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## **Legislative Review Committee Agenda**

January 19, 2:30 p.m.  
Commons Conference Room

1. Approval of minutes from December 8, 2015 meeting
2. Discuss Construction Defects Law Reform
  - Proposed City ordinance – Tom Leeson
3. Review new Colorado General Assembly bills
4. Other business
  - National League of Cities, Congressional Conference planning
  - February 19 meeting (3:30-5pm) with State Legislators

Next meetings: February 9, February 19, and March 1



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## **Legislative Review Committee Agenda**

Meeting Notes

December 8, 2015, 4:00 p.m.

Commons Conference Room

Present: Ross Cunniff, Councilmember; Gino Campana, Councilmember; Carrie Daggett, City Attorney; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: Ray Martinez, Councilmember

Guests: Mark Jackson, Planning, Development and Transportation; Ann Hutchison, Fort Collins Area Chamber of Commerce; Dan Betts, Senator Cory Gardner; Elisa Rivera, Sustainability Services; Lindsay Ex, Environmental Services

The meeting came to order at 4:03 pm.

Councilmember Cunniff moved approval of the minutes from the November 10, 2015 meetings, Councilmember Campana seconded. Minutes were adopted without amendment.

Dan briefly **reviewed the 2016 Legislative Priorities and 2016 Legislative Policy Agenda**. He pointed out that the proposed City priorities have been pulled into a separate document that will be printed in a glossy format and shared with legislators and their staff. LRC did not recommend edits to either the policy agenda or priorities.

Mark Jackson, Deputy Director of Planning, Development and Transportation (PDT) presented information about **Fort Collins' participation in regional efforts to improve Interstate 25 (I-25)**. Mark noted that the City Council and staff have been participating for years in coalition efforts to address traffic pressure, road maintenance and resilience of the roadway. A resolution of support for continued coalition efforts will be shared with City Council.

Mark also **discussed the Fixing America's Surface Transportation (FAST) Act**. This newly adopted (signed into law December 4) federal law is the first long-term reauthorization of surface transportation funding in a decade. Mark discussed initial impressions and that he was in process of reviewing details of the law.



Dan reviewed **anticipated bills and legislative actions** ahead of the 2016 General Assembly session. Topics expected to be considered with a potential impact on Fort Collins are:

- A red light camera and photo radar ban
- Urban renewal authority clean-up
- Homelessness and low-income assistance
- Use of unmanned aerial vehicles by government
- Regulation of downtown development authorities
- Transportation funding

Dan provided a brief summary of the **ongoing Colorado Oil and Gas Conservation Commission (COGCC) rulemaking hearing**. He shared that there has been some progress made on the definition of a large scale facility and on sharing of information between operators and government. A January 25 hearing has been added where deliberations are expected. Staff from the City Attorney's and City Manager's Offices have participated throughout the hearings.

Lindsay Ex, Environmental Program Manager, joined LRC to discuss the **Colorado Climate Future Coalition**. Dan and Lindsay shared that this coalition is an attempt to develop an advocacy coalition of local governments to cooperate on advocacy strategies to help achieve climate action plans. Discussion focused on costs, measurement of an effort and ensuring that the coalition includes a broad set of perspectives. Staff will continue developing the plan and share updates with LRC.

LRC briefly discussed logistics surrounding the **March 2016 National League of Cities' Congressional Cities Conference**.

The meeting was adjourned at 5:11 pm.



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### MEMORANDUM

**DATE:** January 13, 2016

**TO:** Legislative Review Committee

**THRU:** Laurie Kadrich, Planning Development & Transportation Director 

**FROM:** Tom Leeson, CDNS Director 

**RE:** Construction Defects White Paper

This white paper provides information on Colorado's construction defect laws and the various issues surrounding construction defects in Colorado. It summarizes the current construction defect laws in the state, the original legislative intent of the legislation and the impacts of the real estate market, provides a summary of a recent legislation at the local level throughout the state, and provides some options for the City of Fort Collins with regards to the Construction Defects legislation.

Construction defects is currently scheduled for review by City Council on February 2 and staff is seeking direction on the various options presented in the white paper.

## **Construction Defects Legislation in Fort Collins January 2016**

### **Summary**

This white paper provides information on Colorado's construction defect laws and the various issues surrounding construction defects in Colorado. It summarizes the current construction defect laws in the state, the original legislative intent of the legislation and the impacts of the real estate market, provides a summary of a recent legislation at the local level throughout the state, and provides some options for the City of Fort Collins with regards to the Construction Defects legislation.

### **Bottom Line**

Colorado's construction defect law allows as few as two condo owners to bring a class-action suit against a builder for construction defects. It was originally passed with the intent of protecting buyers from poorly-constructed homes of any kind. However, one of the unintended consequences of this law is that it has severely limited the construction of new condominiums, which has historically represented an important segment in the real estate market by providing a more attainable option than single-family detached housing.

The City of Fort Collins has the following available options with regards to Construction Defects legislation:

1. Amend Land Use Code to require developers of owner-occupied multi-family housing projects (condominiums) to record a Plat Note requiring binding arbitration prior to filing of lawsuit (similar to Arvada & Wheat Ridge).
2. Adopt an ordinance similar to ordinances of Denver, Lakewood, Littleton that:
  - a. Requires notification of defects and enhanced right to repair;
  - b. Prohibits the amendment of the governing documents to remove provisions requiring alternative dispute resolution of construction defect claims;
  - c. Requires notification of homeowners of association legal action and majority vote of consent.
3. Engage development community to provide education on existing self-help options available under the *Villagio* case to determine whether such options may increase development of affordable owner-occupied multi-family housing projects.
4. Take no action locally, but continue to work with state legislation to address construction defects law, including cooperative efforts organized by CML.

### **Colorado's Construction Defects Action Reform Act**

Colorado's Construction Defect Action Reform Act (C.R.S. § 13-20-801, et. seq.) ("CDARA" or "Act") is a provision of Colorado law that governs all claims and litigation where a party is claiming construction defects. CDARA was passed by the Colorado General Assembly in 2001, and amended in 2003, with the intention of curbing frivolous lawsuits affecting the construction industry and limiting the

liability of construction professionals. CDARA governs all actions in Colorado (including arbitration) brought against a “construction professional” that assert a claim “caused by a defect in the design or construction of an improvement to real property.” Since CDARA defines “construction professionals” as “an architect, contractor, subcontractor, developer, builder, builder vendor, engineer, or inspector performing or furnishing the design, supervision, inspection, construction, or observation of the construction of any improvement to real property,” CDARA is not limited to only those parties actually performing physical construction; it governs claims against nearly everyone involved in the construction process.

The Act requires that a homeowner provide a Notice of Claim to a construction professional as a condition precedent to bringing any civil legal action or arbitration proceeding. For residential construction defect claims, the Notice of Claim must be submitted no later than 75 days before an action can be filed. Upon receipt, the construction professional may request access to the property to conduct an inspection.

Once the inspection has been conducted, a construction professional has 30 days to make an offer to resolve the claim, either by paying a settlement amount or providing a plan to remedy the defect. A homeowner is under no obligation to accept any settlement proposal, and the construction professional has no right to insist that it be able to make the proposed repairs. If the construction professional does not make a settlement offer, fails to comply with its offer, or if the homeowner rejects the offer, then the homeowner may elect to bring a legal or equitable action against the construction professional.

Under CDARA, as amended, a party claiming construction defects generally may not recover more than “actual damages” in an action stemming from construction defects unless a violation of the Colorado Consumer Protection Act and other specific circumstances are present. CDARA defines actual damages as “the lesser of the: (1) fair market value of the real property without the alleged construction defect; (2) replacement cost of the real property; or (3) reasonable cost to repair the alleged construction defect, together with ‘relocation costs.’” CDARA further requires that a party claiming construction defects file an initial list of construction defects in any litigation or arbitration, which may be amended if additional defects are discovered.<sup>1</sup>

### **Colorado Construction Defects Legislative History**

- **House Bill 91-1292:** Created the Colorado Common Interest Ownership Act (CCIOA). CCIOA established the right for unit owner associations in common interest ownership developments to engage in litigation or administrative proceedings in their own names or on behalf of two or more unit owners on matters affecting the common interest community. When filing construction defect claims involving five or more units, CCIOA requires an association’s executive board to provide specific notices to owners, but the power of the executive board to pursue such claims is not subject to a favorable vote of the unit owners.
- **House Bill 01-1166:** Created the Construction Defect Action Reform Act (CDARA or Act). The Act distinguishes construction defect lawsuits related to real property from common lawsuits, such as

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<sup>1</sup> Miller, Jessica A., *Understanding Colorado’s Construction Defect Action Reform Act*

negligence. The act requires claimants to create a list of property defects that must be filed with the court and served on the defendant within 60 days of commencing legal action. It allows a homeowners' association (HOA) to file a defect action for five or more units that are part of the association, and requires it to notify unit occupants of the action.

- **House Bill 03-1161:** Made amendments and additions to CDARA, and was dubbed "CDARA II." Many provisions of the bill were introduced in response to numerous class-action lawsuits that had seen large damages awarded to claimants, which construction industry professionals argued were above and beyond reasonable amounts. It initiated a "notice of claim" process, requiring residential owners to notify the construction professional no later than 75 days before filing an action, provide them with a list of alleged defects, and allow them the opportunity to inspect the defects and to tender an offer to fix them. Damages were limited to \$250,000 in any action brought against a construction professional. The bill also defined the terms "actual damages" and "construction professional," and expanded the act's scope to commercial construction.
- **House Bill 07-1338:** Voided the waiver of certain statutory rights and remedies by residential property owners in their transactions with construction professionals. Specifically, the bill prohibits clauses in contracts between home buyers and construction professionals from expressly waiving any of the rights contained in either CDARA or the Colorado Consumer Protection Act. However, these rights may be waived if a homeowner settles with a construction professional after the claim for a defect accrues.
- **House Bill 10-1394:** Enacted following a number of contradictory Colorado Court of Appeals rulings surrounding what constitutes an "occurrence" in a construction defect claim. The bill states that insurance companies must broadly interpret their duty to defend the insured under a commercial general liability policy in cases involving construction defect complaints. The act applies only to insurance policies that were in existence at the time or issued on or after the effective date of the legislation, and guides the pending and future actions of insurers in interpreting liability policies issued to construction professionals.<sup>2</sup>
- **Proposed Bills Since 2010:** Since 2010, a variety of bills have been introduced by the General Assembly to amend or address construction defect laws in Colorado, but have not been adopted.

These bills have attempted to change the law to:

- Establish legal procedures and limitations related to construction defect claims to make construction professionals involved in transit-oriented development (TOD) immune from claims surrounding noise, odors, light, and other environmental conditions related to TOD;

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<sup>2</sup> Kiszka, Matt, Colorado Legislative Council, *Construction Defects Laws and Issue*; April 17, 2015.

- Provide insurance premium rebates for developers creating multi-family, owner-occupied affordable housing;
- Require the Division of Housing within the Department of Local Affairs to collect and study data on the effects of various factors on new owner-occupied affordable housing in Colorado; and
- Require HOAs involved in a construction defect claim to use mediation or third-party arbitration, and to send advance notice to all unit owners, before a lawsuit can be filed in disputes involving construction defects.

## **Effects of Construction Defects Legislation**

### Consumer Protections

Many of the standards and rules governing construction defect law in the State of Colorado arise out of the public policy that a builder is in a better position than the consumer to ensure that the construction of a residence is suitable. In the case of *Sloat v. Methany*, the Colorado Supreme Court remarked as follows:

“the rule of caveat emptor [buyer beware]... was based upon an arms-length transaction between the seller and buyer and contemplated comparable skill and experience, which does not now exist; they are not in an equal bargaining position and the buyer is forced to rely on the skill and knowledge of the builder. The position of the builder-vendor, as compared to the buyer, dictates that the builder bear the risk that the house is fit for its intended use. Another rationale for the rule is to inhibit the unscrupulous, fly-by-night, or unskilled builder and to discourage much of the sloppy work and jerry building that has become perceptible over the years”<sup>3</sup>

### Residential Construction

In October 2013, the Denver Regional Council of Governments (DRCOG) published a comprehensive Denver Metro Area Housing Diversity Study, which sought to identify factors influencing attached-housing construction trends in the Denver metro area.

