

SDA NEWS

JUNE 2025

Supporting Community-Based Government

**There's Still Time
to Register for
the 2025 SDA
Annual Regional
Workshops**

50
YEARS

1975-2025



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Designed by Emmett Jordan

There's Still Time to Register for the 2025 SDA Annual Regional Workshops... ***But Don't Wait Any Longer!***

SDA and the law firm of Collins Cole Winn & Ulmer, PLLC are pleased to be hitting the road this month to bring you these lively and educational trainings. And this will be the perfect time right after the May elections!

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.

We will have something for everyone, whether you are a Board member or district employee, a seasoned professional or brand new to your position! Plus, this is a great way for any newly elected or appointed Board members to dive right into the special district world. And don't forget that 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 2025 SDA Board Member Manual and the legislative update for 2025?

Having so 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!



Parker | Tuesday, June 10

8:00 am-12:30 pm

Parker Water and Sanitation District

Northglenn | Wednesday, June 11

8:00 am-12:30 pm

North Metro Fire Rescue District
Training Center

Kersey | Thursday, June 12

8:00 am-12:30 pm

Platte Valley Fire Protection District

Fountain | Friday, June 13

8:00 am-12:30 pm

Fountain Sanitation District

Evergreen | Wednesday, June 18

8:00 am-12:30 pm

Evergreen Fire Protection District

Durango | Friday, June 20

8:00 am-12:30 pm

Durango Fire Protection District

Salida | Monday, June 23

8:00 am-12:30 pm

The SteamPlant Event Center
Riverside Annex

Clifton | Tuesday, June 24

8:00 am-12:30 pm

Clifton Water District

Vail | Wednesday, June 25

8:00 am-12:30 pm

Vail Recreation District
Golf and Nordic Clubhouse

Granby | Thursday, June 26

8:00 am-12:30 pm

Grand Fire Protection District

TOP 10

Things to Remember for the 2025 SDA Annual Conference!

It's hard to believe, but the 2025 SDA Annual Conference is right around the corner. **And this is a special year as we will be celebrating our 50th anniversary and our Golden Jubilee!**

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 16-18.**

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

50 YEARS

1975-2025

#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.

Much like the previous years, **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 enlightening keynote speaker, **James Robilotta**. 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, Lonnie Mayne.** (We'll have more details on all our keynote speakers in the July issue so watch for more to come!)

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 Forums on Tuesday afternoon, but this year has a twist!

We are thrilled to offer three Forums again this year, and in honor of our 50th anniversary, we have an exceptional speaker on tap to lead each one! For our special celebration this year, we are excited to feature a keynote level speaker in the smaller Forum format. And, we are designing the schedule to allow everyone the possibility of attending more than one of these unique sessions. We'll have more information in the next newsletter so keep an eye out for all the details!

Continued on page 6

#7

Tuesday will wrap up with our Opening Night Celebration! And we're bringing back game night!

After a busy day, join us at our Opening Night Celebration and game night! The casino tables and trivia were so popular last year that we'll have them both available again this year! 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 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 15 Platinum Sponsors.** Below is the complete list for 2025:

- » Colorado Special Districts Property and Liability Pool
- » CEBT (Colorado Employer Benefit Trust)
- » COLOTRUST
- » CRS (Community Resource Services of Colorado)
- » CSAFE
- » Ramey Environmental Compliance
- » Collins Cole Winn & Ulmer, PLLC
- » Streamline
- » Gregory and Associates
- » Spencer Fane LLP
- » Fromm & Company LLC
- » Cockrel Ela Glesne Greher & Ruhland, PC (CEGR Law)
- » Pinnacle Consulting Group, Inc.
- » GovDeals
- » Alliance Association Bank



#4

Don't miss the keynote speakers!

We have given you a sneak preview of who will be joining us on Tuesday, but we also have an amazing lineup planned for the rest of the time as well! **We will highlight each keynote speaker in the July issue so watch for more to come.**

#3

You will have a plethora of 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!

#2

It's our 50th anniversary!

In honor of our Golden Jubilee, we will have festive celebrations throughout the event! From our special Forum speakers to other celebratory highlights, we have a variety of things planned to mark this important occasion!

#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 16-18!**

You've Won Your Election and Now You're a Special District Board Member...

What Are Your Next Steps?

So, you've been elected or appointed to the Board of Directors of a Colorado special district. Congratulations! While your district is busy attending to post-election requirements, you may be asking yourself what you need to do next.

