

SDA NEWS

MAY 2022

Supporting Community-Based Government

Upcoming SDA Trainings
Regional Workshops
State Revolving Fund
(SRF) Program and the
Bipartisan Infrastructure
Law Webinar

2022 Legislative
Wrap-Up Webinar





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Designed by Emmett Jordan

SDA ANNUAL REGIONAL WORKSHOPS

Headed to a Town Near You!

SDA and the law firm of Collins Cole Flynn Winn & Ulmer are pleased to be hitting the road in June to bring you these lively and educational trainings in-person!

These workshops apply to all types of districts and are sure to provide a wealth of valuable information for your district. We will cover a wide variety of important topics such as conflicts of interest, TABOR, notice of meetings, and district powers, just to name a few. On top of all this, we will give you the scoop on this year's legislative changes and how they affect

your district. And, there will of course be plenty of time to answer all your questions, big or small.

Whether you are a Board member or district employee, a seasoned professional or brand new to your position, we will have something for everyone (don't forget these workshops are for all district types, not just Title 32 districts). And this is a great way for any newly elected or appointed Board members to dive right into the special district world! **Did we mention that every attendee will also receive a copy of the 2022 SDA Board**

Member Manual and the legislative update for 2022?

Having this many pertinent and timely issues discussed all in one place is an opportunity you can't afford to miss!

Plus, all attendees will receive a coupon code for \$30 off the registration fee for the SDA Annual Conference.

We are looking forward to traveling the state again this year so mark your calendar and make your plans to join us!

Registration is now open so be sure to watch your emails and the SDA website at www.sdaco.org for all the details. The cost is \$30 per person.

We can't wait to see you in June!

Evergreen

Friday, June 10

8:00 am-12:30 pm

Evergreen Fire Protection District
1802 Bergen Parkway
Evergreen (80439)

Avon

Wednesday, June 15

8:00 am-12:30 pm

EagleVail Pavilion
538 Eagle Road
Avon (81620)

Fort Morgan

Wednesday, June 22

8:00 am-12:30 pm

Morgan Community College
Bloedorn Lecture Hall
920 Barlow Road
Fort Morgan (80701)

Salida

Monday, June 13

8:00 am-12:30 pm

The Scout Hut
210 East Sackett Avenue
Salida (81201)

Granby

Thursday, June 16

8:00 am-12:30 pm

Grand Fire Protection District
60500 US Highway 40
Granby (80446)

Denver

Thursday, June 23

8:00 am-12:30 pm

South Suburban Sports Complex
4810 East County Line Road
Littleton (80126)

This one will be recorded and available afterwards-watch for more details!

Montrose

Tuesday, June 14

8:00 am-12:30 pm

Montrose Recreation District
Field House
25 Colorado Avenue
Montrose (81401)

Fountain

Monday, June 20

8:00 am-12:30 pm

Fountain Sanitation District
11545 Link Road
Fountain (80817)

Durango

Monday, June 27

11:30 am-4:00 pm

Durango Fire Protection District
142 Sheppard Drive
Durango (81303)

Windsor

Tuesday, June 21

8:00 am-12:30 pm

Windsor Severance Fire Rescue
100 7th Street
Windsor (80550)



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? Ask Evan

Q: What kind of oath do I need for my newly elected Board members? And what is a surety bond?

A: Since the beginning of time, special district directors, following their election to the district Board, have been required to take an oath and post a surety bond. **The person is not officially a director until these two requirements have been fulfilled, and they must be completed within 30 days after election or appointment. Otherwise, the position is declared vacant.**

Two bills passed by the Colorado General Assembly in 2018 speak to the longstanding oath and bond requirements, but overall, made little significant change to previous requirements. Both of the bills were proposed by the Statutory Review Committee of the Legislature. The Committee, which makes ongoing examinations of the statutes of the state and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms, discovered that (1) there are many entities in the state that require oaths and surety bonds, and (2) each of these statutory requirements seem to have their own wording and descriptions of the requirements. Thinking that one size should fit all, this Committee pulled all of these disparate requirements together, and in the name of uniformity, adopted common language for the requirements that apply to the many entities having these requirements.

Oaths:

The change, which was made in 2018, adopted the form of the oath to be sworn by office holders, including special district directors, as follows:

I [state name], do [select “swear” or “affirm”] that I will support the constitution of the United States, the constitution of the State of Colorado, and the laws of the

State of Colorado, will faithfully perform the duties of the office of [name of office or position] upon which I am about to enter to the best of my ability.

It is lawful for a person electing to swear an oath to “**swear by the ever-living God**” if that person so chooses. The oath or affirmation must be in writing and signed by the person taking the oath or affirmation, and administered by any judge, clerk of any court, any notary public, a person designated by the governing body, or any officer thereof.

The oath must be filed with the clerk of the district court that issued the district’s organizational decree; the County Clerk and Recorder for the counties in which the district is situated; and the Division of Local Government.