According to DRCOG, out of a total of 8,545 housing units under construction in downtown Denver at the time of the study, only 193 units were for-sale product. The study also noted that there were no for-sale unit permits issued for downtown Denver in 2012 and in 2013 by the time of publication. In its market study, DRCOG estimated that because of additional costs related to construction defects, developers need to pay approximately \$15,000 more per unit for a condominium project than an apartment building, reducing the profitability of such projects and making more affordable condominiums less viable for developers. DRCOG adds that in industry interviews many national builders said they were no longer pursuing condominium projects in Colorado because of the increased costs and heightened risk of litigation.<sup>4</sup>

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<sup>3</sup> Neider, Mark; Harris, Karstaedt, Jamison & Powers, P.C.; *Colorado Construction Defect Law*.

<sup>4</sup> Kiszka, Matt, Colorado Legislative Council, *Construction Defects Laws and Issue*; April 17, 2015.

DRCOG's conclusions suggest that the most significant impact on the construction of for-sale attached products has come from costs related to construction defects litigation. It notes that most developers believe that the probability of being sued for a construction defect in Colorado is near 100 percent for projects involving an HOA. DRCOG also states that construction insurance costs have grown significantly since the passage of HB 10-1394 as multiple carriers have left the state, although insurance company concerns over their ability to offer policies in the Colorado contractor liability market appear to stem back further than the enactment of the bill.<sup>5</sup>

#### Construction of Owner-Occupied Units in Fort Collins

The lack of construction of owner-occupied multi-family units in Fort Collins is similar to Denver and other communities in Colorado. The following table shows the number of residential units issued permits since 2005:

**Table 1**  
**City of Fort Collins Construction Permit History**  
**2005 to 2014**

|                                       | 2005       | 2006        | 2007        | 2008        | 2009        | 2010       | 2011        | 2012       | 2013       | 2014       |
|---------------------------------------|------------|-------------|-------------|-------------|-------------|------------|-------------|------------|------------|------------|
| Single-Family Detached                | 677        | 432         | 363         | 250         | 140         | 170        | 235         | 440        | 595        | 564        |
| Single-Family Attached                | 58         | 26          | 45          | 14          | 13          | 6          | 23          | 29         | 35         | 178        |
| Two-Family Dwelling *                 | N/A        | N/A         | N/A         | N/A         | 4           | 2          | 2           | 3          | 8          | 39         |
| Apartments and Condominiums           | 44         | 24          | 24          | 37          | 5           | 8          | 29          | 26         | 27         | 20         |
| <b>Total</b>                          | <b>779</b> | <b>482</b>  | <b>432</b>  | <b>301</b>  | <b>162</b>  | <b>186</b> | <b>289</b>  | <b>498</b> | <b>665</b> | <b>801</b> |
| <b>Percent Change over prior year</b> | <b>N/A</b> | <b>-39%</b> | <b>-11%</b> | <b>-31%</b> | <b>-47%</b> | <b>15%</b> | <b>-55%</b> | <b>73%</b> | <b>34%</b> | <b>21%</b> |

\* Two-family permit data was combined with Apartments and Condominiums (Multi-Family) permit data until 2010.

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<sup>5</sup> Ibid.

**Table 2**  
**City of Fort Collins Construction Permit History, Total Units**  
**2005 to 2014**

|                                       | 2005       | 2006        | 2007       | 2008       | 2009        | 2010       | 2011        | 2012        | 2013        | 2014        |
|---------------------------------------|------------|-------------|------------|------------|-------------|------------|-------------|-------------|-------------|-------------|
| Single-Family Detached                | 677        | 432         | 363        | 250        | 140         | 171        | 235         | 440         | 595         | 564         |
| Single-Family Attached                | 58         | 26          | 45         | 14         | 13          | 6          | 23          | 29          | 35          | 178         |
| Two-Family Dwelling *                 | N/A        | N/A         | N/A        | N/A        | 32          | 4          | 4           | 6           | 16          | 77          |
| Apartments and Condominiums           | 244        | 127         | 186        | 437        | 79          | 62         | 452         | 588         | 539         | 272         |
| <b>Total</b>                          | <b>979</b> | <b>585</b>  | <b>594</b> | <b>701</b> | <b>264</b>  | <b>243</b> | <b>714</b>  | <b>1063</b> | <b>1185</b> | <b>1091</b> |
| <b>Percent Change over prior year</b> | <b>N/A</b> | <b>-41%</b> | <b>-2%</b> | <b>18%</b> | <b>-63%</b> | <b>-8%</b> | <b>194%</b> | <b>49%</b>  | <b>12%</b>  | <b>-8%</b>  |

\* Two-family permit data was combined with Apartments and Condominiums (Multi-Family) permit data until 2010

It is worth noting that the data for apartments and condominiums does not illustrate the breakdown between for-sale and rental product, so it is difficult to determine the current mix of this type of construction. However, in reviewing the completed projects, there has been one owner-occupied multi-family project approved since 2008. The Arrowhead Condos were approved in 2010 for 20 units in two buildings at the corner of Worthington Circle and Centre Avenue. Only one of the buildings (10 units) was constructed (2011). There have been two projects recently submitted in which the developers have indicated the intent to build owner-occupied units (Penny Flats and 320 Maple); however, these projects are still in the approval process.

Owner-occupied multi-family units have historically represented an important segment in the real estate market offering first time homebuyers entry into the real estate market, and providing a more attainable option than single-family detached housing. This has become more important for communities trying to develop residential housing in higher density settings, such as along transit lines and within urban downtown areas.

### **Colorado Communities with Construction Defects Ordinances**

The City of Lakewood was the first Colorado municipality to adopt legislation intended to encourage construction of “for sale” multifamily projects by mitigating the risks to developers and builders associated with construction defect litigation in October of 2013. Since then, a total of nine municipalities have adopted construction defects legislation (See Attachment 1 for a list of Cities with Construction Defects Ordinances – not all nine municipalities are included because of the similarity of the ordinances). A majority of the local construction defects ordinances share three common elements:

- First, the ordinances provide “builders” (which are defined as any entity “including but not limited to a builder, developer, general contractor, contractor, or original seller who performs or



furnishes the design, supervision, inspection, construction or observation of any improvement to real property”) with an enhanced right to repair construction defects. The ordinances require claimants to provide builders with notice of alleged construction defects, an opportunity to inspect the alleged defects, and 30 days to make repairs.

- Second, the ordinances prohibit the amendment of the governing documents of any condominium or planned community to remove provisions requiring alternative dispute resolution (such as arbitration) of construction defect claims. Supporters argue that this provision results in faster and less expensive resolution of construction defect disputes. (The Colorado Court of Appeals decision in *Villagio v. Metropolitan Homes* (2015) found that covenants containing such provisions are enforceable and not prohibited by CCIOA; therefore this protection is already available to developers, irrespective of local ordinance provisions like this. The court in *Villagio* upheld condominium covenants that required construction defect claims to be submitted to arbitration and prohibited changes in those covenant provisions by unit owners without the developer’s consent.)
- Third, the ordinances require any homeowners association considering initiating a construction defect action to obtain written consent from a majority of the non-declarant owners prior to filing a claim. The consent—generally referred to as an “informed consent” due to the required disclosures to homeowners—must be obtained directly, and not via proxy voting. In obtaining informed consent, homeowners associations must deliver notices to homeowners that include, among other things: an estimate of the impact that the action will have on the values and marketability of units in the community (including any effects on the ability of owners to refinance their units during and after the action); an estimate of the duration of the action; an estimate of the likelihood of success; and a statement indicating whether the builder has offered to make any repairs.

The Town of Parker and City of Arvada passed local ordinances that only require a note to be added to the multi-family plat that requires mandatory arbitration of construction defects claims if such a note was requested by owner/developer. Arvada’s ordinance also requires that a disclosure be provided to the initial prospective purchaser of the existence of the plat note requirement.

### **Effect of Local Legislation**

At this time, it is unknown whether or not the multitude of local construction defects ordinances may be effective to address the municipal interests articulated as the basis for their enactment, which appears to be primarily the construction of more affordable condominium housing within the respective communities.

In addition, no information is currently available regarding the impact of such local ordinances on the costs related to construction defects litigation, including availability and cost of insurance, which are considered to be an economic impediment to construction of for-sale attached housing products (condominiums).

Finally, the legal viability of such local construction defects ordinances remains untested at this time. Many municipal legal experts have suggested that local construction defect ordinances altering builder or unit owner remedies would not survive a preemption challenge by the State, in view of the legislative intent of the General Assembly in enacting CCIOA and CDARA. The State has declared construction defect resolution to be an issue of statewide concern, and has enacted a body of legislation intended to be the exclusive rule of law on the subject. The municipalities in adopting local provisions have cited the need to address discrete and unique local impacts of state construction defect policy by the use of their home-rule authority.

Even without a local ordinance on the subject, the *Villagio* case noted above highlights self-help options available to developers/builders that have only recently (May, 2015) been validated under state law, including recording plat notes and covenant provisions that require arbitration of construction defect claims and prohibit modification of such requirements by unit owners without the developer's consent. If broadly adopted by developers, exercising these options may provide a more sustainable solution than can be achieved by a municipal ordinance that is subject to legal challenge on the basis of State preemption.

### **Options for Fort Collins**

1. Amend Land Use Code to require developers of owner-occupied multi-family housing projects (condominiums) to record a Plat Note requiring binding arbitration prior to filing of lawsuit (similar to Arvada & Wheat Ridge).
2. Adopt an ordinance similar to ordinances of Denver, Lakewood, Littleton that:
  - a. Requires notification of defects and enhanced right to repair;
  - b. Prohibits the amendment of the governing documents to remove provisions requiring alternative dispute resolution of construction defect claims;
  - c. Requires notification of homeowners of association legal action and majority vote of consent.
3. Engage development community to provide education on existing self-help options available under the *Villagio* case noted above to determine whether such options may increase development of affordable owner-occupied multi-family housing projects.
4. Take no action locally, but continue to work with state legislation to address construction defects law, including cooperative efforts organized by CML.

## Attachment 1

| <u>Community</u>    | <u>Date of Ordinance</u> | <u>Action Taken</u>  | <u>Comments</u>   |
|---------------------|--------------------------|--|---|
| City of Arvada      | October 5, 2015          | Required Plat Note   | Plat note requires binding arbitration prior to filing of lawsuit             |
| City of Littleton   | May 5, 2015              | (1) Required notification of defects and enhanced right to repair; (2) prohibits the amendment of the governing documents to remove provisions requiring alternative dispute resolution of construction defect claims; (3) notification of homeowners of association legal action and majority vote of consent.  | Defect is anything found not to be in conformance with adopted Building Code. |
| City of Lakewood    | October 13, 2014         | (1) Required notification of defects and enhanced right to repair; (2) prohibits the amendment of the governing documents to remove provisions requiring alternative dispute resolution of construction defect claims; (3) notification of homeowners of association legal action and majority vote of consent.  | Defect is anything found not to be in conformance with adopted Building Code. |
| City of Denver      | November 23, 2015        | (1) Adds provision that a violation of any adopted city building code, or failure to substantially comply with such code, shall not create a private cause of action; (2) prohibits the amendment of the governing documents to remove provisions requiring alternative dispute resolution of construction defect claims; (3) notification of homeowners of association legal action and majority vote of consent. |   |
| City of Wheat Ridge | August 24, 2015          | (1) Required notification of defects and enhanced right to repair; (2) prohibits the amendment of the governing documents to remove provisions requiring alternative dispute resolution of construction defect claims; (3) notification of homeowners of association legal action and majority vote of consent; (4) plat note at the specific written request of the applicant.                                    | Plat note requires binding arbitration prior to filing of lawsuit             |

## CONSTRUCTION DEFECTS

# Climate shifting after cities move to reform law

**BY JOHN AGUILAR**  
**THE DENVER POST**

As state lawmakers take another crack at reforming the state's construction-defects law this legislative session, they will be doing so in a shifting legal environment that promises to remain in flux in the absence of state action.

