

Special District Association of Colorado

SDA NEWS

JANUARY 2023

Supporting Community-Based Government

Inside this issue...

Ask Ann

SDA Election Trainings

2023 Legislative Preview

Special District Elections Corner

Renew Your SDA Membership Today and Receive a 25% Discount!



- Safe & Liquid Investment Options
- The Benefit of Two Funds
- Rated AAAM / AAAs-1
- Online Access
- Check Writing & Treasury Features

Bob Krug • bkrug@csafe.org
Tim Kauffman • tkauffman@csafe.org

www.csafe.org | (303) 296-6340

Board of Directors

President
Jim Kullhem
Prospect Recreation & Park District

Vice President
Sue Blair
Independence Metropolitan District No. 4

Secretary/Treasurer
Ronda Lobato
Costilla County Conservancy District

Executive Vice President
Allison Ulmer
Collins Cole Flynn Winn & Ulmer, PLLC



James Borland
Fort Collins/Loveland Water District

Kent Bosch
Upper Thompson Sanitation District

Jodi Docheff
Kremmling Memorial Hospital District

Mike Feeley
West Metro Fire Protection District

Leo Johnson
Southwest Suburban Denver Water and Sanitation District

Larry Moore
Eagle Bend Metropolitan District

Bill Simmons
Eagle River Fire Protection District

Phil Thomas
Fountain Sanitation District

Staff

Ann Terry
Executive Director

Meredith Smith Quarles
Director of Operations

Michael Valdez
Director of Policy

Megan Lippard
Editor and Communications Manager

Anthony Sandoval
Program Manager

Karla Boughey
Membership Services Coordinator

Elena Salinardi
Office Coordinator

Dianne Criswell
General Counsel

Evan Goulding
In Memoriam

SDA

225 East 16th Avenue
Suite 1000
Denver, CO 80203
(303) 863-1733
Toll Free (800) 886-1733
sdaco@sdaco.org
www.sdaco.org

Designed by Emmett Jordan

? Ask Ann

Editor's Note: As we begin the new year, we wanted to continue the "Ask Evan" column in memory of our dear friend, Evan Goulding. With that in mind, we are picking up where Evan left off on the topic of governmental immunity, which was included in the February 2022 issue and addressed how special districts are protected under Colorado law from many types of tort-based lawsuits. We would like to begin our new "Ask Ann" column with a question to provide more background on this important statutory protection for Colorado governments and public resources.

Q: What public policy is served by limiting governmental liability for certain types of claims for damage to people or property?

A: As a quick refresher, statutory governmental immunity replaced the common law concept called *sovereign immunity*, which protected the federal, state, and local governments, and their employees, from lawsuits, particularly suits based in tort (wrongful acts, such as negligence). In our state, the Colorado Governmental Immunity Act (CGIA) replaced sovereign immunity in 1972, allowing some types of tort suits to proceed against Colorado governments.

Those tort claims that may go forward are limited by the CGIA in three ways:

- » The claim must fit into one of the seven types of statutory exceptions (called "waivers");
- » The claimant must have provided timely notice made to the governmental entity (except for the most recent of the seven waivers); and
- » Any damages are capped.

For the average Colorado citizen, the concept of governmental immunity may be a foreign concept. Your district may receive the following question in the regular course of district business: if a governmental entity is negligent, why should there be any limitation on the damages owed? The CGIA itself explains the public policy purposes that are served by adopting these statutory protections.

Some Colorado laws, usually larger statutory schemes that set forth a new body of law, include a statement of public policy or legislative intent (as it is called) to help provide context as the statutes are implemented and applied. For the CGIA, this section is codified at Section 24-10-102 of the Colorado Revised Statutes. This section explains the considerations, both positive and negative, that the Legislature weighed in adopting these protections for government and limitations on claims for tort damages.

The CGIA public policy declaration acknowledges that common law sovereign immunity from all suits for injury or damage is not fair. But, weighing against total removal of all governmental immunity limitations are the following:

- » State and local governments in Colorado provide essential public services and functions;
- » Removing tort liability limits could disrupt or make the provision of these services and functions prohibitively expensive;
- » Colorado taxpayers would ultimately bear the excessive fiscal burdens of unlimited governmental liability; and
- » Unlimited tort liability would discourage public employees from providing public services or functions, exercising their authority, or taking legally required action.