There are many resources available to help get you up to speed, beginning with the SDA website at www.sdaco.org. In order to have full access to all the information that is available for members, you will need to create an SDA user account. This can be done quickly and easily with the following steps:

1. Go to www.sdaco.org
2. Click on "Sign In" which is on the right-hand side of the front page
3. Click on "Don't have an account? Create one now" which is under the sign in box
4. Please fill in the requested information and create a username and password for yourself (not for the district as this is your personal account) and fill in the required fields. Make sure to write down your username and password for future reference

5. Click "Create new account" at the bottom of the screen

6. You will receive an email with a link to confirm your email address

7. **This is the most important step: Once you have confirmed your email through the link, please call the SDA office at 303-863-1733 or email Karla Boughey, our Membership Services Coordinator, at karla@sdaco.org so that we can connect your new account to your district, allowing you full access to the website.**

Once you are logged in, you will have access to a wide variety of material and resources, including the Board Member Manual. This manual provides a wealth of information and is a very valuable tool for learning the statutory responsibilities of Board members. What's more, it can be easily downloaded for reference at any time. To access and download the pdf version, please click on the "Publications" tab at the top of the SDA website.

The SDA website also includes the electronic version of the current SDA newsletter as well as archived issues going back to 2006. The newsletter,

SDA News, is published ten times a year and includes a plethora of helpful information, ranging from details on legislation that affects special districts to upcoming trainings to feature stories about districts from around the state. In election years, the newsletter even features a monthly reminder on important election calendar deadlines and other pertinent resources. All of the issues of *SDA News* can also be found under the "Publications" tab on our website.

On the SDA website you can also view previously recorded webinars that cover topics such as an overview of website ADA compliance for special districts; best practices for special district budgeting and accounting; and the cybersecurity resources, just to name a few. These webinars can be accessed by clicking on the "Training" tab at the top of the front page of the SDA website and then clicking on "Webinars and Webinar Archive."

The Division of Local Government, which is within the Colorado Department of Local Affairs, also provides a wide variety of helpful information for local governments. Their website at <https://dlg.colorado.gov/> contains links to resources for issues such as special district administration; local government budgeting

and finance; and special district elections, among many others.

You will also want to be sure to attend our Annual Regional Workshops in June. This informative training is perfect for new and seasoned Board members alike and will cover all the essential aspects of boardmanship (see page 3 for more information).

Also don't miss the SDA Annual Conference, September 16-18 at the Keystone Conference Center in Keystone. And this year we are celebrating SDA's 50th anniversary and our Golden Jubilee! This popular three day event is packed full of valuable breakout sessions, keynote speakers, and networking opportunities with other special district Board members, managers, and professionals (see pages 4-7 for more information).

In addition, there are some basic duties you should be familiar with to help you fulfill your important responsibilities and serve as an effective Board member.

Know the Documents and the Law

Know the documents that govern your special district. They include the service plan for the district, any bylaws adopted by the Board, and any rules and regulations.

Special districts are governed by state statute. Most member districts of SDA are special districts formed

pursuant to the provisions of Title 32, Article 1 of the Colorado Revised Statutes. Those statutes can be accessed online at www.lexisnexis.com/hottopics/colorado/

While no one expects you to become an expert in the state statutes in order to serve on the Board, it is important to bear in mind that because special districts are a form of local government, certain restrictions apply to the district and to you as a Board member, including TABOR; open meetings; public records; local government budgeting and auditing laws; and governmental immunity. Consult qualified legal counsel when necessary to ensure compliance. In addition, the SDA Board Member Manual is a wonderful resource which explains many of the laws that special districts must live by.

The documents and laws pertinent to your district are often a key resource for Board discussion and analysis of issues.

Attend Board Meetings

Plan to attend all Board meetings. This simple action is very important in discharging your duties to the district. Three consecutive unexcused absences from regular meetings will result in your automatic removal from the Board.

If you are not able to attend a particular meeting, please notify the Board Chairman or district office.

Proxies cannot be used, so at least three of the five Directors need to be present (in-person or by telephone or electronic means) in order to achieve a quorum and conduct the meeting.

Be Informed

Become informed on the matters on the agenda. Participate in discussions at Board meetings, and don't be afraid to share your experience and opinion on any issue. You must always exercise your independent judgment in the utmost good faith.

Public Trust

Colorado law provides that holding public office is a public trust, and you have a fiduciary duty to the district and its citizens. Always act in good faith and make sure the decisions you make are in the best interest of the district. You were elected by the citizens of the district, and you must carry out your duties for their benefit.

If you have a conflict of interest (when your private interests conflict with your public duties and actions), make sure it is disclosed in advance. The most common conflicts are financial. Special district Directors are subject to the state code of ethics so learn about how your participation on the Board may be limited if you have a conflict.

Continued on page 11



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Confidentiality

Most meetings of the Board are open to the public, except for executive sessions. You have a duty to keep confidential what is discussed in executive sessions. You may only discuss what is a matter of public record with family members, friends, or the media. This protects both the district and the Board.

Rules of Order

Be acquainted with the rules of procedure for your Board's meetings. A strict following of *Robert's Rules of Order* is not appropriate for special district Boards because of important differences between the public arena and the Boards of private corporations. However, observing some version of parliamentary rules can make for a smoother-run meeting.

