



FROM THE CITY MANAGER'S OFFICE

For the week of April 10, 2017

Inside the city

Information on latest happenings, items of interest.

To see events posted on the city wide calendar please visit our [website](#).

Council follow-up

Resolution of action items or requests from previous meetings.

Councilman Douglas inquired about the status of trail behind Buckley Ranch connection to the school.

Public Works is currently completing the final plan review, with the project is scheduled for bid advertisement in the next 30 to 45 days. Construction is expected to beginning in third quarter, with project completion prior to Dec. 31, 2017.

Letter Regarding SACWSD's Policy Requiring Multiple Taps for Multi-Tenant Buildings

South Adams County Water & Sanitation District (SACWSD) General Manager Jones received City Council's letter to the requesting a policy review of the individual water tap requirements for multi-tenant buildings. District staff is reviewing the policy for a discussion at the April 18 Water Commission meeting.

Legislative report

Attached please find this week's legislative report and tracking sheet.

City Council Work Schedule

Attached please find the current city council meeting schedule.

MEMMO

To: City Council

From: Michelle Halstead, director of external affairs and Erin Goff, Axiom Strategies

Subject: 2017 General Assembly Week 11 Legislative Report

Date: April 10, 2017

Less than five weeks remain in the 2017 legislative session and neither Chamber seems to hear the clock ticking. The House introduced 16 new bills last week to bring their current total to 328, while the Senate increased to 288 with eight new bill introductions. The Governor has signed 137 of these into law and 120 have been postponed indefinitely. That leave 359 bills (plus however many more yet to be introduced) that require action before May 10. Commerce City is tracking 104 bills for possible direct or indirect impacts on the city, its employees, businesses and residents.

The House failed to accomplish its goal of passing the budget last week, as they didn't approve second reading until Friday. Third reading was scheduled for this morning after which the bill will go to conference committee - the Joint Budget Committee - to reconcile the differences.

Learn more about [monitored legislation online](#), including summaries and full text of the bill. Updates on council's specific legislative priorities are listed below. City positions are consistent with city council's [approved legislative principles](#) and are noted in parentheses. Thanks to the [Colorado Municipal League](#), [Axiom Strategies](#) and other cited media sources for providing legislative information.

SPECIFIC LEGISLATIVE PRIORITIES

- **Owner-Occupied, Multifamily Housing.** HB 17-1279 (support with amendments), the supposed bipartisan compromise bill was originally scheduled for hearing two Wednesdays ago, then again last Wednesday, but was pulled from the calendar again to continue negotiations. The Homeownership Opportunity Alliance (HOA) desires amendment language that focuses on whom is included in the group of homeowners that must be informed and consent to a construction defects lawsuit as well as the tolling of time between notice and consent. The hearing was rescheduled for Wednesday, April 12.

SB 17-156 (support), the informed consent/ADR bill supported by the HOA is scheduled to be heard Wednesday, April 19, in the House "kill" committee, where it

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will surely die. SB 17-45 (neutral), concerning the allocation costs in a construction defects claim, has not been scheduled for hearing in the Senate Appropriations committee. SB 17-155(neutral), which defines “construction defect” has not been scheduled for committee hearing.

HB 17-1309 (support), which would increase the documentary fee currently imposed on all real estate transactions deposited into an Colorado Housing & Finance Authority-administered affordable housing, is scheduled to be heard by the House Local Government committee Wednesday, April 26. It will pass the House but destined to die in the Senate with the Realtors in strong opposition.

- **Urban Renewal and Tax Increment Financing.** SB 17-279 (support), the long awaited “applicability” bill clarifying HB 15-1348, passed the Senate Local Government committee last week and is scheduled for second reading on the Senate consent calendar Tuesday, April 11.
- **Photo Red Light Cameras.** Staff no longer expects legislation on this subject during the 2017 session.
- **Transportation Funding.** HB 17-1242 (support), the transportation funding bill that would send a tax increase to the voters this November, passed out of the House last week. It was introduced in the Senate March 31 and assigned to the Transportation committee. It has not yet been scheduled for hearing.

