



## FROM THE CITY MANAGER'S OFFICE

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For the week of April 2, 2018

### **Inside** the city

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Information on latest happenings, items of interest.

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

### **Council** follow-up

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Resolution of action items or requests from previous meetings.

#### **Status of Retail Attraction Report**

The Economic Development Division is working to finalize development of a monthly Retail Attraction Report for City Council that includes information on the number of active prospects and retail leads; and staff and market activity.

#### **City Manager out of office**

Brian McBroom will be out of the office Tuesday, April 3 through Friday, April 6, 2018. Troy Smith will be the acting city manager during this time.

#### **Oil & Gas Update**

Two operators (Petro Operating, LLC and Extraction Oil & Gas Inc.) have submitted spacing and well site applications to the Colorado Oil & Gas Conservation Commission (COGCC) for consideration in Adams County and the City. Commerce City does not have a regulatory role in this process. Spacing applications set the maximum number of wellheads that can occur within a section, but do not establish specific surface use locations. An Application for Permit to Drill would include specific plans and proposed locations. The attached map shows the areas under consideration and the corresponding docket numbers for the COGCC hearing process. To date, the City has provided the attached comment letters to the COGCC.

Residents can learn more about the COGCC hearing online at <http://cogcc.state.co.us/reg.html#/overview>. The COGCC recently updated its public comment process and includes an email where residents can share concerns in advance or sign up to speak at the hearing. You can see those changes here: [http://cogcc.state.co.us/documents/reg/Hearings/Commission%20Public%20Comment%20Process\\_20180205.pdf](http://cogcc.state.co.us/documents/reg/Hearings/Commission%20Public%20Comment%20Process_20180205.pdf). Hearings are held at the COGCC offices, 1120 Lincoln Street, Suite 801, Denver, Colo.

If the operators secure approval for their plans at the state level, they still must go through Commerce City's local government regulatory process before any development could occur within the city limits. The City has not received any applications to date. You can about the city's oil and gas permitting process at <http://www.c3gov.com/doing-business/oil-gas-operations>.