Ann Terry, SDA Executive Director

...state and local governments provide the services, programs, and infrastructure that we need for our communities to work—and limiting tort liability helps promote governmental purposes that are in the greater public interest and funded with taxpayer money.

The CGIA public policy declaration balances these considerations, concluding that some claims for personal injuries or damage caused by a public entity will be allowed to move forward, but many claims against Colorado state and local governments will be limited.

This public policy declaration helps put the CGIA in its full context: state and local governments provide the services, programs, and infrastructure that we need for our communities to work—and limiting tort liability helps promote governmental purposes that are in the greater public interest and funded with taxpayer money. 🍷

Additional Editor's Note: Ann Terry, an attorney, has been the Executive Director of SDA since November 2009. After having worked side-by-side with Evan for many years, she is honored to continue these monthly columns to provide valuable information for our members.

BUILDING AND PROTECTING COLORADO COMMUNITIES.



Providing general and specialized legal services for special district formation, board governance, public infrastructure development, contracting and finance, elections, employment matters, water law, and general operation of metropolitan, water, sanitation, fire protection, emergency and hospital, and recreation districts and other public service entities.

Shareholders

Paul R. Cockrel
Evan D. Ela
Linda M. Glesne
David A. Greher
Matthew P. Ruhland

Associates

Joseph W. Norris
Harley G. Gifford
Madison D. Phillips

Paralegals

Micki Mills
Sarah Luetjen

44 Cook Street, Suite 620, Denver, CO 80206
www.cegrlaw.com • 303-218-7200



"To provide quality health benefit options at a competitive cost with superior service to eligible employer groups."

Since 1995, the Colorado Employer Benefit Trust has partnered with Colorado Special Districts to provide benefit solutions that are superior and affordable. With more than 230 Special Districts belonging to the Trust, CEBT is recognized for its comprehensive benefit offerings, exceptional customer service, and ability to customize to meet each client's unique needs.

By joining CEBT's self-insured pool you can enjoy:

- ✓ Lower Risk
- ✓ Reduced Administrative Costs
- ✓ A Long-term Stable Solution for Your District

For more information contact:

☎ 303-803-9108 ✉ Frank.Urman@WillisTowersWatson.com 🌐 www.cebt.org



... contributing to a cleaner, safer Colorado through low-cost loans to governmental entities for all types of water infrastructure projects.

Call 303-830-1550 or e-mail info@cwrpda.com | www.cwrpda.com

Delivering
Sound
Solutions and
Exceptional
Service

WE CAN HELP WITH »

District Management
District Administration
Finance & Accounting
Capital Management
Facilities Management
Municipal Services
Fire/EMS Admin. Management

LOVELAND 970.669.3611 | DENVER 303.333.4380
WWW.PCGI.COM



PINNACLE
CONSULTING GROUP, INC.

Mark Your Calendars Now for Our Upcoming Election Trainings!

We are planning on a full schedule of trainings to help you prepare for the May elections! These sessions will be conducted via Zoom (with one in-person day planned) and will feature a variety of election experts, including Micki Mills from Cockrel Ela Glesne Greher & Ruhland, PC; Joe McConnell from the Department of Local Affairs; the SDA Election Team; and others.

The full schedule and all the details are below; make sure to mark your calendars today! And to register, please visit the SDA website at www.sdaco.org.

» **Wednesday, January 4 at 10:00 am via Zoom**

This session will cover what you need to be thinking about in January and February to get prepared for your election.

» **Thursday, January 12 at 10:00 am via Zoom**

This will be a DEO 101 class covering the essentials of what you need to know.

» **Thursday, January 19 all day in-person DEO training at the West Metro training facility**

This hands-on, in-person training will cover a variety of crucial topics, including how to be a DEO, what polling places look like, and many other important issues. Space is limited so register early!

» **Thursday, February 16 at 10:00 am via Zoom**

This session will review the self-nomination process and what needs to be done.

» **Thursday, March 2 at 10:00 am via Zoom**

This discussion will cover everything you need to do once you have confirmed that you will be having an election.