OTHER ITEMS OF INTEREST

- **Marijuana**

Taxes

HB 17-1203 (support), the bill that authorizes counties and municipalities to levy, collect and enforce a special tax on retail marijuana and retail marijuana products, passed the Senate Local Government committee last week and now awaits Second reading in the Senate. It was originally scheduled for second reading last Friday but was laid over until Monday. Adams County was trying to get Sen. Moreno to offer an amendment to *require* the municipality and county enter into an IGA to share the special marijuana tax. Staff and our lobbyist are working (along with a coalition that



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includes Northglenn, Aurora, CML and others) with Sen. Moreno and the other 34 Senate members to keep all amendments off this bill

Gray Market Legislation

HB 17-1221 (support), from the interim committee on cost-benefit analysis of legalized marijuana in Colorado, passed the Senate Judiciary committee and awaits hearing in the Senate Appropriations committee. This bill would create a grant program using funds from the Marijuana Tax Cash Fund in the Department of Local Affairs to award grants to local governments - with priority to rural areas - to reimburse or defray costs for training, education, law enforcement, and prosecution associated with gray and black marijuana markets.

HB 17-1220 (support), places a cap on the number of plants that can be possessed or grown on a residential property at 12 plants in the aggregate, with 6 or fewer being mature. A medical marijuana patient or primary caregiver who cultivates more than 12 plants must do so in compliance with applicable city and county law. HB 1220 passed both Chambers and awaits the Governor's signature.

- **Sales and Use Taxes**

HB 17-1216, Legislative Task Force (Monitor)

The Coalition to Simplify Colorado Sales Tax has worked with members the General Assembly on HB 17-1216, to establish a legislative task force that studies sales and use tax simplification between state and local governments. The task force would be composed of two members of the House of Representatives, two members of the Senate, one employee from the Colorado Department of Revenue, one representative from CML, one representative from Colorado Counties Inc., one representative from a statewide association of small businesses, one representative of a statewide chamber of commerce, one private tax practitioner, the executive director of the Streamlined Sales Tax Governing Board, and four representatives from self-collecting home rule municipalities.

The task force would study state and local tax simplification to identify opportunities and challenges within existing fiscal frameworks to adopt innovative revenue-neutral solutions, including the feasibility of a third-party entity for state or local sales and use tax administration, return processing, and audits; making audits more uniform; utilizing certified software for tax administration and sales tax remittance; and utilizing a single tax return. The task force could seek and accept gifts, grants, or donations, would have



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to make an annual report to Legislative Council that could make legislative and non-legislative recommendations, and would be subject to sunset review in three years. This bill passed out of the House Business committee and awaits hearing in House Appropriations.

SB 17-112, Statute of Limitation on Erroneously Sourced Sales & Use Tax (Monitor)
SB 17-112 amends the statutory three-year audit-assessment period to prevent self-collecting municipalities from collecting sales tax from businesses that incorrectly sourced sales or use tax that failed to join the second municipality within the necessary time within the statute of limitations to either provide a refund or to make an intercity claim. Staff worked with CML, other municipal stakeholders, and the proponents of the bill on amendment language to address self-collecting municipal concerns (that the bill could cause a lack of due diligence to properly source locally collected sales and use tax) and the amendment was adopted in the House Local Government committee March 22. The bill has since passed the House and the Senate concurred with House amendments.

- **HB 17-1083, Municipal Courts: Clarification for Advisements (Support)**

In addition to the requirement that a defense attorney be present at first appearance in certain cases, HB 16-1309 also required additional advisements in all municipal court cases. HB 17-1083 cleans up language from HB 17-1309 by removing traffic offenses of four points or less from the advisement requirement. This will allow municipal courts to run more efficiently by shortening what a municipal judge must advise defendants at first appearance in those specific traffic cases. The bill language clarifies that the low level traffic offenses exempted in this bill must also be non-jailable. HB 17-1083 was sent to the Governor and awaits his signature.

