

Special District Association of Colorado

SDA NEWS

MARCH 2023

Supporting Community-Based Government

**SDA Annual
Regional Workshops
Coming in June!**





- 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

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

Q: We are aware of the requirement to have an annual audit done and to file the audit report with the Office of the State Auditor. However, we are not exactly sure what is included in that audit and if there is a need to have a broader audit done.

A: The audit required by law in Colorado would be categorized as a financial audit. It consists of a thorough examination of the financial books and records of the district and writing a detailed report of the steps taken and the findings of the audit. An audit provides independent third-party assurance to the Board and public that the subject matter is free from misstatement or error. It seeks to provide only reasonable assurance that the statements are free from material error. In the case of financial audits, a set of financial statements are said to be true and fair when they are free of material misstatements.

A couple of caveats:

1. While a financial audit is a legal and practical necessity to identify and guard against either mistakes in accounting or intentional misstatements, it is not an absolute guarantee against embezzlement or theft. A shady employee can find ways to embezzle or steal without the theft ever reaching the financial statements. A sharp-eyed auditor may notice inconsistencies that can be traced, but such theft is more likely to be discovered by a diligent examination of internal controls.
2. While a financial auditor will carefully examine the internal controls of the district and make suggestions for improvements, unless the audit engagement calls for it, the auditor is not a guarantor of the effectiveness of your internal controls.

In addition to the mandatory financial audit, the Board may wish to have a performance audit more specifically geared to examine other functions of the district. Performance audit refers to an independent examination of a program, function, operation, or the management systems and procedures of a governmental or non-profit entity to assess whether the entity is achieving economy, efficiency, and effectiveness in the employment of available resources. Safety, security, information systems performance, and environmental concerns are increasingly the subject of audits.

In general, a performance audit may be engaged to look into a variety of functions, including:

- » **Management:** This will examine the effectiveness of management systems and functions, particularly looking for waste; failure to perform expected and needed functions; HR processes; sufficiency or excess of personnel contingent; compliance with internal rules and regulations; etc.
- » **Legal or Regulatory:** The district's legal counsel should be performing this function annually, seeking to make sure that all of the filings and other legal and regulatory duties are fulfilled. Occasionally, however, certain functions are overlooked. It falls to the Board to call in an independent examiner to verify that the district has met all legal and regulatory functions. Incidentally, if a district is contemplating a



Ann Terry, SDA Executive Director.

bond issue, bond counsel will comb the records with a fine-tooth comb to make sure that there won't be a challenge to the bonds due to a failure to perform a function.

- » **Forensic:** When there is any suspicion that there may be missing money, embezzlement, or other irregularities, an investigative audit in which accountants that specialize in both accounting and investigation may be called for, seeking to uncover frauds, missing money, or negligence. Forensic accountants may also be called on to gather evidence in case of a prosecution, dismissal, or settlement.
- » **Safety or Risk Management:** A safety or risk management audit will observe and analyze the district facilities, procedures, and policies that can prevent accidents and/or injuries as well as repetitive practices that will lead to staff or public harm. The Colorado Special Districts Property and Liability Pool (CSD Pool) is qualified to perform these examinations, and CSD Pool members can contact the CSD Pool to schedule an audit. 🍷



**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

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.



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

303.431.6100

MARTIN/MARTIN
CONSULTING ENGINEERS

martinmartin.com



2023 SDA Student Video Contest is Underway!

This year's student video contest, Districts Make the Difference, kicked off at the end of January, and we can't wait to review all the great submissions!

Districts Make the Difference is a national program where high school students are invited to create a fun and informative video (60 seconds max) highlighting the many ways special districts "make the difference" in their local communities. In the Colorado portion of the contest, the top three submissions will each receive a cash prize, and money will be given to the winning students' teachers for their dedication to learning and creativity (please see below for the details)!

The video submission window is now open and will run until March 27. Not only will the top Colorado winners receive a cash award, they will also have their videos submitted to the national program with the possibility of winning additional prize money. Below is the breakdown of the Colorado prizes:

- » \$2,000 for First Place
- » \$1,000 for Second Place
- » \$500 for Third Place

Plus, for each winning video, an additional \$500 will be awarded to a teacher of the student's choosing!

"The Districts Make the Difference program is a unique way for students to not only gain a better understanding of the role special districts play in their communities, but also to learn how districts positively affect their daily lives. We very much enjoyed watching the student videos last year, and we are excited to see what they come up with this year!" said SDA's Executive Director Ann Terry.

Video topics may include:

- » Explain how a special district makes a difference in daily life.
- » Interview someone from a special district to find out more about their job and how it affects their community.
- » Describe what a special district is, how it is formed, and why they are necessary.

This is just the beginning of the possibilities! To find out more and to enter the contest, simply go to the Districts Make the Difference section of our website at <https://www.sdaco.org/student-video-contest>.

You can also contact Anthony Sandoval at anthoney@sdaco.org with any questions. 🗨️

PHOTO

VIDEO

PORTRAIT





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.



... 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

Save the Date...

Colorado Broadband Summit!

Please plan to join us on April 19 and 20 at The Westin in Westminster for the Internet for All: Colorado Broadband Summit!

This event will bring together local governments; community leaders; industry, state, and federal representatives; and other critical partners from around

Colorado to learn about and discuss key programs that are aimed at expanding broadband infrastructure and promoting digital equity.

SDA is a proud sponsor of this event in conjunction with the Colorado Broadband Office; Colorado Counties, Inc.; and the Colorado Municipal League.