Prior to this change in the law, the form of the oath and the formality for taking or administering the oath was included in §32-1-901(1), C.R.S. This new form of oath is almost word for word the same as was included there. The thirty-day deadline for filing the oath and bond is still in effect.

Bonds:

A companion bill, also adopted in the 2018 Legislative Session, amended the existing requirement that an individual, schedule, or blanket surety bond of not less than \$1,000 must be filed for each director.

The law states that the public entity (special district) may, in lieu of the required bond, purchase crime insurance to protect the public entity from any dishonesty, theft, or fraud by the person. The purchase of crime insurance in lieu of a personal surety bond relieves the person from the requirement to purchase the surety bond. (§24-14-102(2), C.R.S.)



Evan Goulding, Consultant and former SDA Executive Director.

It is with much sadness that we share the news of the passing of Evan Goulding, former SDA Executive Director, on April 15. Evan touched the lives of an untold number of people across Colorado over the course of his long career, and we will feature more on his life and his work with SDA in the June issue.

This requirement recognizes that crime insurance, as described, provides better protection for the district than the surety bond and is easier to obtain and less expensive. The Division of Local Government (DLG) has previously recognized this change in a memorandum, and a number of districts have already gone to the crime insurance, relying on this DLG memo for authority. This statutory change gave complete authority for the change.

For all practical purposes, very little was changed by these amendments, but the questions provided a convenient conversation starter for at least two tasks a district will need to address following the upcoming special district Board elections on May 3, 2022. 🍌



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Find Out How the State Revolving Fund Program and the Bipartisan Infrastructure Law Can Help Your District!

Do you have questions about how your district might be able to access funds from the Bipartisan Infrastructure Law for water and wastewater projects?

Then we have the perfect webinar for you!

Join us on Tuesday, May 10 at 10:00 am for a discussion on the advantages of the State Revolving Fund (SRF) program and the Bipartisan Infrastructure Law, which allocates \$121,347,000 to Colorado for wastewater/drinking water infrastructure.

In our discussion we'll provide an overview of the process, program grants, and other benefits of the SRF program.

Plus, you'll learn about the Infrastructure Law and the

opportunities for local governments to use these funds to finance water and wastewater projects.

Our speakers for this informative session will be Desi Santerre from the Department of Local Affairs; Austin Reichel from the Colorado Water Resources and Power Development Authority; and Sean Oliver from the Colorado Department of Public Health and Environment.

"Funding Water & Wastewater Improvements with the State Revolving Fund: Bipartisan Infrastructure Law Edition" is a webinar you won't want to miss!

To register, please visit the SDA website at www.sdaco.org. 🍌

Save the Date for the 2022 Legislative Wrap-Up Webinar!

Want to learn more about what happened during the 2022 Legislative Session that will affect your district? Looking for a sneak peek of what's to come next year?

Then save the date for Tuesday, June 28 at 1:30 pm for our informative legislative wrap-up webinar! We'll summarize the last 120 days in 60 minutes or less!

SDA's Legislative Team will provide an overview of the 2022 Legislative Session, including the bills and issues that proved to be the most pertinent for special districts.

District Managers and Board members alike will benefit from this valuable presentation, which will highlight what the new legislation may mean for your district. You'll also get the inside scoop on what's on the horizon for the 2023 Legislative Session!

This is one you don't want to miss! Please watch your emails and the SDA website at www.sdaco.org for all the details as they become available. 🍌



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Districts Make the Difference Video Contest Comes to Colorado!

Together with the National Special Districts Coalition, SDA is thrilled to sponsor the inaugural Districts Make the Difference video contest in Colorado!

This innovative program began in California with the California Special Districts Association, and now through the Coalition, it has expanded across the U.S.!

In this exciting contest, high school students are invited to create a fun and informative short video (60 seconds max) highlighting the ways special districts “Make the Difference” in local communities. In this inaugural year, we are piloting the program at Cherry Creek High School in Greenwood Village and at the high school at Prospect Ridge Academy in Broomfield.

The goal of the contest is to promote increased public awareness of special districts as a layer of local government. It’s also a great opportunity for students to get creative while learning about local government and the essential services provided by special districts in Colorado.

“The Districts Make the Difference program is a unique way for students to not only gain a better understanding of the role special districts play in their communities, but to also learn how districts positively affect their daily lives. We are excited to see how the students put all this together in their videos!” said SDA’s Executive Director Ann Terry.

Contestants have the opportunity to win a \$2000, \$1000, or \$500 cash prize. Plus, for each winning video, we’ve added a bonus prize of an additional \$500 to be awarded to the student’s chosen teacher!

We are accepting entries until May 9, and then we will begin selecting the winners. We can’t wait to see what the students come up with and how they highlight the vital role special districts play in their communities!