#### **Legislative report**

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

#### **City Council Work Schedule**

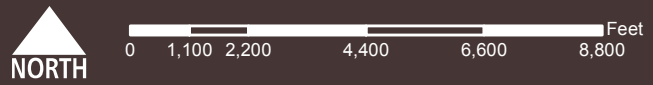
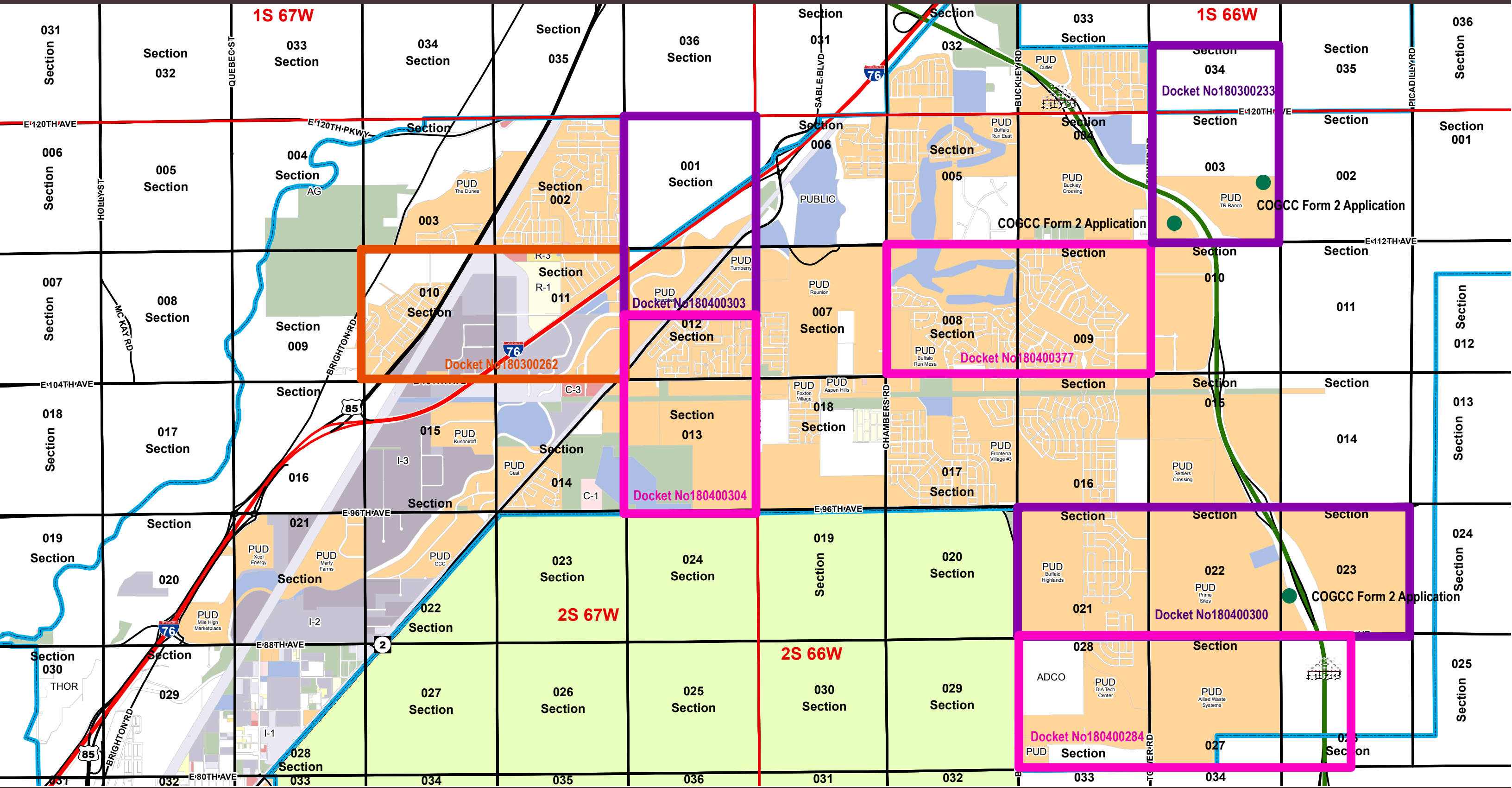
Attached please find the current city council meeting schedule.

For more information, contact City Manager [Brian McBroom](#), or Deputy City Managers [Troy Smith](#) and [Roger Tinklenberg](#).



# Applications to the COGCC Within Commerce City Boundaries

Active as of 4/2/2018



\*All applications have been submitted by Oil & Gas operators to the COGCC. No applications have been submitted to the city for review.



March 5, 2018

Joseph C. Pierzchala  
Geoffrey W. Storm  
1125 17<sup>th</sup> Street, Suite 2200  
Denver, CO 80202

Colorado Oil and Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, CO 80203

RE: Docket NO. 180300262

Mr. Pierzchala and Mr. Storm,

This letter is being provided in response to the notification of Petro Operating, LLC's request to the Colorado Oil and Gas Conservation Commission (COGCC) for an order establishing a 1,280-acre drilling and spacing unit for horizontal wells to the Codell and Niobrara Formations in the W/2 of Sections 10 & 11, Township 2 South, Range 66 West, Wattenberg Field, Adams County, Colorado.

Be advised that significant portions of Section 10, and all of Section 11 are annexed and governed by the City of Commerce City. Therefore, any surface activity in these sections are also subject to the rules and regulations of the City of Commerce City, including but not limited to, the execution of an "Extraction Agreement". Therefore, the City requests that a site plan be provided as soon as it is available so that the City may determine if any of the proposed surface activity will occur in Commerce City's jurisdictional boundaries. If surface activity is to occur within the City's jurisdictional boundaries, the applicant will be required to obtain an Oil & Gas Permit through the city and execute and extraction agreement prior to commencing operations. The City expects that the operator will be required to comply with the COGCC notification requirements and processes for Proximate Local Governments for Large Urban Mitigation Areas.