A dozen communities — including Colorado's three largest cities — have taken action on their own to make it harder for homeowners to sue for faulty building practices. Most did so in the months following the legislature's unsuccessful attempt to pass a construction-defects reform bill last spring.

And in May, the Colorado Court of Appeals handed down a decision in *Vallagio vs. Metropolitan Homes* that buttressed the use of arbitration as an alternative to litigation in defects cases. That ruling has been appealed to the state Supreme Court.

"The landscape is complicated," said Sen. Jessie Ulibarri, a Democratic sponsor of last year's Senate Bill 177. "It's a different landscape than last year."

Meanwhile, there is some question as to how effective the various municipal measures will be in luring condo builders back to Colorado. Lakewood passed the first such measure in October 2014 and has yet to receive an application for a condo project.

Mayor Adam Paul said there have been many inquiries from builders, but getting that initial commitment has been difficult.

“There’s some hesitation to be first,” he said.

Sen. Mark Scheffel, R-Parker, said after so many years of dealing with the state’s construction-defects law, many builders have become “gun-shy” about moving forward with condominium projects.

“It’s not going to turn on a dime,” he said.

That’s why the senator thinks state legislation on the topic of construction defects is still necessary. He is helping craft a bill for the 2016 session, which begins Wednesday. It is the fourth attempt at such legislation in as many years.

“Personally, I still think this is an issue of statewide concern,” Scheffel said. “This is incredibly important topic to the state, and the economy is getting talked about a lot.”

A lack of condo units has caused extended concern as housing prices and rents have soared.

According to a report from Patricia Silverstein, chief economist with Development Research Partners in Jefferson County, only 3.4 percent of single-family home starts in metro Denver in 2015 were condos. Nine years ago, that share was 25 percent.

In downtown Denver, 870 townhomes or condos went up in 2007. That number had fallen to 59 by last year, according to the Downtown Denver Partnership.

Reform proponents blame Colorado’s construction-defects law for the condo shortage, saying the law makes it too easy for homeowners to sue over cracked foundations, leaky windows and other structural problems.

In turn, they argue, insurance companies have jacked up rates for condo builders, and builders have stayed away. Those seeking

affordable housing, like young families in search of a starter home, have suffered most, they say.

Molly Foley-Healy, an attorney who serves as legislative liaison for the Community Associations Institute's Legislative Action Committee, said those pushing for changes in Colorado's construction-defects law are making specious arguments.

She said condos will come back when the market calls for it. Right now, she said, apartments and rental properties are commanding top dollar.

"As the economy continues to rebound and housing is on the upswing, they're going to build more condos," Foley-Healy said. "Obviously, destroying homeowner rights is not the panacea to getting condos built."

The legislature should leave the issue alone, she said.

Scheffel concedes that a bill this year would have to look different from last year or risk defeat again.

"We're looking at different approaches," said Scheffel, who wasn't ready to divulge details.

Last year's bill would have made mediation or arbitration, rather than litigation, the preferred method of dispute resolution in construction-defects cases. It also would have required that a majority of all homeowners in a condo or homeowners association approve any legal action before it is taken.

House Speaker Dickey Lee Hullinghorst, D-Boulder, was one of the top Democrats to block construction-defects legislation last year. She is not convinced that another bill would do much to improve the affordable housing challenge, but she does fear it could let builders off the hook for shabby work.

“We have to be very careful that we don’t interfere with the rights of people who are making one of the very biggest investments they will ever make — their home — that they wouldn’t have the ability to get redress if there are serious concerns,” she told a Denver Metro Chamber of Commerce breakfast meeting last week.

Leaders of multiple cities around the metro area, especially those on the Regional Transportation District’s burgeoning commuter rail system, say they can’t wait for the state to make the condo market healthy again.

Centennial Mayor Cathy Noon said “we hear from our residents that ownership other than single family housing is very limited — especially from our aging population and young professionals.”

The southern suburb is the most recent Colorado city to embrace construction-defects reform, passing a measure last month. The area hasn’t seen a condo built within its borders for years.

“With limited vacant land remaining in Centennial, we needed to do what we could as a city to help provide choices,” Noon said.

But just passing measures locally doesn’t guarantee they will stand up to legal scrutiny.

“I expect that all of these local measures will be challenged in court,” said Bruce Likoff, a real estate transaction attorney with the law firm Bryan Cave.

The basis for the legal argument against cities taking the matter into their own hands, Likoff said, is that such action unlawfully preempts state control over the issue.

That's just as well, said Jonathan Harris, president of Build Our Homes Right. The Denver resident wrestled for years with the builder of his Five Points home, trying to get major structural issues fixed.

He called the defects ordinances passed by Lakewood, Denver and others “a backdoor erosion of homeowner rights” that eventually will get struck down in the courts.

Harris urged state lawmakers not to go down the same path.

“It's not popular to take away people's rights — especially in an election year,” he said.

*John Aguilar: 303-954-1695, [jaguilar@denverpost.com](mailto:jaguilar@denverpost.com) or @abuvthefold*





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## **Legislative Review Committee Agenda**

February 16, 4:00 p.m.  
Commons Conference Room

1. Approval of minutes from January 19, 2016 meeting
2. Review new Colorado General Assembly bills
3. Other business
  - National League of Cities, Congressional Conference planning
  - Prepare for February 19 meeting (3:30-5pm) with State Legislators

Next meetings: February 19 and March 1; NLC in DC March 7-9



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## **Legislative Review Committee Agenda**

### Meeting Notes

January 19, 2016, 5:00 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: None

Guests: Gerry Horak, Mayor Pro Tem; Tom Leeson, Planning, Development and Transportation; Mark Jackson, Planning, Development and Transportation; Dale Adamy, Citizen; Kevin Jones, Fort Collins Area Chamber of Commerce; Alicia Salz, Intern

The meeting came to order at 5:00 pm.

Councilmember Martinez moved approval of the minutes from the December 8, 2015, Councilmember Campana seconded. Minutes were adopted without amendment.

Tom Leeson discussed information prepared on local ordinances other communities have adopted in Colorado to address **construction defects**. LRC reviewed options for a Fort Collins ordinance. The LRC provided direction to proceed with a Construction Defects ordinance that:

1. addresses notification of defects and the enhanced right to repair;
2. prohibits the amendment of the governing documents to remove provisions requiring alternative dispute resolution of construction defects claims;
3. requires notification of homeowners of association legal action and majority vote of consent.

Direction was also provided to engage development community to provide education on existing self-help options including the ability to record a plat note requiring binding arbitration prior to filing a lawsuit, and to continue to work with state legislation to address construction defects law. Staff was asked to provide some analysis of other states' construction defect laws and those states' condominium and townhome construction trends.

Mayor Pro Tem Horak presented a proposal to **fund advocacy for Interstate 25 improvements**. The proposal will also go to Council Finance Committee for

consideration before going before City Council. LRC recommended funding for the effort to expand north I-25.

Dan reviewed bills from the General Assembly. He shared that to date nearly 200 bills have been introduced.

- **HB16-1001** is a proposal that would have the **State Controller Certify Compliance with Equal Pay Laws**. This bill was briefly discussed and additional information was to be gathered before considering a position. **No position** was adopted.
- **HB16-1002** is a bill that seeks to provide **Employee Leave to Attend Child's Academic Activities**. The bill would provide limited leave for parents to attend school activities including counseling meetings. LRC adopted a **support** position.
- **HB16-1004** is a bill that would establish **Measurable Goals and Deadlines for the Colorado Climate Action Plan**. It was discussed that adding measurable goals and deadlines for the state could help the City in achieving its climate action goals. LRC adopted a **support** position.
- **HB16-1005** is a bill to allow **Residential Precipitation Collection** – to allow residents to use up to two rain barrels at their home to capture, store and use precipitation on site. This proposal was unsuccessful in 2015 due to challenges reconciling with Colorado Water Law. LRC adopted a **support** position in light of the minimal diversion of rain water.
- **HB16-1006** is a bill that seeks to **Clarify Tax Exemptions for Housing Authorities**. The bill is supported by the Fort Collins Housing Authority and seeks to clarify interpretation of existing law that has occurred at the state level. There may be an impact to the City if the proposal is successful. LRC adopted a **support** position.
- **HB16-1067** is a bill to extend the sunset of **Regional Transportation Authority to have a Mill Levy**. The bill would extend a sunset from 2019 to 2029. LRC adopted a **monitor** position as more information is gathered.
- **HB16-1070** is a bill requiring **Signature Verification in Municipal Mail Ballot Elections**. Dan indicated the bill would impact statutory towns and that CML is in support of the changes. It was requested that staff look into whether there is a possibility for verification equipment can be leased and there is adequate access to the Secretary of State's verification database. LRC adopted a **monitor** position.
- **SB16-011** is a bill seeking to **Terminate the Use of FASTER Fee Revenue For Transit**. The bill would have FASTER revenue be used only for highway projects. Transfort staff shared that they receive \$400,000 annually from FASTER. LRC adopted an **oppose** position.
- **SB16-012** is a bill that would extend deadlines to provide more **Time to Reconstruct Residential Improvements** in recovery from natural

disasters. LRC considered that the bill might not have immediate impact on Fort Collins but could impact the community in a future event. LRC adopted a **monitor** position.

- **SB16-017** would allow **Concealed Handgun Carry without a Permit**. LRC discussed that the permit requires gun safety education and training which can increase public safety. LRC adopted an **oppose** position to this bill.
- **SB16-028** is a bill seeking to increase transparency in municipal contracting with minority-owned businesses called the **Community Reinvestment Act**. The bill would direct the State Controller to maintain records related to contracting with minority-owned businesses. Discussion focused on the City's open book program and that much of this data may already be available. LRC adopted a **monitor** position.
- **SB16-037** is an open records-related bill about **Public Access to Digitally Stored Data under CORA**. The bill actually seeks to make the "native format" of records already available under CORA available to requestors. There are problems with the bill that include a restriction on recovering costs associated with preparing the records for the public, metadata associated with internal work products and the costs and complications associated with providing video and audio records. LRC adopted an **amend** position with the hope of engaging the bill sponsor in amendments.

The meeting was adjourned at 5:49 pm.

**City of Fort Collins Legislative Tracking**  
General Assembly Session 2016

**Updated: February 10, 2016**

[illegible]

[illegible]



## Legislative Review Committee Bill Report

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# Legislative Review Committee Bill Report

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### [HB16-1001](#)

### State Contr Certify Compliance With Equal Pay Laws

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**Comment:** **LPA pg 18, Privatization #2, "Maintain local control of the awarding of contracts and the accountability of local officials for those actions."**

**Position:**

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** State Contr Certify Compliance With Equal Pay Laws

**Sponsors:** DANIELSON

**Summary:** Bill would require certification of contractors working with the City that those contractors are in compliance with state and federal equal pay standards applicable at the time of the execution of the contract.

**Status:** 01/13/2016 Introduced In House - Assigned to Business Affairs and Labor

**Fiscal Notes:**

**Analyze This** **N/A: Fri, January 15, 2016, by rcochran@fcgov.com**  
**Comments:** (15-Jan-16) Please see the response provided by Jenny Lopez Filkins for information regarding this Bill.

**N/A: Fri, January 15, 2016, by rcochran@fcgov.com**  
(15-Jan-16) Please see the response from Jenny Lopez Filkins regarding this proposed Bill.

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### [HB16-1002](#)

### Employee Leave Attend Child's Academic Activities

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**Comment:** **LPA pg 27, Human Resources #2, "Expand the City's ability to offer health, welfare and wellness services for employees."**

**Position:**

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Employee Leave Attend Child's Academic Activities

**Sponsors:** BUCKNER / KERR

**Summary:** Bill would provide parents of K-12 students with limited parental leave to attend school functions. If adopted, this would require amending City personnel policies.

