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FEBRUARY 2023

Supporting Community-Based Government



Compliance with the Fair Campaign Practices Act

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Designed by Emmett Jordan

? Ask Ann

Q: For special district elections, who is an “eligible elector”?



Ann Terry, SDA Executive Director.

A: The phrase “eligible elector” appears in special district election laws in several contexts. For example, eligible electors are the intended recipients of districts’ call for nominations for Board Director elections. And, any Board Director candidate must meet the definition of an “eligible elector” in order to qualify to run for the office. But, what are the criteria to be an “eligible elector”?

Colorado Revised Statutes (C.R.S.) §32-1-103(5)(a) answers this question. An eligible elector is:

- » A person who is registered to vote in Colorado; AND
- > A resident of the special district, OR
- > An owner of real or personal taxable property within the special district.

Ownership of property becomes

significant when the person seeking to vote or seeking office, for example, is not a resident. In addition to the typical types of real or personal property ownership, there are a few additional types of ownership interests that are set forth in C.R.S. §§32-1-103(5)(a), (b), and (d):

- » Ownership by a person’s spouse or civil union partner;
- » Obligations to pay taxes under a contract to purchase taxable property within the district boundaries or the area to be included within the districts; and
- » Ownership of mobile or manufactured homes.

To create the pollbook of eligible electors for a special district election, the district’s Designated Election Official (DEO) requests both the list of registered electors

(from the County Clerk) and the property owners list (from the County Assessor) before the election. C.R.S. §§1-13.5-203, 1-13.5-204.

This answer shows us how important DEOs are to our special districts. Administration of elections requires adherence to election laws and careful planning. Remember, if your district needs additional training or information, SDA has worked with experienced DEOs and the Division of Local Government on webinars and resources for the upcoming May elections. Please visit our website at www.sdaco.org to access this valuable information. 📌

Additional Election Trainings Scheduled for February and March!

To help you prepare for the May elections, we had a full schedule of election trainings in January, and we have more to come in February and March!

Our next two sessions will be conducted via Zoom and will feature a variety of election experts, including Micki Mills and Sarah Luetjen from Cockrel Ela Glesne Greher & Ruhland, PC; Joe McConnell from the Department of Local Affairs; the SDA Election Team; and others.

The dates and details are listed to the right; make sure to mark your calendars today! And to register, please visit the SDA website at www.sdaco.org.

» **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! 📌



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We Want to Hear from You...

Attention,
Associate Members!

Exhibitor Space for the 2022 SDA Annual Conference Opens February 22!

Do you want to be an exhibitor at this year's SDA Annual Conference, September 12-14 at the Keystone Conference Center?

Then make sure you mark your calendar and watch your emails on **Wednesday, February 22!** That's the day registration opens for exhibitor space, and you won't want to miss it!

This annual event is always an incredible opportunity to interact with SDA members from across the state.

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

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



Special District Association of Colorado
Supporting Community-Based Government

Submit Your Ideas for Speakers and Topics for the 2023 SDA Annual Conference!

The Call for Speakers and Topics for the 2023 SDA Annual Conference opened on **Monday, January 30**, and it's the perfect time to send us all your ideas!

Planning for the 2023 SDA Annual Conference is well underway, and now we need your help! As always, one of the most important pieces of the planning process is laying out the schedule of breakout sessions. And this is where you come in!

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

- » What are the hot topics that districts need to know more about?
- » Are there successful projects or case studies from which others could learn?
- » Is there a general subject that you could use a refresher course on (and maybe others could, too)?
- » Are you an expert who has suggestions on important topics to present?

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

The process is super easy. **Simply go to the SDA website at www.sdaco.org to share your suggestions for a breakout session, recommend a great speaker, or both!**

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

As always, please call our office at 303-863-1733 if you have any questions. **And make sure to mark your calendars to join us at the Keystone Conference Center, September 12-14 (remember, that's Tuesday through Thursday).**

We look forward to receiving your submissions! 🍌



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Compliance with the Fair Campaign Practices Act

Editor's Note: This article appeared in the February 2022 issue of SDA News and was originally written by Paul Wisor. It contains very helpful information for this election year, and we are pleased to share it again.

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

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

Prohibited Uses of Government Money and Resources

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

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

It is important to note that a Government may violate this law without specifically asking voters to “vote for” or “vote against” an election question. See *Skruch v. Highlands Ranch Metropolitan Districts Nos. 3 and 4*, 107 P.3d 1140 (Colo. App. 2004). Any communication discussing an election subject to the FCPA that favors one position will violate the FCPA. See *Bruce v. School District 11*, Agency Decision, Case No. OS 2008-0030. Even efforts to avoid mentioning a ballot issue by name

will not insulate a Government. See *Duvall v. Rowland*, Agency Decision, Case No. OS 2013-0012.