- **HB 17-1162, Outstanding Judgments & Drivers Licenses (Formerly Opposed)**

As introduced, HB 17-1162 removed the Department of Revenue's ability to cancel or suspend an individual's license if that person has an outstanding judgment warrant (OJW) against them. The bill also gave the court the ability to take funds from an individual's tax return to cover owed fines. This was problematic. Municipal courts already are limited significantly when collecting fines and do not want to lose another tool to enforce municipal ordinances. Staff worked with other municipal stakeholders and Rep. Matt Gray, the sponsor of HB 1162, to draft compromise language to amend the bill to keep the OJW tool for municipal courts and create a low level traffic



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infraction that can be written into municipal court. HB 1162 was sent to the House Appropriations committee where it has not yet been scheduled for hearing.

- **HB 17-1177, Open Records: Encouraging Mediation of Disputes (Monitor)**

HB 17-1177 passed the House and was sent to the Senate in a revised form, removing the provisions in the bill relating to mediation of Colorado Open Record Act (CORA) denial disputes and replacing with a 14-day period following a CORA denial and the requester's filing an application with the district court. In that 14-day period, the custodian and requester must meet to attempt to resolve the dispute. If an expedited request is necessary, the requester must state the factual basis of the expedited need.

Municipal custodians rarely deny CORA requests, and when doing so, base their denials statutory duties (where they may not provide a record), on the absence of having the record, or other legal grounds. HB 1177 passed Second reading in the Senate last week and is scheduled for Third reading today.

- **SB 17-1204, Municipal Courts: Juvenile Record Expungement (Monitor)**

HB 17-1204 creates a process both in the state and municipal courts for juvenile expungement. Expungement is the word most often used, but the bill really identifies a modified record sealing process in juvenile cases. Law enforcement, victims, and prosecuting attorneys will still have access to these records. The bill requires automatic expungement if a juvenile is not convicted, and creates a formal process for a juvenile to seek expungement if convicted. From a policy perspective, it makes sense that certain juveniles should have the opportunity to get a modified record sealing done. CML worked with the bill proponents before it was introduced to create a process and provide a longer timeline to expunge these records in municipal courts. This bill passed through committee in the House and was sent to the House Appropriations committee where it has not yet been scheduled.

- **HB17-1229, Workers Compensation: PTSD (Support)**

For several sessions, the Colorado Fraternal Order of Police (FOP) backed legislation attempting to create more access to workers' compensation for post-traumatic stress disorder (PTSD). Currently, a psychologically traumatic event that qualifies an employee for a mental stress claim must "be generally outside of a worker's usual experience." However, that creates issues when applied to some of the things first responders often face and the unpredictable nature of what triggers PTSD. HB17-1229



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creates an exception to the “outside of the usual experience” language by outlining a limited number of severe circumstances in which an individual is exempt from this qualification. The exception comes with safeguards that staff believes will guard against abuse, and will ensure that municipal first responders get treatment they need it and feel comfortable in seeking it. This bill passed the House and will be heard in the Senate Business Committee Wednesday, April 12.

- **HB 17-1268, Municipal Courts: Change Maximum Criminal Penalty from one year to 364 days (Support)**

Under current law, the maximum jail sentence for a Class 2 misdemeanor, misdemeanors without a fixed statutory penalty, and municipal ordinance violations is one year. HB 17-1268 changes the maximum jail sentence to 364 days. This bill is scheduled for its first hearing Tuesday, April 18 in the House Judiciary committee.