Legal Reporting Requirements

The Board may delegate the responsibility for complying with the various

statutory filing and reporting requirements and deadlines to the District Manager, but you should be familiar with them as well. Failure to follow certain requirements can result in the County Treasurer withholding the district's tax revenues or even the administrative dissolution of your district by the state.

A calendar of the various statutory reporting and filing requirements for 2025 is available in the December 2024 issue of the SDA newsletter and in the SDA Board Member Manual (pdf versions of both of these documents are available on our website).

Compensation and Reimbursements

By law, special district Directors may be compensated for their service as a Director up to \$2,400 per year, not to exceed \$100 per meeting attended. Reimbursement of actual expenses for Directors is not considered as compensation. Please keep good records of any out-of-pocket expenses *reasonably* incurred in the performance of your duties, and spend public monies wisely.

Manage, Don't Micromanage

Your job as a Board member is to set policy, approve the budget, and guide the overall direction of the district. Don't get involved in the day-to-day operations of the district. Having a skilled and competent District Manager is essential and holding him/her responsible for getting it done. The best Board-staff relationships are found when the Board is clear (from the start) about its expectations and gives the Manager regular and productive feedback. Good communication is key.

Enjoy Your Time

We know that serving on a Board can sometimes feel like a thankless job, but please remember that the citizens have confidence in you as shown by their vote. Enjoy your time on the Board and be assured of the gratitude of your district and SDA for your willingness to serve. 🍌

Free Amazon Business Prime is Now Available for SDA Members!

Through a special program negotiated by the National Special Districts Association (NSDA), all SDA district and associate members are now eligible for free Amazon Business Prime!

This offer applies to both current and new Amazon business accounts, and it allows for unlimited users per account.

In addition, the option to pay by invoice is available, and districts are able to upload their tax-exempt information to their account. Plus, there will be a dedicated account executive assigned to each

participating district and associate member to help with any questions you might have. And of course, there is fast and free shipping!

On top of all this, there is special government pricing on thousands of essential items like office supplies, janitorial supplies, and much more!

We are thrilled to provide this valuable service to our members, and we hope everyone will take advantage of this great opportunity!

To find out more, please visit the SDA website at www.sdaco.org. 🍌

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Election Corner ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

Even though the May elections are now complete, there are still important items to keep in mind for June and beyond.

May 6, 2025 Regular Mail Ballot Election Calendar

Date	Action	Authority
6-5-25	FCPA NOTE: File Candidate Committee or Issue Committee Report of Contributions and Expenditures with the Secretary of State (30 days after the election).	1-45-108(2)(a)(II)
6-20-25	For debt authorization elections, mail the election results by certified mail to the Board of County Commissioners of each county in which the District is located or to the governing body of a municipality that has adopted a resolution of approval of the District and to the Division of Securities (within 45 days after the election).	32-1-1101.5(1)
	Election official shall retain the sealed voted ballots until time has expired for any contest proceedings or 25 months after the election, whichever is later. All other election records and forms shall be preserved for at least six (6) months following the election.	1-13.5-616(1) 1-13.5-616(2)

May 6, 2025 Regular Polling Place Election Calendar

Date	Action	Authority
6-5-25	FCPA NOTE: File Candidate Committee or Issue Committee Report of Contributions and Expenditures with the Secretary of State (30 days after the election).	1-45-108(2)(a)(II)
	Election official shall retain the sealed voted ballots until time has expired for any contest proceedings or 25 months after the election, whichever is later. All other election records and forms shall be preserved for at least six (6) months following the election.	1-13.5-616(1) 1-13.5-616(2)

Don't Forget to Update Your Board Information and Share Your Election Results!

Now that the May elections are over, please take a few minutes to make any necessary changes to your Board information in the SDA database. This will help ensure that all of your Board members receive important emails and other information from us. The process is quick and easy and can be done right through our website.

Once you are logged in to our website, please click on the "Members" tab on the top of the front page, and then click on "Membership and Member Profiles." From there you can click on "Update Profile" next to the district(s) to which you would like to make changes.

In addition, if you submitted a debt, TABOR,

sales tax, or mill levy question to your voters at the May election, we would like to hear from you about the ballot question and the results. And we have made it easy to share this information! Simply go to our website and click on the "Resources" tab on the top of the front page (you will need to be logged in to our website to access this tab). From there, please click on "Elections" and then click on the yellow box, which will take you to a Google form where you can share all your results.

Please call our office at 303-863-1733 if you have questions or need any assistance. Thank you for taking a few minutes to make these important updates and to share your election results! 🟡

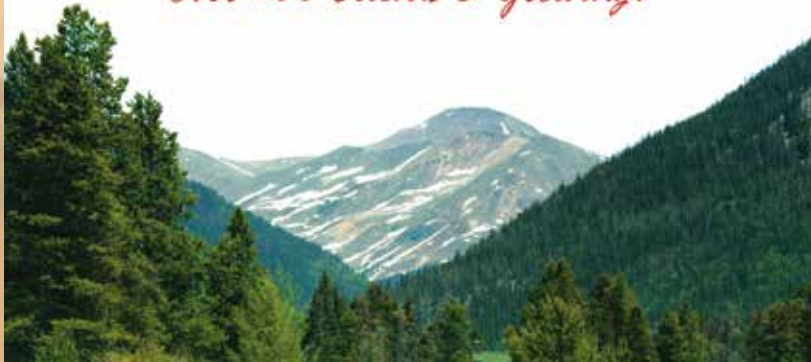
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It's June...Is Your Audit Report Complete?