Also stay tuned for Election Judge training and a session covering the steps you need to take after your election!

Watch your emails and the SDA website at www.sdaco.org for more information to come.

We look forward to having you join us! 🍂



Register today at www.sdaco.org!





Providing Special District Management and Accounting Services for Over 25 Years
Evergreen, CO | **303.674.3379** | SimonsonAndAssociates.com | mail@simonson.com



450 E. 17th Avenue, Suite 400
Denver, CO 80203
303-592-4380
www.SpecialDistrictLaw.com

RELIABILITY. EFFICIENCY. CREATIVITY. DELIVERY.

District Engineering Solutions

- Water/wastewater systems
- Stormwater systems
- Arterial streets/roadways
- GIS/survey

Barney Fix, PE | barney.fix@merrick.com | +1 303-353-3670



www.merrick.com



Special Districts are
our Specialty.

In 2020, Colorado entities sold
over \$6.9 Million on GovDeals.

Contact your local GovDeals representative:
970-819-1267 | rjordan@govdeals.com



Water Distribution & Sewer Collection Systems

Excavating Division

- New Installations
- Repairs
- Replacements

Service Division

- Systems Operations
- Maintenance
- Inspections

Trenchless Division

- Fiberglass UV Cured In Place Pipe
- Quadex Geopolymer Lining System Installer
- Sewer Shield Manhole Rehabilitation
- Sewer Robotics
- Tap Rehabilitation
- LMK Installer
- Pipe Bursting
- Slip Lining

High quality
service 24/7/365
since 1979

Big enough
to handle any job,
small enough
to care about
every job

303.791.2521 www.clwsi.com



County Health Pool

A Better Healthcare Choice for *all local governments*

Medical

Dental

Vision

Life

COBRA

HIPAA

As an SDA member, take control of
health care costs by pooling with other
local governments, a long-term, cost-
saving option that has been meeting
insurance needs since 1984.

For more information or a quote, contact:

Meredith Burcham

County Technical Services Inc.

800 Grant Street, Suite 400

Denver, Colorado 80203

303-861-0507

mburcham@ctsi.org



2023 Legislative Preview

...and a Look-Back at the 2022 General Election

We decided to skip the various cliched phrases to describe the Legislative Session that is right around the corner and just go with “old-fashioned scary.” This detailed and thoughtful analysis is based partly on the past performance of the General Assembly, but mostly on the results of the November 8 General Election. So, let’s talk about the November General Election.

November General Election

Prior to November 8, the Democrats controlled the House (41-24 majority), and they controlled the Senate with a healthy 21-14 majority. The results of the election are nothing short of astonishing. Let’s go to the video...

As you may recall, in the House of Representatives, all 65 seats are up for election every two years. The Democrats held a 41-24 majority going into the November Election, but redistricting and shifting political winds led “political experts” to predict a narrowing of the Democratic majority. Well, voters will always have the last word and that word was a strong statement to send the Democrats back to the Capitol on January 9 with a whopping 46-19 Democratic party majority. By the way, those numbers are enough to override a Governor’s veto of legislation.

Moving to the Senate side of the building, political know-it-alls again predicted a GOP wave to reduce or possibly overtake the Democrat’s majority in that chamber. Once again, Ouija Boards and Magic 8 balls are no match for the power, and final word on the matter, of the voters. Not only did the Democrats maintain their majority in the Senate, but they also increased it. The Democrats will have a 23-12 majority (one vote short of joining the House veto-proof majority) when the Session starts up in January.

As stated above, these numbers are astonishing. Colorado has not experienced majorities such as these in the House and Senate in anyone’s memory. What is relevant for

the State to grapple with is the sheer power of the House and Senate and the pressure that shifts to the Governor to be the goalie, catcher, and backstop to a legislative agenda that will be racing at all of us at full speed.

As is customary, members of the House and Senate gathered at the State Capitol soon after the November 8 election to select leadership for the upcoming session. We have listed the leadership positions below.

