

Special District Association of Colorado

SDA NEWS

JUNE 2024

Supporting Community-Based Government

Upcoming SDA Events!

Annual Regional Workshops

June 10-24

Legislative Wrap-Up Webinar

June 26

SDA Annual Conference

September 10-12



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Designed by Emmett Jordan

There's Still Time to Register for the **2024 SDA Annual Regional Workshops** *...But Don't Delay!*

The SDA team and the law firm of Collins Cole Flynn Winn & Ulmer, PLLC are pleased to be hitting the road this month to bring you these lively and educational trainings. And this year we have revamped our curriculum to bring you new information!

These workshops apply to all types of districts and are sure to provide a wealth of valuable information for your district. We will cover a wide variety of important topics such as minutes, meeting formats, open meetings, conflicts of interests, public records, and CSD Pool programs to help your district be safer, just to name a few. On top of all this, we will give you the scoop on this year's legislative changes and how they affect your district. And, there will of course be plenty of time to answer all your questions, big or small.

Whether you are a Board member or district employee, a seasoned professional or brand new to your position, we will have something for everyone (don't forget these workshops are for all district types, not just Title 32 districts). **Did we mention that every attendee will also receive a copy of the 2024 SDA Board Member Manual and the legislative update for 2024?**

Having this many pertinent and

timely issues discussed all in one place is an opportunity you can't afford to miss! And, we'll be in your neck of the woods soon so make sure you sign up today for the workshop nearest you!

For more details and to complete the quick and easy registration process, please visit our website at www.sdaco.org. The cost is \$40 per person.

We can't wait to see you in a few weeks!

EATON

Friday, June 14

8:00 am-12:30 pm

Eaton Area Park and
Recreation District

FOUNTAIN

Monday, June 17

8:00 am-12:30 pm

Fountain Sanitation District

PARKER

Tuesday, June 18

8:00 am-12:30 pm

Parker Water and
Sanitation District

FREDERICK

Thursday, June 20

8:00 am-12:30 pm

Carbon Valley
Recreation Center

DURANGO

Friday, June 21

8:00 am-12:30 pm

Durango Fire Protection District

EVERGREEN

Monday, June 24

8:00 am-12:30 pm

Evergreen Fire
Protection District

SALIDA

Monday, June 10

8:00 am-12:30 pm

The SteamPlant Event
Center Riverside Annex

CLIFTON

Tuesday, June 11

8:00 am-12:30 pm

Clifton Water District

VAIL

Wednesday, June 12

8:00 am-12:30 pm

Vail Recreation District
Golf and Nordic Clubhouse

GRANBY

Thursday, June 13

8:00 am-12:30 pm

Grand Fire Protection District



The **Top 10** Things to Remember for the **2024 SDA Annual Conference!**

It's hard to believe, but the 2024 SDA Annual Conference is right around the corner! We have been in Conference mode for the last several months, and while we have been busy organizing what is shaping up to be a dynamic three-day event, we have been thinking of important things to keep in mind as you make your plans to join us at the Keystone Conference Center, September 10-12.

We have narrowed down our list, and here are the top ten things to remember for this year's Annual Conference...

#10

Due to the huge benefits for all our attendees, we will once again be utilizing our hybrid format, with both an in-person and livestreaming option.

Like last year, **our keynote presentations and breakout sessions will be livestreamed** to a convenient online platform that will provide access for those who would like to join us remotely. The keynotes and breakout sessions will also be recorded! And what's more, **these recordings will be available after Conference** so all attendees can go back and watch the sessions again, either as a refresher or to catch up on anything they missed.

#9

Conference will kick off early on Tuesday, and it will be a packed day!

We will begin first thing on Tuesday morning with breakfast, the singing of the National Anthem, and the Presentation of the Colors. Immediately following these opening events, we are going to kick off the day with an entertaining and educational keynote speaker, **Pete Blank**. Pete will be sharing some enlightening lessons from popular TV shows on organizational culture. He'll have you laughing and learning at the same time!

In addition, we will be celebrating this year's annual award winners on Tuesday at our Awards Luncheon.

This is always a wonderful opportunity to recognize all our very deserving winners, and we are looking forward to it again this year! **Tuesday's lunch will also feature keynote speaker, Justin Forsett.** Many of you will remember Justin from his many years in the NFL, and he will be sharing his inspirational message on building resilient teams.

Tuesday will of course also feature breakout sessions and **three different Forums**, which leads us to the next item on our list...

