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SDA NEWS

FEBRUARY 2022

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Designed by Emmett Jordan



Ann Terry

Dear SDA Members,

The past two years have challenged us on so many levels. We have all made changes, suffered losses, and experienced disappointments because of the pandemic. Who would have guessed that 24 months later we are still trying to adjust to the evolution of change? We have turned adapt-

ability into a science. 2022 will undoubtedly continue to present challenges; however, we are stronger and more resilient.

This year, SDA is part of an initiative to amend the Colorado constitution to make it clear that reductions to property taxes are the concern of a local government and not the entire state. We are in the beginning stages of this process and will keep you updated. We will also continue to fight for

American Rescue Plan Act ("ARP Act") funds for you. The process laid out by the General Assembly has proven to be more difficult, but we will not quit.

The SDA team is dedicated in our advocacy on behalf of special districts and to providing resources and quality educational opportunities to our members. We hope you join us for the Legislative Briefings, Annual Regional Workshops in June, and of course, the SDA Annual Conference in Keystone.

It is such an honor to be your Executive Director and to work with such a talented team. SDA is a stronger organization because of you and your dedication to Colorado's local government way of life.

Sincerely,

Ann Terry

Executive Director



It's Almost Time to Submit Your Ideas for Speakers and Topics for the 2022 SDA Annual Conference!

It's hard to believe, but planning is already underway for the 2022 SDA Annual Conference, September 13-15 at the Keystone Conference Center! Our shift in days last year was so successful that we will be doing it again this year! So, mark your calendars for *Tuesday*, September 13 through *Thursday*, September 15.

As always, one of the most important pieces of the planning process is laying out the schedule of breakout sessions. And this is where you come in!

The Call for Speakers and Topics for the 2022 SDA Annual Conference opens on **Wednesday, February 9**, and it is the perfect time to send us all your ideas!

As you are thinking about what should be included in this year's breakout sessions, here are a few things that might help get those ideas flowing:

- » What are the hot topics that districts need to know more about?
- » Are there successful projects or case studies from which others could learn?

- » Is there a general subject that you could use a refresher course on (and maybe others could, too)?
- » Are you an expert who has suggestions on important topics to present?

Whatever ideas you have, big or small, we want to hear from you!

The process is super easy. **Beginning on February 9 you can simply go to the SDA website at www.sdaco.org to share your suggestions for a breakout session, recommend a great speaker, or both!**

Please remember that the more details you can provide with your suggestion, the better. We strive to bring you topics that are the most pertinent and relevant to the special district world so the more information we have about your idea, the easier it is to see if it might work for the Conference.

As always, please call our office at 303-863-1733 if you have any questions.

We look forward to receiving your submissions! 🍌



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? Ask Evan

Q • Since my district is a local government, are we protected by law from being sued?

A • Special districts may be defendants in civil litigation filed in state or federal court under different types of laws or duties, such as claims for breach of contract or violation of rights based in state or federal law. Setting those types of claims aside, governmental immunity is the legal principle that is often discussed when determining if a public entity is subject to suit for its liability in a tort claim.

The following is an overview of torts, the background of sovereign immunity, and a summary of governmental immunity in Colorado.

What is a tort?

You likely already have a sense of what type of civil claims might fall under tort, such as negligence. A tort is a wrongful act (or failure to act) that causes another person harm.

What is the background of governmental immunity?

Until the 19th century, the common law concept called sovereign immunity generally protected federal, state, and local governments, and their employees, from lawsuits, particularly suits based in tort.

During the 20th century, federal and state governments began to replace common law sovereign immunity with statutory immunity which allowed some types of tort suits to proceed against the government.

In our state, the Colorado Governmental Immunity Act (CGIA) replaced sovereign immunity in 1972.

How does the CGIA limit tort liability?

The CGIA limits the circumstances under which a public entity or public employee (including Directors/Board members and volunteers) may be held liable/responsible in tort actions. Under the CGIA, the default is that

public entities have governmental immunity from tort liability.

However, the CGIA waives governmental immunity for injuries or damage resulting from wrongful actions by local government public entities in the following seven situations:

1. The operation of a publicly owned or leased motor vehicle, except emergency vehicles;
2. The operation of any public hospital, correctional facility, or jail;
3. A dangerous condition of any public building;
4. A dangerous condition of a public highway, road, street, or sidewalk;
5. A dangerous condition of any public facility located in any park or recreation area or any public water, gas, sanitation, electrical, power, or swimming facility; and
6. The operation and maintenance by a public entity of any public water, gas, sanitation, electrical, power, or swimming facility.
7. Taking effect on January 1, 2022 (but with a retroactive clause), an action brought pursuant to Part 12 of Article 20 of Title 13 (civil liability for the statutory tort of sexual misconduct against a minor, including failure of the public entity to properly keep children safe).

Governmental immunity may protect your district from tort suits which fall outside the scope of these seven exceptions. Further, the CGIA has other limits on tort claims, including:

- » A required timely notice to the governmental entity (182 days for the first six types described above; the seventh type of governmental immunity waived above (#7) is exempted from this notice requirement); and



Evan Goulding, Consultant and former SDA Executive Director.