Please stay tuned for more information! 🍌



SAVE THE DATE FOR THE

INTERNET FOR ALL: COLORADO BROADBAND SUMMIT

APRIL 19 – 20, 2023 | THE WESTIN WESTMINSTER
WESTMINSTER, COLORADO

This day and a half long event will bring together local governments, community leaders, industry, state and federal representatives, and other critical partners from around the state to learn about and discuss key programs that are aimed at expanding broadband infrastructure and promoting digital equity for our residents.

STAY TUNED FOR MORE INFO

Logos: NIA, INTERNET FOR ALL, COLORADO BROADBAND OFFICE, CCI, COLORADO MUNICIPAL LEAGUE, SDA

Individuals with disabilities requiring an accommodation to attend this event should contact Julia Pulidindi at jpulidindi@ntia.gov.

Don't Forget to Send Us Your Ideas for Speakers and Topics for the 2023 SDA Annual Conference!

Now's the perfect time to send us all your ideas for the 2023 SDA Annual Conference!

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!

And the best part is 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!

The deadline to submit is the end of March so don't delay!

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

And don't forget to mark your calendar to join us at the Keystone Conference Center, September 12-14 (remember, that's Tuesday-Thursday)!



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

May 2, 2023 Regular Mail Ballot Election Calendar		
Date	Action	Authority
3-3-23	Certify ballot content (no later than 60 days before the election). Every ballot shall contain the names of all duly nominated candidates for the offices to be voted for at the election. The arrangement of the names shall be established by lot at any time prior to the certification of the ballot. The Designated Election Official shall notify the candidates of the time and place of the lot drawing for the ballot. The drawing shall be performed by the Designated Election Official or a designee. If any ballot question(s) or ballot issue(s) will be included on the ballot, they must follow the list of candidates.	1-13.5-511 1-13.5-902(2) 1-13.5-902(7)
3-3-23	FCPA NOTE: Each candidate or the Designated Election Official shall file with the Secretary of State a copy of such candidate's Self-Nomination and Acceptance forms or Affidavits of Intent to be a Write-In Candidate, no later than 60 days before the election. If the Self-Nomination and Acceptance form contains a statement that the candidate is familiar with the provisions of the Fair Campaign Practices Act, then no filing of a "Candidate Affidavit" under the Fair Campaign Practices Act is required. FCPA NOTE: A candidate who does not accept contributions but who expends money for campaign purposes shall not be required to form a Candidate Committee, but shall be required to file disclosure reports for the reporting periods during which the expenditures are made. FCPA NOTE: Candidate Committees shall register with the Secretary of State before accepting or making any contributions. Issue Committees shall register with the Secretary of State within 10 calendar days of accepting or making contributions or expenditures in excess of \$200 to support or oppose any ballot issue or ballot question.	1-45-108(3) 1-45-108(3.3) 1-45-110(1) Article XXVIII, Section 2(10), Colorado Constitution Secretary of State Rules 2.1, 16.1 and 16.3 of the Rules Concerning Campaign and Political Finance
3-8-23	Designated Election Official must have on file at the principal office of the special district or Designated Election Official a plan for the conduct of the mail ballot election (no later than 55 days prior to the election). SPECIAL NOTE: Pursuant to Section 1-13.5- 111(2), all regular elections that will include a TABOR ballot issue must be conducted as a mail ballot election. Such election cannot be conducted as a polling place election.	1-13.5-1104(1)
3-17-23	Written comments for and against the TABOR ballot issue(s) must be received by the Designated Election Official (45 days before the election). (Comments must be filed by NOON on the Friday before the 45th day before the election).	1-13.5-503(1) 1-7-901(4) Article X, Section 20, Colorado Constitution
3-17-23	Designated Election Official shall mail absentee ballots to those eligible electors who have applied and are designated as a "covered voter" under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) (not later than 45 days before the election).	1-13.5-618 1-8.3-103(1)(d) 1-8.3-110(1)
3-18-23	Earliest date to hold a class of instruction concerning the tasks of an election judge (not more than 45 days prior to the election).	1-13.5-408
3-23-23	Last day for the Designated Election Official to order the voter registration and property owners lists (no later than 40 days prior to election). Designated Election Officials of overlapping political subdivisions conducting an election shall confer concerning the preparation of the notice required by TABOR ("TABOR Notice") (no later than 40 days prior to the election). Such political subdivisions shall enter into an intergovernmental agreement for the preparation and mailing of the TABOR Notice.	1-13.5-203(1) 1-13.5-204(1) 1-13.5-204(2) 1-13.5-1105(2)(a) 1-13.5-503(1) 1-7-905(2) 1-7-906(3)

May 2, 2023 Regular Mail Ballot Election Calendar		
Date	Action	Authority
3-31-23	Last day for County Clerk and Recorder to certify initial list of registered voters and County Assessor shall certify initial list of property owners (no later than 30 days prior to election). NOTE: These lists should be requested to be received prior to this date since the TABOR Notice must also be mailed this date. Designated Election Official shall have available printed ballots (at least 30 days prior to election). Mail TABOR Notice to each household where an active registered elector of the District resides (at least 30 days before the election)	1-13.5-203(1)(a) 1-13.5-204(2) 1-13.5-1105(2)(a) 1-13.5-902(1)(a) Article X, Section 20(3) (b), Colorado Constitution