#8

We are bringing back our Discussion Forums on Tuesday afternoon!

We added this new feature to the schedule last year, and the dedicated time for focused conversations on specific topics was very valuable. **So, we are thrilled to offer these Forums again this year.** We are finalizing the details of the topics and our discussion leaders so keep an eye out for more details to come!

#7

Tuesday will wrap-up with our Opening Night Celebration! And this year we've turned it into a game night!

After a busy day, join us at our Opening Night Celebration and our new game night! The casino tables were so popular last year that we will now feature them on Tuesday night, and we are bringing in even more tables! Plus, we'll have plenty of good food and even other games to play. As always, this will be a great way to unwind and visit with your fellow attendees after our full day.



#6

Remember to pack your boots for Wednesday evening and our Boots and BBQ event!

This has been a huge hit the last several years so we are bringing it back again! Enjoy delicious BBQ and music on the beautiful Conference Center patio while you catch up with your colleagues from the special district world. We will also be joined by perennial favorite, **Randall McKinnon**.

#5

Visit all of our exhibitors and sponsors and learn how they might be able to help your district.

As always, we are excited to be working with all our wonderful sponsors and exhibitors this year! Be sure to spend some time visiting with each of them and learning about their great services. **In addition to our numerous exhibitors and our Gold, Silver, and Bronze sponsors, we also have 16 Platinum Sponsors.** Below is the complete list for 2024:

- » Colorado Special Districts Property and Liability Pool
- » COLOTRUST
- » Community Resource Services of Colorado (CRS)
- » CSAFE
- » Highstreet TCW Risk Management
- » Colorado Employer Benefit Trust (CEBT)
- » Ramey Environmental Compliance
- » Collins Cole Flynn Winn & Ulmer, PLLC
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- » Cockrel Ela Glesne Greher & Ruhland, PC (CEGR Law)
- » Pinnacle Consulting Group, Inc.
- » GovDeals
- » Alliance Association Bank

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#4

Don't miss the keynote speakers each day!

We have given you a sneak preview of who we will be joining us on Tuesday, but we also have an amazing lineup planned for Wednesday and Thursday (check out page 7 for a few more hints)! **We will highlight each keynote speaker in the July issue so watch for more to come.**

#3

We have a full panel discussion dedicated to property tax issues scheduled for Thursday morning.

Given the ongoing and significant conversations around property tax issues, this year's schedule will include a full panel discussion dedicated to this ever-important topic. **This special presentation will be held on Thursday morning in the main ballroom**, and we are thrilled for the opportunity to dedicate time to focus on this issue. We are working on the specifics of this session so keep an eye out for additional details as they become available.

#2

You will have over 40 breakout sessions to choose from!

As always, our schedule of breakout sessions will include **experts speaking on pertinent and timely issues for special districts of all types.** Be ready to take in the valuable and educational information all our breakout speakers will have to offer!

#1

Registration opens in early July!

Registration will open in early July so watch your emails and the SDA website at www.sdaco.org for more information as we get closer.

Now you know the scoop! All and all, we have a wonderful three-day event planned so mark your calendars, and **we will see you in Keystone, September 10-12!**

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Here's a Sneak Peek at the Keynote Speakers Who Will Be Joining Us at the 2024 SDA Annual Conference!

We have an amazing lineup of keynote speakers for this year's Annual Conference! We will have much more to come on each one (hint, hint: be sure to check out the July newsletter), but for now, here's a sneak peek at who will be joining us each day...

Tuesday Keynote Breakfast



Pete Blank

Achieve Your "Cultural Vision" through the Magic of "Tele Vision"



Tuesday Awards Luncheon and Keynote Speaker



Justin Forsett

Greatness Grows Best in the Shadows: A Playbook for Building Resilient Teams

Wednesday Keynote Breakfast



Sarita Maybin

If You Can't Say Something Nice, What DO You Say?: Practical Solutions for Working Together Better

Wednesday Keynote Lunch



Jon Petz

Rules for Amazement

Thursday Keynote Breakfast



John Sileo

Blockbuster Cybersecurity in a Zero-Trust World

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Congratulations to This Year's Districts Make the Difference Video Contest Winners!

We had another enthusiastic response to this year's Districts Make the Difference video contest, with over 26 entries!

As you will recall, Districts Make the Difference is a national program through the National Special Districts Coalition 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.