- » Capping damages at a maximum of \$387,000 for injury to one person in any single occurrence and \$1,093,000 for injury to multiple persons in a single occurrence. [These caps will increase in 2022, but have not yet been published.]

In Colorado, the CGIA provides limited relief for damages caused by public entities while at the same time providing important limits on governmental tort liability so that state and local governments, like special districts, can continue to provide necessary public services, programs, and infrastructure. In other words, a district is not a “deep pocket.”

In our state, the Colorado Governmental Immunity Act (CGIA) replaced sovereign immunity in 1972.





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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 February. 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, including our DEO training series.

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

Date	Action	Authority
2-17-22	Last day to provide the call for nominations.	1-13.5-501(1) 1-13.5-501(1.5) 1-13.5-501(1.7)
2-25-22	Last day Self-Nomination and Acceptance forms must 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). FCPA NOTE: If the Self-Nomination and Acceptance form or the Affidavit of Intent to be a Write-in Candidate contains a statement substantially stating "I will not, in my campaign for this office, receive contributions or make expenditures exceeding two hundred dollars (\$200) in the aggregate during the election cycle, however, if I do so, I will thereafter register and file all disclosure reports required under the Fair Campaign Practices Act", then no disclosure reports are required to be filed unless and until the two hundred dollar (\$200) threshold has been met.	1-13.5-303(1) 1-13.5-303(4) 1-45-108(1)(c) Article XXVIII, Section 2(2) of the Colorado Constitution Secretary of State Rule 16.3.1 of the Rules Concerning Campaign and Political Finance
2-28-22	Last day to file Affidavits of Intent to be a Write-in Candidate with Designated Election Official (not later than 64 days before the election).	1-13.5-305

May 3, 2022 Regular **Polling Place** Election Calendar

Date	Action	Authority
2-17-22	Last day to provide the call for nominations.	1-13.5-501(1) 1-13.5-501(1.5) 1-13.5-501(1.7)
2-25-22	Last day Self-Nomination and Acceptance forms must 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). FCPA NOTE: If the Self-Nomination and Acceptance form or the Affidavit of Intent to be a Write-in Candidate contains a statement substantially stating "I will not, in my campaign for this office, receive contributions or make expenditures exceeding two hundred dollars (\$200) in the aggregate during the election cycle, however, if I do so, I will thereafter register and file all disclosure reports required under the Fair Campaign Practices Act", then no disclosure reports are required to be filed unless and until the two hundred dollar (\$200) threshold has been met.	1-13.5-303(1) 1-13.5-303(4) 1-45-108(1)(c) Article XXVIII, Section 2(2) of the Colorado Constitution Secretary of State Rule 16.3.1 of the Rules Concerning Campaign and Political Finance
2-28-22	Last day to file Affidavits of Intent to be a Write-in Candidate with Designated Election Official (not later than 64 days before the election).	1-13.5-305



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Compliance with the Fair Campaign Practices Act

Editor's Note: This article first appeared in the February 2020 issue of SDA News and was originally written by Paul Wisor. It contains very helpful information for this election year, and we are pleased to share it again.

The Fair Campaign Practices Act, Colorado Revised Statutes, Section 1-45-101, *et seq.* (the “FCPA”) and Article XXVIII of the Colorado Constitution govern, among other things, the use of public moneys in a campaign involving the election of any person to any public office or involving any election question. This article is intended to provide guidance with respect to the type of conduct allowed and prohibited under the FCPA. This article does not address every situation that might occur, but it covers many of the questions that arise most frequently. It is important to be mindful the issues arising under the FCPA are highly fact specific, and you should consult your district’s attorney with questions or concerns.

The FCPA’s restrictions apply to any agency, department, Board, division, bureau, commission, or council of the State of Colorado. The same restrictions also apply to any political subdivision of the State, including counties, cities, towns, school districts, and special districts.

Prohibited Uses of Government Money and Resources

The FCPA prohibits a Government (through this article, the term “Government” includes all governments covered by the FCPA) from 1) making any contribution in a campaign involving the nomination, retention, or election of any person to any public office; and 2) expending any public moneys from any source to urge electors to vote for

The FCPA’s restrictions apply to any agency, department, Board, division, bureau, commission, or council of the State of Colorado

or against any state-wide ballot issue, local ballot issue, referred measure, or measure for the recall of any officer. See Section 1-45-117(1)(a)(I). Therefore, in most cases, the employees and officials of a Government must not use any Government money or resources to support a candidate’s campaign or to attempt to convince voters to vote for or against an election question, including questions that have been placed on the ballot by the Government itself. For example, after calling for a bond election, a special district may not use district money to pay for fliers and visual aids that support the bond issue. See *Skruch v. Highlands Ranch Metropolitan Districts Nos. 3 and 4*, 107 P.3d 1140 (Colo. App. 2004). Likewise, a school district may not post information on its website advocating the passage of a bond issue that it has referred to voters. See *Wimsatt v. Jefferson County Public Schools, District R-J*, Agency Decision, Case No. OS 2004-018.