For additional information, please visit:

<https://www.sdaco.org/student-video-contest>

You can also contact Anthony Sandoval at anthoney@sdaco.org. 🍌

In this exciting contest, high school students are invited to create a fun and informative short video highlighting the ways special districts “Make the Difference” in local communities.



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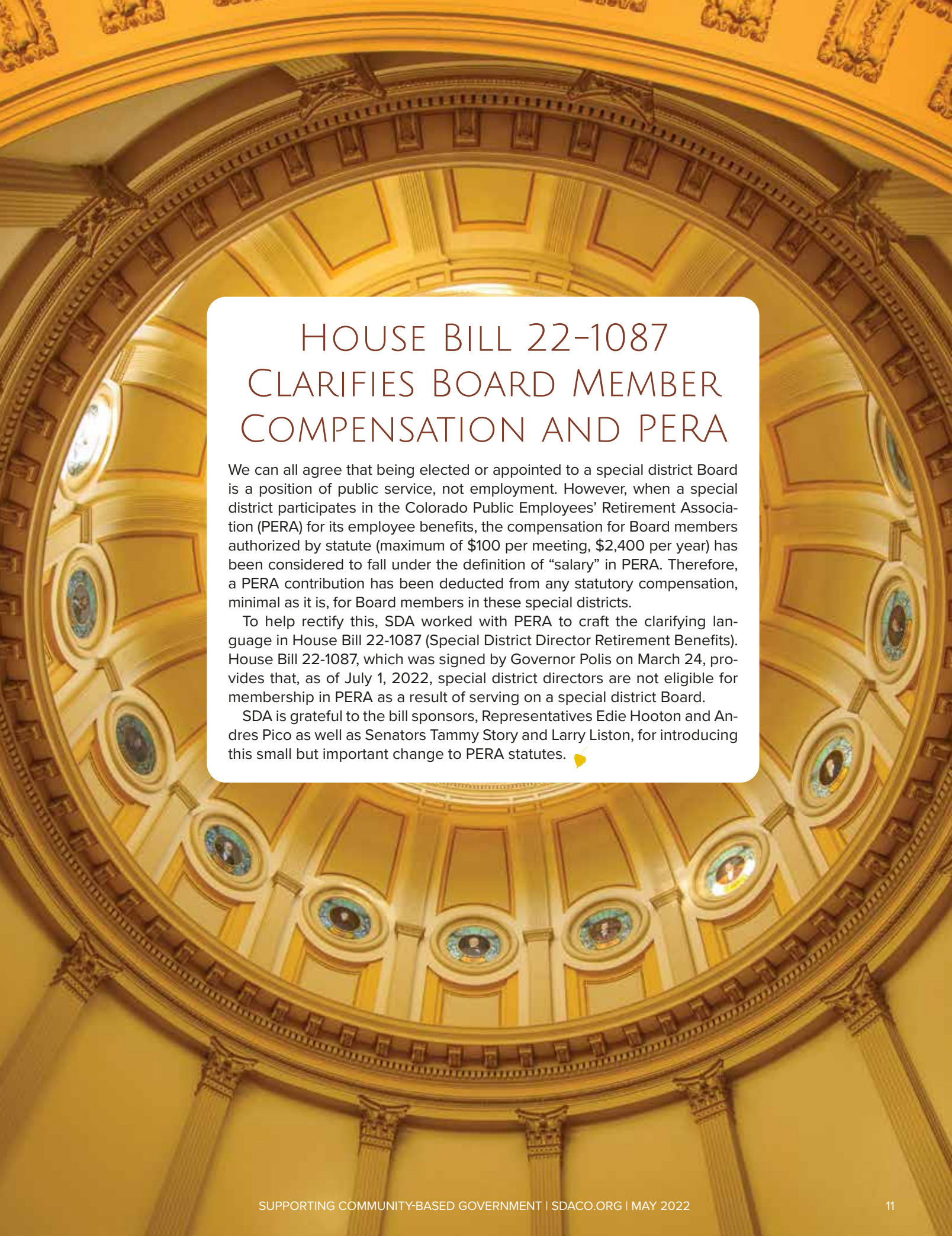
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HOUSE BILL 22-1087 CLARIFIES BOARD MEMBER COMPENSATION AND PERA

We can all agree that being elected or appointed to a special district Board is a position of public service, not employment. However, when a special district participates in the Colorado Public Employees' Retirement Association (PERA) for its employee benefits, the compensation for Board members authorized by statute (maximum of \$100 per meeting, \$2,400 per year) has been considered to fall under the definition of "salary" in PERA. Therefore, a PERA contribution has been deducted from any statutory compensation, minimal as it is, for Board members in these special districts.

To help rectify this, SDA worked with PERA to craft the clarifying language in House Bill 22-1087 (Special District Director Retirement Benefits). House Bill 22-1087, which was signed by Governor Polis on March 24, provides that, as of July 1, 2022, special district directors are not eligible for membership in PERA as a result of serving on a special district Board.