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

In the Colorado portion of the contest, students from high schools across the state were invited to

participate, and the top three submissions will each receive a cash prize. In addition, money will be given to the winning students' teachers for their dedication to learning and creativity.

Please join us in congratulating this year's winners:

- » First place: Nicolas Hafley from Cherry Creek High School
- » Second place: Madeleine Mongin from Cherry Creek High School
- » Third place: Gaby Zayt from Cherry Creek High School

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 this year's submissions!" said SDA's CEO Ann Terry. ▶

Join Us on June 26 for the 2024 Legislative Wrap-Up Webinar!

Want to learn more about what happened during the 2024 Legislative Session that will affect your district? Looking for a sneak peek of what's to come next year?

Then plan to join us on Wednesday, June 26 at 12:00 pm for our informative legislative wrap-up webinar! We'll summarize the 120-day Session in 60 minutes or less!

SDA's Legislative Team will provide an overview of the 2024 Legislative Session, including the bills

and issues that proved to be the most pertinent for special districts.

District Managers and Board members alike will benefit from this valuable presentation, which will highlight what the new legislation may mean for your district. You'll also get the inside scoop on what's on the horizon for the 2025 Legislative Session!

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

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U.S. House of Representatives Approves the Special District Grant Accessibility Act

In early May, the U.S. House of Representatives overwhelmingly passed the *Special District Grant Accessibility Act (H.R. 7525)*, legislation that would codify a first-ever definition of “special district” in federal law and ensure districts are eligible for all appropriate forms of federal financial assistance.

The bipartisan legislation, which cleared the House on an overwhelming 352-27 vote, is authored by Representatives Pat Fallon (R-TX) and Brittany Pettersen (D-CO) and was cosponsored by a number of Members of Congress from both sides of the aisle.

“The consequence of current law is some communities served by special districts cannot access certain federal funding opportunities, which has a huge impact on the ability of special districts to provide vital services and meet community needs,” Congressman Fallon said. “H.R. 7525 re-sets the board and ensures special districts have the resources, autonomy, and flexibility to address the unique challenges and opportunities facing their communities.”

“There are 3,500 special districts in Colorado alone, which are responsible for critical services for our communities ranging from drinking water and wastewater management to health care, transit, and natural resource conservation,” said Congresswoman Pettersen. “Unfortunately, special districts have not had a specific definition under federal law, meaning Coloradans in these areas are missing out on federal funding opportunities that help other communities with reliable ambulance service, wildfire protections and firefighters, pandemic response services, and more. I’m proud to work on this bipartisan bill with Congressman Fallon to help us better adapt to the complexity of local governments and ensure Coloradans and people across the country have access to the support they need.”

H.R. 7525 would require the White House Office of Management and Budget to issue guidance to federal agencies requiring special districts to be recognized as local governments for the purpose of federal financial assistance determinations. Specifically, H.R. 7525 would establish the following definition in Federal law (Title 13 of US Code):

“The term ‘special district’ means a political subdivision of a State, with specified boundaries and significant budgetary autonomy or control, created by or pursuant to the laws of the State, for the purpose of performing limited and specific governmental or proprietary functions that distinguish it as a significantly separate entity from the administrative governance structure of any other form of local government unit within a State.”

“We’re extremely grateful to Representatives Fallon and Pettersen for their strong leadership on behalf of special districts and for marshaling this historic bill through the House,” said Ann Terry, CEO of SDA and Chair of the National Special Districts Coalition (NSDC). “We hope the overwhelming vote in the House sets the stage for timely action in the Senate and will carry H.R. 7525 through to the President’s desk, where it will be signed into law.”

—National Special Districts Coalition

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Direct Pay (Elective Pay) Clean Energy Tax Credits Under the Inflation Reduction Act

Guest article by Ruth Becker from Green Credit Advisors, LLC

The Inflation Reduction Act (IRA) created transformative new funding opportunities for clean energy projects. Tax exempt entities, including special districts and local governments, can now qualify for valuable investment tax credits (ITCs) and production tax credits (PTCs) from the federal government. Special districts are eligible entities for Direct Pay (a/k/a Elective Pay) renewable energy tax credits. This means they can receive cash “refunds,” sometimes called “refundable credits,” from the IRS for the value of the tax credits. You no longer need a tax equity investor, partner, or other complex arrangement to benefit from federal tax credits, and you can avoid significant transactions costs by using Direct Pay. The IRA clean energy credits are a tremendous source of funding and can help you reach your clean energy goals. They are generous credits, but there are traps for the unwary. It’s critical to understand the deadlines and documentation requirements to ensure your district receives refundable credits.*