Additionally, the west half of section 10, and the north half of section 11 are developed with a high concentration of single family residential homes, and townhomes. The city has significant health and safety concerns regarding potential surface use locations that are contained within, or within close proximity to these areas. To the greatest extent feasible, surface use locations within these two sections should strategically be placed in areas that have the least amount of impact on residential development in terms of noise, air quality, visual impact, lighting, water quality, and other potential negative externalities associated with the use. Prior to beginning any operations or finalizing any plans, the City requests that Petro Operating, LLC host a neighborhood meeting with the property owners in these areas to inform them of the potential future operations and answer any questions that residents may have. The city also requests the applicant reach out to the city prior to submitting Form 2 and 2A applications, and request a formal meeting regarding surface use & planned operations.

If there are any questions related to this information, please contact me at 303.289.3678 or [ccramer@c3gov.com](mailto:ccramer@c3gov.com).

Sincerely,

Chris Cramer  
Community Development Director, Local Government Designee (LGD)



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Chris Cramer  
Community Development Director, Local Government Designee (LGD)

City Council Work Schedule				
<b>April 9, 2018</b>				
<b>STUDY SESSION</b>				
<b>DISCUSSION</b>		Reports	CMO	0:15
	Pres 18-34	Irondale Infrastructure Plan Update	CD	0:45
	Pres 18-45	2019 Work Plan - All Objectives	CMO	1:00
	Pres 18-46	Retreat Follow-Up - 112th Avenue Paving	CMO	1:00
		<b>Total Meeting Time</b>		<b>3:00</b>
<b>April 16, 2018</b>				
<b>REGULAR</b>				
		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
<b>PROC &amp; RECOGNITION</b>	Proc 18-01	Arbor Day/Tree City USA 2018	PRG	0:10
	Proc 18-07	National Small Business Week	ED	0:10
<b>CONSENT</b>				
<b>PUB HEARING</b>				
<b>RESOLUTION</b>				
<b>ORD 1ST READING</b>	Ord 2160	Ground under Repair Ordinance (Consent 5/21/18)	PW	0:15
<b>PRESENTATION</b>				
<b>ADMIN BUSINESS</b>				0:15
		<b>Total Meeting Time</b>		<b>1:50</b>
<b>April 23, 2018</b>				
<b>STUDY SESSION</b>				
<b>DISCUSSION</b>		Reports	CMO	0:15
	Pres 18-39	Retreat Follow-up - Traffic Signal Installation	CMO	0:30
	Pres 18-35	COUNCIL RETREAT FOLLOWUP: Pavement Management Program & 2018 Pavement Maintenance Projects	PW	0:40
	Pres 18-49	Metro District Policy and Practice	CMO	0:45
		<b>Total Meeting Time</b>		<b>2:10</b>
<b>May 7, 2018</b>				
<b>REGULAR</b>				
		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
<b>PROC &amp; RECOGNITION</b>	Proc 18-05	Kids to Parks Day Proclamation	PRG	0:10
<b>CONSENT</b>	Ord 2165	AN ORDINANCE AMENDING SECTION 12-5006 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ALLOW THE PERMITTED POSSESSION OF OPEN CONTAINERS CONTAINING FERMENTED MALT BEVERAGES AND VINOUS LIQUORS IN CITY RECREATION FACILITIES (1st Reading 4/2/2018)	PRG	0:05
	Z-947-18	Z-947-18: Risas Real Estate and Equipment LLC is requesting approval to rezone from I-3 to C-3 for the property located at 6091 Dexter Street. (1st Reading 4/2/2018)	CD	
	Z-950-18	Z-950-18: Baseline Engineering is requesting approval to rezone from AG to I-1 for the property located at the southwest corner of East 88th Avenue and Willow Street. (1st Reading 4/2/2018)	CD	
<b>PUB HEARING</b>	Z-944-18	Z-944-18: Commercial Sheet Metal, Inc. is requesting approval to rezone from I-1 (Light Intensity Industrial District), to I-2 (Medium Intensity Industrial District) for the property located at 8546 Quebec Street. (2nd Reading 6/4/2018)	PW	0:15
<b>RESOLUTION</b>				
<b>ORD 1ST READING</b>				
<b>PRESENTATION</b>	Pres 18-23	Central 70 Project Update	PW	0:30
	Pres 18-30	2018 Q1 Work Plan Update	CMO	0:30
<b>ADMIN BUSINESS</b>				0:15
		<b>Total Meeting Time</b>		<b>2:45</b>
<b>May 14, 2018</b>				
<b>STUDY SESSION</b>				
<b>DISCUSSION</b>		Reports	CMO	0:15
<b>PRESENTATION</b>	Pres 18-24	2018 CDBG Annual Action Plan Presentation	CD	0:30
	Pres 18-40	2019 Work Plan	FD	0:30
	Pres 18-44	Retreat Follow-up - Social/Human Services Availability	CMO	1:00
	Pres 18-08	Anythink Library Update	CMO	0:45
		<b>Total Meeting Time</b>		<b>3:00</b>

