW

They're Coming Back!

The 2nd Regular Session of the 73rd General Assembly promises to be packed with the usual hijinks from both parties. Your legislative team is busy running down rumors and meeting with legislators and stakeholders as the January 12, 2022 start date grows closer by the month, week, day, hour, minute. We expect the usual mix of legislation to get members on record for or against a politically charged bill or to bring attention to a re-election campaign. As the political atmosphere is filled with exploding water balloons, we will be on the ground dealing with real and everyday issues impacting special districts.

At the conclusion of the 2021 Legislative Session, we predicted that many of the failed bills from 2021 would be brought back in the upcoming Session. Well, all of them are returning. Darn—sometimes it's tough to be right. Our summer and fall have been filled with discussions – some new ones and some déjà vu ones – of the bills that did not pass in 2021. Read on for an update on the status of these bills since the end of the Legislative Session.

Also, we will provide some early information on a potential ballot measure that we like! Discussions are ongoing for a constitutional measure to limit decisions regarding property tax reductions for local governments to the voters of the local government that is directly impacted.

SDA Legislation

As the 2022 Legislative Session approaches, SDA's legislative agenda begins to come into focus. A great deal of our energy output will be on securing direct funding for special districts from the American Rescue Plan Act of 2021 (ARP Act).

In addition to securing ARP Act funding, we have two legislative agenda items on our to-do list.

First, we have secured sponsors for a bill to clarify a special district Board member's status as it relates to the PERA program when the special district is participating in PERA. We are working on a straightforward statement that special district Board members are excluded from mandatory participation if the district that they represent is a member of PERA. Mandatory inclusion in the PERA program has created unnecessary accounting complications for Board members and special districts.

The second bill we are working on is an amendment to the Colorado Firefighter Cancer Benefit Trust. Harkening back to 2017, the Cancer Benefit Trust was approved unanimously by the 100-member Legislature. The program has proven to be a smashing success. Currently the Cancer Trust is funded through voluntary contributions from fire protection districts and city fire departments. Our concept is simple: ask the State of Colorado to pick up the cost of premiums for firefighters. This came about as part of our brainstorming and strategizing to take pressure off budgets hit hard by COVID-19. The idea is to tap into funds that the Joint Budget Committee will control when the Legislature returns in January. In terms of revenue, Colorado continues to grow as the economy expands. Based on the current year's budget, the legislative staff project the State budget will have an extra \$3.3 billion to spend or save next year.

Back to direct funding for special districts from the American Rescue Plan Act of 2021. As we have reported, the American Rescue Plan Act, which

At the conclusion of the 2021 Legislative Session, we predicted that many of the failed bills from 2021 would be brought back in the upcoming Session... all of them are returning.

Continued on page 19

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is bringing an estimated \$3.8 billion to Colorado, is a welcome development. These funds may be used for costs incurred from March 3, 2021 through December 31, 2024. One of our primary missions for the spring, summer, and fall of 2021 has been to secure designated funds for special districts. Most recently, we made a push to educate the Legislature of the need to provide direct funding for revenue replacement by appearing before the legislative Task Force on Economic Recovery and Relief Cash Fund. The process of building support for direct funding for special districts will continue throughout the winter and into the next Legislative Session where legislation will be necessary to appropriate funds for special districts. Finally, we are also on the prowl for opportunities where special districts can partner with cities and counties on projects to best utilize these one-time funds. Legislators are keen on the notion of local governments coming together to create joint projects between special districts, cities, and counties.

The “Be Back” Bills from 2021

Collective Bargaining

Among the weighty issues making a return in 2022, one of the most significant proposals is legislation to allow collective bargaining for all local governments (collective bargaining was enacted for state employees in 2020). Late in the 2021 Legislative Session, a bill draft to allow for collective bargaining was circulated by the Majority Leaders in both Houses. Of course, organized labor was supportive of the effort. With the assistance of our local government partners, the Colorado Municipal League (CML); Colorado Counties, Inc. (CCI); and Counties and Commission-

ers Acting Together (CCAT), we were successful in keeping a bill from moving forward. On a promise to return, the proponents, both legislators and labor advocates, will introduce legislation in the 2022 Session to provide for collective bargaining. Organized labor will be pushing hard for a victory. The support of the majority party in both houses will be considerable. We have our work cut out for us. SDA and our local government partners will fight to convey our message that collective bargaining will impose serious burdens, including costs, on special districts and local governments. Additionally, we have not heard of any need for this legislation.

