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SDA NEWS

JANUARY 2025

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Designed by Emmett Jordan

Dear SDA Members,

As we enter 2025, I want to extend my warmest wishes for a year full of success, growth, and continued collaboration. This year is particularly special as we celebrate the 50th anniversary of SDA! It's an exciting time to reflect on our incredible journey, and we look forward to all the possibilities ahead. We will celebrate throughout the year, honoring the milestones we've achieved together and looking ahead to even greater things.

In 2025, we are committed to providing you with valuable resources and support. As we approach the May elections, the DEO series will be available to you. It is designed to equip and empower our members to navigate the complexities of special district elections. These resources will continue to help strengthen leadership across the state.

Additionally, we are actively involved in the legislative process, which kicks off in January. We'd like to invite you to join our Legislative Briefings, which are held during the Legislative Session. The dates and times are posted on our website as well as the links to register via Zoom. These briefings are a great opportunity to stay informed and engaged as we advocate for the issues that matter most to our communities.

The Annual Regional Workshops will once again be held in June, packed with valuable information to help you stay ahead of the curve in your work. We look forward to seeing you there!

This year, let's embrace the spirit of hope and progress, building on the strong foundation we've laid over the last five decades. Thank you for your dedication, passion, and commitment to making a positive impact. Because of each of you, SDA continues to thrive, and I look forward to achieving even greater things together in 2025.

Here's to a prosperous and joyful year ahead!

With gratitude,

Ann Terry

CEO



Ann Terry, SDA CEO



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WHERE WERE YOU IN 1975?

1975...what a year! Gerald Ford was President, and in April of 1975, Microsoft was founded by Bill Gates and Paul Allen. At the end of the year, the cost of a stamp went from 10 cents to 13 cents.

In the world of entertainment, “Wheel of Fortune” and “Good Morning America” both made their debuts. “The Godfather Part II” won the Academy Award for Best Picture, and “The Mary Tyler Moore Show” took home the honor of Outstanding Comedy Series at the 27th Emmy Awards. Many a summer swimmer thought twice as “Jaws” opened in June of 1975, and John Denver’s “Thank God I’m a Country Boy” hit #1.

For special districts in Colorado, we here at SDA like to think that 1975 was a significant year for a decidedly different reason. In the mid-1970s, legislation was being considered at the Colorado General Assembly that would have abolished all special districts in the state and transferred their power to county commissioners. Local special district experts Jim Collins and Tom Grimshaw decided that something needed to be done to counter this effort. They agreed that an association should be formed to lobby for reasonable laws related to special districts and to take a role in education and training for districts.

To this end, the Special District Association of Colorado was born, created specifically to support the needs and interests of special districts. The legislation that had been considered was ultimately withdrawn, and SDA began the

mission that it continues fulfilling today. (On a side note, “League of Special Districts” was an alternative name that was considered for the organization, but the acronym “LSD” certainly carried a different connotation in the mid-70s!)

The first Board of Directors of SDA was comprised of representatives from districts throughout the state, including Dan Schaefer who later became a U.S. Congressman and John Amato who was an attorney, CPA, and one of the early developers of Vail. The newly created SDA held its first conference in 1975 at the Capri Hotel in Denver with an attendance of 78 people (for comparison, in 2024 the Annual Conference welcomed over 1,100 attendees!).

Mr. Collins managed the day-to-day affairs of SDA for six years before the Board hired Dodie Gale to be the first Executive Director in 1981. Dodie, who had previously worked with the Division of Local Government, led the organization until 1991.

Dodie’s successor was Evan Goulding, an attorney and the Colorado Commissioner of Agriculture from 1976 to 1978 and again from 1982 to 1983. Under Evan’s leadership SDA prospered, with membership increasing from 400 to 1,300. Among his many other contributions and outstanding successes, Evan’s expert knowledge of TABOR and tax issues was a huge benefit to special districts across the state. Evan served as Executive Director until his

retirement on January 1, 2010. He then served as a very successful lobbyist for the Association where he continued to advocate for the interests of special districts before the Colorado General Assembly.