**Status:** 02/04/2016 House Third Reading Passed - No Amendments  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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**[HB16-1004](#)      Measurable Goals Deadlines CO Climate Action Plan**

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**Comment:** **LPA pg 24, Utilities #9, "Establish uniform standards for the reduction of carbon emissions."**

**Position:**

**Calendar** NOT ON CALENDAR  
**Notification:**

**Short Title:** Measurable Goals Deadlines CO Climate Action Plan  
**Sponsors:** WINTER  
**Summary:** This bill seeks to include measurable goals in the state's climate action plans. The inclusion of standards and accountability makes it more likely that the state will achieve it's climate goals.

**Status:** 02/09/2016 House Third Reading Passed - No Amendments  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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**[HB16-1005](#)      Residential Precipitation Collection**

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**Comment:** **LPA pg 25, Water Supply/Quality #2, "Enact reasonable water quality regulations that are cost effective and can show identifiable benefits."**

**Position:**

**Calendar** Monday, February 22 2016  
**Notification:** Agriculture, Livestock, & Natural Resources  
1:30 p.m. Room 0107  
(5) in house calendar.

**Short Title:** Residential Precipitation Collection  
**Sponsors:** ESGAR / MERRIFIELD  
**Summary:** Bill would allow single and multi-family homes to own and use up to two rain barrels that would divert rainwater for the use on site. Colorado is the last western state to allow residential rain barrel use - this bill appears to be a de minimis diversion of water and appears to be a common-sense water conservation measure.

**Status:** 01/13/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This** **Monitor: Fri, January 22, 2016, by [ddustin@fcgov.com](mailto:ddustin@fcgov.com)**



**Comments:** (22-Jan-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is low.

**Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**

(22-Jan-16) Fort Collins Utilities water rights could be negatively affected by widespread rain barrel use if it results in reduction of flows in the Poudre River that could reduce flows available under our water rights. However, rain barrel use could reduce overall water demands that could balance a potential reduction in flows available to Utilities water rights. Based on initial analysis, the effects of rain barrels on the City would likely be minor, but more information/study would be needed to assess potential impacts.

**Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**

(22-Jan-16) It is difficult to quantify impacts at this time.

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**[HB16-1006](#)**

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**Clarify Tax Exemptions For Housing Authorities**

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**Comment:** **LPA pg 12, Affordable Housing #2, "Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships."**

**Position:**

**Calendar** Wednesday, February 17 2016

**Notification:** Finance

1:30 p.m. Room LSB-A

(2) in house calendar.

**Short Title:** Clarify Tax Exemptions For Housing Authorities

**Sponsors:** BECKER K.

**Summary:** Bill was sought by Housing Authorities (including Fort Collins') to clarify eligibility for certain tax exemptions.

**Status:** 01/13/2016 Introduced In House - Assigned to Finance

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This**

**Comments:**

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**[HB16-1067](#)**

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**Regional Transportation Authority Mill Levy**

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**Comment:** **LPA pg 33, Transportation #3, "Explore and analyze alternative methods of funding transportation infrastructure needs."**

**Position:**

**Calendar** Wednesday, February 10 2016

**Notification:** Local Government

1:30 p.m. Room 0107

(2) in house calendar.

**Short Title:** Regional Transportation Authority Mill Levy  
**Sponsors:** MITSCH BUSH / DONOVAN  
**Summary:** Bill seeks to extend the sunset for regional transportation authorities to assess mill levies from 2019 to 2029. If passed, bill would provide additional financial certainty for transportation authorities.  
**Status:** 01/13/2016 Introduced In House - Assigned to Local Government  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This Comments:**

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**[HB16-1069](#) Allow City To Set Housing Auth Commn Term Length**

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**Comment:** **LPA pg. 26, Home Rule #1, "Strengthen home rule authority of municipal governments."**

**Position:**

**Calendar Notification:** Tuesday, February 16 2016  
SENATE LOCAL GOVERNMENT COMMITTEE  
2:00 PM SCR 353  
(1) in senate calendar.

**Short Title:** Allow City To Set Housing Auth Commn Term Length

**Sponsors:** RANKIN

**Summary:** CML bill that would allow local government discretion to set the term for housing commission.

**Status:** 02/03/2016 Introduced In Senate - Assigned to Local Government

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) This bill was in response to issues very small housing authorities say they are having filling their commissioner seats. This is not an issue in FC.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) It will give the Council the ability to set the Housing Authority Commissioner terms themselves.

**No Effect: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) No effect.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) While the Fort Collins Housing Authority is neutral on this bill, we do not see that it is an issue for FC, nor do we think it really warrants a legislative fix statewide. The current statute works and the small housing authorities mentioned should be able to work within the current statute

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**HB16-1070****Signature Verification In Mun Mail Ballot Election**

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|-------------------------------|--|
| <b>Comment:</b>               | <b>Not explicit in LPA</b>   |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | Wednesday, February 10 2016<br>State, Veterans, and Military Affairs<br>Upon Adjournment Room LSB-A<br>(2) in house calendar.  |
| <b>Short Title:</b>           | Signature Verification In Mun Mail Ballot Election   |
| <b>Sponsors:</b>              | NEVILLE P. / NEVILLE T.  |
| <b>Summary:</b>               | <p>For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the bill:</p> <ul style="list-style-type: none"><li>* Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the statewide voter registration system, commonly referred to as "SCORE";</li><li>* Grants municipal clerks access to SCORE for signature verification purposes;</li><li>* Authorizes the use of signature verification devices to perform these comparisons;</li><li>* Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and</li><li>* Requires municipal clerks to provide training to election judges who compare signatures.</li></ul> |
| <b>Status:</b>                | 01/13/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs   |
| <b>Fiscal Notes:</b>          | <a href="#">Fiscal Note</a>  |
| <b>Analyze This Comments:</b> |  |

**HB16-1088****Fire Protection Dist Impact Fee On New Development**

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|                               |   |
|-------------------------------|---|
| <b>Comment:</b>               | <b>LPA pg 14, Planning and Land Use #4, "Retain local government authority to impose development impact fees."</b>  |
| <b>Position:</b>              |   |
| <b>Calendar Notification:</b> | Wednesday, February 10 2016<br>Local Government<br>1:30 p.m. Room 0107<br>(1) in house calendar.  |
| <b>Short Title:</b>           | Fire Protection Dist Impact Fee On New Development  |
| <b>Sponsors:</b>              | DORE  |
| <b>Summary:</b>               | Bill would allow fire districts to impose impact fees provided the fees conform to adopted rates and that information is provided in writing to the local governments in their service area. CML is asking that a fire district amend its service plan to reflect the additional revenue. |

**Status:** 01/19/2016 Introduced In House - Assigned to Local Government

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**[HB16-1122](#)**

**Remote Starter Systems**

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**Comment:** **LPA pg 20, Air Quality #7, "Reduce vehicle emissions by encouraging behavior changes, such as reducing vehicle idling."**

**Position:**

**Calendar** Wednesday, February 10 2016

**Notification:** Transportation & Energy  
1:30 p.m. Room 0112  
(1) in house calendar.

**Short Title:** Remote Starter Systems

**Sponsors:** EVERETT / HILL

**Summary:** Bill would allow use of remote starters for vehicles to warm up before use.

**Status:** 01/20/2016 Introduced In House - Assigned to Transportation & Energy

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This** **Oppose: Fri, January 22, 2016, by lsmith@fcgov.com**

**Comments:** (22-Jan-16) My suggestion is to oppose ths bill. Allowing vehicles to idle unattended causes increasd air pollution, in direct opposition to our LPA: "Reduce vehicle emissions by: •?Encouraging behavior changes, such as reducing idling of vehicles"

**N/A: Fri, January 22, 2016, by lsmith@fcgov.com**

(22-Jan-16) Fort Collins is non-attainment for ozone. This bill will hinder efforts to achieve attainment.

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**[HB16-1138](#)**

**General Fund Transfers For State Infrastructure**

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**Comment:** **LPA pg 33, Transportation #2, "Reject reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula."**

**Position:**

**Calendar** Wednesday, February 24 2016

**Notification:** State, Veterans, and Military Affairs  
Upon Adjournment Room LSB-A  
(1) in house calendar.

**Short Title:** General Fund Transfers For State Infrastructure

**Sponsors:** BROWN

**Summary:** This bill specifies that the moneys in the state highway fund allocated

from any of the statutorily required transfers to the HUTF may be used for general highway operations and maintenance.

**Status:** 01/20/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**[HB16-1141](#)**

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**Radon Exposure In Buildings**

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**Comment:** **LPA pg 20, Air Quality #2, "Ensure air quality standards are protective of public health and welfare."**

**Position:**

**Calendar  
Notification:** NOT ON CALENDAR

**Short Title:** Radon Exposure In Buildings

**Sponsors:** BECKER K. / JAHN

**Summary:** Bill would develop a statewide education program for radon risks and would establish a program to provide financial assistance to low-income individuals for radon mitigation in their homes. Also extends by ten years the state uranium mill tailings remedial action fund, which pays for a program that provides information to the public on uranium mill tailings contamination in residences and commercial buildings.

**Status:** 01/21/2016 Introduced In House - Assigned to Health, Insurance, & Environment

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:** **Support: Tue, February 02, 2016, by Dan Weinheimer  
(dweinheimer@fcgov.com)**

(02-Feb-16) From Environmental Services: I would definitely support this bill. We did not receive any funds from the Feds this year so hopefully if this comes through, we'll have additional resources. Radon kits are flying off the shelves. 70% of Fort Collins homes test high and of those that test, only 50% mitigate. We are well on our way to conduct outreach to homes testing high to provide them with additional health and mitigation information. We are also providing materials regarding the Zero Interest Loans. Just recently new state regulations required all Child Care Centers to test for radon. As a courtesy, we have contacted all of the child care listings in Fort Collins to make them aware of the Indoor Air Quality programs and to offer them a radon test kit.

**Amend: Tue, February 02, 2016, by Dan Weinheimer  
(dweinheimer@fcgov.com)**

(02-Feb-16) Colorado Building Officials group: seeking to amend the bill and concern is that this could be an avenue for CDPHE to make radon mitigation adopted and enforced by local gov't as an unfunded mandate. This should be amended to only establish the assistance program.

**Comment:** **LPA pg 31, Public Safety #31, "Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations."**

**Position:**

**Calendar Notification:** Wednesday, March 9 2016  
State, Veterans, and Military Affairs  
Upon Adjournment Room LSB-A  
(1) in house calendar.

**Short Title:** Prohibit Red Light Cameras Photo Radar Auto ID Sys

**Sponsors:** HUMPHREY / NEVILLE T.

**Summary:** Bill seeks to eliminate the use of red light camera and photo radar for traffic enforcement.

**Status:** 01/21/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:**

**Analyze This Comments:** **Strongly Oppose: Tue, January 26, 2016, by chorton@fcgov.com**  
(26-Jan-16) This bill repeals the citizens of Fort Collins' ability to decide what traffic safety measures they desire from their police department. Our community has enjoyed great improvements in traffic safety, using a variety of measures, in the time we have deployed red light and mobile camera radar detection systems. Our approach is reasonable, our program is sound and the small amount of retained revenue after program costs is used for traffic safety initiatives. Aside from being self-supporting, the retained revenue is not budgeted for any ongoing programs. This technology is a force multiplier for the police department and provides consistent, fair and effective tools to accomplish our public safety mission.

**Strongly Oppose: Tue, January 26, 2016, by chorton@fcgov.com**  
(26-Jan-16) Fort Collins uses this technology in manner consistent with Governor Hickenlooper's description of a model program in his veto letter for HB 15-1098 dated June 3, 2015. As the Governor noted then, voters already have the ultimate control over this type of traffic law enforcement in their own communities through the citizen-driven initiative process or local governing body referendum. This legislation is unnecessary and usurps local control.