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

Exceptions

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

Time Period

The FCPA only restricts the use of Government money and resources during a certain time period leading up to an election. Generally speaking, it has been understood restrictions related to the FCPA do not begin with respect to a state or local ballot issue until

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the issue has been submitted to have a ballot title fixed or has had a ballot title fixed, and do not begin with respect to a referred measure until the measure has been referred to the voters. Thus, a Government likely may spend district money on a flier speaking positively about a potential bond issue before it refers the actual bond question to the voters. See *Coan v. Weld County School District Re-3J*, Agency Decision, Case No. OS 1996-006.

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

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

A complaint was filed alleging the School District had violated the FCPA. The ALJ concluded that although the School District took official action on August 23, the ballot question had been placed before the school Board on August 9 and that was the date the ballot question was “submitted for the purpose of having a title fixed.” The ALJ decision was not appealed, but governmental entities should be wary of how and when future ballot questions are discussed by their respective Boards.

No matter when it occurs, once an issue has been submitted to have a ballot title fixed or has had

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

Factual Summary

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

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

Personal Opinions

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

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

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

Answering Questions

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

Resolutions

Section 1-45-117(1)(b)(III) of the FCPA authorizes the governing body of a Government to formally take a position with respect to an election question by passing a resolution urging citizens

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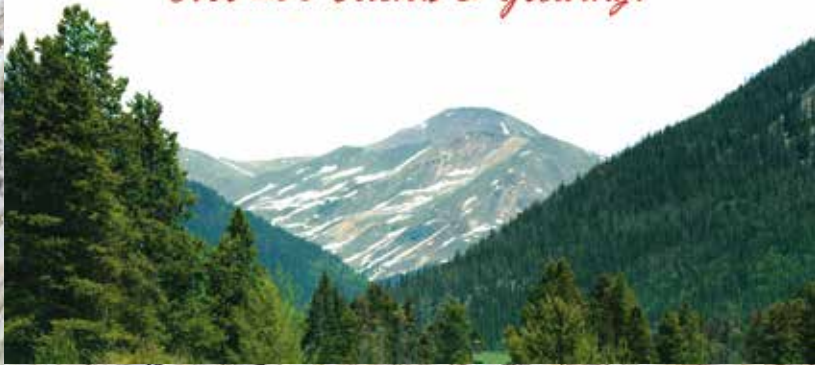
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to vote for or against the question. Passage of such a resolution may be reported or distributed through the established, customary means that the Government uses to inform the public of its proceedings. For example, if a Government regularly sends out a newsletter, the passage of the resolution may be reported in the newsletter. However, extraordinary methods of distribution, such as paid advertising or a one-time newsletter for this specific purpose, may not be used.

\$50 Exception

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

Penalties

In the event a Government, their officials, or their employees are found to have violated any aspect of the FCPA, they are subject to sanctions provided by Article XXVIII of the Colorado Constitution and any other “appropriate order or relief.” Such relief includes injunctive relief or orders directing the persons responsible for the expenditures to make restitution to the public entity. See Section 1-45-117(4).

Section 9(2) of Article XXVIII provides if a violation is found, the Administrative Law Judge (“ALJ”) may enter “any appropriate order, sanction, or relief authorized by [Article XXVIII].” Section 10(1) of Article XXVIII further provides for the imposition of a civil penalty of “at least double and up to five times the amount contributed, received, or spent.” However, the ALJ has considerable discretion in imposing sanctions. Often, ALJs are reluctant to impose penalties on Governments itself because the penalty would be satisfied

out of monies available in the Government’s funds thereby further punishing taxpayers. As a result, ALJs have shown a willingness to impose individual penalties. See *Duvall v. Rowland*, Agency Decision, Case No. OS 2013-0012.

Campaign Do’s and Don’ts for Public Entities

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

“Can Do’s”

- » The Board may adopt a resolution taking a position of advocacy on a statewide ballot issue that has been submitted to the Secretary of State for having a title fixed; any local ballot issue that has been submitted to the legislative body of the municipality for having a title fixed; a referred measure; or a recall measure. This resolution may include a recitation of the facts and/or arguments in favor of the Board’s position. As a resolution adopted by the Board, it is available for public inspection and becomes a part of the public minutes of the meeting. Distributing the resolution or reporting on its passage may be accomplished only through established, customary means. For example, if your Government regularly sends out a newsletter, the passage of the resolution may be reported in this newsletter. However, extraordinary methods of distribution or posting, such as paid advertising or distribution of a newsletter when such was not a prior practice, may not be used.