SDA is grateful to the bill sponsors, Representatives Edie Hooton and Andres Pico as well as Senators Tammy Story and Larry Liston, for introducing this small but important change to PERA statutes. 🍌



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 May. 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
5-2-22	Deliver to election judge the registration records and all necessary election supplies, including ballots, voting booths, etc. (at least one day prior to the election).	1-13.5-205
5-3-22	ELECTION DAY. 7:00 A.M. to 7:00 P.M.	
5-11-22	Last day to receive voted absentee ballot from UOCAVA eligible elector, if such ballot was postmarked by 7:00 p.m. on the day of election, in order for ballot to be counted (by the close of business on the 8 th day after the election).	1-8.3-111 1-8.3-113(2)
5-17-22	Canvass Board shall certify the official abstract of votes cast at the election (no later than the 14 th day after the election). A copy of the certificate of election results shall be filed with the Division of Local Government. The DEO shall transmit to each person declared to be elected a certificate of the person's election. The term of office of each newly elected person shall commence at the next meeting of the Board of Directors of the special district following the election, but no later than thirty (30) days following the date the election results were certified and upon the signing of an oath and filing with the County Clerk and Recorder and posting of a bond. If the election was cancelled, the term of office of the persons declared elected shall commence at the next meeting of the Board of Directors of the special district following the date of the election, but no later than thirty (30) days following the date of the election and upon the signing of an oath and filing with the County Clerk and Recorder and posting of a bond.	1-13.5-1305(1) 1-13.5-1305(2) 32-1-104(1) 1-13.5-112(1) 1-13.5-112(2)





May 3, 2022 Regular Polling Place Election Calendar		
Date	Action	Authority
5-2-22	Deliver to election judge the registration records and all necessary election supplies, including ballots, voting booths, etc. (at least one day prior to the election).	1-13.5-205
5-3-22	ELECTION DAY. 7:00 A.M. to 7:00 P.M.	
5-11-22	Last day to receive voted absentee ballot from UOCAVA eligible elector, if such ballot was postmarked by 7:00 p.m. on the day of election, in order for ballot to be counted (by the close of business on the 8 th day after the election).	1-8.3-111 1-8.3-113(2)
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Follow These Rules for a Proper Executive Session

Questions about the procedures for holding an executive session continue to be common from SDA's members. Fortunately, the statutes¹ set forth clear and fairly easy-to-follow steps for a proper executive session. Be careful, however, because the Colorado Court of Appeals has held that if a governing body does not strictly comply with the statutory requirements for convening an executive session, the records of that session must be opened to public inspection.²

Executive sessions are *an exception* to the general rule that the proceedings of a public governing body, such as the Board of Directors of a Colorado special district, are public business and should be conducted in a meeting which is open to the public. Therefore, begin with the presumption that whatever matters your Board needs to discuss, it should be done in open session, unless the matter is included on the list of acceptable topics provided in the Open Meetings Law.³

Approved Topics

In order to head off abuses of the process, the Open Meetings Law sets very specific guidelines for the subject matter that is to be discussed in executive sessions. If a Board needs to discuss any one or more of the following topics, and there is a legitimate need for privacy or confidentiality, the Board may convene an executive session:

1. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest (§24-6-402(4)(a), C.R.S.);

...the Colorado Court of Appeals has held that if a governing body does not strictly comply with the statutory requirements for convening an executive session, the records of that session must be opened to public inspection.

2. Conferences with an attorney for the public entity for the purposes of receiving legal advice on specific legal questions (§24-6-402(4)(b), C.R.S.);
3. Matters required to be kept confidential by federal or state law or rules and regulations (§24-6-402(4)(c), C.R.S.);
4. Specialized details of security arrangements or investigations (§24-6-402(4)(d), C.R.S.);
5. Developing strategy for negotiations, instructing negotiators, and determining positions relative to matters that may be subject to negotiations (§24-6-402(4)(e), C.R.S.);
6. Personnel matters (with exceptions and as applied in the discussion below) (§24-6-402(4)(f), C.R.S.); and
7. Consideration of any documents protected by the mandatory nondisclosure provisions of the Open Records Act⁴ (§24-6-402(4)(g), C.R.S.).

While some of these topics seem self-explanatory, others require a little more elaboration (the topic numbers below correspond with the bullet numbers above):

Topic #1: No executive session may be held for the purpose of concealing the fact that a district Board member has a personal interest in the purchase, sale, lease, etc. of the property. A potential conflict of interest or other impropriety cannot be hidden behind the closed doors of an executive session.

Topic #2: The mere presence or participation of an attorney at an executive session does not constitute a

conference with an attorney that would qualify the executive session for purposes of the Open Meetings Law. The attorney must actually be giving the Board legal advice on specific legal questions which would reveal confidential matters or compromise a negotiating strategy if discussed in open session.