It is important to note that a Govern-

ment may violate this law without specifically asking voters to “vote for” or “vote against” an election question. See *Skruch v. Highlands Ranch Metropolitan Districts Nos. 3 and 4*, 107 P.3d 1140 (Colo. App. 2004). Any communication discussing an election subject to the FCPA that favors one position will violate the FCPA. See *Bruce v. School District 11*, Agency Decision, Case No. OS 2008-0030. Even efforts to avoid mentioning a ballot issue by name will not insulate a Government. See *Duvall v. Rowland*, Agency Decision, Case No. OS 2013-0012.

The FCPA restrictions do not apply only to the use of Government money, but also to other Government resources such as the use of copiers, vehicles, computers, facilities, telephones, or newsletters. In addition, the FCPA restrictions apply to Government employees’ time during work hours. Therefore, if a city creates a flier that improperly urges voters to vote for or against an election question, it violates the FCPA not only by using city money to pay for postage for the flier, but also by using city letterhead and the staff time of city employees to prepare the flier. See *Brown v. City of Littleton*, Agency Decision, Case No. OS 2006-0023. Likewise, if a Government allows outside groups to use its facilities, it must treat groups that support all candidates or both sides of an election question equally in all significant respects, including facility scheduling and fees.

Continued on page 10

Exceptions

The FCPA's prohibition on the use of Government money and resources described above does not apply in all cases. Some exceptions to the rule are described below.

Time Period

The FCPA only restricts the use of Government money and resources during a certain time period leading up to an election. Generally speaking, it has been understood that restrictions related to the FCPA do not begin with respect to a state or local ballot issue until the issue has been submitted to have a ballot title fixed or has had a ballot title fixed, and do not begin with respect to a referred measure until the measure has been referred to the voters. Thus, a Government likely may spend district money on a flier speaking positively about a potential bond issue before it refers the actual bond question to the voters. See *Coan v. Weld County School District Re-3J*, Agency Decision, Case No. OS 1996-006.

However, a 2017 decision by an Administrative Law Judge ("ALJ") involving Colorado Springs School District 11 (the "School District") has called some of this conventional wisdom into question. There, the School District planned to ask voters for a property tax increase at the November election. In June, the School District designed an informational card to be distributed to School District employees and made available to the general public. The informational card was distributed in June and again on August 10.

On August 9, the school Board met to consider the ballot question, but the ballot question was on the agenda for discussion purposes only, and no action could be taken. The informational card was distributed the next day. On August 23, the school Board met again and took official action to place the ballot question before the voters.

A complaint was filed alleging the School District had violated the FCPA. The ALJ concluded that although the School District took official action on August 23, the ballot question had been placed before the school Board on August 9 and that was the date the ballot question was "submitted for the

purpose of having a title fixed." The ALJ decision was not appealed, but governmental entities should be wary of how and when future ballot questions are discussed by their respective Boards.

No matter when it occurs, once an issue has been submitted to have a ballot title fixed or has had a title fixed or a referred measure has been referred to the voters, the FCPA restrictions apply to any expenditure of public money or resources. This includes making payments for materials or services provided before the Government took official action to submit the question. For this reason, several metropolitan districts violated the FCPA by paying for materials promoting their bond issues after the district Boards had passed resolutions submitting the bond questions, even though the materials themselves had been distributed before the resolutions were passed. See *Skruch v. Highlands Ranch Metropolitan Districts Nos. 1-5*, Agency Decision, Case No. OS 2002-019, which was upheld by the Colorado Court of Appeals in *Skruch v. Highlands Ranch Metropolitan Districts Nos. 3 and 4*, 107 P.3d 1140 (Colo. App. 2004).

Factual Summary

Section 1-45-117(1)(b)(I) of the FCPA permits a Government to use Government money and resources to discuss an election if the Government is providing "a factual summary, which shall include arguments both for and against the proposal." The summary may not include a conclusion or opinion in favor of or against any particular issue, and a Government may only prepare a summary regarding an issue that will appear on the ballot within its jurisdiction.

It is important to note that a communication can fail to qualify for this exception even if it is called a "factual summary" and has an "arguments for" and "arguments against" section.

Personal Opinions

Section 1-45-117(1)(b)(II) of the FCPA permits members of the governing body of a Government, such as a City Council or Board of Directors, and other elected Government officials to publicly voice their personal opinion about an issue. The FCPA does not limit the right of public officials and employees to speak

Generally speaking, it has been understood that restrictions related to the FCPA do not begin with respect to a state or local ballot issue until the issue has been submitted to have a ballot title fixed or has had a ballot title fixed, and do not begin with respect to a referred measure until the measure has been referred to the voters.

out on a matter before the voters. However, in expressing their personal opinions, officials and employees may not use Government money or resources.