- **HB 17-1316, Municipal Courts: Clarification of Advisements (Support)**

When Gov. John Hickenlooper let HB 16-1309 become law without his signature, he sent a letter to the legislature agreeing that the law is an unfunded mandate and pledged to find funding. During the interim, CML staff initiated discussions with the Governor's Office. As a result, CML staff is working with the Governor's office on legislation to push back the effective date of HB 1309 until July 1, 2018. The intent is to establish a system at the state level that is workable and fiscally responsible to implement state funding for defense counsel at the local level. HB 17-1268 was introduced last week and assigned the House Judiciary committee, where it will be heard Thursday, April 13.

- **HB 17-1314, Affordable Housing: Right to Rest Act (Oppose)**

In 2014 and 2015, Denver Homeless Out Loud and the American Civil Liberties Union introduced the “Colorado Right to Rest Act.” The legislation attempted to apply certain rights to the homeless within the adoption and enforcement of certain municipal ordinances. Municipalities and other stakeholders successfully defeated this legislation. HB 17-1314 is the 2017 version, seeking to enact individual rights for rest, use, and free movement in public spaces. HB 17-1314 also prohibits local governments from enacting and enforcing ordinances that conflict with the rights established in the bill. Staff believes this is a clear violation of local control. Finding a permanent solution for homelessness in Colorado is a top priority for municipalities and an issue

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best left to resolve at the local level. HB 17-1314 has been assigned to the House Local Government committee where it will be heard Wednesday, April 19.

- **SB 17-213, Autonomous Vehicles (Monitor)**

As introduced, SB 17-213 declared the regulation of automated driving systems is a matter of statewide concern, and, therefore, local authorities are prohibited from regulating these systems. The use of automated driving systems is authorized if the system is capable of conforming to every state and federal law applying to driving. If not, a person testing a system is required to coordinate with the Colorado state patrol and the Colorado department of transportation. The bill was amended in the Senate Transportation committee to strike the section of the bill pertaining to local government's ability to regulate autonomous vehicles. The new language requires both the state and local governments to treat these vehicles just as they would a human driver. It passed the Senate and the House and will now be sent to the Governor for his signature.

Please contact Michelle Halstead at 303-289-3719 or mhalstead@c3gov.com with questions on these or any other legislative issues.



City Council Work Schedule				
Date	Item	Description	Dept.	Time
April 17, 2017		Call to Order; Pledge; Audience Intro; Citizen Comm; <u>Minutes</u> ; Reports, Presentation of Colors		1:00
REGULAR				
PROC & RECOGNITION	Proc 17-01	Tree City USA Recognition/Arbor Day	PR&G	0:05
	Rec 17-11	Quality Community Foundation Grant Awards Recognition	COMM	0:30
CONSENT	Res 2017-38	UPDATING QUIT CLAIM DEED CDOT HWY2	PW	0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION	Pres 17-96	Presentation, 2017 Pavement Maintenance Program Overview	PW	0:20
	Pres 17-179	Purchase of Additional 4A Water	CMO	0:30
	Pres 17-180	Water Acquisition Fee Annual Escalator	CMO	0:30
ADMIN BUSINESS				0:15
		Total Meeting Time		3:15
April 24, 2017		Reports	CMO	0:15
STUDY SESSION				
DISCUSSION	Pres 17-124	2018 Work Plan Objectives/Budget Process	FD	1:30
	Pres 17-129	2K O & M Discussion	CMO	0:45
	Pres 17-192	Retail Marijuana Separation vs. Cap Discussion	CD	0:45
		Total Meeting Time		3:15
May 1, 2017		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
REGULAR				
PROC & RECOGNITION	Proc 17-05	Proclamation for Police Week	PD	0:05
	Proc 17-07	Proclamation celebrating Economic Development Week	ED	0:05
CONSENT	Ord 2121	Property Surplus Ordinance (1st reading April 3)	PD	0:05
	Z-660-97-99-00-03(2)-17	B&W Construction Co. is requesting to amend the existing PUD to allow I-1 uses as well as retail on 3 specific lots located North of E. 96th Avenue and east and west of Havana Street. (1st reading April 3)	CD	0:20
PUB HEARING				
RESOLUTION	Res 2017-40	RESOLUTION IN SUPPORT OF PUBLIC ART INSTALLATION FOR THE NEW RECREATION CENTER ON 112TH AVE	COMM	
ORD 1ST READING				
PRESENTATION	Pres 17-11	Capital Program Update	CMO	0:30
	Pres 17-12	2017 1st Quarter Work Plan Update	CMO	0:30
	Pres 17-151	SACFD Impact Fees	CMO	0:30
ADMIN BUSINESS				0:15
		Total Meeting Time		3:20
May 8, 2017		CANCELED		
May 8, 2017		Roll Call/Call to order		0:05
URA SPECIAL MEETING				
EXECUTIVE SESSION	17-14	An executive session, pursuant to CRS 24-6-402(4)(b) and (e), for the purposes of receiving legal advice relating to the Phased Master Development Agreement and Urban Renewal Plan for the Mile High Greyhound Park and determining positions, developing strategy, and instructing negotiators relevant to matters that may be subject to negotiation in connection with the Phased Master Development Agreement for the Mile High Greyhound Park and agreements with other taxing bodies for the sharing of incremental property tax revenue in connection with the proposed Mile High Greyhound Park Urban Renewal Plan.	CD	1:00
RESOLUTION	Res URA 2017-02	Resolution appointing new member	CD	0:05
		Total Meeting Time		1:10