Topic #3: In the motion calling the executive session, the Board must announce the specific citation of the federal or state statute or rule that is the basis for such confidentiality. Examples of such statutes might include relevant portions of HIPAA or other statutes designed to protect the confidentiality of certain persons or actions.

Topic #4: Applicable to defense against terrorism and also in circumstances where disclosure of the matters discussed might reveal information that could be used for the purpose of committing a violation of the law or avoiding prosecution therefor.

Topic #6: The rule concerning executive sessions to discuss personnel matters is often invoked, frequently inappropriately. Therefore, a more in-depth discussion of personnel matters follows.

Personnel Matters

An executive session *is not* appropriate for discussions of general personnel policies that do not require the discussion of matters personal to a particular employee or discussions of Board members, any elected official, or the appointment of any person to fill a vacancy on the Board or a vacancy of an elected official.

Similarly, in a search for a new Chief Executive Officer, the search committee of a local public body must establish job search goals, including the writing of the job description, deadlines for applications, requirements for applicants, selection procedures, and the timeframe for appointing or employing the Chief Executive Officer of such entity at an open meeting. When the search has narrowed to finalists, the local public body must make public a list of the finalists under consideration for the position no later than 14 days before a final offer can be made.⁵

The statute provides, however, that it is not to be construed to prohibit a search committee from holding an executive session to consider appointment or employment matters not described in this paragraph and otherwise authorized by §24-6-402, C.R.S.

An executive session *is* appropriate to discuss personnel matters concerning a specific individual. Because the employee has a statutory right to request an open meeting instead of an executive session, the individual to be discussed must be given advance notice that he or she will be the topic of discussion.⁶ The person being discussed cannot insist upon being present in the executive session, although the Board may consent to allowing the person to sit in the executive session during the discussion. If such were to happen,

An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board...

the person would be subject to the same rules of confidentiality as Board members and other attendees. If a person who is to be discussed objects to the discussion being in executive session, then the Board must either hold the discussion in a public meeting or not hold the discussion of the person.

Procedures to Convene:

Announce, Cite, Describe, and Vote

An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, i.e., not a study session. When it is known in advance that an executive session might be convened, the agenda included in the “24-hour” meeting notice should so indicate, stating the reason or subject of the executive session.

To convene an executive session, the statute requires that the local public body announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the body to meet in an executive session (see statutory sections included with topic list above) and identifying the particular matter to be discussed “*in as much detail as possible without compromising the purpose for which the executive session is authorized.*” If the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited, and described.

Following the announcement of the intent to convene an executive session, a motion must then be made and seconded.

A sample motion might sound like this, “I move that we enter into executive session to discuss a personnel matter pursuant to §24-6-402(4)(f), C.R.S., and to discuss the purchase of certain real property pursuant to §24-6-402(4)(a), C.R.S., as a possible location for the district’s new administration building.”

An affirmative vote of *two-thirds (2/3) of the quorum present* is required to go into executive session. That’s at least four “yes” votes if five board members are in attendance. Three out of five members present is only 60%, not the requisite 66%.

Gumina Case

It’s important to strictly follow the steps to convene an executive session and in the order prescribed. In the *Gumina* case, the Sterling City Council made numerous errors in calling an executive session for the purpose of discussing the employment of the Assistant City Manager, Pamela Gumina.

First, the Council announced its intent to convene an executive session. The Council minutes indicate that the Council then voted unanimously to convene an executive session before any topic of discussion was announced.

After the vote, the Mayor distributed a written form which stated, “At this time it is the intent of the City Council to recess the public meeting currently in progress and convene an executive session which will be closed to the public. The topics for discussion in the executive session will be [Topics #1, 5,

Continued on page 16



and 6].” The statement did not include the specific statutory citations, and it did not name the employee who was the subject of the “personnel matter,” nor did the Council provide any advance notice to Gumina that she would be the topic of discussion at the meeting.

The Appellate Court determined that this violated Gumina’s statutory right to call for an open meeting. Finally, the Appellate Court concluded that, “because the Council failed to strictly comply with requirements of the statute for convening [the challenged executive sessions], the Trial Court must open the records of those sessions to public inspection.”

Behind Closed Doors

Assuming your Board has properly called the executive session as discussed above, there are additional limitations on the session itself:

- » Limit discussion to only those topics announced in the open session. Do not digress into other issues.
- » Do not take any formal action. Do not take any straw polls or ask your fellow Board members how they will vote once you return to open session. The public will feel that the public vote was only a rubber-stamping of a decision already made in secret session, and a court will probably agree with them.
- » You must electronically record (tape, digital, etc.) the discussion in your executive session, regardless of the

It should be noted that anyone present in the executive session is under the same obligation of confidentiality as the Board members. Anyone, including Board members, breaking the confidentiality of the session will be in breach of their duty of loyalty to the district.

manner in which your district keeps minutes of its open sessions.