City Council Work Schedule				
<b>May 21, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT	Ord 2160	Ground under Repair Ordinance (1st reading 4/2/2018)	PW	0:05
PUB HEARING	SAP-005-18	Adoption of the Irondale Neighborhood and Infrastructure Plan (Fasttrack - 2nd Reading 6/4/18)	CD	0:30
RESOLUTION				
ORD 1ST READING				
PRESENTATION	Pres 18-41	Annual Senior Advisory Committee Presentation	PR	0:20
	Pres 18-63	Regional Bike Share Pilot Program	PW	0:15
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>2:25</b>
<b>May 28, 2017</b>				
		HOLIDAY - NO MEETING		
<b>June 4, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION	Proc 18-04	Recognition of 2018 Memorial Day Parade Winners	CMO	0:10
CONSENT	SAP - 005-18	Adoption of the Irondale Neighborhood and Infrastructure Plan (1st Reading 5/21/18)	CD	0:05
	Z-944-18	Z-944-18: Commercial Sheet Metal, Inc. is requesting approval to rezone from I-1 (Light Intensity Industrial District), to I-2 (Medium Intensity Industrial District) for the property located at 8546 Quebec Street. (2nd Reading 6/4/2018)	PW	
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:30</b>
<b>June 11, 2018</b>				
STUDY SESSION				
DISCUSSION		Reports	CMO	0:15
	Pres 18-50	Retreat Follow-ups - Competitive Ballfields	CMO	0:45
	Pres 18-53	Youth Sports Fields	PRG	0:45
	Pres 18-54	LDC Amendments Study Session	CD	0:30
	Pres 18-59	Derby Update	CD	0:30
			<b>Total Meeting Time</b>	<b>2:45</b>
<b>June 18, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:20</b>
<b>June 25, 2018</b>				
STUDY SESSION				
DISCUSSION		Reports	CMO	0:15
	Pres 18-60	Retreat Follow-up - City Council Goals/Review & Revise	CMO	1:00
			<b>Total Meeting Time</b>	<b>1:15</b>

City Council Work Schedule				
<b>July 2, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION	Proc 18-08	Parks and Recreation Month July 2018	PRG	0:10
CONSENT				0:05
PUB HEARING	Res 2018-14	2018 CDBG Annual Action Plan Adoption & Resolution to submit to HUD		0:15
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:45</b>
<b>July 9, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
	Pres 18-61	Retreat Follow-ups - Restaurants/Amenities	CMO	1:00
	Pres 18-64	ED Division - Retail Development Strategy	ED	
			<b>Total Meeting Time</b>	<b>1:15</b>
<b>July 16, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:20</b>
<b>July 23, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
	Pres 18-42	2019 Budget and Work Plan	FD	2:00
	Pres 18-65	Residential Design Standards Overview	CD	0:30
			<b>Total Meeting Time</b>	<b>2:45</b>
<b>August 6, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION	Pres 18-31	2018 Q2 Work Plan Update	CMO	0:30
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:50</b>
<b>August 13, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>

City Council Work Schedule				
<b>August 20, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:20</b>
<b>August 27, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
	Pres 18-43	City Council Budget Retreat	FD	6:00
			<b>Total Meeting Time</b>	<b>6:15</b>
<b>September 3, 2017</b>				
HOLIDAY - NO MEETING				
<b>September 10, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>
<b>September 17, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:20</b>
<b>September 24, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>
<b>October 1, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:20</b>
<b>October 8, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>