May 2, 2023 Regular Polling Place Election Calendar		
Date	Action	Authority
3-3-23	Certify ballot content (no later than 60 days before the election). Every ballot shall contain the names of all duly nominated candidates for the offices to be voted for at the election. The arrangement of the names shall be established by lot at any time prior to the certification of the ballot. The Designated Election Official shall notify the candidates of the time and place of the lot drawing for the ballot. The drawing shall be performed by the Designated Election Official or a designee. If any ballot questions will be included on the ballot, they must follow the list of candidates. Designated Election Officials of special districts with overlapping boundaries must meet, confer and, if practical, hold the elections in a manner that will permit the eligible electors in the overlapping area to vote in all of such elections at one polling place.	1-13.5-511 1-13.5-902(2) 1-13.5-902(7) 1-13.5-504(3)
3-3-23	FCPA NOTE: Each candidate or the Designated Election Official shall file with the Secretary of State a copy of such candidate's Self-Nomination and Acceptance forms or Affidavits of Intent to be a Write-In Candidate, no later than 60 days before the election. If the Self-Nomination and Acceptance form contains a statement that the candidate is familiar with the provisions of the Fair Campaign Practices Act, then no filing of a "Candidate Affidavit" under the Fair Campaign Practices Act is required. FCPA NOTE: A candidate who does not accept contributions but who expends money for campaign purposes shall not be required to form a Candidate Committee, but shall be required to file disclosure reports for the reporting periods during which the expenditures are made. FCPA NOTE: Candidate Committees shall register with the Secretary of State before accepting or making any contributions. Issue Committees shall register with the Secretary of State within 10 calendar days of accepting or making contributions or expenditures in excess of \$200 to support or oppose any ballot issue or ballot question.	1-45-108(3) 1-45-108(3.3) 1-45-110(1) Article XXVIII, Section 2(10), Colorado Constitution Secretary of State Rules 2.1, 16.1 and 16.3 of the Rules Concerning Campaign and Political Finance
3-17-23	Designated Election Official shall mail absentee ballots to those eligible electors who have applied and are designated as a "covered voter" under the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA) (not later than 45 days before the election).	1-13.5-618 1-8.3-103(1)(d) 1-8.3-110(1)
3-18-23	Earliest date to hold a class of instruction concerning the tasks of an election judge (not more than 45 days prior to the election).	1-13.5-408
3-23-23	Last day for the Designated Election Official to order the voter registration and property owners lists (no later than 40 days prior to election). Designated Election Official may order an initial voter registration and property owners lists be received 30 days prior to the election, with a supplemental list provided 20 days prior, or complete lists provided as of the 6th day prior to the election	1-13.5-203(1) 1-13.5-204(1) 1-13.5-204(2)
3-31-23	If requested, County Clerk and Recorder shall certify initial list of registered voters and County Assessor shall certify initial list of property owners (no later than 30 days prior to election). Designated Election Official shall have available printed ballots (at least 30 days prior to election).	1-13.5-203(1)(a) 1-13.5-204(2) 1-13.5-902(1)(a)

Election Judges and Watchers

Who Are They and What Can They Do?

Editor's Note: This information was adapted from a previous Ask Evan question. It is helpful for this election year as well so we are pleased to share it again.

Judges

For every special district election, the governing body, or the DEO if authorized, shall appoint at least two Election Judges and may appoint additional Judges as deemed necessary for the conducting of the election. *§1-13.5-402, C.R.S.*

Election Judges must be registered to vote in Colorado and be at least 18 years of age. Judges in special district elections are appointed without regard to party affiliation. *§1-13.5-401, C.R.S.*

Judges may be appointed for specific tasks, such as Supply Judge, Counting Judges, and Judges at polling places. Each Election Judge is entitled to receive compensation for their services and may be paid expenses and reasonable compensation for attending Judges' training sessions, which they are expected to attend.

Compensation can be set for the various tasks and must be uniform for all Judges. The DEO may find that it is difficult to attract Judges to serve unless the compensation is at a worthwhile level. Judges must provide their social security number to the DEO.

Watchers

Each candidate, and parties that are interested in a ballot issue or ballot question, are entitled to appoint a person, who must be an eligible elector, to act on his or her behalf in every polling place in which he or she is a candidate or in which the issue or question is on the ballot.

Note: The DEO may, by lot, reduce the number of Watchers to one for and one against the ballot issue or ballot question for each location where Watchers are allowed. *§1-13.5-602(1), C.R.S.*

Watchers must be eligible electors, and since special district elections are nonpartisan, Watchers are not designated or appointed pursuant to political parties, as they would normally be in partisan elections. Watchers are required to take an oath, swearing or affirming that they are eligible electors; that their name has been submitted to the DEO as a Watcher for this election; and that they will not in any manner make known to anyone the result of vote counting until after the polls have closed.