In anticipation of Evan’s retirement, the Board hired Ann Terry as the new Executive Director (now CEO) in November of 2009. Ann, an attorney with extensive lobbying experience, came to SDA from the Colorado Department of Public Safety. Prior to that Ann was with the District Attorneys’ Counsel where she served as the Deputy Director. Under Ann’s direction, SDA’s influence and membership continues to increase. In fact, SDA currently has a record number of more than 2,700 district members and over 280 associate members!

Much like when it was founded 50 years ago, the continuing goals of the organization include providing training, resources, and lobbying for special districts throughout the state. On the lobbying front, SDA has a talented and dedicated Policy Team that provides a strong voice for districts at the State Capitol. Each year they review hundreds of bills for any possible impacts to special districts, and they work tirelessly to advocate for districts as they navigate any issues that may arise.

On the training side, educational opportunities continue to be developed and expanded, and new membership benefits have been added. Webinars on pertinent topics, such as steps for a successful election and website accessibility

Continued on page 7



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requirements, are offered on a regular basis. Speaking of elections, a specialized training and support program has been established for Designated Election Officials (DEOs) to assist new or newer DEOs in navigating the complex issues surrounding special district elections. Every election year we also have a large number of document resources available on our website, everything from the election calendars and sample election resolutions to the oath of office. To keep up to date with legislative issues, we also offer our Legislative Briefing webinars every other week during the Legislative Session, and we have a dedicated legislative resource page on our website.

In addition, our Annual Regional Workshops continue to be very well-received. Every June we travel around the state to provide valuable training for district Board members and staff alike, and we update the curriculum as needed to adjust to the questions and challenges that we hear directly from our members. The SDA Annual Conference, which has a tremendous turnout each year, continues to be our flagship annual event. The hybrid Conference model that we introduced in 2021, where attendees can participate in-person and through our virtual platform, has proven to be very successful. The added benefit of having access to all the breakout session recordings and materials for a year after the event is invaluable for the Conference attendees. The Leadership Academy is also still going strong. The Academy was introduced in 2012, and over 610 Fellows have graduated from this popular yearlong program.

Moreover, relationships continue to grow between SDA and the other local government associations, such as the Colorado Municipal League; Colorado Counties, Inc.; the Colorado Association of School Boards; and Counties and Commissioners Acting Together (CCAT). SDA also maintains a strong collaborative partnership with the Colorado Special Districts



SDA CEO Ann Terry (right) and former SDA Executive Directors Dodie Gale (left) and Evan Goulding (center) celebrating Evan's retirement in 2010.

Property and Liability Pool and the Colorado Employer Benefit Trust (CEBT) as well as with groups such as the Colorado State Fire Chiefs, Water Education Colorado, Colorado Water Congress, and the Colorado Chamber of Commerce, just to name a few.

On the national level, SDA is proud to be a founding member of the National Special District Association (NSDA), formerly known as the National Special Districts Coalition. This group advocates on behalf of special districts on the federal level, and all SDA members have the added benefit of access to this national membership. NSDA provides additional resources, support, and networking opportunities at a national level as well as grant funding options.

Reflecting on SDA's 50th anniversary, Ann is proud of the work of the organization and its staff. "SDA has a long and rich history, and I am honored to be a part of such a dedicated association," she says. "We strive to continually offer resources and support to our members so that they can in turn provide the best possible services for the citizens they serve. We are always excited for new ways to meet the needs of our members, and we look forward to many more years of assisting special districts across the state." 🍌



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SDA's Mission and Goals

Continue to Serve as a Guide for the Organization

As we kick off the new year and begin celebrating our 50th anniversary, we have been reflecting on SDA's mission, goals, and objectives.

Mission

The Special District Association of Colorado exists to preserve and enhance the legal and political environment for the existence and successful operation of the special district form of government and to assist special districts to operate efficiently and appropriately.

Goals and Objectives

SDA strives to fulfill its mission through the following means, objectives, and activities:

- » Maintain an active and effective lobbying effort to maintain the laws and regulatory framework within which special districts operate
- » Provide educational opportunities for special district elected officials, employees, and advisors to assist in the efficient and effective operation of special districts
- » Offer technical assistance to members and share important information that will assist special districts in providing the best possible services for the citizens they serve
- » Make available the membership services and programs special districts need to function in a professional, ethical, fiscally responsible, and businesslike manner

It has been rewarding to see how these concepts have been a vital aspect of new programs and new ideas that have been introduced over the years.