City Council Work Schedule				
<b>October 15, 2018</b>				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION	Res 2018-19	Resolution Adopting The 2019 Budget And Certification Of The Mill Levy For The City Of Commerce City, Colorado	FD	0:15
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:35</b>
<b>October 15, 2018</b>				
<b>ECAGID</b>				
CONSENT	Res ECAGID 2018-01	Resolution Adopting The 2019 Budget And Certification Of The Mill Levy For The E-470 Commercial Area General Improvement District (ECAGID)	FD	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>
<b>October 15, 2018</b>				
<b>ERAGID</b>				
CONSENT	Res ERAGID 2018-01	Resolution Adopting The 2019 Budget And Certification Of The Mill Levy For The E-470 Residential Area General Improvement District (ERAGID)	FD	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>
<b>October 15, 2018</b>				
<b>NIGID</b>				
CONSENT	Res NIGID 2018-01	Resolution Adopting The 2019 Budget And Certification Of The Mill Levy For The Commerce City, Colorado Northern Infrastructure General Improvement District (NIGID)	FD	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>
<b>October 15, 2018</b>				
<b>URA</b>				
CONSENT	Res URA 2018-01	Resolution Adopting The 2019 Budget For The Urban Renewal Authority Of The City Of Commerce City, Colorado (URA)	FD	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>
<b>October 22, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
	Pres 18-62	Policy discussion - Salvage yards and chopped up lots	CD	0:20
			<b>Total Meeting Time</b>	<b>0:35</b>
<b>November 5, 2018</b>				
<b>REGULAR</b>				
PROC & RECOGNITION		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION	Pres 18-32	2018 Q3 Work Plan Update	CMO	0:30
ADMIN BUSINESS				0:15
			<b>Total Meeting Time</b>	<b>1:50</b>
<b>November 12, 2018</b>				
<b>STUDY SESSION</b>				
DISCUSSION		Reports	CMO	0:15
			<b>Total Meeting Time</b>	<b>0:15</b>

City Council Work Schedule				
<b>November 19, 2018</b>				
<b>REGULAR</b>		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
<b>PROC &amp; RECOGNITION</b>				
<b>CONSENT</b>				<b>0:05</b>
<b>PUB HEARING</b>				
<b>RESOLUTION</b>				
<b>ORD 1ST READING</b>				
<b>PRESENTATION</b>				
<b>ADMIN BUSINESS</b>				0:15
			<b>Total Meeting Time</b>	<b>1:20</b>
<b>November 26, 2018</b>				
<b>STUDY SESSION</b>				
<b>DISCUSSION</b>		Reports	CMO	0:15
			<b>Total Meeting Time</b>	0:15

# MEMO

**To:** City Council

**From:** Michelle Halstead, director of external affairs, & Erin Goff, Axiom Strategies, Inc.

**Subject:** 2018 General Assembly Week 11 Legislative Report

**Date:** April 1, 2018

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With less than 50 days remaining in the 2018 session, the House and Senate together have introduced 567 bills. The Governor has signed 81; 107 have been postponed indefinitely. The House spent most of last week caucusing and debating the budget, considering 95 amendments prior to approval of the Long Bill. The Senate will take up the bill this week.

Commerce City is currently tracking 66 bills for possible direct or indirect impacts on the city, its employees, businesses and residents. Learn more about [monitored legislation online](#). Updates on specific legislative priorities are listed below. City positions are consistent with city council's [approved issues guide](#) and noted in parentheses. Thanks to the Colorado Municipal League (CML), Axiom Strategies and other media sources for providing legislative information.

Last Friday also marked the deadline to submit proposed ballot measures for the November 2018 election. A total of 185 measures were filed, which is an increase of 27 over 2016, and 40 over 2014. Although no measure so far has collected enough signatures to be placed on the ballot, 14 have approved petition formats. Notable among these are:

- Initiative #66 (limiting residential housing growth)
- Initiative #83 (altering the state income tax)
- Initiative #93 (providing funding for public schools), and
- Initiative #94 (creating a state severance tax on oil and gas).

Proponents of Initiative #53 (authorizing a person required to pay a financial penalty to a governmental entity to instead allocate the money to a charity) missed their petition deadline last Wednesday. The Denver Metro Chamber transportation initiative passed the title setting process; once the petition form is approved, they can begin gathering signatures. For this and measures still alive, other deadlines are rapidly approaching.