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, 2024, 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. 🍌

Join Us on July 1 for the 2025 Legislative Wrap-Up Webinar!

Want to learn more about what happened during the 2025 Legislative Session that will affect your district? Looking for a sneak peek of what's to come next year?

Then mark your calendar and plan to join us on Tuesday, July 1 at 10:30 am for our informative legislative wrap-up webinar! We'll summarize the 120-day Session in 60 minutes or less! Plus, this will be recorded, and the materials will be made available to you after the presentation.

SDA's Legislative Team will provide an overview of the 2025 Legislative Session, including the bills and issues that proved to be the most pertinent for special districts.

Board members and all district employees 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 2026 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. 🍌

A note from SDA CEO Ann Terry: For our stroll down memory lane feature this month, we are pleased to share these announcements and news tidbits about some of our very own SDA team members, going all the way back to Dodie Gale, SDA's first Executive Director!

NEWSLETTER

SPECIAL DISTRICT ASSOCIATION OF COLORADO

1700 Lincoln Street • Suite 3711 • Denver, CO 80203 • Phone 839-3791



JUNE, 1991

DODIE GALE TO RETIRE

Dodie Gale, Special District Association Executive Director since 1980, and the only full-time Executive Director to serve the Association has announced her retirement effective the end of this year.

"It has been the most interesting job I've ever had," says Dodie, "but, I would now like to play more golf and do more traveling."

Before coming to the Special District Association Dodie spent 13 years with the Division of Local Government providing technical assistance to local governments; lobbying before the legislature, and administrative boards and commissions; and was active in the recodification of the Special District Act. Dodie served on Governor John Love's 100-person Local Affairs Study Commission from 1963-1967. She also served as Assistant and Acting Director of the Division of Local Government, Legislative Liaison for the Department of Local Affairs and was a former member of the State Criminal Justice Council. In 1979 she moved to a position of legal assistant with a Lakewood law firm and assisted in the administration of the Special District Association until her appointment as its full-time director in May, 1980.

Since that time the Association has grown to four full-time employees and nearly 350 Regular and Associate Members. We expect we will see Dodie around for many years to come, at least playing in the annual golf tournament and attending the Annual Conference.

The Board of Directors of the Special District Association hopes to name a new Executive Director at the Annual Conference, September 19 and 20. A candidate search subcommittee has been named consisting of board members Ray Bullock, Jack DeLange, and Wayne Monson; and also Jim Collins. The Committee has established with the Board that the key elements of the job require legislative and administrative lobbying experience; local government technical experience; and administrative skills. Any comments, suggestions or nominations from Members will be welcomed; please give any input to the search subcommittee as soon as possible.



NEWSLETTER

SPECIAL DISTRICT ASSOCIATION OF COLORADO

1700 Lincoln Street • Suite 3711 • Denver, CO 80203 • Phone 839-3791



SEPTEMBER/OCTOBER, 1991

MR. EVAN GOULDING TO BE THE NEW SDA EXECUTIVE DIRECTOR



The SDA Board of Directors appointed Mr. Evan Goulding as the new SDA Executive Director. The announcement and introduction was made at the SDA Conference. Evan will be assuming the duties of Ms. Dodie Gale who will be retiring after eleven years with SDA, effective December 31, 1991.

Evan is a graduate of Brigham Young University, Provo, Utah and holds a Juris Doctorate from George Washington University Law School, Washington, D.C.

Since 1983, Evan has been in private law practice and has lobbied for state, local, and federal agencies before the Colorado General Assembly. Prior to entering private practice he served as the Colorado Commissioner of Agriculture, Corporate Secretary and General Counsel for the National Cattleman's Association, City Attorney for Arvada, Deputy District Attorney for Los Angeles County, California, Staff Assistant and Legislative Aid to

U.S. Senator Frank Church of Idaho and President and Chairman of the Board of an alcohol fuels equipment company.

In addition, Evan has extensive experience in self-funded and fully insured health and welfare benefit plans as well as pension and retirement plans. He has developed and established corporations, small businesses, and agricultural organizations.

His knowledge and accomplishments will be a great asset for SDA and its members.

PLEASE JOIN US IN WELCOMING EVAN TO THE SDA.