The mission, goals, and objectives also serve as a guide as we continually explore ways to assist our members as they serve their communities. As we look to the future and the exciting opportunities that lie ahead, the mission and goals will remain at the forefront of our planning to expand the benefits and services we offer.



Election Corner ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

From now through the May election, please look here for reminders of important dates to keep in mind for election items for the month. Below are the items to keep in mind for January. And, don't forget to watch your emails and the SDA website at www.sdaco.org for information on additional election training and resources.

May 6, 2025 Regular Mail Ballot Election Calendar		
	Action	Authority
Before providing the Call for Nominations	District Board adopts Election Resolution calling the regular election, appointing Designated Election Official, approving any ballot question(s) or ballot issue(s) to be submitted to the electors, if any, and determining other matters. NOTE: The Board can delay adopting a Resolution to approve any ballot question(s) or ballot issue(s) until closer to the date to certify the ballot content.	
1-1-25	Earliest day Self-Nomination and Acceptance forms can be filed with the Designated Election Official or, if none has yet been designated, with the presiding officer or the Secretary of the Board of Directors (no earlier than January 1 st and no later than the normal close of business on the 67 th day before the election).	1-13.5-303(1) 1-13.5-303(4)
1-26-25	First day to be able to provide* the Call for Nominations between 100 days and 75 days before a regular special district election. The call shall state the special district director offices to be voted upon, where a Self-Nomination and Acceptance form may be obtained, the deadline for submitting the Self-Nomination and Acceptance form to the Designated Election Official, and information on obtaining an absentee ballot. *Except as set forth below for Metropolitan Districts organized after January 2000, the Call for Nominations must be made by publication one time in a newspaper of general circulation within the District and by one of the following methods: 1. Posting the information on the District's website; or 2. Mailing the notice to each address at which one or more active registered electors of the District resides as provided on the voter registration list as of 150 days prior to the election; or 3. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election or other informational mailing sent by the District to the eligible electors; or 4. For Districts with fewer than 1,000 electors that is wholly located in a county with a population of less than 30,000, posting the notice in at least three public places within the District boundaries and in the office of the County Clerk and Recorder. FOR METROPOLITAN DISTRICTS ORGANIZED AFTER JANUARY 1, 2000, the District must email the notice to each active registered elector of the District as provided on the voter registration list as of 150 days prior to the election. If the elector does not have an email of record in the voter registration records, the notice must be mailed to each address at which a registered elector resides. The notice must also be provided by one of the following methods: 1. Publication one time in a newspaper of general circulation within the District; or 2. Posting the information on the District's website; or 3. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election or other informational mailing sent by the District to the eligible electors; or 4. For Districts with fewer than 1,000 electors that is wholly located in a county with a population of less than 30,000, posting the notice in at least three public places within the District boundaries and in the office of the County Clerk and Recorder.	1-13.5-501(1) 1-13.5-501(1.5) 1-13.5-501(1.7)