Direct Pay Basics

There are 12 categories of renewable energy technologies that are eligible for Direct Pay. They include solar, electric vehicle fleets, alternative fuel

recharging stations (in low income and non-urban areas), battery storage, wind, and more. ITCs start at 30% of the cost of the clean energy project, if eligibility is satisfied. Bonus credits can increase the ITCs to 70% of the cost basis of the clean energy project. Bonus credits are available for projects located in Energy Communities, Low Income Communities, and projects that meet Domestic Content (USA made component) requirements. PTCs are paid per kilowatt-hour produced over the first 10 years of the clean energy project’s life. Electric vehicle credits are up to \$40,000 per vehicle and \$100,000 per charging station. Credits are available after a project is placed in service.

You May Be Eligible for Credits for Clean Energy Projects Placed in Service in 2023

If you installed solar, battery storage, EV charging stations, purchased electric vehicles for your fleet, or made other clean energy investments in 2023, your district may be eligible for significant tax refunds in 2024. These could be windfalls if you weren’t expecting the funds and needed reimbursements if you are anticipating the refunds. Applications must be filed in 2024, and processing times may

The IRA clean energy credits are a tremendous source of funding and can help you reach your clean energy goals.

Continued on page 15



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be long. The IRS requires entities to obtain a pre-filing registration number before filing a tax return. **To obtain a Direct Pay refundable credit, be sure to apply ASAP to begin the IRS process.**

Domestic Content Phase Out Rules and Exceptions for Tax Exempt Entities

Domestic content rules provide that 100% of the steel and iron and 40% of the manufactured products (increasing to 55% in 2027) must be US made for clean energy projects. Unlike for-profit entities, tax exempt entities are subject to a phase out of credits if they fail to satisfy the domestic content regulations or one of the exceptions. Current regulations provide for the reduction of Direct Pay tax credits to 90% of the eligible basis if construction begins in 2024, 85% of the eligible basis if construction begins in 2025, and 0% for projects beginning in 2026. There are, however, several ways to avoid the phase out. Projects of less than one megawatt are exempt from the domestic content rules. In addition, projects that satisfy the Increased Cost Exception or the

Non-Availability Exception are also exempt from the phase out. To qualify for the Increased Cost Exception, the entity must attest that using domestic content would increase the overall cost of the project by more than 25 percent. To qualify for the Non-Availability Exception, the entity must attest that US made products of satisfactory quality are not reasonably available for the project. These exceptions are currently available for projects that begin construction before January 1, 2025. There are efforts underway to extend the exceptions.

Other Planning Considerations

The size of your facility and construction start date are critical factors as you plan. Projects with a maximum net output of less than one megawatt are exempt from prevailing wage and apprenticeship requirements, as well as the domestic content phaseout described above. If you exceed the one-megawatt size, you will need systems in place to track prevailing wage and apprenticeship requirements, which are like Davis Bacon wages with an overlay of obligations to hire apprentices. Be sure

that your contracts include provisions obligating your contractors to provide documentation needed to support your eligibility for tax credits, including maintaining detailed records of wages paid, apprentices hired, and domestic content of materials used in your construction.

Conclusion

The IRA can help you meet your clean energy goals. With Direct Pay, you can now own your district projects and receive the full value of tax refunds, without having to share the tax benefits with for profit entities. This area of the law, however, is evolving rapidly. Be sure to consult with a tax advisor who specializes in Direct Pay to secure your refundable credits. 🍌

*These credits are in addition to the IRA Home Energy Rebates discussed in the April 2024 issue of *SDA News*.

Editor's Note: Green Credit Advisors specializes in Direct Pay (Elective Pay) renewable energy tax credits for tax exempt entities. They can help you navigate the process to get tax refunds directly from the IRS. Contact ruth@greencreditadvisors.com or visit www.greencreditadvisors.com for more information.

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

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

One more thing, if your district had, as of December 31, 2023, any authorized but unissued general obligation debt, then you also need to submit a copy of your audit report (or application for exemption from audit, if applicable) to the Board of County Commissioners or the governing body of the municipality. 🍌





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Guest article by the Colorado Special Districts Property and Liability Pool

The Colorado Special Districts Property and Liability Pool remains committed to our more than 2,500 public entities as *Your Risk Management Partner*. Each month, we are focusing on a different program or service we offer our membership, either at no-cost or at a discounted rate. This month's highlight is on Vector Solutions for Water and Wastewater operators.