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YEARS

SDA

Special District Association of Colorado

January 2010

newsletter

Executive Director's Update



It is with great enthusiasm that I write to you as your new SDA Executive Director. As many of you know, after 18 years as Executive Director, Evan Goulding has decided to retire. Let me reassure those of you feeling nervous, we are not letting him go far. He will remain as SDA

lobbyist for the 2010 Legislative Session, and will be available for special projects and other pre-determined activities.

The Board has suggested that Evan serve as consultant on several special projects and I intend to rely on him to provide me with his insight and to share his knowledge of SDA's history.

SDA is an efficient organization because of the SDA Board of Directors and Evan Goulding's leadership. Evan has assembled a talented and dedicated staff to support the SDA membership. He has also been successful in developing programs and educational training for special districts, while serving the membership through his role as SDA's lobbyist, protecting and preserving local government in Colorado.

As part of our exciting new year, SDA is unveiling a new look for the newsletter and website. A dynamic new logo was chosen by the Board at the November retreat,

it will be premiered with the February newsletter. *SDA News* (the new name for the newsletter) will be launched in conjunction with a new SDA Website.

The new look and functionality of the website will feature updated legislative information and a helpful compliance calendar along with other key information for members.

SDA continues to search for ways to assist members. November 2009 we added a helpful link on the SDA Website that allows members to file their SB 09-87 transparency notice, which is due January 15, 2010. If we can be of assistance, please call SDA at 303-863-1733 or contact me at ann.terry@sdaco.org.

The 2010 legislative year and the election will be a priority for the SDA staff as we watch several ballot initiatives that may make the November ballot. In my opinion, several of these initiatives could adversely affect special districts.

I am honored to have been chosen your next Executive Director and look forward to working with you. Please do not hesitate to call or stop by the SDA offices.

Ann Terry
Executive Director

Several 2010
ballot initiatives
could
adversely
affect special
districts ...

Continued on page 20

Celebrating an Important SDA Anniversary!

Chances are good that if you have contacted the SDA office, then you have had the pleasure of knowing our Manager of Membership Services, Georgia Kraemer. Georgia is celebrating her 10-year anniversary with SDA this year and the Special District Association is grateful for her years of dedication to special districts and to our members.



Georgia Kraemer, SDA's Manager of Membership Services

Before Georgia joined the SDA staff, she worked in membership services for the Northwest Metro Chamber of Commerce and owned a custom photo lab for over 20 years.

SDA's Deputy Director Donna Alengi had this to say about Georgia, "In this ever-changing world of information management for special districts, one thing remains a constant, no computer or voice mail can take the place of a friendly, helpful person. Moreover, anyone who has contacted SDA knows Georgia is that person. Georgia's priority has always been providing service to our members.

In the 17 years that I have worked with Georgia, both in my current position and as the Vice President of the Northwest Metro Chamber of Commerce where we both were previously employed, I have learned that working as a "team" is not just a concept—it is the rule for Georgia. She exemplifies professionalism and courtesy. I think she's the best membership person an organization can have and I am pleased that Georgia is not only my co-worker but also my friend."

Both the former and current SDA Executive Director echo Donna's sentiments. "It has truly been an honor to work with Georgia over the last 10 years," said former Executive Director and current SDA Legislative Consultant Evan Goulding. "She has played a major role in the growth of the association and has gone above and beyond the call of duty as a member of the SDA staff. She is not only a wonderful employee, but a dear friend."

"In the short time I have worked with Georgia, I have witnessed how dedicated she is at providing the best possible service to the members of SDA. She has an incredible work ethic and is a genuinely enjoyable person to be around each day," said SDA Executive Director Ann Terry.

Georgia coordinates member services, Legislative Committee meetings, SDA Annual Conference, workshop registrations, distribution of publications, and manages SDA's daily office operations.

On behalf of the SDA Staff and Members, congratulations on 10 years Georgia, you are the best! 🍌

SDA NEWS

SPECIAL DISTRICT ASSOCIATION OF COLORADO

MARCH 2010

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Donna Alengi

Donna Alengi, SDA's Deputy Executive Director, retires

Marketing, communications, planning and organizing events, working with the Property and Liability Pool and membership services for SDA members have been Donna Alengi's bailiwick for over 16 years. In March of this year, Ms. Alengi hung up her SDA Deputy Executive Director hat and put on her CASA (Court Appointed Special Advocate) hat, and she hopes to pursue her other creative passions in art and design with a few exotic trips with her husband Tom Clark.

SDA's Executive Director Ann Terry said, "Donna has influenced this organization with her knowledge of special districts, management, and her ability to work with boards, the membership, and her mentorship of the staff. Her creativity with the development of programs such as the SDA Leadership Academy, SDA University, and leadership with the SDA News, serving as the newsletter editor will live on. I think her greatest asset is that she cares about people. She is a person who can be counted on to have at least three great ideas a day of how to improve or provide services to SDA members. We will miss her and wish her the very best."