Harassment and Discrimination

The sponsors and proponents of this year’s failed Senate Bill 21-176 – Protecting Opportunities and Workers’ Rights Act are promising to bring the bill back in 2022. As a quick reminder, this is the legislation that changes, among many things, the civil definition of harassment from severe or pervasive to “behavior that undermines the individual’s personal sense of well-being or safety.” The 2021 bill also turned the laws of an independent contractor upside down as the law pertains to harassment and discrimination. We have crafted a bill that provides a sensible approach to updating these statutes. It is highly unlikely that the sponsors and the proponents will accept the substitute bill; however, we will continue to engage in good faith discussions with the hope of crafting a bill that will find the elusive middle ground.

Choice of Doctor in Workers’ Compensation Claims

This is legislation that would give an injured employee the ability to select her

SDA and our local government partners will fight to convey our message that collective bargaining will impose serious burdens, including costs, on special districts and local governments.



Continued on page 21



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or his treating physician and is also on the short list of bills we expect to make a return in 2022. The bill from the Legislative Session earlier this year, Senate Bill 21-197—Employee Choice of Physician, would have had a devastating impact on the workers' comp system in Colorado. We are working very hard to help the sponsors of the bill and the advocates understand the implications of the bill. We have offered amendments to address the concerns raised, but to date, the sponsors have not been receptive. We are part of a united front with our local government partners and the self-insured association to push back on this legislation.

In sum, much of our focus has been on the bills and issues that we predicted will make a return next year and legislation that will appropriate funds from the American Rescue Plan Act to special districts across Colorado.

Potential Property Tax Ballot Issue

Following the defeat at the ballot box of Proposition 120—Reduce Property Tax Rates (Prop 120), discussions surfaced to ensure that decisions related to property tax reductions are left to voters of the local government impacted by the change and not subject to a statewide vote. The defeat of Prop 120 in November can be tied to voter distrust of ballot measures and the confusion added by Senate Bill 21-293—Property Tax Classification and Assessment Rates (SB 21-293). SB 21-293 created temporary subclasses of residential and nonresidential property. If you read the Blue Book you know how confusing the issue was. In any case, the defeat of Prop 120 is not going to be the last chapter in the saga of attempts to reduce property taxes. The proposed constitutional amend-

ment will be an effort to put a stop to statewide attempts to reduce property taxes and ensure that decisions are kept at the local level.

The concept that is being developed is a constitutional amendment that honors local control of property tax decisions by making sure that decisions to lower property taxes are kept by the voters of a special district or other local government. Statewide ballot issues to lower property taxes would not be possible. At this time, the best legal minds are working on language that accomplishes this task. There are two potential paths to the 2022 ballot: 1) a referred measure from the General Assembly and 2) an initiated measure with signatures to put it on the ballot. Of course, the referred measure is zero cost to the proponents and the signature gathering is time intensive and extremely costly. Through the SDA Board of Directors, SDA will be actively engaged on this issue as it moves from drafting to the Legislature or the ballot title process.

It looks like the 2022 Session will be unexciting, uneventful, and probably boring. Okay, that didn't provoke the laughter that was intended. In reality, the 2022 Legislative Session will be filled with many challenges, but we are at the ready to meet those challenges head on. 🍌

Editor's Note: Want to stay up-to-date on the current hot topics and important issues for special districts during the Legislative Session? Then make sure to join us for our Legislative Briefings (all SDA members are welcome to listen in)! Please see page 22 for the full schedule and watch your emails and the SDA website at www.sdaco.org to register.

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SDA Legislative Briefings Set to Begin January 25!

The 2022 Legislative Session officially convenes on Wednesday, January 12 which means it's time to start making plans to join us for the 2022 SDA Legislative Briefings!

The first briefing is scheduled for Tuesday, January 25 at 1:00 pm. These briefings will take place via Zoom, and all SDA members are welcome to listen in for an update on the latest legislative issues for special districts.

Following the first briefing, the schedule of briefings for the entire Session is as follows:

- » Tuesday, February 8 at 1:00 pm
- » Tuesday, February 22 at 1:00 pm
- » Tuesday, March 8 at 1:00 pm
- » Tuesday, March 22 at 1:00 pm
- » Tuesday, April 5 at 1:00 pm
- » Tuesday, April 19 at 1:00 pm
- » Tuesday, May 3 at 1:00 pm
- » Wednesday, May 18 at TBD (this will be the wrap-up for the 2022 Session with a peek at what's to come in 2023)

Please visit the SDA website at www.sdaco.org for more information and to register. Whether you would like to listen to every briefing or just once in a while, this is an easy way to stay informed on all the current issues.

In addition, you will also be able to access a wide variety of legislative information on the SDA website. Here you will find the full Legislative Briefing schedule, the bill tracker, and any other pertinent legislative update or reports, all in one easy-to-find place. This added convenience is a quick and helpful way for members to stay up-to-date with the Legislative Session.

As always, please contact the SDA office at 303-863-1733 and ask for Ann Terry or Michael Valdez if you have any questions. 🍌



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