Proponents have until April 6 to file their measures with the Secretary of State for title setting. Then, proponents have until August 6 to turn in 98,492 valid signatures to qualify for the November 6 ballot.

## MEMO CONTINUED

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### **SPECIFIC LEGISLATIVE PRIORITIES**

#### **Affordable Housing**

- *SB 18-007, Affordable Housing Tax Credit (Support)*

HB 14-1017 created a state low-income housing tax credit operated through the Colorado Housing and Finance Authority. The program was reauthorized in 2016 and this legislation reauthorizes and renames the program ahead of its 2019 sunset date. Since its inception, the program has directly supported 4,263 affordable housing units statewide. The bill passed the Senate and now awaits a hearing in the House Appropriations committee.

- *HB 18-1195, Tax Credit Contributions for Affordable Housing Development (Support)*

This bill creates a state income tax credit for a donation of cash or securities a taxpayer makes to an eligible developer to be used solely for the costs associated with an eligible affordable housing project (for example, Habitat for Humanity). The bill passed the House Finance committee and was referred to the House Appropriations committee where it is yet to be heard.

#### **Transportation Funding**

Leadership in both chambers continue to negotiate transportation funding options. It looks like SB 18-001 will be the primary vehicle for this effort after all. Meanwhile, the House introduced HB 18-1340, an “orbital” bill to the Long Bill that authorizes a one-time infrastructure revenue transfer. HB 18-1340 includes a \$495 million transfer to the State Highway Fund, with allocations similar to last year’s HB 1242. It is much too early in the process to predict exactly what will be added or deleted to either of these bills but negotiations are ongoing and that is promising.

- *SB 18-001, Transportation Funding (Monitor)*

Senate Bill 001, repeals the provisions required by SB 17-267. In its place, SB 18-001 offers a 20-year bonding proposal, subject to 2019 voter approval. The bond would be paid for by allocating 10 percent of existing general fund revenue. The state would be required to identify a project list within 45 days of the effective date for voter consideration. The bill passed out of the Senate last week and will make its way over to the House, where it is sure to go through some additional changes before heading back to the Senate for concurrence.

#### **Local Decisions on Taxation, Land Use, & Public Safety Technologies/Techniques**



## MEMO CONTINUED

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- *SB 18-167, 811 Enforcement Requirements (Monitor)*

This bill attempts to transform Colorado's 811 "call before you dig" program into a true "one call" system, by requiring tier-1 membership of all facility owners. Currently in Colorado, facility owners can be either tier -1 or tier-2 members which provide a different level of notification and cost for locate requests. The bill also creates a statewide, 12-member safety commission with broad oversight and enforcement authority over the organization, its members and excavators. The bill passed the Senate Transportation and Senate Finance committees, and now awaits a hearing in Senate Appropriations.

### OTHER LEGISLATIVE ITEMS OF INTEREST

#### Lottery Reauthorization

- *SB 18-066, Reauthorization of the Division of Lottery (Support)*

Per the Colorado Constitution, Colorado Lottery funds parks and recreation and open space projects all over the state through Great Outdoors Colorado. This legislation reauthorizes the Division of Lottery within the Department of Revenue in perpetuity. City Council unanimously adopted a [resolution of support](#) in 2017. This bill passed the Senate and is now making its way through the House. It passed through the House Finance committee last Monday and is now waiting to be scheduled in the House Appropriations committee.

#### Oil & Gas

- *HB 18-1157, Increased Reporting of Oil & Gas Incidents (Support)*

This bill increases the information that oil and gas operators are required to report for all minor and major reportable events. Such events include the unauthorized release of oil, produced water, oilfield chemicals, or exploration or production waste, the flaring or venting of gases or other uncontrolled releases, and worker injury or death. For each event, the notification must include an immediate oral report submitted to the Colorado Oil and Gas Conservation Commission and a complete written report submitted within five days to the commission's website. This bill is scheduled for 2<sup>nd</sup> Reading in the House April 3.