City Council Work Schedule				
Date	Item	Description	Dept.	Time
May 15, 2017		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
REGULAR				
PROC & RECOGNITION	Rec 17-17	ACAN Award Winners	PR&G	0:05
	Res 17-18	Recognition of Commerce City Historical Society Coloring Contest Winners	CMO	0:10
	Proc 17-08	Kids to Parks Day	PR&G	0:05
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION	Pres 17-176	Senior Advisory Committee Bi-Annual Presentation	PR&G	0:20
ADMIN BUSINESS				0:15
		Total Meeting Time		2:00
May 22, 2017		Reports	CMO	0:15
STUDY SESSION				
DISCUSSION	Pres 17-46	Recreation Center Renovation Design Development Update	CMO	1:00
	Pres 17-175	Recreation Fees & Charges	PR&G	0:30
	Pres 17-178	Recreation Facility Naming	PR&G	0:30
		Total Meeting Time		2:15
June 5, 2017		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
REGULAR				
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING	Ord 2127	LDC Alcohol Updates (2nd reading July 3)	CD	0:05
PRESENTATION				
ADMIN BUSINESS	Pres 17-109	NORTH METRO RAIL LINE UPDATE	PW	0:20
				0:15
		Total Meeting Time		1:45
June 12, 2017		Reports	CMO	0:15
STUDY SESSION				
DISCUSSION	Pres 17-97	Presentation, Street Lighting Overview	PW	0:20
	Pres 17-183	WEED MOWING PROGRAM UPDATE	PW	0:20
	Pres 17-184	MOSQUITO CONTROL PROGRAM UPDATE	PW	0:20
	Pres 17-185	TOWER PENA ON RAMP AND WIDENING PROJECT UPDATE	PW	0:45
		Total Meeting Time		2:00
June 19, 2017		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
REGULAR				
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
		Total Meeting Time		1:20
June 26, 2017		Reports	CMO	0:15
STUDY SESSION				
DISCUSSION	Pres 17-102	Consolidated Plan's 1-Year Action Plan 2017 Annual Update	CD	0:10
	Pres 17-103	Limited English Proficiency Plan (LEP)	CD	0:10
	Pres 17-104	Analysis of Housing Impediments Study	CD	0:10
	Pres 17-06	Irondale Infrastructure and Neighborhood Plan Kickoff	CD	0:45
		Total Meeting Time		1:30

City Council Work Schedule				
Date	Item	Description	Dept.	Time