Note: Neither a current candidate for Director nor any immediate family member, to the second degree, of such candidate is eligible to serve as a Watcher for that candidate. *§1-13.5-602(1)(a)(1), C.R.S.*

A Watcher has the right to:

- » Maintain a list of eligible electors as the names are announced by the Election Judges;
- » Witness and verify each step in the conduct of the election from prior to the opening of the polls through the completion of the count and announcement of the results;
- » Challenge ineligible electors; and
- » Assist in the correction of discrepancies. *§1-13.5-602(1)(c), C.R.S.*

On the other hand, Watchers may observe the procedures and the actions of the Judges, but may not:

- » Interrupt or disrupt the processing, verification, and counting of any ballots or any other stage of the election;
- » Write down any ballot numbers or any other identifying information about electors;
- » Handle the poll books; self-affirming oath and affirmation forms; ballots; mail ballot envelopes; mail-in ballot envelopes or provisional ballot envelopes; voting or counting machines; or machine components;
- » Interfere with the orderly process and conduct of any election, including issuing ballots, receiving ballots, voting, or counting of ballots;
- » Interact with election officials or Judges. Their concerns should be aired with the DEO, not Judges or other officials;
- » Watchers are not allowed to have a cellular phone, camera, recording device, laptop or tablet, or other electronic data capture device in the polling place. *§1-13.5-602(3), C.R.S.*

A Watcher who commits or encourages fraud; violates any of the prohibited behaviors outlined above; violates the oath that he or she has taken; is abusive or threatening toward election officials or other persons in the polling area; or is generally disruptive to the election process, may be removed by the DEO. *§1-13.5-602(4), C.R.S.* 🍌

Election Judge Training is Coming Soon!

Please keep an eye on our website at www.sdaco.org for Election Judge Training for both mail ballot and polling place elections.

Mark Your Calendars for After the May Elections...

SDA Annual Regional Workshops are Coming in June!

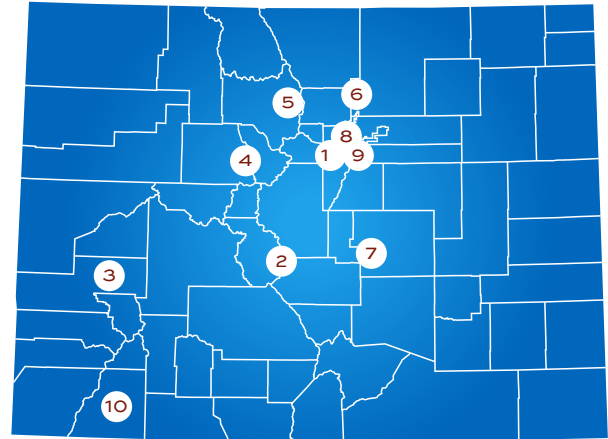
We are finalizing all of the details, but we are once again hitting the road during the month of June to bring you the ever-popular SDA Annual Regional Workshops! And this will be the perfect time right after the May elections!

These lively and educational trainings apply to all types of districts and are sure to provide a wealth of valuable information for your district. Whether you are a Board member or district employee, a seasoned veteran or brand new to your position, we will have something for everyone. Plus, this is a great way for any newly elected or appointed Board members to dive right into the special district world.

We will cover a wide variety of important topics such as open meetings, conflicts of interests, TABOR, public records, and our 2023 legislative update, just to name a few. On top of all this, every attendee will receive a copy of the 2023 SDA Board Member Manual.

This year we will be visiting 10 locations around the state, and each workshop will run for approximately half a day in the morning. We are also working on a possible virtual option for one of the locations so stay tuned for more on that!

We have many more details to come; watch your emails and the SDA website at www.sdaco.org for all the information as it becomes available. We will see you there!



- 1 Evergreen**
Friday, June 9 (Morning)
Evergreen Fire Protection District
- 2 Salida**
Monday, June 12 (Morning)
The Scout Hut
- 3 Montrose**
Tuesday, June 13 (Morning)
Montrose Recreation District, Field House
- 4 Vail**
Wednesday, June 14 (Morning)
Vail Recreation District, Golf and Nordic Clubhouse
- 5 Granby**
Thursday, June 15 (Morning)
Grand Fire Protection District
- 6 Eaton**
Friday, June 16 (Morning)
Eaton Area Park and Recreation District
- 7 Fountain**
Tuesday, June 20 (Morning)
Fountain Sanitation District
- 8 Denver-North**
Wednesday, June 21 (Morning)
North Metro Fire Protection District, Training Division
- 9 Denver**
Thursday, June 22 (Morning)
Parker Water and Sanitation District
- 10 Durango**
Friday, June 23 (Morning)
Durango Fire Protection District



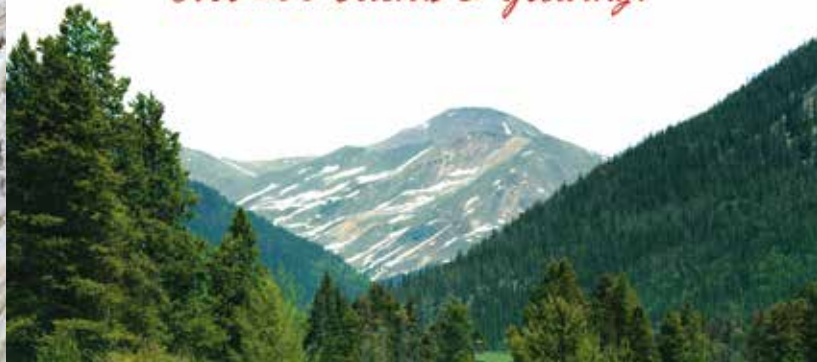
COMMUNITY RESOURCE SERVICES



(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

CEBT: Highest Quality Services, Competitive Costs

By Susan M. Thornton, M.S.

Across Colorado, employers are desperately seeking workers—workers who say that benefits as well as salaries are important to them.

That's why 240 special district employers have responded by partnering with the Colorado Employer Benefit Trust (CEBT) for employee medical, dental, vision, life, and disability benefits.

As a nonprofit, self-funded, governmental health benefit trust, CEBT has been serving governmental entities for over 40 years and has been endorsed by SDA for more than 25 years. CEBT has a staff of 35, approximately \$275 million in annual premium deposits, and \$80 million in total assets.