HOUSE

House Leadership – Majority Remains with the Democrats

- » Speaker of the House: Julie McCluskie (Dillon)
- » Speaker Pro Tem: To be determined
- » Majority Leader: Monica Duran (Wheat Ridge)
- » Assistant Majority Leader: Jennifer Bacon (Denver)
- » Co-Whips: Andrew Boesenecker (Ft. Collins) and Iman Jodeh (Aurora)
- » Co-Caucus Chairs: Mandy Lindsay (Aurora) and Brianna Titone (Arvada)
- » JBC, Vice Chair: Shannon Bird (Westminster)
- » JBC: Emily Sirota (Denver)

House Leadership – Minority Party

- » Minority Leader: Mike Lynch (Wellington)
- » Assistant Minority Leader: Rose Pugliese (Colorado Springs)
- » Whip: Richard Holtorf (Akron)
- » Caucus Chair: Mary Bradfield (Colorado Springs)
- » JBC: Rod Bockenfeld (Watkins)

Continued on page 9



**COLLINS | COLE
FLYNN | WINN | ULMER**

Serving Those Who Serve Their Communities

Colorado's Local Government Attorneys

- Special District General Counsel
- Special District Organizations & Consolidations
- Local Government Elections
- Authorities
- Municipal Law

www.cogovlaw.com



M M
MOTT
MACDONALD



From the Western Slope to the Front Range and beyond

Across the state of Colorado, Mott MacDonald works with its clients to design cost-effective systems for water and wastewater treatment, water reuse, and buildings and facilities.

To find out more about our consulting engineering services, write us at americas@mottmac.com or call 800.832.3272 or 303.831.4700.

mottmac.com

There will be 30 fresh new faces at the Capitol in January,
most of which will bring their ideas to reshape Colorado
and go where no legislator has gone before.

SENATE

Senate Leadership—Majority Remains with the Democrats

- » President: Steve Fenberg (Boulder)
- » President Pro Tem: James Coleman (Denver)
- » Majority Leader: Dominick Moreno (Commerce City)
- » Assistant Majority Leader: Robert Rodriguez (Denver)
- » Whip: Julie Gonzales (Denver)
- » Caucus Chair: Janet Buckner (Aurora)
- » JBC, Chair: Rachel Zenzinger (Arvada)
- » JBC: Jeff Bridges (Greenwood Village)

Senate Leadership – Minority Party

- » Minority Leader: Paul Lundeen (Monument)
- » Assistant Minority Leader: Bob Gardner (Colorado Springs)
- » Caucus Chair: Jim Smallwood (Parker)
- » Whip: Barbara Kirkmeyer (Brighton)
- » JBC: Bob Rankin of Carbondale*

**On December 1 Senator Rankin announced his intent to retire from the State Senate. His departure on the first day of the 2023 Session will require a replacement for him on the JBC.*

Now that all the votes are counted, the above leadership slate will take charge in the new year. Committee Chairs and committee assignments are usually announced by leadership between the end of November and December 31.

We next turn our attention to the start of the 2023 Legislative Session which is scheduled for Monday, January 9 at 10:00 a.m. This is when the 100 legislators (some veterans and many rookies) gather to pass, amend, and repeal

laws; debate public policy; and adopt a balanced budget (the Constitution mandates that it be balanced), all while jockeying for position in the new 74th General Assembly. Upcoming is the “first session” of the 74th, which means that there will be a learning curve for the newly constituted Legislature. There will be 30 fresh new faces at the Capitol in January, most of which will bring their ideas to reshape Colorado and go where no legislator has gone before.

What is on Deck for 2023

Construction Contracts

SDA has asked for legislation to increase the \$60,000 threshold for public bidding on construction contracts. This amount hasn't been amended since 2006 and as a result has not kept up with rising costs and inflation. Additionally, over the last several years, this suggestion has been mentioned at Board Member Workshops, the SDA Annual Conference, and at various SDA meetings. After contacting the two statewide key stakeholder construction associations (road and building), we were able to agree on an increase from the current \$60,000 to \$120,000. Additionally, we are recommending building in an automatic consumer price adjustment to keep up with inflation. This will allow for reasonable, incremental change and avoid waiting 17 years to address changes in economic conditions.