Jennifer Alvarado, Vice President McGriff, Seibels & Williams Inc., Pool Administration team said, "Donna has been the CSD Pool's liaison for nearly 16 years. She came at a time when transition was necessary and paramount to the Pool's survival. Donna had a host of experience to draw upon which allowed for fresh ideas on how to promote and advertise essential membership services in new and exciting ways."

Joe DePaepe, Pool Administrator, said, "Donna has been that special link that solidifies relationships and builds enthusiasm in all she touches. She is that rare person who could mend bridges

and build lasting opportunities. Donna assisted in updating educational efforts, Pool resources, marketing, newsletters, and event coordination. She is a natural consensus builder and entertainer. Donna's legacy with the Pool will be the connections she added by her sheer personality and knowledge of the Pool's history."

After several months of relentless pursuit, SDA was finally able to persuade Donna to join the staff in March of 1995. She brought a unique set of talents and experience, including a distinguished career in the Chamber of Commerce world, marketing, promotion, and event management. Soon after her hire, the professional image of SDA began a steady climb upward. Donna brought new vision to the Annual Conference, including increased availability of sponsorship for Associate Members, and a very noticeable improvement in the quality of speakers. Membership services were expanded. Annual Workshop attendance increased, and new ideas abounded. Former Executive Director Evan Goulding, with whom Donna worked for several years, said, "Donna's skills and experience have been of great benefit to SDA and special districts statewide, but perhaps her greatest contribution has been her lively and indomitable personality. No one can be around Donna for long without their day becoming brighter."

Ms. Alengi said, "I am honored to have had the opportunity to work with the dedicated men and women who serve special districts and with the incredible SDA and Colorado Special Districts Property and Liability Boards and staffs. I am very proud of all that we have accomplished. I am happy to move on to the next exciting adventures that lie in store for me and I hope to be able to use my talents and resources to help those who need it most, neglected and abused children through my work with CASA." 🍌

Continued on page 23

FUN FACTS 1975

This month's fun facts feature some of the most popular cars in the U.S. in 1975. Were you hitting the road in any of these classics?

- » Oldsmobile Cutlass
- » Pontiac Ventura
- » Cadillac Coupe de Ville
- » Ford Pinto
- » Chevrolet Chevelle
- » Plymouth Valiant
- » Chevrolet Monte Carlo
- » Buick Electra

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Originally published in the August 2014 SDA News

SDA Announces New Director of Policy Michael Valdez



Valdez

The Special District Association (SDA) is pleased to announce that Michael Valdez has joined the association as its new director of policy.

A Focus on Legislation

Valdez expects that the major focus of his new position will be on watching pending legislation that could impact special districts across the state, conducting legal research, working with legislators, and potentially developing legislation for SDA to support. He

says he also wants to “fill in where I can to be most helpful to the SDA team.”

Valdez says he has always been fascinated by local government’s role in society, describing special districts as “government at the very local level.” The newly created position with SDA will be a “great opportunity to expand my areas of expertise into this

special area of law, policy and legislation,” he says.

Valdez comes to SDA from the Colorado Bar Association, where he was director of legislative relations for 22 years.

A native of Colorado, Valdez grew up in Pueblo and went to school in Boulder and Denver. He holds a BA in political science from the University of Colorado, attended two years of law school at the University of Denver, and has completed 24 hours of study toward a masters’ in public administration.

SDA Executive Director, Ann Terry, is very excited to have Valdez as the newest staff member. “After a thorough analysis of the needs of the association, we conducted an extensive search for this new position. Michael’s vast legislative experience and many years of association work are a perfect fit and will be a tremendous asset for our members. We are just thrilled to have him join us.”

A Cat and an “American dog”

Valdez and his wife, Terri Livermore, have been married for 12 years and share their home with a dog (Fraggles) and a cat (Kona). Valdez describes his dog as “an American dog” because she is a mix of breeds. “We’re sometimes tempted to get a DNA test on her to find out just what breeds she is,” he jokes.

In his spare time, Valdez likes to be outdoors, cycling, hiking, walking his “American dog” and attending CU Buffs football games. 🍌

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 2025 SDA membership by March 1 and received a 25% discount, but there is one more important step to take care of.

Now, make sure you *pay* your dues by July 1 or you will lose the discount!

This 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. 🍌

Follow These Rules for a Proper Executive Session

Questions about the procedures for holding an executive session continue to be common from SDA's members. Fortunately, the statutes¹ set forth clear and fairly easy-to-follow steps for a proper executive session. Be careful, however, because the Colorado Court of Appeals has held that if a governing body does not strictly comply with the statutory requirements for convening an executive session, the records of that session must be opened to public inspection.²

Executive sessions are *an exception* to the general rule that the proceedings of a public governing body, such as the Board of Directors of a Colorado special district, are public business and should be conducted in a meeting which is open to the public. Therefore, begin with the presumption that whatever matters your Board needs to discuss, it should be done in open session, unless the matter is included on the list of acceptable topics provided in the Open Meetings Law.³