- » The Board may authorize the expenditure of public moneys and may make contributions to disseminate a “factual summary” on such issue, which must include arguments both for and against the proposal, on any issue of “official concern” before the electorate in the jurisdiction. The summary shall not contain a conclusion or opinion in favor of or against any particular issue. An issue of official concern shall be limited to issues that appear on an election ballot in the jurisdiction.
- » A Board member or Government employee may respond to questions about election issues during working time, so long as the Government has not solicited the question. The responses should not contain partial conclusions or otherwise tend to urge a favorable or unfavorable vote on the issue. Accordingly, employees should not volunteer opinions during work time speculating about the anticipated effects of passage or defeat of the ballot question. An ALJ opinion held that a Government employee could answer questions, posed at a public meeting where he was invited to speak, about how a proposed issue would affect his department so long as that employee did not expressly urge electors to vote one way or the other.
- » A Board member or Government employee with policy-making responsibilities may spend up to \$50 of public moneys in the form of letters, telephone calls, or other activities incidental to expressing his or her opinion on the issue.

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

issue campaign. However, this information must be given on an equal basis to all citizens who request it, regardless of which campaign they may support, and should only be provided if it is the regular practice of the Government to do so.

- » Under at least one ALJ decision, a salaried Government employee may send an email from his or her Government email supporting a ballot issue. However, Government employees should confirm such emails comply with internal policies of the Government.

“Can’t Do’s”

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

to providing copies of the “factual summary” and to responding to unsolicited questions. Employees must restrict their “campaigning” to personal time.

- » The Government may not require employees or other staff members to work for an election issue (other than on the “factual summary”).
- » The Board may not contribute to other organizations and political committees that may be organized to raise any funds and make any expenses concerning advocacy of the election issue.
- » The Government should not accept cash or any other contributions from citizens for use by the Government in connection with any election.
- » A Government may not use its own social media platforms to post comments taking a position on a campaign or link to articles taking a position on a campaign. *See Barela v. Liberty Common School, Agency Decision, Case No. OS 2015-0015.*
- » The Government must not release the addresses or telephone numbers of employees, or past or present users of public utilities, public facilities, or recreational or cultural services which are owned and operated by the state or a political subdivision thereof, regardless of whether the group seeking the information supports or opposes the election, unless the employee, user, or person has given express consent to the release of such information for purposes of the election or as part of a directory that is otherwise available to the public. 🍌

Update on Colorado's COVID Supplemental Leave Law

The following is provided as information for SDA members; please consult with your legal counsel and human resources experts for advice on this and other employment and benefits topics.

Background

Colorado's Healthy Families and Workplaces Act ("HFWA"), which became law in 2020 (Senate Bill 20-205), required that employers provide at least 48 hours of paid leave [please note that the HFWA law is separate and distinct from the Colorado Family and Medical Leave Insurance Program (FAMLI)]. HFWA also required supplemental paid leave during a public health emergency and remains in effect for four weeks after federal, state, or local public health emergency (PHE) orders are in place. This statutory requirement in HFWA for supplemental paid leave of up to 80 hours or two weeks' paid time off during a public health emergency is called PHE Leave.

Update on Federal and State PHE Orders

While many local orders put in place at the beginning of the COVID-19 pandemic have expired, the federal and state governments have continued them. For example, this fall, the U.S. Department of Health and Human Services (HHS) renewed its 2020 COVID-19 PHE order. This extension took effect on October 13, 2022. HHS has previously stated that it will give states 60 days advance notice of lifting or terminating this PHE order; therefore, this order will be in place at least until mid-February 2023.

The State of Colorado has renewed its 30-day COVID PHE orders throughout the pandemic. This fall, the

November 11 and December 10 extensions further noted increasing cases and hospitalizations from other respiratory illnesses, such as RSV and influenza.

The date of the expiration of all federal, state, and local PHE orders is unknown. However, the extension of the federal PHE means that the requirement that Colorado employers must provide PHE Leave will continue until at least mid-March 2023, which is four weeks after the possible termination of the federal order.

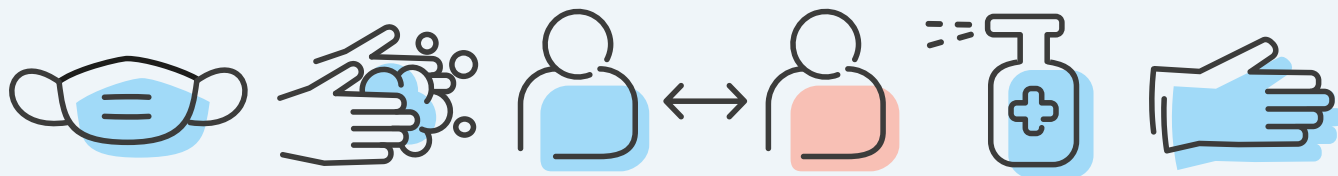
What Does this Mean for My District?