**Strongly Oppose: Tue, January 26, 2016, by chorton@fcgov.com**  
(26-Jan-16) In 2015, more than 10,000 drivers have received a citation accompanied by a modest fine that serves to remind them of their role in making Fort Collins a safe place to drive. Those drivers would not have had that gentle reminder, the kind we all need from time-to-time, without the use of this technology. Our police department does not have the

personnel necessary to accomplish the same level of enforcement with sworn police officers making individual traffic stops. Additionally, the police department realizes just under \$200,000 per year in revenue from these systems. That revenue is earmarked for traffic safety initiatives. With the technology, those additional safety initiative made possible through the retained revenue will not be funded.

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**[HB16-1166](#)**

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**Prohibit Seeking Salary History For Job Applicants**

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**Comment:** **LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Prohibit Seeking Salary History For Job Applicants

**Sponsors:** PETTERSEN / DONOVAN

**Summary:** The bill makes it an unfair employment practice for an employer to seek salary history information, including compensation and benefits, about an applicant for employment.

**Status:** 01/29/2016 Introduced In House - Assigned to Business Affairs and Labor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**[HB16-1191](#)**

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**Bill Of Rights For Persons Who Are Homeless**

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**Comment:** **LPA pg 26, Home Rule #2, "Reject State or Federal intervention in matters of local concern and that unnecessarily or adversely affect the City's ability to manage pursuant to its home rule authority."**

**Position:**

**Calendar Notification:** Wednesday, February 24 2016  
Local Government  
1:30 p.m. Room 0107  
(2) in house calendar.

**Short Title:** Bill Of Rights For Persons Who Are Homeless

**Sponsors:** SALAZAR

**Summary:** This bill establishes rights for persons experiencing homelessness including the right to rest in public, as well as, the right to occupy a legally parked vehicle.

**Status:** 02/03/2016 Introduced In House - Assigned to Local Government

**Fiscal Notes:**



Analyze This  
Comments:

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**SB16-011**

**Terminate Use Of FASTER Fee Revenue For Transit**

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**Comment:** **LPA pg 33, Transportation #3, "Explore and analyze alternative methods of funding transportation infrastructure needs."**

**Position:**

**Calendar Notification:** Wednesday, February 17 2016  
Transportation & Energy  
1:30 p.m. Room 0112  
(2) in house calendar.

**Short Title:** Terminate Use Of FASTER Fee Revenue For Transit

**Sponsors:** NEVILLE T. / NEVILLE P.

**Summary:** Bill would eliminate the "Funding Advancements for Surface Transportation and Economic Recovery Act of 2009" (FASTER) that is used for transit project funding. Elimination would have a financial impact on Transfort.

**Status:** 02/04/2016 Introduced In House - Assigned to Transportation & Energy

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Oppose: Fri, January 15, 2016, by Dan Weinheimer (dweinheimer@fcgov.com)**  
(15-Jan-16) Transfort: We receive \$400,000 annually of FASTER funding. The loss of this funding would have a significant impact on our operations.

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**SB16-012**

**Time To Reconstruct Residential Improvements**

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**Comment:** **Not explicit in LPA**

**Position:**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Time To Reconstruct Residential Improvements

**Sponsors:** HEATH / SINGER

**Summary:** This bill allows residential property to maintain its property tax classification for an indefinite period of time if the county assessor determines the property owner is making a good faith effort to rebuild an improvement destroyed by a natural disaster. A residential improvement is a home or other structure that has been built on residential property. Under current law, the property can maintain its residential classification for up to four years after the improvement has been destroyed if, in the assessor's judgement, the owner intends to repair or replace the structure.

**Status:** 02/08/2016 Senate Third Reading Passed - No Amendments

**Fiscal Notes:** [Fiscal Note](#)



**Analyze This  
Comments:**

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**SB16-017**

**Concealed Handgun Carry Without Permit**

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**Comment:** **LPA pg 31, Public Safety #5, "Reject initiatives that have the potential to compromise officer safety."**

**Position:**

**Calendar Notification:** Friday, February 12 2016  
SENATE APPROPRIATIONS COMMITTEE  
8:00 AM LSB-B  
(10) in senate calendar.

**Short Title:** Concealed Handgun Carry Without Permit

**Sponsors:** NEVILLE T. / NEVILLE P.

**Summary:** Bill would eliminate concealed carry permit requirement. Permits ensure applicants have received training and gun safety classes.

**Status:** 02/02/2016 Senate Committee on Finance Refer Unamended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**SB16-028**

**Community Reinvestment Act**

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**Comment:** **LPA pg 18, Investments #2, "Provide adequate transparency of the City's investment activity."**

**Position:**

**Calendar Notification:** Wednesday, February 17 2016  
SENATE STATE, VETERANS, & MILITARY AFFAIRS  
COMMITTEE  
1:30 PM SCR 356  
(1) in senate calendar.

**Short Title:** Community Reinvestment Act

**Sponsors:** CARROLL / FIELDS

**Summary:** Bill would direct the state controller to maintain records of government contracting with minority-owned businesses. Transparency of City purchasing is already available on Open Book but this proposal may increase transparency.

**Status:** 01/13/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**SB16-037****Public Access Digitally Stored Data Under CORA**

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**Comment:** **LPA pg 28, Sovereign and Governmental Immunity #2, "Discourage baseless and frivolous claims and demands made against municipalities, their officers and employees."**

**Position:**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Public Access Digitally Stored Data Under CORA

**Sponsors:** KEFALAS / PABON

**Summary:** Bill would amend the Colorado Open Records Act (CORA) and direct government to, upon request, provide certain files in their "native" format. Concerns include data integrity and costs associated with compliance.

**Status:** 01/13/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:**

**Analyze This Comments:**

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**SB16-038****Transparency Of Community-centered Boards**

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**Comment:** **Not explicit in LPA**

**Position:**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Transparency Of Community-centered Boards

**Sponsors:** AGUILAR / YOUNG

**Summary:** Bill would increase transparency of community-centered boards (CCB) through a regular state audit and compliance with the local government audit law. In Larimer County, Foothills Gateway is a CCB.

**Status:** 02/01/2016 Senate Committee on State, Veterans, & Military Affairs  
Witness Testimony and/or Committee Discussion Only

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**SB16-054****Local Government Minimum Wage**

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**Comment:** **LPA pg 26, Home Rule #1, "Strengthen home rule authority of municipal governments."**

**Position:**

**Calendar Notification:** Wednesday, February 17 2016  
SENATE STATE, VETERANS, & MILITARY AFFAIRS  
COMMITTEE

1:30 PM SCR 356  
(3) in senate calendar.

**Short Title:** Local Government Minimum Wage  
**Sponsors:** MERRIFIELD  
**Summary:** Bill seeks to allow localities to control minimum wage levels in their jurisdiction.  
**Status:** 01/19/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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**[SB16-063](#)**      **Intergovt Agreement With Out-of-state Local Gov**

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**Comment:**      **LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."**

**Position:**

**Calendar**      NOT ON CALENDAR  
**Notification:**

**Short Title:**      Intergovt Agreement With Out-of-state Local Gov

**Sponsors:**      ROBERTS / VIGIL

**Summary:**      Bill would allow agreement between municipalities and out-of-state partners for emergency services.

**Status:**      01/19/2016 Introduced In Senate - Assigned to Local Government

**Fiscal Notes:**      [Fiscal Note](#)

**Analyze This**  
**Comments:**

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**[SB16-075](#)**      **DNA Collection Misdemeanor Vulnerable Persons**

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**Comment:**      **LPA pg 31, Public Safety #2, "Provide greater protection to victims of crime."**

**Position:**

**Calendar**      NOT ON CALENDAR  
**Notification:**

**Short Title:**      DNA Collection Misdemeanor Vulnerable Persons

**Sponsors:**      JOHNSTON / LAWRENCE

**Summary:**      Bill seeks to collect DNA samples for certain additional offenses.

**Status:**      01/19/2016 Introduced In Senate - Assigned to Judiciary

**Fiscal Notes:**

**Analyze This**  
**Comments:**

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**SB16-077**

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**Employment First For Persons With Disabilities**

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**Comment:** **LPA pg 14, Social Sustainability #6, "Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare."**

**Position:**

**Calendar** Tuesday, February 16 2016  
**Notification:** SENATE FINANCE COMMITTEE  
2:00 PM LSB-B  
(1) in senate calendar.

**Short Title:** Employment First For Persons With Disabilities

**Sponsors:** KEFALAS / GINAL

**Summary:** Bill seeks to direct the state to develop an employment first model for individuals with disabilities.

**Status:** 01/19/2016 Introduced In Senate - Assigned to Finance

**Fiscal Notes:**

**Analyze This**

**Comments:**

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**SB16-100**

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**County Road & Bridge Tax Reduction Requirement**

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**Comment:** **LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."**

**Position:**

**Calendar** Tuesday, February 16 2016  
**Notification:** SENATE TRANSPORTATION COMMITTEE  
2:00 PM SCR 352  
(1) in senate calendar.

**Short Title:** County Road & Bridge Tax Reduction Requirement

**Sponsors:** JAHN / PABON

**Summary:** CML bill. The statutes required that one-half of the amount of the levy collected from within a municipality be returned to the municipality to address local road and bridge needs. However, counties have unilateral authority to reduce or eliminate the road & bridge mill levy, in some cases supplementing their own road & bridge fund with other sources of revenue (i.e. specific ownership taxes). This fundamentally unfair fiscal practice has resulted in the loss millions of dollars to municipalities to address their local transportation infrastructure issues as the law intends. CML believes legislation requiring municipal consent or agreement prior to reduction of an existing mill levy is wholly appropriate and on par with recent legislative actions.

**Status:** 01/29/2016 Introduced In Senate - Assigned to Transportation

**Fiscal Notes:**

**Analyze This**

**Comments:**



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## **Legislative Review Committee Agenda**

March 1, 2016, 4:00 p.m.  
Commons Conference Room

1. Approval of minutes from February 16, 2016 meeting
2. Review Colorado General Assembly bills
3. Review and discuss February 19 legislative meeting
4. Other business
  - Review National League of Cities, Congressional Conference itinerary and topics
  - Proposed federal topics include:
    - Interstate 25 funding
    - Transit funding
    - TIGER grant
    - Train issues (noise, blocked intersections, hazardous material safety)
    - Regulation of drones
    - Protecting the use of tax exempt bonds
    - E-fairness
    - Water infrastructure and water quality testing
    - CITII (PCAST Program) and federal innovation initiatives and funding
    - Criminal justice - police reform, communication (FirstNET) and parole/sentencing reform

Next meetings: NLC in DC March 7-9, March 22



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## Legislative Review Committee Agenda

### Meeting Notes

February 16, 2016, 4:30 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: Carrie Daggett, City Attorney

Guests: Bob Overbeck, City Councilmember; Judy Schmidt, Senior Assistant City Attorney; Craig Horton, Fort Collins Police Services; Dale Adamy, Citizen; Kevin Jones, Fort Collins Area Chamber of Commerce; Alicia Salz, Intern

The meeting came to order at 4:25 pm.

Councilmember Martinez moved approval of the minutes from the January 19, 2016, Councilmember Cunniff seconded. Minutes were adopted without amendment.

Dan reviewed bills from the General Assembly. He shared that to date nearly 414 bills have been introduced.

- **HB16-1001** is a proposal that would have the **State Controller Certify Compliance with Equal Pay Laws**. This bill was briefly discussed and additional information was to be gathered before considering a position. LRC adopted a **monitor** position as more information is gathered.
- **HB16-1069** is a bill requiring **Allow City to Set Housing Authority Commissioner Term Lengths**. Dan indicated the bill would impact small housing authorities because they are having filling their commissioner seats and that CML is in support of the bill. It was requested that staff look into whether there is a minimum term length. LRC adopted a **support** position.
- **HB16-1088** is a bill that would allow a **Fire Protection District Impact Fee on New Development**. Dan shared that CML is asking that a fire district amend its service plan to reflect the additional revenue. LRC adopted an **amend** position.
- **HB16-1122** would allow the use of **Remote Starter Systems**. Dan shared that the city recommended position is to oppose due to City air quality goals. The bill was expected to be amended to allow local control so LRC adopted a **monitor** position.
- **HB16-1138** would permit a **General Fund Transfers for State Infrastructure**. LRC considered that the bill might have an immediate impact on the revenue going toward Fort Collins transit, but the amount is unclear. LRC adopted a **monitor** position until they get more details.