- » Handwritten or typed records will no longer be acceptable.
- » If, in the opinion of the district’s attorney (who is in attendance at the executive session) all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, the electronic recording may be suspended and no record kept for that portion of the discussion. The attorney may either state such opinion for the record or provide a signed statement attesting that the portion of the executive session that was not electronically recorded constituted a privileged attorney-client communication. On the other hand, nothing prevents the district from recording even the privileged

discussion and letting a judge determine what was privileged, if the record is challenged.

- » All Board members are entitled to be present in any executive session. Other than Board members, only those others who are considered essential to the discussion at hand should be present and then only with the invitation of the Board. The District Manager and attorney will normally be present and such others as an appraiser, consultant, or investigator, if deemed by the Board to be necessary to the discussion. It



should be noted that anyone present in the executive session is under the same obligation of confidentiality as the Board members. Anyone, including Board members, breaking the confidentiality of the session will be in breach of their duty of loyalty to the district.

Record Retention and Requests for Inspection

Members of the public have 90 days following the executive session to file a challenge and an open records request that the records be released to public inspection on the grounds that the executive session was improperly called, or that the discussion went beyond the purposes for which the session was called, or that formal action was taken.

Therefore, the tapes should be preserved for at least 90 days, after which, assuming no Open Records Act request has been filed, they may be erased or otherwise destroyed, provided the district's policy so permits. Most attorneys recommend destruction of the tapes after 90 days if no public request is received.

If a person seeks access to the record of the executive session pursuant to the Open Records Act during the 90-day period, the electronic recording must be preserved so that a judge may review the record (in private) and determine whether all or a portion of it should be made public. The district's Custodian of Records, acting on behalf of the Board,

Members of the public have 90 days following the executive session to file a challenge and an open records request that the records be released to public inspection on the grounds that the executive session was improperly called, or that the discussion went beyond the purposes for which the session was called, or that formal action was taken.

may feel that the need for confidentiality has passed and open the record, or he or she may deny the request, in which case the requesting party will forward the request to the District Court.

If, in response to a formal request by a member of the public, the judge determines that: (i) substantial discussion on matters not authorized by the executive session laws or outside the scope of the motion for the executive session took place; (ii) a policy, position, resolution, rule, regulation, or formal action was adopted by the Board;⁷ or (iii) the executive session was improperly convened,⁸ the improper portion of the record will be open to public inspection. In addition, the Court has jurisdiction to issue injunctions to enforce the purposes of the Open Meetings Law and to award a prevailing citizen costs and reasonable attorney fees.⁹

¹ See Part 4 of Article 6 of Title 24, Colorado Revised Statutes (the "Open Meetings Law").

² See *Gumina v. City of Sterling, Colorado*, 119 P.3d 527 (Colo. Ct. App. 2004), cert. denied.

³ See Section 24-6-402(4), C.R.S.

⁴ See Part 2 of Article 72 of Title 24, C.R.S.

⁵ See §24-6-402(3.5), C.R.S.

⁶ See §24-6-402(4)(f)(I), C.R.S. and the *Gumina* case.

⁷ See §24-6-402(2)(d.5)(II)(C), C.R.S.

⁸ See the *Gumina* case.

⁹ See §24-6-402(9), C.R.S.



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Stay Up to Date on the Family and Medical Leave Insurance Program

Colorado's Family and Medical Leave Insurance (FAMLI) program will generally require employers and employees to pay payroll premiums starting January 1, 2023 to provide up to twelve weeks of paid FAMLI leave beginning January 1, 2024.

Unlike the federal Family and Medical Leave Act (FMLA), the new Colorado FAMLI requirement applies to employers of any size with the following exceptions:

1. Employers may apply to the Division of Family and Medical Leave Insurance to provide leave through a private plan that meets the requirements of FAMLI; or
2. Local governments, including special districts organized under Article 1 of Title 32, may decline to participate (the "Local Government Opt-Out").

The Division of Family and Medical Leave Insurance (the Division) now has an active website (<https://famli.colorado.gov/>) and is proposing and adopting its administrative rules.

Your district will either need to participate in the program, opt-out, or apply for a waiver for a similar benefit plan or coverage which it already provides to employees, depending on the Division's final rules.

To stay informed on the latest updates, please watch for additional resources from SDA and consider signing up for the Division's newsletter (the link to subscribe can be found under the "Employers" section of the Division's website).

We also recommend you sign up for the Division's employer webinars. These links can be found under the "Employers" section of the Division's website. All webinars are recorded and available on demand.

At the end of April, the Division recorded an employer webinar specifically for local governments. We encourage you to take a few minutes and listen to this recording to learn more about the FAMLI program and what you will need to do at your district. 🍌

Don't Forget to Submit Your Nominations for the 2022 SDA Annual Awards!