The Colorado Division of Labor Standards and Statistics (the "Division"), which administers PHE Leave, updated its guidance based on the November 11 order, expanding the use of PHE Leave for RSV and flu/influenza symptoms or illnesses, in addition to COVID.

If your district has employees, this means that the up to 80 hours or two weeks' paid time off for the required PHE Leave:

- » Will continue in 2023, until at least mid-March; and
- » May be used for additional conditions. The Division guidance explains that PHE Leave is 80 hours or two weeks for all three conditions (RSV, influenza, and COVID), not a potential 240 hours or six weeks if an employee had all three conditions.

The Division of Labor and Statistics has previously indicated that it will update its website immediately when the current public health emergency ends and the four week period ending the current COVID-19 Supplemental Leave requirement expires. 🍌



State Minimum Wage for 2023

Don't forget that effective January 1, 2023, the state's minimum wage is now \$13.65 per hour and \$10.63 per hour for tipped employees. The Colorado Department of Labor and Employment publishes the state's annual minimum wage, which is adjusted for cost of living increases pursuant to Amendment 70 (2017). Please note that in 2019, House Bill 1210 authorized municipalities and counties to establish a local minimum wage, so the minimum wage in your community may be higher than the state minimum. 🍌

Election Corner ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

From now through the May election, please look here for reminders of important dates to keep in mind for election items for the month. Below are the items to keep in mind

for February. And, don't forget to watch your emails and the SDA website at www.sdaco.org for information on additional election training and resources.

[illegible]

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

May 2, 2023 Regular Polling Place Election Calendar		
Date	Action	Authority
2-16-23	Last day to provide the call for nominations.	1-13.5-501(1) 1-13.5-501(1.5) 1-13.5-501(1.7)
2-24-23	Last day Self-Nomination and Acceptance forms must be filed with the Designated Election Official or, if none has been designated, with the presiding officer or the Secretary of the Board of Directors (no earlier than January 1st and no later than the normal close of business on the 67th day before the election). FCPA NOTE: If the Self-Nomination and Acceptance form or the Affidavit of Intent to be a Write-in Candidate contains a statement substantially stating “I will not, in my campaign for this office, receive contributions or make expenditures exceeding two hundred dollars (\$200) in the aggregate during the election cycle, however, if I do so, I will thereafter register and file all disclosure reports required under the Fair Campaign Practices Act”, then no disclosure reports are required to be filed unless and until the two hundred dollar (\$200) threshold has been met.	1-13.5-303(1) 1-13.5-303(4) 1-45-108(1)(c) Article XXVIII, Section 2(2) of the Colorado Constitution Secretary of State Rule 16.3.1 of the Rules Concerning Campaign and Political Finance
2-27-23	Last day to file Affidavits of Intent to be a Write-in Candidate with Designated Election Official (not later than 64 days before the election).	1-13.5-305
2-28-23	Designated Election Official, if instructed by resolution of the Board, may cancel election if there are no more candidates, including write-in candidates, than positions to be filled, and there are no ballot issues or ballot questions, and declare the candidates elected (at the close of business on the 63rd day before the election or anytime thereafter). If the electors are to consider the election of persons to office and any ballot question, the governing body may by resolution withdraw the ballot question and cancel the election at any time prior to the election, if there are no more candidates, including write-in candidates, than positions to be filled. No election may be cancelled in part. Notice of cancellation of the election must be published. The Notice must be posted at each polling location of the special district, in the office of the Designated Election Official, and in the office of the County Clerk and Recorder. A copy of the Notice shall be filed with the Division of Local Government. Designated Election Official shall notify the candidates that the election was cancelled and that they were elected by acclamation. SPECIAL NOTE: If the election is 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 <i>following the date of the election</i>, but no later than thirty (30) days following the date of the election and upon the <i>signing and filing of an oath with the County Clerk and Recorder</i> and posting of a bond.	1-13.5-513(1) 1-13.5-513(3) 1-13.5-513(6) 1-13.5-112(2)

2023 SDA Annual Regional Workshops Coming in June!

We were thrilled to finally be able to hold our Annual Regional Workshops in-person again last year! It was so nice to travel the state and visit with everyone, and we can't wait to do it again this year!

We are finalizing our dates and locations, but we will be headed your way during the month of June. Much like last year, we are planning to hold the workshops in a variety of venues over the course of several weeks.