May 6, 2025 Regular Polling Place Election Calendar		
	Action	Authority
Before providing the Call for Nominations	District Board adopts Election Resolution calling the regular election, appointing Designated Election Official, approving any ballot question(s) to be submitted to the electors, if any, and determining other matters. NOTE: The Board can delay adopting a Resolution to approve any ballot question(s) until closer to the date to certify the ballot content.	
1-1-25	Earliest day Self-Nomination and Acceptance forms can be filed with the Designated Election Official or, if none has yet been designated, with the presiding officer or the Secretary of the Board of Directors (no earlier than January 1 st and no later than the normal close of business on the 67 th day before the election).	1-13.5-303(1) 1-13.5-303(4)
1-26-25	First day to be able to provide* the Call for Nominations between 100 days and 75 days before a regular special district election. The call shall state the special district director offices to be voted upon, where a Self-Nomination and Acceptance form may be obtained, the deadline for submitting the Self-Nomination and Acceptance form to the Designated Election Official, and information on obtaining an absentee ballot. *Except as set forth below for Metropolitan Districts organized after January 2000, the Call for Nominations must be made by publication one time in a newspaper of general circulation within the District and by one of the following methods: 1. Posting the information on the District's website; or 2. Mailing the notice to each address at which one or more active registered electors of the District resides as provided on the voter registration list as of 150 days prior to the election; or 3. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election or other informational mailing sent by the District to the eligible electors; or 4. For Districts with fewer than 1,000 electors that is wholly located in a county with a population of less than 30,000, posting the notice in at least three public places within the District boundaries and in the office of the County Clerk and Recorder. FOR METROPOLITAN DISTRICTS ORGANIZED AFTER JANUARY 1, 2000, the District must email the notice to each active registered elector of the District as provided on the voter registration list as of 150 days prior to the election. If the elector does not have an email of record in the voter registration records, the notice must be mailed to each address at which a registered elector resides. The notice must also be provided by one of the following methods: 1. Publication one time in a newspaper of general circulation within the District; or 2. Posting the information on the District's website; or 3. Including the notice as a prominent part of a newsletter, annual report, billing insert, billing statement, letter, voter information card or other notice of election or other informational mailing sent by the District to the eligible electors; or 4. For Districts with fewer than 1,000 electors that is wholly located in a county with a population of less than 30,000, posting the notice in at least three public places within the District boundaries and in the office of the County Clerk and Recorder.	1-13.5-501(1) 1-13.5-501(1.5) 1-13.5-501(1.7)



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

Parliamentary Procedures at a Glance

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

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





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

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

² In this case, any resulting motion is debatable.

³ Chair decides.

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

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

⁶ Then majority vote is required.

2025 Legislative Preview

It's that time of the year again! Legislators and lobbyists are readying themselves for their annual migration to the Colorado State Capitol in Denver. The fun begins on Wednesday, January 8 at 10:00 a.m. sharp or more likely a few minutes after the appointed hour. Once the opening festivities (speechifying that includes promises to work together in a spirit of bipartisanship) are completed, the flow of months of pent-up legislation to improve the "Health, Safety, and Welfare" of Colorado will start. To be fair, it's not all bad, and there will be some good bills in the mix along with some very bad bills. One thing is for certain, the Legislature will adjourn "sine die" (without a day) on Wednesday, May 7 at precisely midnight and complete the First Regular Session of the 75th General Assembly. Of course, the Legislature has the power to adjourn prior to the 120-day maximum (per the Colorado Constitution), which is what many legislators and lobbyists always hope will be the case.

Let us begin with a look at a few key results of the 2024 General Election. As with life, change is the constant at the Legislature.

Leadership Info

Senate Democrats

James Coleman (D-Denver)
President

Dafna Michaelson Jenet (D-Commerce City)
President Pro Tem

Robert Rodriguez (D-Denver)
Majority Leader

Lisa Cutter (D-Littleton)
Assistant Majority Leader

Nick Hinrichsen (D-Pueblo)
Whip

Dylan Roberts (D-Frisco)
Caucus Chair

Jeff Bridges (D-Greenwood Village)
Joint Budget Committee

Judy Amabile (D-Boulder)
Joint Budget Committee

*Please see page 21 for a full schedule of
SDA Legislative Briefings Webinars.*

Senate Republicans

Paul Lundeen (R-Monument)
Minority Leader

Cleave Simpson (R-Alamosa)
Assistant Minority Leader

Janice Rich (R-Grand Junction)
Whip

Byron Pelton (R-Sterling)
Caucus Chair

Barbara Kirkmeyer (R-Brighton)
Joint Budget Committee

House Republicans

Rose Pugliese (R-Colorado Springs)
Minority Leader

Ty Winter (R-Trinidad)
Assistant Minority Leader

Ryan Armagost (R-Berthoud)
Whip

Anthony Hartsook (R-Parker)
Caucus Chair

Rick Taggart (R-Grand Junction)
Joint Budget Committee

House Democrats

Julie McCluskie (D-Summit County)
Speaker of the House

Monica Duran (D-Wheat Ridge)
Majority Leader

Jennifer Bacon (D-Denver)
Assistant Majority Leader

Iman Jodeh (D-Aurora)
Whip

Matthew Martinez (D-Pueblo)
Whip

Junie Joseph (D-Boulder)
Caucus Chair

Mandy Lindsay (D-Aurora)
Caucus Chair

Emily Sirota (D-Denver)
Joint Budget Committee

Shannon Bird (D-Westminster)
Joint Budget Committee

A few of the top-line issues for special districts are highlighted below. This is by no means an exhaustive list of bills we will be tracking, supporting, and opposing.