Depending on the individual's needs, this may include a digital scale, physical therapy exercise bands, continuous glucose monitors, or a blood pressure monitor. The Omada program provides support to help participants establish healthy behaviors through disease education, remote monitoring, and benefit referrals as well as by offering peer support groups.

Bobby Otte, Senior Director for WTW, the administrator for CEBT, says the Digital Disease Management Program has proven to be very popular because it helps people understand how to manage their health. "It not only gives members access to support, but it

oncology nurse advocates with members who have rare and complex cancers, guiding them through their diagnosis and treatment options; advocating for them throughout their treatment; and helping them understand their insurance and avoid financial barriers.

Otte says that the coaches offer hope to people with rare cancers and "guide them through the maze" of medications and treatments that may be needed.

This program also refers patients to Quality Cancer Centers of Excellence if needed. If no Center in Colorado treats the rare form of cancer involved, the program may even send patients out-of-state for



CEBT Mission Statement:

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

Digital Disease Management Program

In 2022, CEBT introduced several new services for its special district members, including a new digital disease management program in partnership with Omada Health.

According to Danitza Gline, Account Manager, the program pairs eligible members with a care team that consists of health coaches and specialists from Omada Health to assist with chronic cardiometabolic conditions such as pre-diabetes, diabetes, and hypertension as well as muscle and joint pain. For example, individuals with musculoskeletal issues are paired with physical therapists.

Multiple connected devices are sent at no cost to people who enroll to help them track their progress throughout the program.

helps them understand what they need to do to prevent illness. We've had a lot of very positive feedback [about it]."

The program has been so well-received, in fact, that in just its first six months, there were 483 individuals enrolled in the Prevention program, 22 in the Diabetes, 193 in the Hypertension, 35 in the Diabetes + Hypertension, and 27 in the Musculoskeletal program.

Support for Members with Rare Cancers

Another new program offered by CEBT through its medical claims third party administrator, UMR, is their Cancer Resource Services Program which provides personal support for members following a cancer diagnosis. This no cost program matches experienced

specialty treatment. When cost is an issue, CARE nurse managers will work with social workers at the cancer clinics to apply to the drug company for financial assistance.

SurgeryPlus for Better Outcomes

CEBT's SurgeryPlus is a supplemental surgery benefit offered for planned, non-emergency surgeries that aligns excellent care with meaningful savings.

Surgeons in the network are all Board Certified, are part of the National High Performance Network, and must have gone through a training fellowship and have no state sanctions. In short, they are very experienced with a great track record of overall quality outcomes, which leads to better patient recovery and reduced rates of infection.

Continued on page 15

CEBT

Benefit by Trust

A HIGHER STANDARD OF QUALITY

OMADA - DISEASE MANAGEMENT PROGRAM

Omada is a virtual care program that combines data-powered human coaching, connected devices, peer support and tailored curriculum to help members achieve their health goals and make sustainable lifestyle changes. The digital care solution offers four programs that focus on pre-diabetes (prevention), diabetes, hypertension, & musculoskeletal issues.



UMR - CANCER RESOURCE SERVICES & MATERNITY CARE

UMR Cancer Resource Services provides guidance, direction, and support to CEBT members following a rare and complex cancer diagnosis and directs them to Cancer Centers of Excellence.

UMR Maternity CARE educates on how to reduce your risk of complications and prepare to have a successful, full-term pregnancy and healthy baby.



SURGERYPLUS - SURGICAL CONCIERGE SOLUTION

SurgeryPlus is a supplemental benefit for non-emergency surgeries that helps CEBT members plan and pay for over 1,500 covered surgical procedures, giving them access to top-quality, affordable care and concierge-level member service.



DELTA DENTAL OF COLORADO- RIGHT START 4 KIDS & PREVENTION FIRST

Right Start 4 Kids provides coverage for children up to their 13th birthday at 100% coinsurance for diagnostic & preventive, basic, and major services, with no deductible, when in-network providers are seen.

Prevention First covers diagnostic and preventative care at 100% and does not count it against the annual maximum when in-network providers are seen.



TRIAD - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Triad EAP offers six free counseling sessions per year, per incident for CEBT members and their dependents under 26. Common issues that members can be seen for are divorce, parenting dilemmas, death of a loved one, relationship issues, and conflict. They also provide legal review and financial counseling.



HEALTHCARE BLUEBOOK - COST TRANSPARENCY TOOL

Healthcare Bluebook is a cost transparency tool that members can use to shop for fair price procedures in their area and get rewarded for it! If a member uses the service and visits a green or fair price provider, they could receive a reward varying from \$25-\$1,500.



TELADOC HEALTH -TELEMEDICINE

Teladoc gives members 24/7 access to U.S. board-certified doctors through the convenience of phone, video or mobile app visits for non-emergency illnesses including flu, allergies, sinus infections and more.



MARATHON HEALTH - HEALTH & WELLNESS CENTERS

Marathon Health is a CEBT partner who offers near site health and wellness centers for employer groups located near one of the six CEBT Health & Wellness Centers in Rifle, Glenwood Springs, Gypsum, Loveland, Greeley, and Widefield. These centers provide primary care and wellness services at a waived or reduced member copay.



VIA BENEFITS - POST-EMPLOYMENT BENEFITS CONCIERGE

Post-employment benefit concierge service to assist former CEBT members with enrolling in medical, pharmacy, dental and/or vision coverage.