Property Taxes

Upon further review, the most recent legislation relating to property taxes, Senate Bill 22-238 (Concerning Reductions in Real Property Taxation for Only the 2023 and 2024 Property Tax Year) contains only a one-year backfill for local governments. Depending on projected revenues for the next budget year, we will take action to extend the backfill from the State for special districts for an additional year.

Continued on page 10



Metro Districts

Metro districts continue to draw attention at the State Capitol. After two ill-advised bills were introduced and defeated in the 2022 Legislative Session, conversations to increase transparency and efficiency of metro districts continued over the interim. Adding to the equation are several municipalities considering modifications to model service plans. A couple of ideas to codify best practices are being considered:

- » Prior to a district issuing debt, requiring a “municipal advisor” to review and certify that the interest rate is appropriate (this codifies a common current practice);
- » Require cities and counties to include a mill levy cap and a debt limit in their service plans (a common practice among some cities and counties);
- » Provide for an opportunity for residents of a metro district to request an annual “state of the metro district” meeting; and
- » Provide a disclosure of taxes on a property to a buyer of a house that is listed as a resale property, i.e. not first time owner of the house. This is similar to the disclosure of taxes for new homes in a metro district that we helped pass in 2021.

FAMLI Program

Our involvement with the Family and Medical Leave Insurance (“FAMLI”) program has been constant and intense. We have been engaged with the Department of Labor and Employment on the implementation rules being developed by the newly created FAMLI Division at the Department. As you recall, the FAMLI program is the voter approved statutory program that is intended to ensure that Colorado workers have access to paid leave to take care of themselves or their family when time away from work is necessary. The controlling statute is being analyzed to determine whether amendments are necessary to clarify areas that have generated a fair amount of controversy.

State Funding for Heart and Cancer Trusts

Once again, the health of the state budget will be the critical element in securing state funding for the Firefighter Heart (Cardiac) and Cancer Trusts. The goal is to remove some of the financial pressures on fire protection districts as well as city fire departments by securing state funding for these very successful Trusts. We will be working with our partners, Colorado State Fire Chiefs, and Colorado Professional Fire Fighters to make progress on legislation in 2023.



CORA

Be on the lookout for changes to the Colorado Open Records Act (CORA). Be aware that the changes being considered will likely reduce the ability of a governmental entity to charge for research and retrieval fees after the first hour of searching. Also rumored is the naming of the individual responsible for determining the cost and doing the actual research following a records request. We are at the ready to have the conversation with the Colorado Press Association about their ideas for legislation in the 2023 Legislative Session.

Collective Bargaining

Perhaps the passage of collective bargaining for counties has satisfied the proponents of forming bargaining units at the local government level, and perhaps not. Since the Legislature is an early adopter of the “we’ll be back” philosophy, SDA’s Legislative Team has chosen to prepare for a return attempt by the proponents to include all levels of local government into the collective bargaining space. This will bring the Colorado Municipal League and SDA back together in joint opposition. The

Governor’s position will play a significant role in the discussion; he opposed including municipalities and special districts in the 2022 legislation.

Legislative Briefings

SDA will continue to host Legislative Briefings regularly during the Legislative Session (see below for the full schedule!). The Legislative Briefings will feature an analysis and updates on all bills for their effect on special districts. The Legislative Briefings are open to all SDA members. The briefings are held in Zoom webinar format every other week during the Session or as needed—you are invited to participate! Go to the SDA website and sign up today!

Also, the SDA website hosts a bill tracker that provides members with real time information on the bills SDA has under consideration. As always, SDA welcomes input from members on legislative issues, and encourages members to establish contacts with local legislators and to be ready to contact them when necessary to inform them regarding bills of importance to special districts.

In 2023, the SDA Legislative Team will be comprised of Anthoney Sandoval, Dianne Criswell, and Michael Valdez. Our team will have the support of contract lobbyists Larry Hudson and Mary Kay Hogan, both from The Fulcrum Group. At the helm, Ann Terry, SDA Executive Director, will be leading her team. 🍌

SDA Legislative Briefings Will Begin January 24!

Are you looking for an easy and convenient way to stay up to date on the latest legislative issues for special districts? Then make sure to mark your calendars to join us for the 2023 SDA Legislative Briefings!

New this year we will also include a brief update on federal legislation.