Approved Topics

In order to head off abuses of the process, the Open Meetings Law sets very specific guidelines for the subject matter that is to be discussed in executive sessions. If a Board needs to discuss any one or more of the following topics, and there is a legitimate need for privacy or confidentiality, the Board may convene an executive session:

1. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest (§24-6-402(4)(a), C.R.S.);
2. Conferences with an attorney for the public entity for the purposes of receiving legal advice on specific legal questions (§24-6-402(4)(b), C.R.S.);
3. Matters required to be kept confidential by federal or state law or rules and regulations (§24-6-402(4)(c), C.R.S.);
4. Specialized details of security arrangements or investigations (§24-6-402(4)(d), C.R.S.);
5. Developing strategy for negotiations, instructing negotiators, and determining positions relative to matters that may be subject to negotiations (§24-6-402(4)(e), C.R.S.);
6. Personnel matters (with exceptions and as applied in the discussion below) (§24-6-402(4)(f), C.R.S.); and
7. Consideration of any documents protected by the mandatory nondisclosure provisions of the Open Records Act⁴ (§24-6-402(4)(g), C.R.S.).

While some of these topics seem self-explanatory, others require a little more elaboration (the topic number below corresponds with the bullet number at left):

Topic #1: No executive session may be held for the purpose of concealing the fact that a district Board member has a personal interest in the purchase, sale, lease, etc. of the property. A potential conflict of interest or other impropriety cannot be hidden behind the closed doors of an executive session.

Topic # 2: The mere presence or participation of an attorney at an executive session does not constitute a conference with an attorney that would qualify the executive session for purposes of the Open Meetings Law. The attorney must actually be giving the Board legal advice on specific legal questions which would reveal confidential matters or compromise a negotiating strategy if discussed in open session.

Topic # 3: In the motion calling the executive session, the Board must announce the specific citation of the federal or state statute or rule that is the basis for such confidentiality. Examples of such statutes might include relevant portions of HIPAA or other statutes designed to protect the confidentiality of certain persons or actions.

Topic # 4: Applicable to defense against terrorism and also in circumstances where disclosure of the matters discussed might reveal information that could be used for the purpose of committing a violation of the law or avoiding prosecution for it.

Topic #6: The rule concerning executive sessions to discuss personnel matters is often invoked, frequently inappropriately. Therefore, a more in-depth discussion of personnel matters follows.

Personnel Matters

An executive session *is not* appropriate for discussions of general personnel policies that do not require the discussion of matters personal to a particular employee

or discussions of Board members, any elected official, or the appointment of any person to fill a vacancy on the Board or a vacancy of an elected official.

Similarly, in a search for a new Chief Executive Officer, the search committee of a local public body must establish job search goals, including the writing of the job description, deadlines for applications, requirements for applicants, selection procedures, and the timeframe for appointing or employing the Chief Executive Officer of such entity at an open meeting. When the search has narrowed to finalists, the local public body must make public a list of the finalists under consideration for the position no later than 14 days before a final offer can be made.⁵

The statute provides, however, that it is not to be construed to prohibit a search committee from holding an executive session to consider appointment or employment matters not described in this paragraph and otherwise authorized by §24-6-402, C.R.S.

An executive session *is* appropriate to discuss personnel matters concerning a specific individual. Because the employee has a statutory right to request an open meeting instead of an executive session, the individual to be discussed must be given advance notice that he or she will be the topic of discussion.⁶ The person being discussed cannot insist upon being present in the executive session, although the Board may consent to allowing the person to sit in the executive session during the discussion. If such were to happen, the person would be subject to the same rules of confidentiality as Board members and other attendees. If a person who is to be discussed objects to the discussion being in executive session, then the Board must either hold the discussion in a public meeting or not hold the discussion of the person.

Procedures to Convene: Announce, Cite, Describe, and Vote

An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, i.e., not a study session. When it is known in advance that an executive session might be convened, the agenda included in the “24-hour” meeting notice should so indicate, stating the reason or subject of the executive session.

To convene an executive session, the statute requires that the local public body announce to the public in the open meeting the topic to be discussed in the executive session, including specific citation to the statute authorizing the body to meet in an executive session (see statutory sections included with the

bulleted/topic list above) and identifying the particular matter to be discussed “*in as much detail as possible without compromising the purpose for which the executive session is authorized.*” If the Board plans to discuss more than one of the authorized topics in the executive session, each should be announced, cited, and described.

An executive session may only be called at a regular or special Board meeting where official action may be taken by the Board, i.e., not a study session.

Following the announcement of the intent to convene an executive session, a motion must then be made and seconded.

A sample motion might sound like this, “I move that we enter into executive session to discuss a personnel matter pursuant to §24-6-402(4)(f), C.R.S., and to discuss the purchase of certain real property pursuant to §24-6-402(4)(a), C.R.S., as a possible loca-

tion for the district’s new administration building.”

An affirmative vote of *two-thirds (2/3) of the quorum present* is required to go into executive session. That’s at least *four* “yes” votes if five Board members are in attendance. Three out of five members present is only 60%, not the requisite 66%.