Patients are matched with a care advocate who works with them “from start to finish,” Otte says. The advocates offer a surgical patient the choice of three highly trained surgeons, and arranges for transfer of medical records and for travel if needed. The plan then pays all costs, including travel for the patient and a loved one.

Otte notes that people needing surgery “really love this benefit.” He cites the example of a young, single woman who moved to Colorado from Texas and needed knee surgery but had no support system in Colorado. SurgeryPlus flew her to Houston at no cost to her; there, she was able to stay with her parents while she recovered from surgery.

Both patients and surgeons are enthusiastic about the program, Otte says. “The surgeons are the best of the best and, after contracting with CEBT, they are paid faster and don’t have to hassle with typical insurance companies,” he states.

Two Innovative Dental Plan Enhancements

CEBT’s Dental plans offer two unique plan design enhancements that set their dental plan offerings apart from others. One is Right Start 4 Kids, from Delta Dental of Colorado, which provides free dental care for employee’s children up to age 13. Too many children fail to get needed dental care, Otte says, because of cost barriers. With this enhancement, all children covered on the dental plan are covered at 100% coinsurance for diagnostic and preventative, basic and major services, with no deductible, when in-network providers are seen. Getting pro-active care at a young age is extremely important to prevent more serious dental problems and avoid higher costs down the road.

CEBT also offers a Prevention First Program, according to Gline. With this program, diagnostic and preventive care visits will not count against the patient’s annual maximum, allowing benefits to go further by extending their annual maximum dollars.

Year	SDA Health Pool Rate Increases
2014	4.5%
2015	3.5%
2016	3.6%
2017	3.5%
2018	5.5%
2019	7%
2020	3.5%
2021	5.5%
2022	2%
2023	4.5%

The consistency of CEBT’s low rate increases helps special districts plan for the future.

Making Mental Health Care Available

Otte says the trustees of CEBT really wanted to make mental health care available across Colorado, so CEBT partnered with Triad to offer an employee assistance program (EAP) for CEBT members and their families.

Gline says the Triad EAP plan offers six sessions of mental health counseling per issue each year to everyone living in an enrolled person’s household. The no-cost program aids people with stressful life events such as divorce and death and includes legal and financial counseling. If

a patient’s six free visits run out, the mental health counselors help them transition to longer-term care in the CEBT medical plan.

The plan also sends mental health counselors to places of work when there is a tragedy such as a fatal accident or a shooting that can affect survivors’ well-being.

In addition, the EAP includes an Emergency Responders’ Network. Police, fire, and other emergency responders can receive counseling from providers that understand their unique workplace stressors and needs.

Continued on page 17



**Alliance
Association
Bank®**

Serving Special Districts Throughout Colorado

Specializing in:

ConnectLive™¹ Software Integration

No-Fee Lockbox Services²

Online Homeowner Payment Portal

Simplified Banking Transitions



One of Forbes' "America's
Best Banks" Year After Year

¹The ability to integrate with ConnectLive™ may depend on the accounting software used. Services and integration tools may differ by software. ²Funds deposited through the Lockbox will follow Western Alliance Bank's funds availability policy as outlined in the Deposit Account Agreement Disclosure. Alliance Association Bank, a division of Western Alliance Bank, Member FDIC. Western Alliance Bank ranks high on Forbes' "America's Best Banks" list year after year.

Offering Powerful Banking Solutions & Software Integrations

Alliance Association Bank's ConnectLive™¹ integration provides robust solutions enabling you to seamlessly manage the finances of your districts. ConnectLive™ integrates with the industry's leading accounting software providers, allowing you to see key financial information in one platform.



David Ford-Coates, CMCA

Vice President, HOA & Special District Banking
(720) 885-1444

dfordcoates@allianceassociationbank.com



Joanne Haluska, CMCA, AMS

Senior Managing Director, Central Region
(216) 314-9100

jhaluska@allianceassociationbank.com

Bank on Accountability® | allianceassociationbank.com



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

MAKING A DIFFERENCE

in People's Lives & Their Environment



www.TSTInfrastructure.com

303-799-5197

Englewood, CO 80111

PLANNING. ENGINEERING. CONSTRUCTION. MANAGEMENT. OPERATIONS.

Healthcare Bluebook

CEBT also provides a cost and quality transparency tool through Healthcare Bluebook where members can “shop” for healthcare and see price information on hundreds of procedures in the area through a simple search. The tool provides cost and quality ratings so members can navigate care and become smarter consumers of their healthcare. When they utilize a fair price provider from the Bluebook, members are incentivized with rewards, Otte says. Members can even receive a debit card that can be worth as much as \$1,500 depending on the medical procedure they need.

Staying Focused on Its Mission

Otte says CEBT has always stayed focused on its mission statement, which is to “provide quality health benefit options at a competitive cost with superior service to eligible employer groups.” Providing quality care always guides CEBT’s activities, and programs are only added when they meet that high standard of care at lower cost.

CEBT’s service is “second to none,” Otte states. When employees or employers have a question, they don’t have to call an insurance company. Instead, they call CEBT’s Dedicated Service Unit, staffed by professionals who focus only on CEBT plans.

An additional plus that helps special district administrators is that CEBT’s rate renewals are always predictable and consistent from year to year, helping special districts plan for the future. CEBT’s rate increases for the SDA pool have been low to mid-single digits since 2014 (please see the chart of page 15 which shows the increase for each year). The consistency of these low rate increases is unheard of in the general health insurance marketplace.