Do you know a Manager or Board member who has made extraordinary contributions in his or her role? If so, now is your chance to nominate an exceptional person for a 2022 SDA Annual Award!

Each year at the SDA Annual Conference, we have the pleasure of honoring outstanding individuals with awards and recognitions in the following categories:

- » Manager of the Year
- » Board Member of the Year

This year the awards will be presented at the Annual Awards Luncheon on Tuesday, September 13 during the SDA Annual Conference in Keystone.

To submit a nomination for either of these awards, please visit the SDA website at www.sdaco.org to complete the easy online form.

Completed nomination forms are due no later than Friday, May 13.

If you have any questions about the awards, please contact Anthoney Sandoval at 303-863-1733 or anthoney@sdaco.org.

SDA is pleased with the opportunity to recognize the people who demonstrate remarkable dedication to serving the citizens of our state. We look forward to receiving your nominations! 🍌

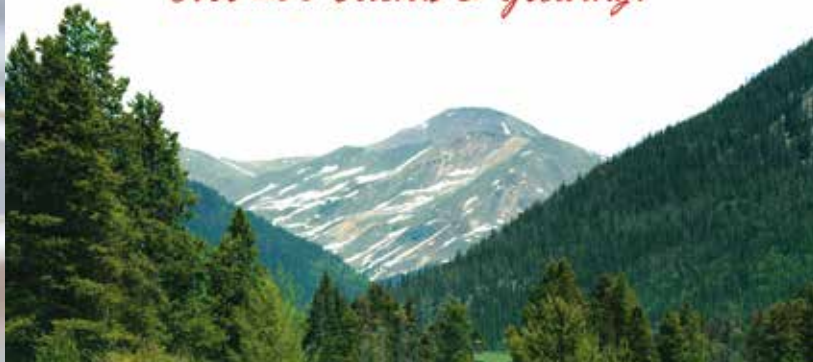
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A QUICK REFRESHER ON Officers of the Board

The Board of Directors is the governing authority of the district. Apart from his/her normal function as a part of this unit, or as directed by the Board, no individual director may commit the district to any policy, act, or expenditure. All powers, privileges, and duties vested in or imposed upon the district shall be exercised and performed by and through the Board. The Board may delegate to Officers, employees, and agents of the district any or all administrative and ministerial powers, but cannot delegate away the ultimate responsibility for the governance of the district.

REPRESENTATION

The Board of Directors as a whole should not represent any factional segment of the district, but rather should represent and act for the district as a whole. The Board of Directors shall comply with and be guided by applicable state laws and regulations including the Colorado Special District Act and applicable state and federal laws and regulations.

OFFICERS

Annually, at the first regular Board meeting following the biennial election of Board members, and during the same month in the following year, the Board should select a President, Vice President, Treasurer, and Secretary for the next year.

PRESIDENT

The President (or Chairman) should perform the duties of presiding officer at all meetings of the Board of Directors; carry out the resolutions and orders of the Board of Directors; and perform such other duties as the Board of Directors prescribes.

The President (Chairman) should be the Board's liaison to the Manager and should work with the Manager to develop the Board agenda prior to each Board meeting. The President (Chairman) should convey the Board's actions and directions to the Manager, and monitor the Manager's progress on Board directives and policies.

The President is authorized to sign all official documents of the district.

VICE PRESIDENT

When the President resigns or is absent or disabled, the Vice President (Vice Chair) shall perform the President's duties. When the President disqualifies himself/herself from participating in an agenda item, the Vice President shall perform the duties of the presiding officer.

TREASURER

The Treasurer shall be a member of the Board and shall be responsible for seeing that appropriate financial procedures are in place and that accurate financial records are kept. The Treasurer

shall also be responsible to see that an annual budget is prepared and adopted pursuant to the provisions of the Colorado Budget Act.

SECRETARY

The Secretary may be a member of the Board and shall be responsible for seeing that accurate minutes of Board meetings are kept and preserved.