- **HB16-1141** would provide financial assistance for **Radon Exposure in Buildings**. LRC discussed that Fort Collins does provide radon kits for a fee, but agreed that this proposal would be a great tool for low-income individuals. LRC adopted a **support** position.
- **HB16-1143** is a bill seeking to **Prohibit Red Light Cameras Photo Radar Auto ID Systems**. This bill repeals the citizens of Fort Collins' ability to decide what traffic safety measures they desire from their police department. LRC adopted an **oppose** position.
- **HB16-1166** is proposing to limit employers and **Prohibit Seeking Salary History for Job Applicants**. Dan explained that the bill makes it an unfair employment practice for an employer to seek salary history information, including compensation and benefits, about an applicant for employment. LRC adopted a **monitor** position.
- **HB16-1191** is a purposed **Bill of Rights for Persons Who Are Homeless**. This bill establishes rights for persons experiencing homelessness including the right to rest in public, as well as, the right to occupy a legally parked vehicle. LRC adopted an **oppose** position.
- **SB16-038** which would allow for the **Transparency of Community-centered Boards**. Dan informed the committee that this would affect Foothills Gateway board. LRC adopted a **monitor** position.
- **SB16-054** which strengthens local authority by allowing a **Local Government Minimum Wage**. This would allow localities to set their own minimum wage. LRC adopted a **monitor** position.
- **SB16-063** would allow an **Intergovernmental Agreement with Out-of-state Local Government**. Dan shared that this could help certain municipalities with emergency services. LRC adopted a **support** position.
- **SB16-075** would allow **DNA Collection Misdemeanor Vulnerable Persons**. Bill seeks to collect DNA samples for certain additional offenses. LRC adopted a **monitor** position.
- **SB16-077** would create **Employment First for Persons with Disabilities**. Dan shared that the bill seeks to direct the state to develop an employment-first model for individuals with disabilities. LRC agreed that the bill needed additional study and requested to additional feedback from staff. LRC adopted a **monitor** position.
- **SB16-100** is a bill requesting for a **County Road & Bridge Tax Reduction Requirement**. Dan explained that this would require the county to receive municipal consent or agreement prior to reduction of an existing mill levy. LRC adopted a **support** position.

LRC reviewed Representative Ginal's proposed draft bill targeting rolling coal. Councilmember Campana questioned which priority rolling coal would fall under. Dan confirmed that rolling coal falls under the Air Quality priorities the City Policy Agenda.

Lt. Craig Horton added to the discussion of rolling coal. He explained the challenges law enforcement officers currently face when it comes to ticketing offenders and provided ideas of how to go about fixing it, which are:



- Police have a hard time enforcing current law based on observing smoke opacity over a minimum of five seconds.
- Alternatively, FCPS proposes to amend existing law to hold diesel vehicles that are less than 14,000 lbs to the same standard (no visible emissions) as larger fleet vehicles.
- Police services will propose draft language to Rep. Ginal with simpler language, such as obscuring the roadway for police officers to use.
- FCPS would like there to be a reasonable standard for law enforcement officers to use to combat this issue that does not put officers in the position of looking under car hoods for modifications or have the enforcement tied to annual vehicle inspection.

LRC discussed the proposed parole changes being considered at the state level. LRC decided to watch, but agreed that the regulation changes need City input as they will have an impact on local crime and rehabilitation of offenders. Staff was asked to work with the Larimer County Sheriff and others to monitor the issue.

LRC discussed the National League of Cities, Congressional Conference occurring in March. Dan shared that the attendees will be attending a “best practice city tour” and that he is coordinating meetings with Congressional staff and at the White House on a local government-focused innovation initiative.

Councilmember Cunniff requested that staff look into and monitor SB16-044. The bill is concerning the allowance of disputed claims for state income tax credits for the donation of a conservation easement. LRC supported monitoring this bill.

The meeting was adjourned at 5:33 pm.

**City of Fort Collins Legislative Tracking**  
General Assembly Session 2016

**Updated: February 24, 2016**

| Updated: February 24, 2016 |  |                      |                       |              | First House   |               |             |             | Second House  |               |             |             |                    |            |          |
|----------------------------|--|----------------------|-----------------------|--------------|---------------|---------------|-------------|-------------|---------------|---------------|-------------|-------------|--------------------|------------|----------|
| Bill #                     | Short Title  | Staff Rec'd Position | City Adopted Position | Date Intro'd | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | First House Repass | Conf. Cmte | Governor |
| HB16-1001                  | State Contr Certify Compliance With Equal Pay Laws | Monitor              | Monitor               | 1/13         | BL 3/8        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1002                  | Employee Leave Attend Child's Academic Activities  | Support              | Support               | 1/13         | Ed 1/27       |               | 2/3         | 2/4         | SA            |               |             |             |                    |            |          |
| HB16-1004                  | Measurable Goals Deadlines CO Climate Action Plan  | Support              | Support               | 1/13         | He 2/4        |               | 2/8         | 2/9         |               |               |             |             |                    |            |          |
| HB16-1005                  | Residential Precipitation Collection               | Support              | Support               | 1/13         | Ag 2/22       |               | 2/25        |             |               |               |             |             |                    |            |          |
| HB16-1006                  | Clarify Tax Exemptions For Housing Authorities     | Support              | Support               | 1/13         | F 2/17        | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1067                  | Regional Transportation Authority Mill Levy        | Monitor              | Monitor               | 1/13         | LG 2/10       |               | 2/16        | 2/18        | Trans 3/8     |               |             |             |                    |            |          |
| HB16-1069                  | Allow City To Set Housing Auth Commn Term Length   | Support              | Support               | 1/13         | LG 1/28       |               | 2/1         | 2/2         | LG 2/16       |               | 2/19        | 2/22        | 2/23               |            |          |
| HB16-1070                  | Signature Verification In Mun Mail Ballot Election | Monitor              | Monitor               | 1/13         | SA 2/10       | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1078                  | Local Gov Employee Whistleblower Protection        | Oppose               |                       | 1/19         | LG 2/3        | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1088                  | Fire Protection Dist Impact Fee On New Development | Support              | Amend                 | 1/19         | LG            |               |             |             |               |               |             |             |                    |            |          |
| HB16-1092                  | Authorize Retail Marijuana Special Event Permit    | Oppose               |                       | 1/19         | He 2/16       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1114                  | Repeal Duplicate Reporting Requirements            | Support              |                       | 1/20         | BL            |               |             |             |               |               |             |             |                    |            |          |
| HB16-1122                  | Remote Starter Systems                             | Oppose               | Monitor               | 1/20         | Trans 2/10    |               | 2/16        | 2/18        | Trans         |               |             |             |                    |            |          |
| HB16-1138                  | General Fund Transfers For State Infrastructure    | Oppose               | Monitor               | 1/20         | SA 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1141                  | Radon Exposure in Buildings                        | Support              | Support               | 1/21         | He 2/9        | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1143                  | Prohibit Red Light Cameras Photo Radar Auto ID Sys | Oppose               | Oppose                | 1/21         | SA 3/9        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1155                  | Controlled-access Highway As County Primary Road   | Oppose               |                       | 1/26         | LG            |               |             |             |               |               |             |             |                    |            |          |
| HB16-1166                  | Prohibit Seeking Salary History For Job Applicants | Monitor              | Monitor               | 1/29         | BL 3/17       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1191                  | Bill Of Rights For Persons Who Are Homeless        | Oppose               | Oppose                | 2/3          | LG 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1231                  | Restricting The Use Of Red Light Cameras           | Amend                |                       | 2/5          | Trans 2/24    |               |             |             |               |               |             |             |                    |            |          |
| HB16-1262                  | Law Enforcement Backg'd Check Employment Waiver    | Support              |                       | 2/12         | Jud           |               |             |             |               |               |             |             |                    |            |          |
| HB16-1263                  | Racial Profiling Prohibition                       | Monitor              |                       | 2/12         | Jud           |               |             |             |               |               |             |             |                    |            |          |
| HB16-1264                  | Ban Law Enforcement Use Of Chokehold               | Support              |                       | 2/12         | Jud           |               |             |             |               |               |             |             |                    |            |          |
| HB16-1265                  | Expunge Arrest Records Based On Mistaken Identity  | Monitor              |                       | 2/12         | Jud           |               |             |             |               |               |             |             |                    |            |          |
| SB16-011                   | Terminate Use Of FASTER Fee Revenue For Transit    | Oppose               | Oppose                | 1/13         | Trans 1/26    |               | 2/2         | 2/3         | Trans 2/17    |               |             |             |                    |            |          |
| SB16-012                   | Time To Reconstruct Residential Improvements       | Monitor              | Monitor               | 1/13         | LG 2/2        |               | 2/5         | 2/8         | LG 3/9        |               |             |             |                    |            |          |
| SB16-017                   | Concealed Handgun Carry Without Permit             | Oppose               | Oppose                | 1/13         | SA 1/27       | Ap 2/12       | 2/22        | 2/23        | SA            |               |             |             |                    |            |          |
| SB16-028                   | Community Reinvestment Act                         | Monitor              | Monitor               | 1/13         | SA 2/17       |               |             |             |               |               |             |             |                    |            |          |
| SB16-037                   | Public Access Digitally Stored Data Under CORA     | Amend                | Amend                 | 1/13         | SA 2/24       |               |             |             |               |               |             |             |                    |            |          |
| SB16-038                   | Transparency Of Community-centered Boards          | Monitor              | Monitor               | 1/13         | SA            |               |             |             |               |               |             |             |                    |            |          |
| SB16-044                   | Contested Conservation Easement Tax Credit Claims  | Monitor              | Monitor               | 1/19         | F 2/25        |               |             |             |               |               |             |             |                    |            |          |
| SB16-054                   | Local Government Minimum Wage                      | Monitor              | Monitor               | 1/19         | SA 2/17       |               |             |             |               |               |             |             |                    |            |          |
| SB16-063                   | Intergovt Agreement With Out-of-state Local Gov    | Support              | Support               | 1/19         | LG 2/9        |               | 2/12        | 2/16        | LG 3/2        |               |             |             |                    |            |          |
| SB16-067                   | Broadband Personal Property Tax Exemption          | Oppose               |                       | 1/19         | F             | Ap            |             |             |               |               |             |             |                    |            |          |
| SB16-075                   | DNA Collection Misdemeanor Vulnerable Persons      | Monitor              | Monitor               | 1/19         | Jud 3/2       |               |             |             |               |               |             |             |                    |            |          |
| SB16-077                   | Employment First For Persons With Disabilities     | Monitor              | Monitor               | 1/19         | F 2/16        |               |             |             |               |               |             |             |                    |            |          |
| SB16-080                   | Marijuana Grows Enclosed Space Requirements        | Support              |                       | 1/19         | BL 2/16       |               | 2/24        | 2/25        |               |               |             |             |                    |            |          |
| SB16-100                   | County Road & Bridge Tax Reduction Requirement     | Support              | Support               | 1/29         | Trans         |               |             |             |               |               |             |             |                    |            |          |
| SB16-129                   | Neutral Oversight Of Oil And Gas Activities        | Support              |                       | 2/19         | Ag 3/2        |               |             |             |               |               |             |             |                    |            |          |
|                            |  |                      |                       |              |               |               |             |             |               |               |             |             |                    |            |          |

[illegible]



## Legislative Review Committee Bill Report

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# Legislative Review Committee Bill Report

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### HB16-1001

### State Contr Certify Compliance With Equal Pay Laws

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|                      |  |
|----------------------|--|
| <b>Comment:</b>      | <b>LPA pg 18, Privatization #2, "Maintain local control of the awarding of contracts and the accountability of local officials for those actions."</b>   |
| <b>Position:</b>     | <b>Monitor</b>   |
| <b>Calendar</b>      | Tuesday, March 8 2016  |
| <b>Notification:</b> | Business Affairs and Labor<br>1:30 p.m. Room LSB-A<br>(1) in house calendar.   |
| <b>Short Title:</b>  | State Contr Certify Compliance With Equal Pay Laws   |
| <b>Sponsors:</b>     | DANIELSON  |
| <b>Summary:</b>      | Bill would require certification of contractors working with the City that those contractors are in compliance with state and federal equal pay standards applicable at the time of the execution of the contract.   |
| <b>Status:</b>       | 01/13/2016 Introduced In House - Assigned to Business Affairs and Labor  |
| <b>Fiscal Notes:</b> |  |
| <b>Analyze This</b>  | <b>N/A: Fri, January 15, 2016, by rcochran@fcgov.com</b>   |
| <b>Comments:</b>     | (15-Jan-16) Please see the response provided by Jenny Lopez Filkins for information regarding this Bill.<br><br><b>N/A: Fri, January 15, 2016, by rcochran@fcgov.com</b><br>(15-Jan-16) Please see the response from Jenny Lopez Filkins regarding this proposed Bill. |

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### HB16-1002

### Employee Leave Attend Child's Academic Activities

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|                      |   |
|----------------------|---|
| <b>Comment:</b>      | <b>LPA pg 27, Human Resources #2, "Expand the City's ability to offer health, welfare and wellness services for employees."</b> |
| <b>Position:</b>     | <b>Support</b>  |
| <b>Calendar</b>      | NOT ON CALENDAR   |
| <b>Notification:</b> |   |
| <b>Short Title:</b>  | Employee Leave Attend Child's Academic Activities   |
| <b>Sponsors:</b>     | BUCKNER / KERR  |
| <b>Summary:</b>      | Bill would provide parents of K-12 students with limited parental leave   |

to attend school functions. If adopted, this would require amending City personnel policies.