Other Unique Services

Additional helpful services offered by CEBT include a maternity care program to help ensure that women have successful, full-term pregnancies and healthy babies; Teladoc Health, which provides members with non-emergency

telemedicine services from Board Certified physicians 24/7/365; CEBT “member only” Health Centers in some parts of the state for greater access to low or no cost care; and Via Benefits, which offers personalized guidance to health benefit coverages for employees who retire or change jobs.

Partnership with SDA

CEBT and SDA have been partners since 1995, when SDA moved its health pool to CEBT. The pool only had 25 special districts at that time and has now grown to 240, reflecting steady growth year after year.

SDA does a great job of getting information out about CEBT, Otte says, and CEBT continues as one of SDA’s Platinum Sponsors, attending SDA’s Annual Conference each year.

“We are grateful for this unique partnership with SDA,” Otte states. “It’s a win-win for both of us and for the special districts we both care about and serve.”

Learn more about CEBT and the benefits it offers special district members at [CEBT.org](https://cebt.org). 🍌

Local Government

FAMLI Opt Out Extended to March 31

At the end of January, the FAMLI Division announced that it has extended the local government opt out deadline to March 31, 2023.

Local governments have until March 31, 2023 to conduct votes to opt out of FAMLI and submit their documentation to the Division in order to avoid being responsible for premiums for the first quarter of 2023. If a local government votes to opt out and submits their letters anytime between April 1 and June 30, 2023, they would still owe premiums for the first quarter of 2023,

but would not owe premiums for the second quarter of 2023 and beyond.

Please keep in mind that all local governments must register with the Division’s online services portal, My FAMLI+ Employer, even if they have voted to opt out (local governments must register in the FAMLI system to notify the Division of their vote to decline participation).

For more information, please visit the local government section of the FAMLI website at <https://famli.colorado.gov/employers/local-governments>. 🍌

Please keep in mind that all local governments must register with the Division’s online services portal, My FAMLI+ Employer, even if they have voted to opt out.

ABOUT US

Since 1995, the Colorado Employer Benefit Trust has partnered with the Special District Association of Colorado to provide benefit solutions that are superior and affordable. With more than 240 Special Districts participating in the Trust, CEBT is recognized for its comprehensive benefit offerings, exceptional customer service and consistently low rate increases.

MEDICAL - DENTAL - VISION - LIFE - LTD/STD



WHAT YOU CAN EXPECT

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

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

OUR MISSION

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

For more information contact:

☎ 303-345-7730
✉ Terry.Rook@wtwco.com
🌐 www.cebt.org
[REQUEST A QUOTE NOW](#)

CEBT
Benefit by Trust
A Higher Standard of Quality



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

KJ | Kennedy Jenks

**Serving your District's
covenant enforcement,
foreclosure, and collection needs.**

Contact us
720-221-9780



**Orten Cavanagh
Holmes & Hunt, LLC**
ATTORNEYS AT LAW

info@ochhoalaw.com
www.ochhoalaw.com

Reviving Claims Barred by the Statute of Limitations

This article provides an update on litigation relating to the constitutionality of the provision of Senate Bill 21-088 (SB21-088) allowing past claims.

Background

Recently many states, including Colorado, have amended the statute of limitations for civil suits against perpetrators or institutions for damages from the sexual abuse of children because these time limits have prevented survivors from filing claims when they reach adulthood. For example, Senate Bill 21-073 (SB21-073) amended Colorado's statute of limitation for these types of claims, prospectively removing the prior six-year limitation for survivors to bring claims for assaults that occurred after SB21-073 took effect.

SB21-088, which took effect on January 1, 2022, created a new statutory tort allowing survivors of childhood sexual abuse and molestation to bring a civil action against the perpetrator—as well as a “managing organization” which operates youth-related activities or programs staffed by employees or volunteers. As with SB21-073, SB21-088 expressly stated that no statute of limitation would bar claims after the effective date of the bill. Further, SB21-088 included a special provision to allow victims whose assault occurred between January 1, 1960 and January 1, 2022 to bring a cause of action before the effective date of the bill, so long as the action was filed before January 1, 2025.

In general, changes in the law generally apply prospectively, meaning the period after enactment and into the future. In contrast, one of the many statutory changes that was included

in SB21-088 was the revival of a window to bring claims that had been time barred under previous statutes of limitations. During the course of the 2021 legislation, that specific provision of SB21-088 raised questions about its constitutionality which have continued as the law has been implemented.

Laws with retroactive effect are analyzed under Article II, Section 11 of the Colorado Constitution, which provides that: “No ex post facto law, nor law...retrospective in its operation...shall be passed by the general assembly.” Statutory changes with a retroactive effect may be permissible when they are procedural or remedial. But, in interpreting this constitutional section, Colorado's courts have applied the label “retrospective” when statutory changes seeking to affect past periods violate Article II, Section 11 by taking away or impairing *vested rights* (or imposing a new duty, obligation, or disability on past conduct). Prior court decisions have held that when a statute of limitations has run, the right to plead the expiration as a defense is a vested right, and further, that the time bar cannot be revived through the mechanism of a retroactive amendment and application of laws.