- *HB 18-1289, Exempt Local Government/School Districts Forced Pooling (Monitor)*

Current law authorizes "forced" or "statutory" pooling, a process by which any interested person (typically an oil & gas operator) may apply to the Colorado oil & gas conservation commission for an order to pool and develop oil and gas resources located within a particularly identified drilling unit, without the consent of the mineral owner. The bill exempts local governments and school districts that own mineral rights from being forced



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pooled but maintains their ability to engage in voluntary pooling. The bill was assigned to the House Transportation & Energy committee and has yet to be scheduled for hearing.

- *SB 18-192, Local Government Liable Fracking Ban Oil & Gas Moratorium (Oppose)*  
This bill specifies that a local government that bans fracking is liable to the mineral interest owner for the value of the mineral interest and that a local government that enacts a moratorium on oil and gas activities shall compensate oil & gas operators, mineral lessees, and royalty owners for all costs, damages and losses of fair market value associated with the moratorium. The bill passed through the Senate Agriculture, Natural Resources & Energy committee last week and is scheduled for 2<sup>nd</sup> Reading in the Senate this Tuesday.

### **Public Safety & Criminal Justice**

- *SB 18-203, Conflict Free Municipal Defense (Oppose)*  
Late in 2017, the ACLU declared as a 2018 legislative priority to require “conflict-free” defense representation in municipal courts. For several months, CML and members of the municipal judges’ association negotiated with the ACLU regarding public defenders in municipal courts. What the ACLU really wanted was an entirely independent entity that had hiring, firing and evaluation authority over municipal public defense. CML and the judges were understandably concerned with municipalities losing authority over their public defenders.

These parties reached a compromise with SB 18-103 which, as introduced, gave access to Alternative Defense Counsel (ADC) for municipalities to contract directly with them for public defense. It also allowed municipalities to continue to directly contract their own defense counsel; however, ADC would perform periodic 3<sup>rd</sup> party evaluations. A third option allowed a municipality to contract with their own counsel and choose a private law firm to perform the 3<sup>rd</sup> party evaluations. Finally, the bill empowered municipalities to set up their own independent commissions if they so choose.

The Senate Judiciary committee heard testimony March 21 but laid over the bill for action last Wednesday, at which time they adopted a significant amendment brought forward by the City of Colorado Springs, then passed the bill and referred it to the Appropriations committee. The amendment makes substantial changes to the bill, including removing all references to independent counsel or oversight. It essentially now requires a municipality to ensure that the process to select indigent defense counsel is transparent and based on merit and to satisfy this requirement, authorizes the municipality to establish a local indigent defense commission or coordinate with other municipalities to establish a regional



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indigent defense commission. The ACLU is not at all pleased with this amendment and will undoubtedly try to strip it off the bill on the floor of the Senate or in the House.

- *HB 18-1131, Court System for Remote Participation in Hearings (Monitor)*

This legislation came out of the County Courthouse and Jail Funding and Overcrowding Solutions Interim Study Committee. The bill creates a program at the state level to implement the use of technology to hold hearings more quickly and efficiently and allows municipal courts to opt-in to the program. The bill is scheduled to be heard on 2<sup>nd</sup> Reading on the floor of the House this coming week.

- *HB 18-1078, Court Programs for Veterans (Support)*

This bill requires the court to determine if a defendant is a veteran of or actively serving in the U.S. military at the first appearance or upon arraignment, whichever is first. This applies to municipal charter or ordinance violations, except for traffic violations where the penalty is only a fine, arrest is prohibited, and a bench warrant may not be issued. If a defendant is a veteran or active duty member of the military, the court must notify the defendant that he or she may be entitled to receive mental health treatment, substance use treatment, or other services if the court determines such services are applicable and a pre-sentence report has been prepared. The court may not accept a guilty plea or plea of no contest without first determining the defendant's veteran or active duty military status and providing the notification required by this bill. The Senate amended the bill prior to passing it last week, so it will now be sent back to the House to concur with Senate amendments, prior to heading to the Governor's desk.

- *HB 18-1089, Monetary Bond and Bail Funding (Oppose)*

HB 18-1089 proposes monetary bond and bail reform, removing monetary bail for municipal ordinance violations, petty offenses, and certain low-level misdemeanors. This legislation leaves municipal courts with zero remedies to incentivize individuals that frequently fail to appear in court to appear. CML staff and several municipal judges met with the bill sponsor and the ACLU to discuss potential amendments but were unable to strike a compromise. The bill passed the House and will soon be introduced in the Senate.