Government employees and officials may urge electors to vote in favor of or against any issue and may participate in political campaigns; however, they must do so during their personal time, not during work hours. Likewise, Government employees and officials may spend money on materials that discuss elections covered by the FCPA, so long as that money is their personal money and not Government money. For example, a City Council member will not violate the FCPA by publishing a newsletter discussing a local ballot issue if she pays for the newsletter using her personal funds instead of using city funds. See *Tyler v. Boigon*, Agency Decision, Case No. OS 2007-001. Any Government employee or official who uses his or her personal time or money to participate in a campaign as described in this section should be sure to keep sufficient records to show that he or she did not use any Government time or money in the effort.

Answering Questions

Section 1-45-117(1)(a)(II) of the FCPA allows Government employees and officials to respond to questions about a ballot issue or referred measure, so long as the question was not solicited by the Government. To the extent a Government decides to publish answers to questions it receives about a ballot issue, it should retain all emails or correspondence regarding such questions. See *McCormick v. Lowderman*, Agency Decision, Case No. OS 2014-0014.

Resolutions

Section 1-45-117(1)(b)(III) of the FCPA authorizes the governing body of a Government to formally take a position with respect to an election question by passing a resolution urging citizens to vote for or against the question. Passage of such a resolution may be reported or distributed through the established, customary means that the Government uses to inform the public of its proceedings. For example, if a Government regularly sends out a newsletter, the passage of the resolution may be reported in the newsletter.

However, extraordinary methods of distribution, such as paid advertising or a one-time newsletter for this specific purpose, may not be used.

\$50 Exception

Under §1-45-117(1)(a)(II) a Government employee who has policy making responsibilities may spend no more than \$50 of public money in the form of letters, phone calls, and other activities incidental to expressing his or her opinion on a ballot issue. See *Montero v. Boasberg*, Agency Decision, Case No. OS 2013-0010.

Penalties

In the event a Government, their officials, or their employees are found to have violated any aspect of the FCPA, they are subject to sanctions provided by Article XXVIII of the Colorado Constitution and any other “appropriate order or relief.” Such relief includes injunctive relief or orders directing the persons responsible for the expenditures to make restitution to the public entity. See Section 1-45-117(4). Section 9(2) of Article XXVIII provides if a violation is found, the Administrative Law Judge (“ALJ”) may enter “any appropriate order, sanction, or relief authorized by [Article XXVIII].” Section 10(1) of Article XXVIII further provides for the imposition of a civil penalty of “at least double and up to five times the amount contributed, received, or spent.” However, the ALJ has considerable discretion in imposing sanctions. Often, ALJs are reluctant to impose penalties on Governments itself because the penalty would be satisfied out of monies available in the Government’s funds thereby further punishing taxpayers. As a result, ALJs have shown a willingness to impose individual penalties. See *Duvall v. Rowland*, Agency Decision, Case No. OS 2013-0012.

Campaign Do’s and Don’ts for Public Entities

Below is a list of activities that are permitted as well as those which are not permitted for Governments, their officials, and their employees based on recent decisions of ALJs.

Government employees and officials may urge electors to vote in favor of or against any issue and may participate in political campaigns; however, they must do so during their personal time, not during work hours.

Continued on page 12

“Can Do’s”

- » The Board may adopt a resolution taking a position of advocacy on a statewide ballot issue that has been submitted to the Secretary of State for having a title fixed; any local ballot issue that has been submitted to the legislative body of the municipality for having a title fixed; a referred measure; or a recall measure. This resolution may include a recitation of the facts and/or arguments in favor of the Board’s position. As a resolution adopted by the Board, it is available for public inspection and becomes a part of the public minutes of the meeting. Distributing the resolution or reporting on its passage may be accomplished only through established, customary means. For example, if your Government regularly sends out a newsletter, the passage of the resolution may be reported in this newsletter. However, extraordinary methods of distribution or posting, such as paid advertising or distribution of a newsletter when such was not a prior practice, may not be used.
- » The Board may authorize the expenditure of public moneys and may make contributions to disseminate a “factual summary” on such issue, which must include arguments both for and against the proposal, on any issue of “official concern” before the electorate in the jurisdiction. The summary shall not contain a conclusion or opinion in favor of or against any particular issue. An issue of official concern shall be limited to issues that appear on an election ballot in the jurisdiction.
- » A Board member or Government employee may respond to questions about election issues during working time, so long as the Government has not solicited the question. The responses should not contain partial conclusions or otherwise tend to urge a favorable or unfavorable vote on the issue. Accordingly, employees should not volunteer opinions during work time speculating about the anticipated

effects of passage or defeat of the ballot question. An ALJ opinion held that a Government employee could answer questions, posed at a public meeting where he was invited to speak, about how a proposed issue would affect his department so long as that employee did not expressly urge electors to vote one way or the other.