Litigation

In 2022, Plaintiffs filed a claim in trial court under SB21-088 against a coach and Aurora Public Schools for childhood sexual abuse occurring in 2001. The trial court granted Aurora Public Schools' motion to dismiss the claim, based on the constitutional prohibition against retrospective legislation which impaired a vested right. The Plaintiffs appealed the trial court

RECENTLY MANY STATES, INCLUDING COLORADO, HAVE AMENDED THE STATUTE OF LIMITATIONS FOR CIVIL SUITS AGAINST PERPETRATORS OR INSTITUTIONS FOR DAMAGES FROM THE SEXUAL ABUSE OF CHILDREN BECAUSE THESE TIME LIMITS HAVE PREVENTED SURVIVORS FROM FILING CLAIMS WHEN THEY REACH ADULTHOOD.

Continued on page 21



& ASSOCIATES

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



**McGEADY
BECHER**
Special District Law

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

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



www.merrick.com

Experience • Integrity • Commitment

**Seter &
Vander Wall, P.C.**

ATTORNEYS AT LAW

Representing and
advocating for
local governments

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

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

We have the tools to help you...

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



Managing Resources thru Engineering

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

LEGAL ISSUE UPDATE

decision to the Court of Appeals, and Aurora Public Schools filed a motion to transfer jurisdiction of the case to the Colorado Supreme Court and/or petition to review (or “certiorari”). The Colorado Supreme Court granted both the motion and the petition late in 2022 and the parties are submitting their written arguments for an oral argument before the Colorado Supreme Court this spring. In addition, *amicus curiae*, or *friend-of-the-court*, briefs are being submitted with permission of the court. These amici briefs are filed by non-parties to litigation on issues on appeal to provide appellate courts with a perspective on how a court’s decision on an important case may have impacts beyond the parties involved.

On January 17, 2023, SDA joined the amicus brief of the Colorado School Districts Self Insurance Pool, Colorado Association of School Boards, Colorado Rural Schools Alliance, and the Colorado Association of School Executives in support of the Aurora Public School’s opening brief. The perspective shared with the court in this brief included that the retrospective application of SB21-088 to “managing organizations,” including the public entities in our associations, would or could result in the following:

- » Evidentiary problems, because documentation or testimony going back to 1960 is sparse and no records management or retention laws established a requirement to keep records for that long; and
- » Catastrophic costs to public entities, as damages ordered on claims for past periods is likely not insured or insurable because these claims would be denied since they were not one of the enumerated torts

for which a waiver previously existed under the Colorado Governmental Immunity Act or because such claims would have been expressly excluded from coverage.

Conclusion

Regardless of the outcome of the litigation of the special provision of SB21-088 explained above, the remainder of SB21-088 is in place—and likely to remain so. The world is different than it was in the 1960s and 1970s, and we better understand how to identify behaviors in employees and volunteers that put children at risk. As provided by earlier SDA training and information on this subject, if your district works with kids, we encourage you to incorporate SB21-088 into your procedures by the following:

- » Taking a fresh look at the kids’ activities or programs your district offers, using some critical perspective to assess whether more supervision or training is needed;
- » Ensuring that the district’s policies relating to working with children apply both to employees and volunteers;
- » Updating training for your district’s employees and volunteers working with kids;
- » Maintaining documents and records of your district’s training; and
- » Having procedures in place to report and take action on any safety concerns that are raised by children, families, employees, or volunteers.

Special districts working with children take their safety seriously. If you have questions, work with your district leadership and counsel to discuss this law and any changes that are appropriate and advisable for your district. 🍌

THE WORLD IS
DIFFERENT THAN IT
WAS IN THE 1960S AND
1970S, AND WE BETTER
UNDERSTAND HOW TO
IDENTIFY BEHAVIORS
IN EMPLOYEES AND
VOLUNTEERS THAT PUT
CHILDREN AT RISK.

Welcome New SDA Members

District Members

Access 25 Metropolitan District
Nos. 1-6

Andiamo Metropolitan District

Conexus Metropolitan District
Nos. 1 and 2

Grand Ave Metropolitan District

Grand Lake Fire Protection
District

Grandview Reserve
Metropolitan District Nos. 1-4

Green Valley Ranch East
Metropolitan District Nos. 9-14

King Ranch Metropolitan
District No. 2

Lakota Pointe Metropolitan
District

Liberty Draw Metropolitan
District Nos. 1-7

Meadow Lake Metropolitan
District Nos. 1-3

Mesa Conservation District

Pikes Peak Park Metropolitan
District Nos. 1-5

Prospect Ridge Metropolitan
District Nos. 1-4

Redlands 360 Metropolitan
District Nos. 2-9

Riverbend Estates Metropolitan
District Nos. 1-3

San Miguel Water Conservancy
District

South Park Ambulance District

Sterling Ranch Colorado
Metropolitan District No. 4
Subdistricts A-D

Sterling Ranch Colorado
Metropolitan District No. 7
Subdistrict C

Summerfield North
Metropolitan District

The Aurora Highlands
Metropolitan District Nos. 4 and 5

The Reserve Metropolitan
District Nos. 1-3 (Weld County)

Turion South Metropolitan
District Nos. 1-10

Uplands Metropolitan District
Nos. 1 and 2

Ute Pass Water District

Vista Commons Metropolitan
District Nos. 1-4

Vista West Metropolitan District

Westgate Metropolitan District
Nos. 1-4

Wildhorse Metropolitan District
Nos. 1-5

Associate Members

BuyBoard Purchasing
Cooperative

Conerly & Callahan

Floyd L. Smith

Front Range Securities, Inc.
(Arbor Capital)

Kathy A. Oatis, Government
Relations

Morain Bakarich CPAs

QP Services an Iron Woman
Company

Rocco Meconi, P.C., Attorneys
at Law



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