Water and Wastewater Credentials and Online Training

CSD Pool members have access to free Training Units (TUs) for water and wastewater operators. These online courses are certified by the Colorado Operator Certification Program Office.

The best part? Completed credentials are automatically sent to Colorado Certified Water Professionals. Members can also track training units for both internal and external training to maintain certifications.

Available water and wastewater credentials include:

- » Water Treatment Class A, B, C, S, D, T
- » Wastewater Treatment Class A, B, C, S, D, T

- » Collection System Operator Class 1 – 4
- » Distribution System Operator Class 1 – 4
- » Industrial System Operator Class 1, A – T
- » Industrial System Operator Class 2, A – T



This resource is **free to members**, and every employee at your organization can have their own login. For more information, visit **csdpool.org/training** to begin your training and certification today.

As *Your Risk Management Partner*, we remain committed to providing specialized coverages tailored for public entities, exemplary claims support, and safety and loss prevention services to ensure everyone within the organization—from Board members to supervisors and staff—has the tools they need to succeed. If you have any questions about the resources mentioned here, please visit **csdpool.org** or email us at **info@csdpool.com**. 🟡

You Will Lose Your 25% Discount if You Don't Pay Your SDA Renewal by July 1...So Don't Delay!

Many of you renewed your 2024 SDA membership by March 1 and received a 25% discount, which is fantastic. **Now, just make sure you pay your dues by July 1 or you will lose the discount!**

That only gives you a few more weeks so don't wait any longer!

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

Welcome New SDA Members

District Members

4-Way Commercial Metropolitan District	Independence Metropolitan District Nos. 5 and 6
Byers Peak Ranch Metropolitan District Nos. 1-7	Kiowa Creek Preserve Metropolitan District Nos. 2 and 3
Centerra South Metropolitan District Nos. 1-3	Loop Water Authority
Coalton Metropolitan District - Subdistrict No. 1	Mountain Area Metropolitan District Nos. 1 and 2
Columbine Heights Metropolitan District	Prairie Song Metropolitan District No. 3
Cooper Creek Village Metropolitan District Nos. 2-5	Prairie Song Metropolitan District No. 9
Creekwalk Metropolitan District	Prosperity Metropolitan District
Delantero Metropolitan District Nos. 1-10	Reagan Ranch Metropolitan District No. 4
Denmore Metropolitan District Nos. 1-3	Resort Area Development Metropolitan District No. 1
Denver Rock Drill Metropolitan District	Ridgetop Village Metropolitan District
Downtown Boulder Business Improvement District	Rural Water Authority of Douglas County
Downtown Parker Business Improvement District	San Luis Water & Sanitation District
Eagleview Metropolitan District	Sterling Ranch Metropolitan District Nos. 4 and 5
Eastcreek Farm Metropolitan District	The Sands Metropolitan District No. 4
Firelight Residential Metropolitan District	Trevenna Metropolitan District
GP North Meadow Metropolitan District	Water Valley Metropolitan District No. 3
GP South Meadow Metropolitan District	West Mountain Metropolitan District Nos. 2-5
Granary Metropolitan District Nos. 5-9	Western Slope Metropolitan District
Granby Ranch Metropolitan District No. 3	Westray Business Improvement District
Harrison Oaks Metropolitan District	Whispering Waters Irrigation Metropolitan District
Hidden Valley Farm Metropolitan District No. 3	Whispering Waters Metropolitan District Nos. 1-6
Independence Commercial Metropolitan District	

Associate Members

Organization	General Type of Services
Brightstar District Management LLC	District management
Carezian, Inc.	IT and cybersecurity services
Environmental Designs, LLC	Landscape, design, construction, and maintenance services
EVstudio	Architecture and engineering services
HOAMailers	Communication products and services for Community Association Management companies
San Luis Valley Aquatics	Nonprofit organization promoting the development of a public aquatic center for the San Luis Valley
Tatton and Company	Financial and accounting services
The PlayWell Group	Playground and recreational space consultant





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Wastewater Treatment Class A, B, C, S, D, T

2

Collection and Distribution

Collection System Operator Class 1-4
Distribution System Operator Class 1-4

3

Industrial

Industrial System Operator Class 1, A-T
Industrial System Operator Class 2, A-T



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