**Status:** 02/19/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**[HB16-1004](#)      Measurable Goals Deadlines CO Climate Action Plan**

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**Comment:** **LPA pg 24, Utilities #9, "Establish uniform standards for the reduction of carbon emissions."**

**Position:** **Support**

**Calendar  
Notification:** NOT ON CALENDAR

**Short Title:** Measurable Goals Deadlines CO Climate Action Plan

**Sponsors:** WINTER

**Summary:** This bill seeks to include measurable goals in the state's climate action plans. The inclusion of standards and accountability makes it more likely that the state will achieve it's climate goals.

**Status:** 02/09/2016 House Third Reading Passed - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**[HB16-1005](#)      Residential Precipitation Collection**

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**Comment:** **LPA pg 25, Water Supply/Quality #2, "Enact reasonable water quality regulations that are cost effective and can show identifiable benefits."**

**Position:** **Support**

**Calendar  
Notification:** Wednesday, February 24 2016  
GENERAL ORDERS - SECOND READING OF BILLS  
(5) in house calendar.

**Short Title:** Residential Precipitation Collection

**Sponsors:** ESGAR / MERRIFIELD

**Summary:** Bill would allow single and multi-family homes to own and use up to two rain barrels that would divert rainwater for the use on site. Colorado is the last western state to allow residential rain barrel use - this bill appears to be a de minimis diversion of water and appears to be a common-sense water conservation measure.

**Status:** 02/24/2016 House Second Reading Laid Over to 02/29/2016 - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

**Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**  
(22-Jan-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is low.

**Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**  
(22-Jan-16) Fort Collins Utilities water rights could be negatively affected by widespread rain barrel use if it results in reduction of flows in the Poudre River that could reduce flows available under our water rights. However, rain barrel use could reduce overall water demands that could balance a potential reduction in flows available to Utilities water rights. Based on initial analysis, the effects of rain barrels on the City would likely be minor, but more information/study would be needed to assess potential impacts.

**Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**  
(22-Jan-16) It is difficult to quantify impacts at this time.

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**HB16-1006**

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**Clarify Tax Exemptions For Housing Authorities**

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**Comment:** **LPA pg 12, Affordable Housing #2, "Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships."**

**Position:** **Support**

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Clarify Tax Exemptions For Housing Authorities

**Sponsors:** BECKER K.

**Summary:** Bill was sought by Housing Authorities (including Fort Collins') to clarify eligibility for certain tax exemptions.

**Status:** 02/17/2016 House Committee on Finance Refer Amended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**HB16-1067**

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**Regional Transportation Authority Mill Levy**

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**Comment:** **LPA pg 33, Transportation #3, "Explore and analyze alternative methods of funding transportation infrastructure needs."**

**Position:** **Monitor**

**Calendar** Tuesday, March 8 2016

**Notification:** SENATE TRANSPORTATION COMMITTEE  
2:00 PM SCR 352  
(1) in senate calendar.

**Short Title:** Regional Transportation Authority Mill Levy

**Sponsors:** MITSCH BUSH / DONOVAN

**Summary:** Bill seeks to extend the sunset for regional transportation authorities to assess mill levies from 2019 to 2029. If passed, bill would provide additional financial certainty for transportation authorities.

**Status:** 02/19/2016 Introduced In Senate - Assigned to Transportation

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Support: Thu, February 11, 2016, by mjackson@fcgov.com**  
(11-Feb-16) low

**No Effect: Thu, February 11, 2016, by mjackson@fcgov.com**  
(11-Feb-16) No RTA currently exists within the Fort Collins influence area

**No Effect: Thu, February 11, 2016, by mjackson@fcgov.com**  
(11-Feb-16) Unless an RTA is formed in NoCo, this bill has no effect on FC.

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**[HB16-1069](#)**      **Allow City To Set Housing Auth Commn Term Length**

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**Comment:** **LPA pg. 26, Home Rule #1, "Strengthen home rule authority of municipal governments."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Allow City To Set Housing Auth Commn Term Length

**Sponsors:** RANKIN

**Summary:** CML bill that would allow local government discretion to set the term for housing commission.

**Status:** 02/23/2016 House Considered Senate Amendments - Result was to Concur - Repass

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) This bill was in response to issues very small housing authorities say they are having filling their commissioner seats. This is not an issue in FC.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) It will give the Council the ability to set the Housing Authority Commissioner terms themselves.

**No Effect: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) No effect.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**

(03-Feb-16) While the Fort Collins Housing Authority is neutral on this bill, we do not see that it is an issue for FC, nor do we think it really warrants a legislative fix statewide. The current statute works and the small housing authorities mentioned should be able to work within the current statute

| <a href="#">HB16-1070</a>     | Signature Verification In Mun Mail Ballot Election   |
|-------------------------------|--|
| <b>Comment:</b>               | <b>Not explicit in LPA</b>   |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Signature Verification In Mun Mail Ballot Election   |
| <b>Sponsors:</b>              | NEVILLE P. / NEVILLE T.  |
| <b>Summary:</b>               | <p>For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the bill:</p> <ul style="list-style-type: none"><li>* Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the statewide voter registration system, commonly referred to as "SCORE";</li><li>* Grants municipal clerks access to SCORE for signature verification purposes;</li><li>* Authorizes the use of signature verification devices to perform these comparisons;</li><li>* Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and</li><li>* Requires municipal clerks to provide training to election judges who compare signatures.</li></ul> |
| <b>Status:</b>                | 02/10/2016 House Committee on State, Veterans, & Military Affairs Refer Amended to Appropriations  |
| <b>Fiscal Notes:</b>          | <a href="#">Fiscal Note</a>  |
| <b>Analyze This Comments:</b> |  |

| <a href="#">HB16-1078</a>     | Local Gov Employee Whistleblower Protection   |
|-------------------------------|---|
| <b>Comment:</b>               | <b>LPA pg . 28, Sovereign and Governmental Immunity #1, "Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities."</b> |
| <b>Position:</b>              |   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR   |
| <b>Short Title:</b>           | Local Gov Employee Whistleblower Protection   |
| <b>Sponsors:</b>              | KAGAN   |
| <b>Summary:</b>               | This legislation would give express authority to a disgruntled employee   |



to initiate a claim against an employer for any action the employee may claim was due to alleging “violation of a state or federal law or local ordinance; a waste or misuse of public funds; fraud; an abuse of authority; mismanagement; or a danger to the health or safety employees or the public.”

**Status:** 02/03/2016 House Committee on Local Government Refer Amended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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|                                  |   |
|----------------------------------|---|
| <b><a href="#">HB16-1088</a></b> | <b>Fire Protection Dist Impact Fee On New Development</b> |
|----------------------------------|---|

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**Comment:** **LPA pg 14, Planning and Land Use #4, "Retain local government authority to impose development impact fees."**

**Position:** **Amend**

**Calendar  
Notification:** NOT ON CALENDAR

**Short Title:** Fire Protection Dist Impact Fee On New Development

**Sponsors:** DORE

**Summary:** Bill would allow fire districts to impose impact fees provided the fees conform to adopted rates and that information is provided in writing to the local governments in their service area. CML is asking that a fire district amend its service plan to reflect the additional revenue.

**Status:** 02/10/2016 House Committee on Local Government Witness Testimony and/or Committee Discussion Only

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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|                                  |  |
|----------------------------------|--|
| <b><a href="#">HB16-1114</a></b> | <b>Repeal Duplicate Reporting Requirements</b> |
|----------------------------------|--|

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**Comment:** **LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:**

**Calendar  
Notification:** NOT ON CALENDAR

**Short Title:** Repeal Duplicate Reporting Requirements

**Sponsors:** DELGROSSO / ULIBARRI

**Summary:** Bill would remove Colorado requirements that each employer in Colorado satisfy the state that an employee has a verified legal work status. A local employer will still need to complete an I-9 form to satisfy federal employment requirements.

**Status:** 01/20/2016 Introduced In House - Assigned to Business Affairs and Labor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**[HB16-1122](#)**      **Remote Starter Systems**

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**Comment:** **LPA pg 20, Air Quality #7, "Reduce vehicle emissions by encouraging behavior changes, such as reducing vehicle idling."**

**Position:** **Monitor**

**Calendar  
Notification:** NOT ON CALENDAR

**Short Title:** Remote Starter Systems

**Sponsors:** EVERETT / HILL

**Summary:** Bill would allow use of remote starters for vehicles to warm up before use.

**Status:** 02/19/2016 Introduced In Senate - Assigned to Transportation

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:** **Oppose: Fri, January 22, 2016, by lsmith@fcgov.com**  
(22-Jan-16) My suggestion is to oppose ths bill. Allowing vehicles to idle unattended causes increasd air pollution, in direct opposition to our LPA: "Reduce vehicle emissions by: •?Encouraging behavior changes, such as reducing idling of vehicles"

**Neutral: Thu, February 11, 2016, by mjackson@fcgov.com**  
(11-Feb-16) low priority

**N/A: Fri, January 22, 2016, by lsmith@fcgov.com**  
(22-Jan-16) Fort Collins is non-attainment for ozone. This bill will hinder efforts to achieve attainment.

**Neutral: Thu, February 11, 2016, by mjackson@fcgov.com**  
(11-Feb-16) Only possible concern may be encouraging excessive idling, adding to emissions and AQ issues.

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**[HB16-1138](#)**      **General Fund Transfers For State Infrastructure**

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**Comment:** **LPA pg 33, Transportation #2, "Reject reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula."**

**Position:** **Monitor**

**Calendar** Wednesday, February 24 2016

**Notification:** State, Veterans, and Military Affairs  
Upon Adjournment Room LSB-A  
(1) in house calendar.

**Short Title:** General Fund Transfers For State Infrastructure

**Sponsors:** BROWN

**Summary:** This bill specifies that the moneys in the state highway fund allocated from any of the statutorily required transfers to the HUTF may be used for general highway operations and maintenance.

**Status:** 01/20/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Monitor: Thu, February 11, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(11-Feb-16) medium

**Monitor: Thu, February 11, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(11-Feb-16) Any change that reduces funds allocated for transit is strongly opposed. It appears that this legislation still preserves the 10% set aside for transit as in previous versions.