This lively and educational training applies to all

types of districts and is sure to provide a wealth of beneficial information for your district. We will cover a number of important topics such as open meetings, conflicts of interests, TABOR, and public records, just to name a few.

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

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

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Colorado Project Accelerator Applications are Now Open Through the WaterNow Alliance!

Are you working to design, fund, or launch an innovative water program in Colorado? WaterNow is pleased to announce that the application cycle for its Regional Colorado Project Accelerator is open!

Project Accelerator offers special districts, cities, water agencies, and other organizations the opportunity to jumpstart a sustainable water project. We provide free, high-value capacity and expertise that helps make meaningful progress toward more affordable, community-oriented solutions. This application cycle will focus specifically on Colorado communities.

Selected projects receive:

- » Tailored support for your program, which may include policy guidance, research and analysis, program design, and training and education
- » Access to a broad network of water sector experts in program development and innovative financing
- » Up to 250 hours of assistance over an approximately 6-9 month period (valued at \$25,000)

Depending on each community's goals, the support provided by Project Accelerator can encompass program design and management; policy and legal



analysis; community stakeholder outreach; communications strategy; data analysis; and sustainability expertise. Past projects have developed a direct installation program of high-efficiency appliances for income-qualified customers, researched the water savings potential of urban agriculture, and developed graywater and waterwise outdoor landscaping ordinances. These are just a few examples from an endless list of potential projects!

To learn more and apply now, please visit the WaterNow Alliance website at www.waternow.org
Applications are due by February 10, 2023 so don't delay!

Learn More about the Local Match Grant Program from DOLA!

In collaboration with the Office of Economic Development and International Trade and the Governor's Office, the Department of Local Affairs (DOLA) has created a grant program that could benefit your district!

The Local Match Grant Program (LOMA) is available for local governments to support the non-federal match requirement when applying directly to the federal government for an Infrastructure Investment and Jobs Act (IIJA) Program.

The application process is now open and will remain open until all funds have been committed.

For additional information and to submit an application, please visit the DOLA website at <https://bit.ly/3GV0OC5>.



Scan for DOLA link.

You Only Have Until March 1 to Receive a 25% Discount on Your SDA Membership!

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

If you are a district and you renew your membership by March 1, 2023 (and pay by July 1, 2023), you will receive a 25% discount! It's that easy!

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

February (please see page 5 for the exact date).

To begin the quick renewal process, simply go online to the SDA website at www.sdaco.org (and if you are a district, remember to have your 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!

Standard IRS Mileage Rate Increases for 2023

The Internal Revenue Service has issued the 2023 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical, or moving purposes. As units of local government, special districts do not need to calculate deductions for income tax purposes. However, many districts follow the standard IRS business mileage rate to reimburse Board members and employees for miles driven for district business.

Beginning on January 1, 2023, the standard mileage rates for the use of a car (also vans, pickups, or panel trucks) are:

- » 65.5 cents per mile driven for business use (up 3 cents from the midyear increase setting the rate for the second half of 2022)
- » 22 cents per mile driven for medical or moving purposes for qualified active-duty members of the Armed Forces (consistent with the increased midyear rate set for the second half of 2022)
- » 14 cents per mile driven in service of charitable organizations (this rate is set by statute and remains unchanged from 2022)

These rates apply to electric and hybrid-electric automobiles as well as gasoline and diesel-powered vehicles.

The standard mileage rate for business use is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and

moving purposes is based on the variable costs.

It is important to note that under the Tax Cuts and Jobs Act, taxpayers cannot claim a miscellaneous itemized deduction for unreimbursed employee travel expenses. Taxpayers also cannot claim a deduction for moving expenses, unless they are members of the Armed Forces on active duty moving under orders to a permanent change of station. For more details see *Moving Expenses for Members of the Armed Forces* on irs.gov.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Taxpayers can use the standard mileage rate, but generally must opt to use it in the first year the car is available for business use. Then, in later years, they can choose either the standard mileage rate or actual expenses. Leased vehicles must use the standard mileage rate method for the entire lease period (including renewals) if the standard mileage rate is chosen.

Notice 2023-03, posted on irs.gov, contains the optional 2023 standard mileage rates as well as the maximum automobile cost used to calculate the allowance under a fixed and variable rate (FAVR) plan. In addition, the notice provides the maximum fair market value of employer-provided automobiles first made available to employees for personal use in calendar year 2023 for which employers may use the fleet-average valuation rule in or the vehicle cents-per-mile valuation rule.

—Internal Revenue Service



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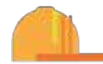
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