The 2023 Legislative Session officially convenes on Monday, January 9, and we already have our full set of Legislative Briefings scheduled and ready to go.

The first briefing will take place on Tuesday, January 24 at 12:00 pm. These briefings will take place via Zoom, and all SDA members are welcome to listen in as we review the current hot topics and issues we have been working on at the Capitol.

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

- » Tuesday, February 7 at 12:00 pm
- » Tuesday, February 21 at 12:00 pm
- » Tuesday, March 7 at 12:00 pm
- » Tuesday, March 21 at 12:00 pm
- » Tuesday, April 4 at 12:00 pm
- » Tuesday, April 18 at 12:00 pm
- » Tuesday, May 2 at 12:00 pm

Please visit the SDA website at www.sdaco.org for more information and to register. Whether you would like to listen every time or just once in a while, this is an easy way to stay informed on all the current issues (please note that we will not be recording the briefings).

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

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

Election Corner ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

From now through the May election, please look here for reminders of important dates to keep in mind for election items for the month. Below are the items to keep in mind for January. And, don't

forget to watch your emails and the SDA website at www.sdaco.org for information on additional election training and resources (also see page 5 for all the trainings we have scheduled so far!).

May 2, 2023 Regular Mail Ballot Election Calendar

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

May 2, 2023 Regular **Polling Place** Election Calendar

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

Watch your email and www.sdaco.org for election training opportunities and resources from SDA!



View your Landscape Differently

Creating beautiful metro districts requires a strategic partner with foresight and an unwavering attention to detail. BrightView combines the resources of a national provider with the local attention you deserve. Our team maintains Colorado's most notable metro districts, giving us the experience to provide your property the world-class service it deserves.

Shad Parrish
308 841 3003
shad.parrish@brightview.com



Design | Develop | Maintain | Enhance



Spencer Fane LLP | spencerfane.com
1700 Lincoln Street, Suite 2000 | Denver, CO 80203
Phone: 303.839.3800 | Fax: 303.839.3838

Spencer Fane is the law firm where your leaders work with our leaders. With over 120 combined years of special district experience in Colorado, we can handle all of your district's legal needs. Advancing the interests of your district is our priority.

PROVIDING WATER AND WASTEWATER SERVICES
FOR SPECIAL DISTRICTS IN COLORADO,
NATIONWIDE, AND INTERNATIONALLY



Special Grants and Project Funding Tools

Available for Colorado's Special Districts

Guest article by Cole Arreola-Karr, Federal Advocacy Director, National Special Districts Coalition

With unprecedented federal investments in the nation's critical infrastructure over the past two years, there has never been a better, yet competitive, time to pursue project funding opportunities for local governments—including special districts.

Thankfully, the Centennial State's special districts have tools at their disposal to navigate the at-times complicated and overwhelming grants landscape through SDA's membership in the National Special Districts Coalition (NSDC). These exclusive resources are well suited for a range of programming needs and the stages of their development—from having specific project needs to mere interest in exploring options for potential projects.

NSDC's premier grants resource was launched in January 2022 in partnership with The Ferguson Group (TFG). Entitled the **"Project Idea Portal,"** this platform is designed for Colorado's special districts to submit information on infrastructure needs or community programming for which funding opportunities are sought. Districts may submit details of their projects via the webform, which TFG's grants team will review and work with the district to identify potential grant and finance opportunities. Within a week of submission, the NSDC/TFG Grants Team will respond with potential opportunities befitting of the needs, which may include a relevant "General Grants Guide" offering information on a number of authorized federal grants. Special districts may also request a meeting with the Grants Team for consultation and further questions. The Project Idea Portal can be accessed through the NSDC website at <https://www.nationalspecialdistricts.org/advocacy/grants>.

The General Grant Guides which TFG offers through NSDC provide a wealth information on authorized federal grant and financing programs on a range of policy topics including:

- » Broadband
- » Cybersecurity
- » Economic and community development
- » Fire protection
- » Libraries and museums
- » Mental health
- » Parks and recreation
- » Rural development
- » Transportation
- » Water and wastewater

Each guide includes information on specific programming; examples of successful projects; details of funding requirements such as cost sharing; and contact information for federal agencies implementing the programs.