Colorado Open Records Act (CORA)

The 2025 Session will see the introduction of a Colorado Open Records Act (“CORA”) bill that will have important amendments to the aforementioned Act that we will welcome. In 2024, a legislator with CORA experience from the custodian perspective introduced a bill that we supported and which extended the timeframe to respond to records requests that are made for the exclusive purpose of a commercial or pecuniary gain. A practice that has grown in recent years is causing our members great frustration with business related “data mining” requests. These requests cause significant upheaval in the operations of many special districts and other local governments. The goal will be to identify those requests that are for a pecuniary or monetary gain and allow the governmental entity to take up to 30 days to respond to the request and impose a fee that accounts for the actual costs of responding to a request. The bill has other custodian “friendly” provisions, including extending the initial time to respond to a records request from three to five days and extending the time to respond where extenuating circumstances are found from seven to ten days; clarifying situations where a record custodian is not scheduled to work in the response period; and a helpful clarification to allow a custodian to treat a second request of the same or similar information that is made within 14 calendar days by the same person as one request for the purpose of calculating the fee that the custodian may charge to the requester for research and retrieval of records. The latter will close a loophole for requesters trying to submit the same or similar requests in a pattern of separate requests in order to benefit from a free first hour of research and retrieval on subsequent requests.

Independent Ethics Commission

Some on our SDA Policy Team believe that legislators are the first recyclers because they keep recycling or reintroducing legislation that has failed in previous Legislative Sessions. In this instance, the concept of adding school Boards and special district Boards under the authority of the Independent Ethics Commission (Ethics Commission) is legislation that has failed in the previous two Legislative Sessions. In both years, the concerns have been around school Board ethics violations but following a good-for-the-goose-is-good-for-the-gander philosophy, special district Boards were tagged on to the bill. The 2024 legislation failed due to a lack of funding, and the budget forecast for the 2025 Legislative Session is dominated by a \$1 billion-plus deficit. Notwithstanding

the giant hole in the budget, we never assume anything and will be ready for legislation in this space.

Access to Public Meetings

It might have gone without saying, but we will say it anyway: we support access to public meetings. Also, in the we-will-be-back category, we expect to see legislation to expand access to public meetings for persons with disabilities by providing or requiring:

- » Real time by live streaming video or audio that is recorded and accessible to individuals with disabilities;
- » Posting on a website, at least 24 hours before a meeting, any documents that will be distributed during the meeting;
- » Where public testimony will be heard, the public body is required to allow any individual to participate in the meeting and offer public testimony by using a video conferencing platform unless the meeting occurs in a geographic location that lacks broadband internet service; and
- » Provide any auxiliary aids or services requested in time for the meeting for which they were requested.

In the 2024 Legislative Session, the proponents of the legislation worked with the local government associations to make improvements to the introduced bill, but in the end, the cost to the State (Fiscal Note) caused the bill to fail in the Appropriations Committee. This is included in the do not assume anything category because of lack of funding. Though it sounds like a broken record (vinyl to some readers), despite the anticipated budget this legislation is also on the “likely to return list.”

Workers’ Comp Benefits for PTSD as a Result of Complex Trauma

Legislation that wasn’t ready for prime time in 2024 may be reworked and brought back in 2025. Legislation that establishes workers’ compensation benefits for a worker that experiences complex trauma that causes posttraumatic stress disorder as a “psychologically traumatic event” is likely to return. The 2024 legislation struggled with drafting issues, especially with the definitions in the bill.