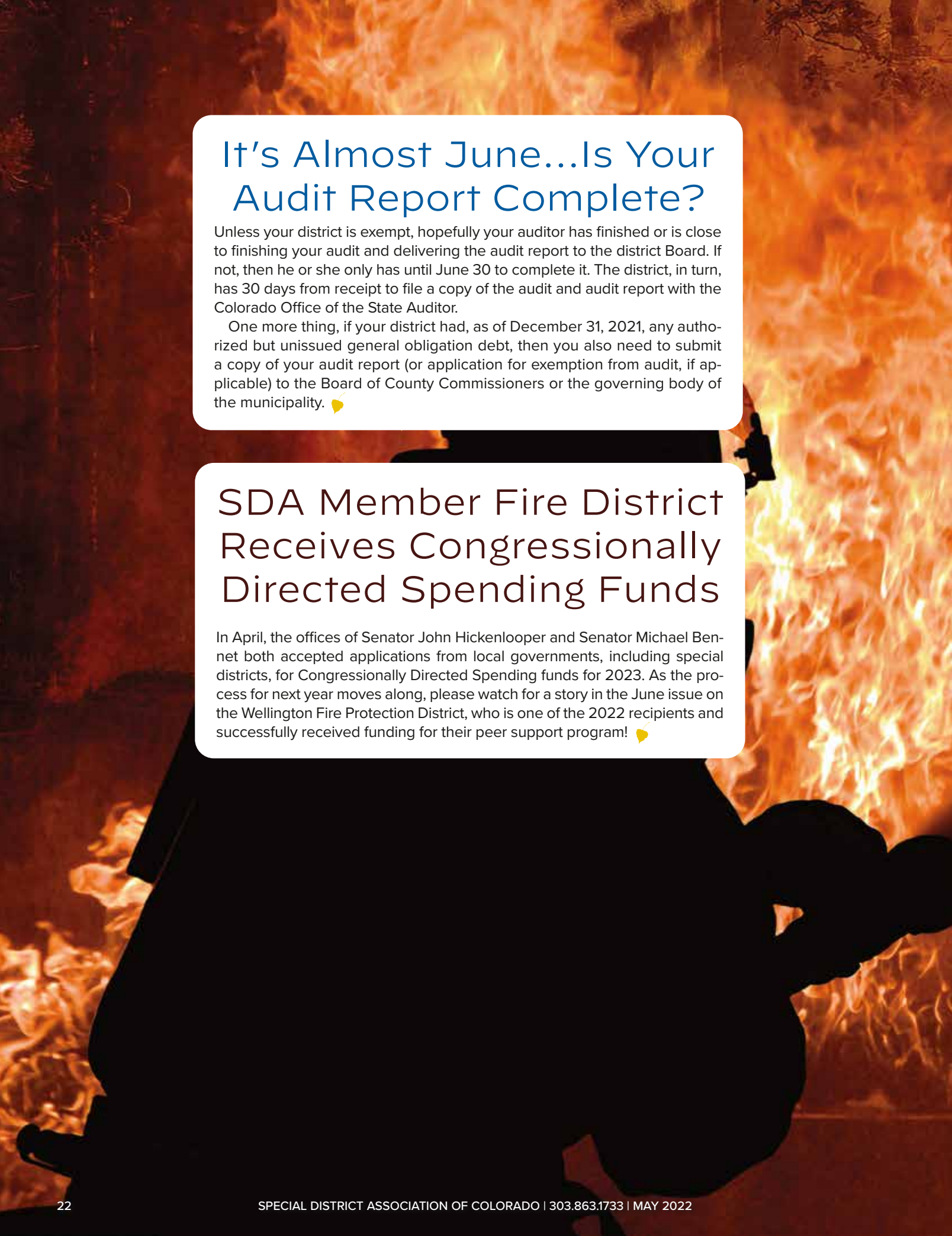
The Secretary and Treasurer may be the same person, but if such is the case, he or she shall be a member of the Board.

MANAGER

The Board may hire a Manager or contract with an administrator to serve for such term and upon such conditions, including compensation, as the Board may establish. The Manager shall have general supervision over the administration of the affairs, employees, and business of the district. He/she shall also be charged with the hiring and discharging of employees and the management of district properties.

The Manager, as authorized by the Board, can have the care and custody of the general funds of the district and shall deposit or cause to be deposited the same in the name of the district in such banks or savings associations as the Board may select. 📌

The Board may delegate to Officers, employees, and agents of the district any or all administrative and ministerial powers, but cannot delegate away the ultimate responsibility for the governance of the district.

The background of the entire page is a dramatic image of a fire. In the foreground, there is a large, dark silhouette of a firefighter, likely wearing a helmet and holding a hose, positioned as if fighting the fire. The fire itself is bright orange and yellow, with intense flames rising in the background. The overall tone is urgent and high-contrast.

It's Almost June...Is Your Audit Report Complete?

Unless your district is exempt, hopefully your auditor has finished or is close to finishing your audit and delivering the audit report to the district Board. If not, then he or she only has until June 30 to complete it. The district, in turn, has 30 days from receipt to file a copy of the audit and audit report with the Colorado Office of the State Auditor.

One more thing, if your district had, as of December 31, 2021, any authorized but unissued general obligation debt, then you also need to submit a copy of your audit report (or application for exemption from audit, if applicable) to the Board of County Commissioners or the governing body of the municipality. 🍷

SDA Member Fire District Receives Congressionally Directed Spending Funds

In April, the offices of Senator John Hickenlooper and Senator Michael Bennet both accepted applications from local governments, including special districts, for Congressionally Directed Spending funds for 2023. As the process for next year moves along, please watch for a story in the June issue on the Wellington Fire Protection District, who is one of the 2022 recipients and successfully received funding for their peer support program! 🍷



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