- » A Board member or Government employee with policy-making responsibilities may spend up to \$50 of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on the issue.
- » Elected officials may express a personal opinion on an election issue at any time and place (so long as the time and place does not indirectly constitute a contribution by the Government or a use of Government resources). This includes an elected official expressing his or her opinion at a Board meeting, even if public money is used to broadcast the meeting, so long as the meeting, and its broadcast, are regularly scheduled and are not convened primarily to express the opinion.
- » A Government employee may “endorse” an election issue on his or her personal time. A Board member or Government employee may expend personal funds, make contributions, or use personal time to urge electors to vote for or against an election issue. All employees should be asked to keep records substantiating that any time spent campaigning for the election issue was on personal or unpaid time, time outside of working hours, compensatory time, or vacation time.
- » The Board may allow interested groups, including proponents and opponents of candidates or of issues before the electorate, to rent space in its facilities as long as the opportunity is provided on an even-handed basis. The method of communicating the invitation, the access given, and the opportunity to disseminate information must be substantially the same for all

interested groups.

- » Government employees may provide information to citizens that request it, even if the employees are aware that the information may be used in a candidate or ballot issue campaign. However, this information must be given on an equal basis to all citizens who request it, regardless of which campaign they may support, and should only be provided if it is the regular practice of the Government to do so.
- » Under at least one ALJ decision, a salaried Government employee may send an email from his or her Government email supporting a ballot issue. However, Government employees should confirm such emails comply with internal policies of the Government.

“Can’t Do’s”

- » Public funds, facilities, supplies, equipment, or bulk mail permits may not be expended or used by the public entity to urge a vote in favor of or against the issue, even when the cost is reimbursed.
- » The Government may not allow others who are advocating a position on any issue before the electorate to use these resources. Nevertheless, groups that have organized to discuss or otherwise to promote or urge defeat of the election issue may be allowed to rent facilities pursuant to an adopted policy, but all such groups must be treated even-handedly and must be allowed similar access. Preferential treatment in scheduling and fees charged must not be given.
- » Employees or paid members of the Government cannot work on a campaign during working hours and may not use public facilities or equipment for a campaign. During work time, the information that members or employees dispense to the community must be limited to providing copies of the “factual summary” and to responding to unsolicited questions. Employees must restrict their “campaigning” to personal time.

- » The Government may not require employees or other staff members to work for an election issue (other than on the “factual summary”).
- » The Board may not contribute to other organizations and political committees that may be organized to raise any funds and make any expenses concerning advocacy of the election issue.
- » The Government should not accept cash or any other contributions from citizens for use by the Government in connection with any election.
- » A Government may not use its own social media platforms to post comments taking a position on a campaign or link to articles taking a position on a campaign. See

Barela v. Liberty Common School, Agency Decision, Case No. OS 2015-0015.

- » The Government must not release the addresses or telephone numbers of employees, or past or present users of public utilities, public facilities, or recreational or cultural services which are owned and operated by the state or a political subdivision thereof, regardless of whether the group seeking the information supports or opposes the election, unless the employee, user, or person has given express consent to the release of such information for purposes of the election or as part of a directory that is otherwise available to the public. 🍌

The Board may not contribute to other organizations and political committees that may be organized to raise any funds and make any expenses concerning advocacy of the election issue.

Lauri Dannemiller, Executive Director of Apex Park and Recreation District, Passes Away

Editor's Note: We are very sad to share this news, and our condolences go out to the entire district staff, Board, and everyone who was fortunate enough to know Lauri. We would like to thank the Apex Park and Recreation District for providing this wonderful write-up on Lauri's time with the district.

It is with a sad and very heavy heart that Apex Park and Recreation District announces the passing of our fearless leader, Lauri Dannemiller. Lauri was the Executive Director of Apex for over six years and lost her battle against cancer in January. Her bravery and strength as she valiantly fought this disease was unprecedented, and she worked and supported the Apex community until the very end. She was the definition of a fighter, and her legacy will live on in our community forever.

In her six years, Lauri grew the Apex District and worked hard to expand programming, facilities, and staff. At the very beginning of her tenure, she was tasked with passing a \$25 million bond and was successful. She went on to manage the development of the bond projects and was responsible for the building of the Fitzmorris Recreation Center, Secrest Recreation Center, and the Apex Tennis Center. Also included in the bond projects were upgrading Lutz Sports Complex and Long

Lake Ranch as well as improving the Apex Center and adding a Splash Pad. Lauri later led the rebrand of the district creating a new logo, redesigned website, and the transition to not one but two new registration software systems. She also supported the District and their partners to move forward with the Meyers Pool replacement project and helped rebuild or build several new parks.

Lauri's leadership during the COVID crisis was nothing short of incredible, always remaining calm and sorting through legal public health requirements while still managing to create opportunities for our community and staff to stay emotionally, socially, and physically healthy. She was always dedicated to staff at all levels and created an internal Special Projects Team to give employees opportunities for professional development and growth. Her priority was always to make Team Apex the best it could be.

Lauri was a quiet leader, preferring to be behind the scenes. It always brought



Lauri Dannemiller

her joy to see her staff own the spotlight and celebrate their successes. Her passion for the communities she served was obvious, and she was dedicated to creating a pipeline of new leaders and growing the field of parks and recreation whenever possible. She was always thinking creatively and outside the box, encouraging innovation and service at every opportunity. Our community is healthier and more vibrant because of her service and leadership, and we will miss her terribly. 🍌

FAKE NEWS

How to Plan for It, How to Combat It

Guest article by Sloane Dell'Orto from Districts Forward

"Fake news" might seem like a recent phenomenon, but it has probably been around for as long as humans have been communicating. Sometimes intentional, but often caused by simple misunderstandings (remember the old game "telephone"?); regardless of its source or the intention behind it, it's important for special districts to have an understanding of how to combat falsehoods when they arise.