Furthermore, NSDC members may receive weekly updates on newly opened federal grant opportunities of general interest to special districts. These announcements and other pertinent information are regularly updated and available on SDA's website at www.sdaco.org (please make sure you are logged into the SDA website and then click on the NSDC box on the homepage).

Special districts utilizing the Project Idea Portal or other NSDC grant services may, but are not obligated to, seek further engagement with TFG's full grant services using a discounted, grandfathered rate offered to NSDC members.

Finally, SDA members have access to appropriations and earmark support. Each year, Congress must pass 12 appropriations bills to ensure funding for federal programs. Members of Congress generally begin seeking stakeholder input on federal funding and program needs to effectively represent constituent needs. NSDC and TFG offer information and guidance on the appropriations process for members as well as with the Congressional earmarks program. Earmarks, brought back and reformed with greater transparency after a 10-year hiatus during the 117th Congress, will return for the 118th Congress, following a Republican Conference Rules vote on November 30 blocking the dismantlement of the Community Project Funding program in the U.S. House of Representatives. Colorado's special districts are encouraged to stay tuned to NSDC and SDA communications in the coming months as details for the Fiscal Year 2024 program are announced.

In November 2022, NSDC and TFG also established a formal email address for further inquiry and correspondence specific to NSDC grant resources: NSDCgrants@tfgnet.com. Interested special districts with specific project needs are strongly encouraged to complete the Project Idea Portal webform in order to receive a timely response.

The Coalition is excited to continue offering these important resources to special districts who are providing essential services to Coloradans across the state. For questions or more information, please contact Cole Arreola-Karr, NSDC Federal Advocacy Director, at colek@nationalspecialdistricts.org. 



www.nationalspecialdistricts.org/advocacy/grants

Parliamentary Procedures at a Glance



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

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

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

² In this case, any resulting motion is debatable.

³ Chair decides.



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

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

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

⁶ Then majority vote is required.



Providing over 100 years of technical excellence in:

- Water & Wastewater Infrastructure Design & Rehabilitation
- Water & Wastewater Treatment System Planning & Design
- Groundwater Wells
- Special District Engineering & Consulting Services
- Construction Management

Enduring Relationships | Trusted Expertise | Promises Delivered

CONTACT:

Jerry Peña, P.E.

720.744.2233

165 S. Union Blvd., Suite 570

Lakewood, CO 80228

KENNEDYJENKS.COM



We have the tools to help you...

Engineering & Mapping
Facility Development
District Management
Accounting & Finance Services
Planning
Administrative Support



Mulhern MRE, Inc. | 303.649.9857
Visit our website at www.mulhernmre.com

Experience • Integrity • Commitment

Seter & Vander Wall, P.C.

ATTORNEYS AT LAW

303.770.2700 | www.svwpc.com | svw@svwpc.com

7400 E. Orchard Road, Suite 3300, Greenwood Village Colorado 80111

Representing and
advocating for
local governments

MAKING A DIFFERENCE

in People's Lives & Their Environment



www.TSTInfrastructure.com

303-799-5197

Englewood, CO 80111

PLANNING. ENGINEERING. CONSTRUCTION. MANAGEMENT. OPERATIONS.



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

For more information please contact
Chris Blackwood at 303-467-1114
or visit www.csipinvest.com.

Distributed exclusively by PFM Fund Distributors, Inc.

Beginning of the Year Refresher on Executive Sessions

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

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

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

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

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

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

Editor's Note: This article was adapted from the January 2022 Bonus Ask Evan.

The authority for special district Boards, as well as other local government entities, to consider certain issues in closed session is a tightly limited and closely guarded exception to open meetings.

COMMUNITY RESOURCE SERVICES



(303) 381-4960 • www.crsocolorado.com

Providing cost-effective, customized
management and accounting services

Over 200 Clients & Growing!