- *HB 18-1184, Create Next Generation 911 Board (Monitor/Support)*

As introduced, this bill created a Colorado next generation 911 board in the Colorado Department of Public Safety. After a number of stakeholder meetings, the Department of Public Safety decided to go a different direction with the bill and instead require an annual "State of 911" report from the PUC to the legislature each year. The House Business



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committee passed the bill last week and referred it to the Appropriations committee, where it has not yet been scheduled.

- *HB 18-1020, Civil Asset Forfeiture (Monitor)*

Governor Hickenlooper convened an interim taskforce to help implement program changes associated with HB 17-1313. The legislation includes a grant program for law enforcement agencies, a new share back formula for law enforcement using the state civil asset forfeiture process, and clarification of which agencies must report the use of civil asset forfeiture. Through taskforce negotiations, municipalities will have a reporting requirement if they receive proceeds through a forfeiture process. The bill passed through the House Judiciary and Finance committees and now awaits a third hearing before the House Appropriations committee.

### **Marijuana**

Since the ballot measure to legalize recreational marijuana passed, the legislature has considered a number of bills to limit, expand, or otherwise regulate the industry. This will likely continue for many years as the state paves the way for other states to follow Colorado's lead in this area. Three of the four marijuana bills introduced so far this year remain alive and are described below. The fourth bill, SB 18-186, would have removed the prohibition against selling any consumable product other than a retail marijuana product. That bill was postponed indefinitely by the Senate Business committee.

- *HB 18-1092, Pilot Program for Marijuana Delivery (Oppose)*

The bill creates a pilot program to create rules and issue up to 15 licenses for the delivery of medical/retail marijuana within a municipality or up to three contiguous municipalities. While the business would be licensed locally by one municipality, it is not clear how local enforcement and administration would occur with allowed deliveries outside of the licensee's jurisdiction. This bill passed the House and was introduced last week in the Senate, where it was assigned to the Judiciary committee.

- *HB 18-1258, Accessory Consumption Establishments (Monitor)*

HB 18-1258 would allow medical marijuana centers and retail marijuana stores to have an off-premise accessory consumption facility, if allowed by the local jurisdiction. Local jurisdictions that have medical and/or retail marijuana would have to opt-in to the statute by either adopting an ordinance or by a successful initiative or referendum. The House Finance committee adopted amendments to address municipal concerns with the bill





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including a 100% opt-in and the ability to be more stringent in every aspect. The bill will be heard next by the House Appropriations committee.

- *SB 18-211, Marijuana: Consumption Clubs (Oppose)*

SB 18-211 is nearly identical to the marijuana consumption bill from last year that died after it was amended to create a local opt-in requirement. While marijuana consumption clubs would not be authorized without local governing body approval or a successful opt-in ballot measure, this bill still needs to be amended as follows: municipalities have to allow retail activities before action on SB 211 clubs could occur, elimination of a requirement that makes club owners immune from liability for overserving or service to a minor, and inclusion of marijuana as part of Colorado Clean Indoor Air Act statutes. This bill will be heard by the Senate Business committee on Monday, April 2, and amendments are expected to be offered at that time.

### **Union and Public Employers**

- *SB 18-175, Restrictions on Public Sector Collective Bargaining (Monitor)*

SB 18-175 prohibits a public employer from entering into an employment bargain with a public employee or union to compensate a public employee or a third party for union activities or to pay the expenses of an employee or third party's participation in union activities. The application of the prohibition is retroactive and prospective, although an amendment adopted in committee exempted home rule municipalities from the bill. The bill passed the Senate and was introduced in the House, and assigned to the House State Affairs committee, where it is expected to die. The hearing is scheduled for Wednesday, April 11.

### **Education**

The city supports expansion of BEST funding as well as funding for full day kindergarten. HB 18-013 seeks to expand the Breakfast after the Bell to eighth graders. This bill passed the Senate Education committee and will be heard next by the Senate Appropriations committee. The city is still awaiting the introduction of the Lundeen/Garnett bill that would alter education funding for K-12 districts.

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