Examples of Fake News

One of the earliest examples I could find is a quotation that has been attributed to Abraham Lincoln for almost a century. Variations of it have appeared in multiple newspaper columns; it has been promulgated in countless memes; and it was widely shared when it was tweeted out by the writer J.K. Rowling in 2017. It has even been attributed to Lincoln in the U.S. Senate on three occasions:

"If you want to test a man's character, give him power."

But the truth is, Lincoln never uttered or wrote words to that effect. Rather, they were said *about* him. The original version of the quotation came in 1883, during a speech in Washington, D.C. by the prominent writer and orator

Robert Ingersoll:

"If you want to find out what a man is to the bottom, give him power. Any man can stand adversity—only a great man can stand prosperity. It is the glory of Abraham Lincoln that ...he was a perfectly honest man. When he had power, he used it in mercy..."

— Robert Ingersoll

A more recent and less benign example of fake news is a citizen in California who has been angry with his local park district since the 1980s. As soon as Facebook came around, he began sharing anything he found on government corruption, most having nothing to do with the special district, and all with the same comment above each post: *"Orangevale Recreation and Park District is fundamentally corrupt, dishonest, self-serving, and authoritarian!"*

In another example, a surfer in San Mateo, California was angry with her harbor district so she ran for a position on the Board. Before getting elected, she also created a fake Facebook page for the district, calling it the "unofficial" page (while utilizing the district name and logo). She posted whatever

she felt like, including content that was negative toward the district. Once she was elected, it took the district two years to get control of the page. (As a side note, this is one of the reasons we strongly suggest that districts have social media policies in place!)

How People Find Fake News

Aside from people simply sharing erroneous information that was posted on social media, search engine algorithms compound the problem. It begins with disinformation (an intentional campaign) or misinformation (shared via rumors, inaccuracies). People then respond to and share the item, and as more people share or react, it biases various algorithms to favor it as emerging popular information. Things that cause disagreement generate more likes, comments, and shares which then leads to the algorithms featuring them more prominently.

How to Combat Fake News

To help your district become the voice of authority when it comes to subjects that might become a source of fake news, let's look at a few strategies that you can use.

On Your Website

There is a long list of things that affect the popularity of your website with search engines, some of which relate to content that you can easily control and others that are technical in nature:

- » Page rank (aka Google's level of trust, gained by things like inbound links from related/reputable websites, having a .gov domain name)
- » Website loading speed
- » Having a mobile-friendly and secure (SSL certificate) website
- » Having an accessible website (search engines need accessible site content or they can't "read" it!)

Aside from the technical issues, you can also help visitors find your site by writing great, keyword-rich content. To do this, think like someone who might be searching for content about your district—what words would they type in a search bar? Use those keywords in your page titles (for example, *Acme Special District Facts About Public Records Requests*) and page URLs (for example, <https://www.acmedistrict.org/truth-about-public-records>). Page titles and URLs rank more importantly with search engines than plain page text, although you want to use the keywords in the text as well, just not overzealously (no keyword stuffing!).

One of the best examples we've seen can be found on the "Rumors vs Fact" page at www.marionschools.net/rumor. In this example, they have a table with two columns. The left column is labeled "Rumor," and the right column is labeled "Fact." One entry in the table contains the following information:

Rumor: *Marion County Public Schools does not fully disclose its financial records.*

Fact: *Marion County Public Schools' Business Services/ Finance Operation has earned the highest award possible for general accountability 19 years in a row from the Government Finance Officers Association.*

On Social Media

Below are a few tips to help you build trust on your social media pages (preferably before you need to!):

- » Build a community of advocates early
- » Post timely, accurate information on a regular schedule
- » Have policies in place to address misinformation, cranky commenters, etc.
- » Set clear expectations for how you will interact with the public right on your social media page(s)

- » Include your hours of operation (when they can expect to hear back from you) and how your district handles complaints or disputes.

And if being proactive doesn't work, try these tips:

- » Have a clear response plan: special districts can be targets of disinformation campaigns that can have an enormous impact on brand reputation and community trust.
- » Monitor news and chatter about your organization: this allows you to address misinformation immediately.
- » Build trust through authentic, transparent messaging: if people have a feel for the type of dedicated, empathetic organization you are, something that goes against your "brand" will stand out as false.
- » Control the narrative: put out a statement that addresses the root of the original, erroneous statement. Mention that you've heard the concerns, then explain why they're not based on the truth.

Hopefully this information will help you address any misinformation that comes your way! If your district could use help with your website content or social media (including free example policies), feel free to reach out to sloane@districtsforward.org. 🍌

...regardless of its source or the intention behind it, it's important for special districts to have an understanding of how to combat falsehoods when they arise.