Gumina Case

It’s important to strictly follow the steps to convene an executive session and in the order prescribed. In the *Gumina* case, the Sterling City Council made numerous errors in calling an executive session for the purpose of discussing the employment of the Assistant City Manager, Pamela Gumina.

First, the Council announced its intent to convene an executive session. The Council minutes indicate that the Council then voted unanimously to convene an executive session before any topic of discussion was announced.

After the vote, the Mayor distributed a written form which stated, “At this time it is the intent of the City Council to recess the public meeting currently in progress and convene an executive session which will be closed to the public. The topics for discussion in the executive session will be [Topics #1, 5, and 6 above].” The statement did not include the specific statutory citations, and it did not name the employee who was the subject of the “personnel matter,” nor did the Council provide any advance notice to Gumina that she would be the topic of discussion at the meeting.

The Appellate Court determined that this violated Gumina’s statutory right to call for an open meeting. Finally, the Appellate Court concluded that, “because the Council failed to strictly comply with requirements of the statute for convening [the challenged executive sessions], the Trial Court must open the records of those sessions to public inspection.”

Continued on page 26

Behind Closed Doors

Assuming your Board has properly called the executive session as discussed above, there are additional limitations on the session itself:

- » Limit discussion to only those topics announced in the open session. Do not digress into other issues.
- » Do not take any formal action. Do not take any straw polls or ask your fellow Board members how they will vote once you return to open session. The public will feel that the public vote was only a rubber-stamping of a decision already made in secret session, and a Court will probably agree with them.
- » You must electronically record (tape, digital, etc.) the discussion in your executive session, regardless of the manner in which your district keeps minutes of its open sessions.
- » Handwritten or typed records will no longer be acceptable.
- » If, in the opinion of the district's attorney (who is in attendance at the executive session) all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, the electronic recording may be suspended and no record kept for that portion of the discussion. The attorney may either state such opinion for the record or provide a signed statement attesting that the portion of the executive session that was not electronically recorded constituted a privileged attorney-client communication. On the other hand, nothing prevents the district from recording even the privileged discussion and letting a judge determine what was privileged, if the record is challenged.
- » All Board members are entitled to be present in any executive session. Other than Board members, only those others who are considered essential to the discussion at hand should be present and then only with the invitation of the Board. The District Manager and attorney will normally be present and others such as an appraiser, consultant, or investigator, if deemed by the Board to be necessary to the discussion. It should be noted that anyone present in the executive session is under the same obligation of confidentiality as the Board members. Anyone, including Board members, breaking the confidentiality of the session will be in breach of their duty of loyalty to the district.

Record Retention and Requests for Inspection

Members of the public have 90 days following the executive session to file a challenge and an open records request that the records be released to public inspection on the grounds that the executive session was

improperly called, or that the discussion went beyond the purposes for which the session was called, or that formal action was taken.

Therefore, the tapes should be preserved for at least 90 days, after which, assuming no Open Records Act request has been filed, they may be erased or otherwise destroyed, provided the district's policy so

You must electronically record (tape, digital, etc.) the discussion in your executive session, regardless of the manner in which your district keeps minutes of its open sessions.

permits. Most attorneys recommend destruction of the tapes after 90 days if no public request is received.

If a person seeks access to the record of the executive session pursuant to the Open Records Act during the 90-day period, the electronic recording must be preserved so that a judge may review the record (in private) and determine whether all or a portion of it should be made public. The district's Custodian of Records, acting on behalf of the Board, may feel that the need for confidentiality has passed and open the record, or he or she may deny the request, in which case the requesting party will forward the request to the District Court.

If, in response to a formal request by a member of the public, the judge determines that: (i) substantial discussion on matters not authorized by the executive session laws or outside the scope of the motion for the executive session took place; (ii) a policy, position, resolution, rule, regulation, or formal action was adopted by the Board;⁷ or (iii) the executive session was improperly convened,⁸ the improper portion of the record will be open to public inspection. In addition, the Court has jurisdiction to issue injunctions to enforce the purposes of the Open Meetings Law and to award a prevailing citizen costs and reasonable attorney fees.⁹ 🍌

¹ See Part 4 of Article 6 of Title 24, Colorado Revised Statutes (the "Open Meetings Law").

² See *Gumina v. City of Sterling, Colorado*, 119 P.3d 527 (Colo. Ct. App. 2004), *cert. denied*.

³ See Section 24-6-402(4), C.R.S.

⁴ See Part 2 of Article 72 of Title 24, C.R.S.

⁵ See §24-6-402(3.5), C.R.S.

⁶ See §24-6-402(4)(f)(I), C.R.S. and the *Gumina* case.

⁷ See §24-6-402(2)(d.5)(II)(C), C.R.S.

⁸ See the *Gumina* case.

⁹ See §24-6-402(9), C.R.S.

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