Pesticide Regulation

Currently the State regulates pesticides and that is a status quo that we are seeking to maintain. In recent years, and not consecutive years, efforts to give regulatory authority to cities and counties have surfaced under the Gold Dome. Under most circumstances, underline *most*, we are passionate advocates for local control, but in this instance, the prospect of shifting

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1. The ability to integrate with ConnectLive™ may depend on the accounting software used. Services and integration tools may differ by software.
2. Fees may be imposed for additional services related to online banking. Refer to Business Online Banking Setup and Authorization for more information.
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regulatory control to cities and counties that have special districts that cross the boundaries is a logistical bad dream. This bill hasn't followed the typical pattern of coming back in the next Legislative Session, but we did see a bill in 2024 and stand on guard for a bill in 2025 if the proponents believe that the winds have shifted in their favor.

Employee Discipline

In 2024, legislation made it to the Governor's desk but was vetoed by the Governor after the Legislature adjourned for the year. The bill was developed to prohibit an employer from subjecting or threatening to subject an employee to discipline, discharge, or take an adverse employment action because of an employee's refusal to attend or participate in an employer-sponsored meeting concerning religious or political matters or for declining to listen to the speech of or view religious or political communications from the employer. Critics of the bill stated that the bill took a far too broad approach to a very narrow problem, which is forcing workers to sit in a captive audience meeting that is critical of labor groups during a unionization process. The opponents of the bill went on to say that the ambiguities in the bill put an employer in an impossible position of trying to determine when the mention of politics or religion is necessary to a job and without that nexus, the employer could be responsible for relief which includes reinstatement, monetary damages, equitable relief, and attorney fees.

Conservation Districts and Eligible Electors

As we dust off our legislative crystal ball, a new issue has surfaced regarding eligible electors in conservation districts. The statute that governs conservation district elections, which is found in Title 35, has only been on the books since 1937, so it merits an examination for a potential update. This issue came to light in the 2024 November General Election when a resident of a conservation district was determined to be ineligible to vote in a mill levy election. This scenario

has led to addressing the possibility of amending the conservation election statute (found in Title 35) to mirror the Title 32 voter eligibility. Talks are underway between SDA and the Colorado Association of Conservation Districts to explore a legislative change.

Property Taxes

The Commission on Property Tax will continue to meet and discuss potential changes to the statutes that govern property taxes. The Commission was created to study and make recommendations for a property tax structure that protects property owners and residential tenants from rising property taxes while meeting the needs of governments that rely on property tax to pay for local services. The Commission meets monthly and will work through June 30, 2025. The property tax legislation from the regular and special Legislative Sessions requires the Commission to evaluate the equity of valuation for assessment established in the two game changing bills from those Sessions. The Commission must submit its report on the equities of the 2024 legislation by May 1, 2025.

In Sum

This is just a glimpse of what is in store. The \$1 billion dollar hole in the budget will make for some interesting and more likely difficult conversations and battles. If we add in the newly minted legislators who will bring their new and sometimes not so new ideas into the mix, the fun level only goes higher.

Buckle up, the ride could get bumpy!

Editor's Note: Want to stay up to date on the current hot topics and important issues for special districts during the Legislative Session? Then make sure to join us for our Legislative Briefing webinars (all SDA members are welcome to listen in)! Please see page 21 for the full schedule and watch your emails and the SDA website at www.sdaco.org/legislative to register (remember that you will need to be signed into our website to register). 🍷

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Beginning of the Year Refresher on Executive Sessions

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

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

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

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

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

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

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





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2025 SDA Legislative Briefings Kick Off on January 14!

Are you looking for an easy and convenient way to stay up to date on the latest legislative issues for special districts? Then make sure to mark your calendars to join us for the 2025 SDA Legislative Briefings!

The 2025 Legislative Session officially convenes on Wednesday, January 8, and we already have our full set of Legislative Briefings scheduled and ready to go.

The first briefing will take place on Tuesday, January 14 at 12:00 pm. These briefings will take place via Zoom, and all SDA members are welcome to listen in as we review the current hot topics and issues we have been working on at the Capitol. Plus, we will also include updates on federal legislation.