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HIGHLANDS RANCH Metro District

Recreation & Park Services Manager Carolyn Peters (second from left) visits with participants of the Highlands Ranch Citizens Academy, explaining the Metro District's recreation programs. The Citizens Academy kicked off in January 2020.

Highlands Ranch Metro District Pays Off All Outstanding Debt

Guest article by Highlands Ranch Metro District

Founded in 1981, the Highlands Ranch Metro District has prided itself in providing the necessary resources and services to help make Highlands Ranch the thriving community that it is today. A testament to strong leadership from the District's Board and executive team, in 2021 the Metro District achieved its goal of early debt retirement.

"We're very proud of the Metro District's strong financial foundation, which has served the community well over the last four decades," said Metro District Board Chair Mark Dickerson. "Thanks to the vision of the Metro District's previous and current Board members, leaders with our community's developers—Mission Viejo Company and Shea Homes, and the late Bruce Lebsack, who was the Metro District's Director of Finance & Administration for many years, we are able to celebrate this accomplishment and share this good news."

At the District's inception, a Facility Plan was created to provide a detailed cost estimate of the entire "base" infrastructure necessary to serve Highlands Ranch throughout its build-out. The \$185 million Facility Plan included construction of arterial roadways and parkway landscaping, trails, parks, traffic signals, stormwater channels, and two fire stations. The primary funding source for the infrastructure was system development fees paid by the developer at the time of construction of new residential and commercial properties.

The Metro District first issued debt in the early 1980s to fund infrastructure in advance of collecting system development fees. The Metro District's continual challenge was



*Mike Renshaw,
General Manager*



*Stephanie Stanley,
Director of Finance
and Administration*



*Mark Dickerson,
Board Chair*

to incur debt necessary to fund the infrastructure essential for a rapidly growing community while always limiting that spending to keep taxes low and balance debt with revenues. In 2006 when the four Metro Districts consolidated into one the outstanding debt was \$113,250,000. Post consolidation the District Board set a priority to retire the debt early. In 2021, the District retired all outstanding debt four years early.

"This is a rare accomplishment and shows the Metro District's commitment over time to being a smart steward of our finances," said Metro District General Manager Mike Renshaw. "The governance model of an unincorporated community of over 100,000 people with full services is very rare, but thanks to strong, successful partnerships, we have achieved this important goal. We thank our community partners like Douglas County and others for their collaboration over the decades."

The strong fiscal discipline, led by the Metro District's finance staff, is one of the key reasons this accomplishment was possible. "I am honored to be able to serve our community and so proud to be able to execute the Board's goal and the vision of Bruce Lebsack," said Metro District Director of Finance & Administration Stephanie Stanley. By paying off the outstanding debt, the Metro District will now be able to fund new capital improvements, including the senior center and future historic park improvements, and maintain the existing infrastructure such as playgrounds and parkway fence.

To learn more about the Metro District's financial background, visit highlandsranch.org and select the Finance tab. 🟡



Left to right, William Braaton, Scott Nelson and Dave Bagwell put the finishing touches on the West Fork Disc Golf Course.



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Don't Miss Your Chance to Receive a 25% Discount on Your SDA Membership!

Did you know that you can receive a 25% discount on your SDA membership for this year? All you have to do is renew by March 1!

If you are a district and you renew your membership by March 1, 2022 (and pay by July 1, 2022), you will receive a 25% discount! It's that easy!

If you are an associate member and are interested in a booth at this year's SDA Annual Conference, make sure you renew by mid-February so that you are all set before the exhibitor sign up opens in late February (please

see below for the exact date).

To begin the quick renewal process, simply go online to the SDA website at www.sdaco.org (and if you are a district, remember to have your 2022 budget information handy as you go through the process.)

If you have any questions or need any assistance, please feel free to contact Karla Boughey, Membership Services Coordinator, at 303-863-1733.

Don't delay; go online and renew today! 🍌

2022 SDA Annual Regional Workshops Still Planned for June!

Although we don't know how they will look yet, we are still planning on offering the SDA Annual Regional Workshops in June!

Whether we are in person, virtual, or a mixture of both, you can be sure that these valuable sessions will still offer a plethora of information and discuss the same pertinent and timely issues!

If we are in person, we are looking

at scheduling these for mid to late June, and we have selected a variety of venues, including Evergreen, Windsor, Fountain, Salida, Montrose, Avon, Granby, Durango, Fort Morgan, and the Denver metro area.

This lively and educational training applies to all types of districts and is sure to provide a wealth of beneficial information for your district. We

will cover a wide variety of important topics such as open meetings, conflicts of interests, TABOR, and public records, just to name a few.

Whether you are a Board member or district employee, a seasoned veteran or brand new to your position, we will have something for everyone.

We are working on all the details so stay tuned for more! 🍌

Attention, Associate Members!

Exhibitor Space for the 2022 SDA Annual Conference Opens February 23!

Do you want to be an exhibitor at this year's SDA Annual Conference, September 13-15 at the Keystone Conference Center?