ICENOGLE SEAVER POGUE

A Professional Corporation
Attorneys at Law

Serving Colorado Special Districts & Other Political Subdivisions

4725 South Monaco Street, Suite 360, Denver, Colorado 80237
www.isp-law.com | 303.292.9100

GMS
INC
CONSULTING
ENGINEERS

Water

Supply
Treatment
Storage
Distribution

Wastewater

Collection
Lift Stations
Force Mains
Treatment

Funding Assistance

Grant & Funding Assistance
Feasibility Studies

Drainage

Hydrology
Detention
Conveyance Systems

Facilities Management

GIS Mapping
Operations Consultation

Utility Consultants

Municipalities
Special Districts
Non-Profits

Utilities

Planning
Permitting

GMS Inc.

Serving Colorado and Kansas
(719) 475-2935
Colorado Springs, CO
jmeyer@gmsengr.com

Keep These Items in Mind as the New Year Begins

There are several important statutory duties that a special district Board must take care of around the rollover of the annual calendar.

1. At the first Board meeting of each year, the Board must adopt a resolution designating the posting location for the district's 24-hour meeting notices. The location for posting the Board meeting notices should be a public place which is accessible by the public. Most districts are now posting Board meeting notices on their websites, which is probably more effective than a physical posting, but does not eliminate the need to adopt this notice. If your district is using its website as its posting location, House Bill 19-1087 requires the local government to provide the website address to the Department of Local Affairs by submitting the form linked at <https://cdola.colorado.gov/local-government>.
A couple of additional points to be made regarding meetings:
 - » Legislation was adopted in 2021 to clarify that the "location" of a meeting means the physical, telephonic, electronic, or other virtual place, or combination of such means, where a meeting can be attended. This amendment in House Bill 21-1278 states that special and regular Board meetings can be held in a physical location or by telephonic or other electronic means.

- » The meeting notice of all meetings of the Board that are held telephonically, electronically, or by other means not including physical presence must include the method or procedure, including the conference number or link, by which members of the public can attend the meeting.
2. By January 1, the district must file a current, accurate map of district boundaries (according to Division of Local Government standards) with the County Assessor, the Clerk and Recorder of each county in which the district is located, and the Division of Local Government. This map should include any inclusions or exclusions of property that affect district boundaries.
 3. Between November 16 and January 15, the district must file an updated Notice to Electors (Transparency Notice). (32-1-809, C.R.S.) This is a detailed listing of vital information about the district. SDA members have the option of filing their Transparency Notice on the SDA website at www.sdaco.org.
 4. The budget process, which begins with the appointment of a budget officer prior to October 15, normally ends when the adopted budget, with a budget resolution and certified mill levy, are filed with the Division of Local Government.

Editor's Note: This article was adapted from the January 2022 Ask Evan.





Did You Know that You Can Receive a **25% Discount on Your SDA Membership Renewal?**

Have you renewed your SDA membership yet? If not, now's the perfect time! **And here's the best part: if you're a district and you renew by March 1, 2023 (and pay by July 1, 2023), you will receive a 25% discount!**

Renewing is quick and easy. Simply go online to the SDA website at www.sdaco.org (and remember to have your 2023 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!

Would You Like to Be a Speaker or Exhibitor at the 2023 SDA Annual Conference?

If you answered "yes," then make sure to watch your emails and the SDA website at www.sdaco.org in January and February! That's when our Call for Speakers and exhibitor space sign-up will open! We will be announcing specific dates soon so keep your eyes open for all the details to come (especially for the exhibitor space as it sells out quickly!). And in the meantime, everyone can mark their calendars to join us back up in Keystone Tuesday, September 12-Thursday, September 14!



Risk Management
And Insurance
Placement
Services For More
Than 70 Years.

Call today!
800-530-3001
wilsonins.com

RISK MANAGEMENT

RAMEY ENVIRONMENTAL COMPLIANCE

Providing Innovative
**Water & Wastewater Treatment
Solutions**

in the Rocky Mountain Region for Over 20 Years

Maintenance | Operations | Management | Project Development | Custom Solutions



Start the conversation today...

(303) 833-5505
www.RECinc.net



Scan this QR Code with your 'smart' phone to visit us on the Web

Safety Consultations focused on special districts.

Fall Protection Training



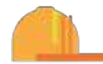
Safety Committee Support

Ergonomics Assessment



CDOT Flagger Training

Trenching and Shoring



Excavation Safety

Lock Out / Tag Out Demos



Confined Space Training

Hazard Recognition



Drug/Alcohol Recognition