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

- » Tuesday, February 4 at 12:00 pm
- » Tuesday, February 18 at 12:00 pm
- » Tuesday, March 4 at 12:00 pm
- » Tuesday, March 18 at 12:00 pm
- » Tuesday, April 1 at 12:00 pm
- » Tuesday, April 15 at 12:00 pm
- » Tuesday, April 29 at 12:00 pm

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

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

As always, please contact the SDA office at 303-863-1733 and ask for Ann Terry or Michael Valdez if you have general legislative questions. If you have questions about the Legislative Briefings, please ask for Anthoney Sandoval.

Would You Like to Be a Speaker or Exhibitor at the 2025 SDA Annual Conference?

If you answered “yes,” then make sure to watch your emails and the SDA website at www.sdaco.org in January and February! That’s when our Call for Speakers and exhibitor space sign-up will open!

We will be announcing specific dates soon so keep your eyes open for all the details to come (especially for the exhibitor space as it sells out quickly!). And in the meantime, everyone can mark their calendars to join us back up in Keystone, September 16-18!

There’s an Easy Way to Receive a 25% Discount on Your SDA Membership Renewal!

All you have to do is renew by March 1!

If you’re a district and you renew your SDA membership by March 1 (and pay by July 1), you will receive a 25% discount! It’s that simple!

If you haven’t renewed yet, now’s the perfect time! Plus, the process is quick and easy. Simply go online to the SDA website at www.sdaco.org (if you’re a district, remember to have your 2025 budget information handy as you go through the process).

Plus, don’t forget that your SDA membership comes with an added benefit: access to the National

Special District Association (formerly known as the National Special Districts Coalition). This national membership provides additional resources, support, and networking opportunities at a national level. NSDA also has grant funding options (please refer to <https://www.nationalspecialdistricts.org> for more information).

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!

Keep These Items in Mind as the New Year Begins

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

1. At the first Board meeting of each year, the Board must adopt a resolution designating the posting location for the district's 24-hour meeting notices. The location for posting the Board meeting notices should be a public place which is accessible by the public. Most districts are now posting Board meeting notices on their websites, which is probably more effective than a physical posting, but does not eliminate the need to adopt this notice. If your district is using its website as its posting location, House Bill 19-1087 requires the local government to provide the website address to the Department of Local Affairs.

A couple of additional points to be made regarding meetings:

- » Legislation was adopted in 2021 to clarify that the "location" of a meeting means the physical, telephonic, electronic, or other virtual place, or combination of such means, where a meeting can be attended. This amendment in House Bill 21-1278 states that special and regular Board meetings can be held in a physical location or by telephonic or other electronic means.

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

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

Building a Lasting Network: The DEO Fellows' Journey

The DEO Fellows program was created with a clear mission: to assist new or newer Designated Election Officials (DEOs) in navigating the complex issues surrounding special district elections. What began as an initiative to enhance understanding and provide practical tools for election management has evolved into a platform where professionals from special districts continue to support, inspire, and collaborate long after the program's official conclusion.

One of the most remarkable aspects of the DEO Fellows is their commitment to staying connected. Monthly virtual meetings and occasional in-person

gatherings provide a forum for members to exchange ideas, share updates, and workshop pressing questions. These discussions range from navigating complex policy issues to fostering workplace culture, offering practical solutions and fresh perspectives for special district leaders.

Their shared dedication to continuous learning and improvement is at the heart of the DEO Fellows' success. Members frequently bring real-time challenges to the group, creating a dynamic think tank environment. These sessions help solve immediate issues and foster innovative approaches that ripple out across their special districts.

This sense of camaraderie

underscores the program's broader mission: to cultivate leaders who excel individually and elevate their special districts.

Their collective impact grows as the DEO Fellows continue to meet and evolve. By fostering a culture of collaboration, innovation, and mutual respect, they exemplify what's possible when talented individuals come together with a shared purpose. This thriving network is a testament to the power of connection and the enduring value of investing in leadership development.

The DEO Fellows aren't just shaping their own futures—they're shaping a brighter future for special districts everywhere. ▶



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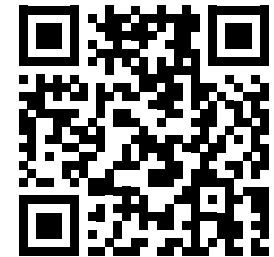


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