Then make sure you mark your calendar and watch your emails on **Wednesday, February 23**. That's the day registration opens for exhibitor space, and you won't want to miss it!

This annual event is always an incredible opportunity to

interact with SDA members from across the state.

But, don't forget the most important piece: make sure you renew your SDA membership by mid-February so that you are all set before the exhibitor sign-up opens.

The exhibitor space typically sells out in less than two weeks so you will need to act fast if you would like a space! 🍌



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Registration is Now Open for the 2022 Water Fluency Program!

Water is a complex management and policy area, but we can help. Immerse yourself in the language and concepts of water and get certified for water fluency!

Water Education Colorado's ever-popular Water Fluency Program, now in its 8th year, will be both in person and virtual this year. Registration opened in mid-January and spots will fill up fast!

SDA has once again partnered with Water Education Colorado to provide 75% scholarships to existing SDA members. Our members continue to see the benefits of completing this program and bringing what they've learned back to their communities. We are excited to extend this opportunity to our members again this year!

This comprehensive program is designed to help professionals, such as district Board members, local elected officials, and city and county staff, gain water fluency and develop tools to navigate water management and policy issues. The topics covered include Colorado water legal and institutional frameworks; water resource planning and protection; and Colorado's water for the future.

The program content will include a combination of state-wide water information and local case studies about current water projects. This year those local case studies will be highlighting the Gunnison Basin, and participants from all over Colorado will benefit from the curriculum.

Anyone looking to familiarize themselves with Colorado

water law, administration, policy, and planning is encouraged to attend!

The format includes four sessions and pre and post homework assignments to prepare participants to engage in discussions on class topics. Below are the scheduled session dates:

- » May 11 (virtual)
- » June 8 (virtual)
- » July 13 (Gunnison)
- » August 10 (virtual)

Through the program, class members are exposed to top leaders in the water community, build their peer network, and apply their new knowledge in developing real-world solutions through small and large group discussions.

Please visit www.watereducationcolorado.org/programs-events/water-fluency for additional details about the program and to register. You will be able to apply for an SDA scholarship on the Water Fluency Program registration page.

Class size is limited to 35 and scholarships are limited! Register early to secure your seat and potential to receive a scholarship from us!

Don't miss this opportunity to lead your organizations and communities with new confidence! 🍷

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Learn More about Available Funding for Broadband

Guest article by the Colorado Broadband Office

The Colorado Broadband Office (CBO) is receiving \$171 million in Capital Projects Funds (CPF) from the American Rescue Plan Act. This is in addition to the \$70 million in State and Local Fiscal Recovery Funds from House Bill 21-1289; at least \$100 million from the Infrastructure Investment and Job Act (IIJA); and any other potential legislation that is run in 2022 for broadband. Below is a federal funding chart comparing the three major funding buckets.

CBO is starting to plan for the use of CPF and IIJA funds across the state. The Governor and the CBO want to en-

sure that the state works closely with local governments on broadband needs so that we do not duplicate efforts and can partner to provide the biggest impact for Coloradans. If your special district is working on broadband plans, please reach out to your DOLA Regional Manager so that we can collaborate on broadband deployment.

Please participate in the development of the state broadband plan through upcoming listening sessions hosted by the CBO. Email Sarah Smith, Senior Project Manager at CBO (sarah.smith@state.co.us), to be added to the stakeholder list and emails.

	House Bill 21-1289	Capital Projects Funds	BEAD
Dollars	\$75 million	\$171 million	Colorado is guaranteed \$100 million (additional dollars will be allocated based on high-cost areas in the state and then unserved areas in the state)
Speed Requirement	100/100 or if not geographically, topography, or excessive cost 100/20 and scalable to 100/100	100/100 or if not geographically, topography, or excessive cost 100/20 and scalable to 100/100	100/20 and latency and outage requirements
Unserved and Underserved Definition	Unserved and underserved are those that are not served by a wireline connection that delivers at least 25/3	No comment on unserved/underserved based on speeds but does mention unserved in accordance with EO13985	Unserved: not less than 80% of serviceable locations lack access to service that is 25/3 or less Underserved: not less than 80% of serviceable locations lack access to service that is not 100/20
Eligible Use	-To provide service to unserved or underserved households and businesses -If middle mile, there is a commitment for last mile connection	-Directly enable work, education, and health monitoring -Critical need that was exacerbated by COVID-19 -Critical need of community being served Prioritize: -Last mile investment -If middle mile, there is a commitment for last mile connection -Fiber technology	-Infrastructure -Middle mile and connection to Anchor Institutes -Planning, mapping, data collecting -Installation and affordability of multi-family units -Adoption and affordability programs
Federal Timeline for Spending	Funds must be obligated by December 31, 2024 and projects completed by December 31, 2026	Funds must be obligated by December 31, 2024 and projects completed by December 31, 2026	Service must be provided within 4 years of grant
Colorado Timeline	Grants open now and early 2022	Grants through State near end of 2022 and into 2023	Colorado does not anticipate receiving funding until 2024
Match	\$35 million last mile through Broadband Fund requires 25% match	No match	25% match for state or state subrecipients



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