**Oppose: Mon, February 15, 2016, by [rrogers@fcgov.com](mailto:rrogers@fcgov.com)**  
(15-Feb-16) Impact on revenue.

**Monitor: Thu, February 11, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(11-Feb-16) See comment above.

**Oppose: Mon, February 15, 2016, by [rrogers@fcgov.com](mailto:rrogers@fcgov.com)**  
(15-Feb-16) HUTF provides the City over \$4M in revenue each year, which could be lost in any year under this bill.

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**[HB16-1141](#)**

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**Radon Exposure In Buildings**

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**Comment:** **LPA pg 20, Air Quality #2, "Ensure air quality standards are protective of public health and welfare."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Radon Exposure In Buildings

**Sponsors:** BECKER K. / JAHN

**Summary:** Bill would develop a statewide education program for radon risks and would establish a program to provide financial assistance to low-income individuals for radon mitigation in their homes. Also extends by ten years the state uranium mill tailings remedial action fund, which pays for a program that provides information to the public on uranium mill tailings contamination in residences and commercial buildings.

**Status:** 02/09/2016 House Committee on Health, Insurance, & Environment

Refer Amended to Appropriations

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Support: Tue, February 02, 2016, by Dan Weinheimer  
(dweinheimer@fcgov.com)**

(02-Feb-16) From Environmental Services: I would definitely support this bill. We did not receive any funds from the Feds this year so hopefully if this comes through, we'll have additional resources. Radon kits are flying off the shelves. 70% of Fort Collins homes test high and of those that test, only 50% mitigate. We are well on our way to conduct outreach to homes testing high to provide them with additional health and mitigation information. We are also providing materials regarding the Zero Interest Loans. Just recently new state regulations required all Child Care Centers to test for radon. As a courtesy, we have contacted all of the child care listings in Fort Collins to make them aware of the Indoor Air Quality programs and to offer them a radon test kit.

**Amend: Tue, February 02, 2016, by Dan Weinheimer  
(dweinheimer@fcgov.com)**

(02-Feb-16) Colorado Building Officials group: seeking to amend the bill and concern is that this could be an avenue for CDPHE to make radon mitigation adopted and enforced by local gov't as an unfunded mandate. This should be amended to only establish the assistance program.

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**[HB16-1143](#)**

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**Prohibit Red Light Cameras Photo Radar Auto ID Sys**

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**Comment:**

**LPA pg 31, Public Safety #31, "Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations."**

**Position:**

**Oppose**

**Calendar**

Wednesday, March 9 2016

**Notification:**

State, Veterans, and Military Affairs  
Upon Adjournment Room LSB-A  
(2) in house calendar.

**Short Title:**

Prohibit Red Light Cameras Photo Radar Auto ID Sys

**Sponsors:**

HUMPHREY / NEVILLE T.

**Summary:**

Bill seeks to eliminate the use of red light camera and photo radar for traffic enforcement.

**Status:**

01/21/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Strongly Oppose: Tue, January 26, 2016, by chorton@fcgov.com**

(26-Jan-16) This bill repeals the citizens of Fort Collins' ability to decide what traffic safety measures they desire from their police department. Our community has enjoyed great improvements in traffic safety, using a

variety of measures, in the time we have deployed red light and mobile camera radar detection systems. Our approach is reasonable, our program is sound and the small amount of retained revenue after program costs is used for traffic safety initiatives. Aside from being self-supporting, the retained revenue is not budgeted for any ongoing programs. This technology is a force multiplier for the police department and provides consistent, fair and effective tools to accomplish our public safety mission.

**Strongly Oppose: Tue, January 26, 2016, by [chorton@fcgov.com](mailto:chorton@fcgov.com)**  
(26-Jan-16) Fort Collins uses this technology in manner consistent with Governor Hickenlooper's description of a model program in his veto letter for HB 15-1098 dated June 3, 2015. As the Governor noted then, voters already have the ultimate control over this type of traffic law enforcement in their own communities through the citizen-driven initiative process or local governing body referendum. This legislation is unnecessary and usurps local control.

**Strongly Oppose: Tue, January 26, 2016, by [chorton@fcgov.com](mailto:chorton@fcgov.com)**  
(26-Jan-16) In 2015, more than 10,000 drivers have received a citation accompanied by a modest fine that serves to remind them of their role in making Fort Collins a safe place to drive. Those drivers would not have had that gentle reminder, the kind we all need from time-to-time, without the use of this technology. Our police department does not have the personnel necessary to accomplish the same level of enforcement with sworn police officers making individual traffic stops. Additionally, the police department realizes just under \$200,000 per year in revenue from these systems. That revenue is earmarked for traffic safety initiatives. With the technology, those additional safety initiative made possible through the retained revenue will not be funded.

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**[HB16-1155](#)**

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**Controlled-access Highway As County Primary Road**

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|-------------------------------|--|
| <b>Comment:</b>               | <b>LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."</b> |
| <b>Position:</b>              |  |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Controlled-access Highway As County Primary Road   |
| <b>Sponsors:</b>              | SAINE / SONNENBERG   |
| <b>Summary:</b>               | Bill would give counties the authority to designate any four-lane controlled-access county highway a "primary road" and to grant or deny access to the highway; and the placement of all traffic control signals (unless the municipality obtains the county's approval in writing).   |

**Status:** 01/26/2016 Introduced In House - Assigned to Local Government

**Fiscal Notes:**

**Analyze This  
Comments:**

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**HB16-1166**

**Prohibit Seeking Salary History For Job Applicants**

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**Comment:** **LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:** **Monitor**

**Calendar** Thursday, March 17 2016  
**Notification:** Business Affairs and Labor  
1:30 p.m. Room LSB-A  
(1) in house calendar.

**Short Title:** Prohibit Seeking Salary History For Job Applicants

**Sponsors:** PETTERSEN / DONOVAN

**Summary:** The bill makes it an unfair employment practice for an employer to seek salary history information, including compensation and benefits, about an applicant for employment.

**Status:** 01/29/2016 Introduced In House - Assigned to Business Affairs and Labor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**HB16-1191**

**Bill Of Rights For Persons Who Are Homeless**

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**Comment:** **LPA pg 26, Home Rule #2, "Reject State or Federal intervention in matters of local concern and that unnecessarily or adversely affect the City's ability to manage pursuant to its home rule authority."**

**Position:** **Oppose**

**Calendar** Wednesday, February 24 2016  
**Notification:** Local Government  
1:30 p.m. Room 271  
(3) in house calendar.

**Short Title:** Bill Of Rights For Persons Who Are Homeless

**Sponsors:** SALAZAR

**Summary:** This bill establishes rights for persons experiencing homelessness including the right to rest in public, as well as, the right to occupy a legally parked vehicle.

**Status:** 02/03/2016 Introduced In House - Assigned to Local Government

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This**

**Comments:**

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**[HB16-1231](#)**

**Restricting The Use Of Red Light Cameras**

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**Comment:** **LPA pg 31, Public Safety #3, "Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations."**

**Position:**

**Calendar Notification:** Wednesday, February 24 2016  
Transportation & Energy  
1:30 p.m. Room 0112  
(2) in house calendar.

**Short Title:** Restricting The Use Of Red Light Cameras

**Sponsors:** LEBSOCK / CARROLL

**Summary:** Bill would amend existing law on the use of red light cameras.

**Status:** 02/05/2016 Introduced In House - Assigned to Transportation & Energy

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**[HB16-1262](#)**

**Law Enforcement Background Check Employment Waiver**

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**Comment:** **LPA pg. 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Law Enforcement Background Check Employment Waiver

**Sponsors:** WILLIAMS / COOKE

**Summary:** Each law enforcement agency in the state that interviews a candidate for a peace officer position who has worked at another law enforcement agency or in private security shall require the candidate to execute a waiver. The waiver will allow the candidate's previous law enforcement agency or private security company employers to disclose all files pertaining to the applicant, including internal affairs files, to the interviewing agency and releases the interviewing agency and each law enforcement agency or private security company that employed the candidate from any liability related to the use and disclosure of the files. The interviewing agency must submit the waiver to each law enforcement agency or private security company at least 10 days before making a hiring decision. A state or local law enforcement agency or private security company that receives a waiver shall provide the disclosure to the Colorado law enforcement agency that is interviewing



the candidate not more than 7 days after such receipt. The bill requires a P.O.S.T. certification applicant who has worked at another law enforcement agency to execute the same waiver as described above. Under current law, the P.O.S.T. board must deny certification to a person who was convicted of any felony and certain misdemeanors. The bill gives the P.O.S.T. board the authority to deny certification to a person who entered into a deferred judgment, deferred prosecution, diversion agreement, or deferred adjudication for any of those crimes or had a juvenile adjudication for any of those crimes.

**Status:** 02/12/2016 Introduced In House - Assigned to Judiciary

**Fiscal Notes:**

**Analyze This Comments:** **Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) This bill is important to Fort Collins Police Services. As an organization we welcome the opportunity to demonstrate our integrity in an open and transparent manner.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) For Fort Collins Police Services it will enable us to openly communicate critical information about problematic former employees; communication that may have been restricted in the past.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) No fiscal or operational negative impact that I can foresee.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) Legislation such as this is necessary in order to allow me, and other law enforcement professionals, the freedom to communicate critical information about problematic former employees so that they do not surface in another community unbeknownst to those departments.

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## **[HB16-1263](#)**

## **Racial Profiling Prohibition**

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**Comment:** **LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."**

**Position:**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Racial Profiling Prohibition

**Sponsors:** WILLIAMS / ULIBARRI

**Summary:** Under current law, there is a prohibition against profiling by a peace officer. The bill adds to the prohibition by updating the definition of profiling and describing additional prohibited activities related to profiling.

**Status:** 02/12/2016 Introduced In House - Assigned to Judiciary

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This**



## Comments:

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### [HB16-1264](#)

### Ban Law Enforcement Use Of Chokehold

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**Comment:** **LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."**

**Position:**

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Ban Law Enforcement Use Of Chokehold

**Sponsors:** MELTON

**Summary:** The bill prohibits a peace officer from intentionally using a chokehold against another person. The bill makes a violation a class 1 misdemeanor. The bill makes an exception if the officer believes his or her life is in danger or that he or she or another person is in imminent danger of death or serious bodily injury.

**Status:** 02/12/2016 Introduced In House - Assigned to Judiciary

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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### [HB16-1265](#)

### Expunge Arrest Records Based On Mistaken Identity

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**Comment:** **LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."**

**Position:**

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Expunge Arrest Records Based On Mistaken Identity

**Sponsors:** MELTON

**Summary:** The bill requires a law enforcement agency to file a petition to expunge the arrest record of a person who is arrested as a result of mistaken identity and with no charges filed with the district court in the judicial district where the person was arrested. The law enforcement agency shall file the petition within 90 days after determining that the person was arrested based on mistaken identity. The court shall enter an order of expungement within 90 days after receiving the petition. The bill prohibits employers, educational institutions, state and local government agencies, officials, and employees from, in any application or interview or in any other way, requiring an applicant to disclose information contained in expunged records.

**Status:** 02/12/2016 Introduced In House - Assigned to Judiciary

**Fiscal Notes:**

**Analyze This  
Comments:**

| <a href="#"><u>SB16-012</u></a> | <b>Time To Reconstruct Residential Improvements</b>   |
|---------------------------------|---|
| <b>Comment:</b>                 | <b>Not explicit in LPA</b>  |
| <b>Position:</b>                | <b>Monitor</b>  |
| <b>Calendar Notification:</b>   | Wednesday, March 9 2016<br>Local Government<br>1:30 p.m. Room 0107<br>(1) in house calendar.  |
| <b>Short Title:</b>             | Time To Reconstruct Residential Improvements  |
| <b>Sponsors:</b>                | HEATH / SINGER  |
| <b>Summary:</b>                 | This bill allows residential property to maintain its property tax classification for an indefinite period of time if the county assessor determines the property owner is making a good faith effort to rebuild an improvement destroyed by a natural disaster. A residential improvement is a home or other structure that has been built on residential property. Under current law, the property can maintain its residential classification for up to four years after the improvement has been destroyed if, in the assessor's judgement, the owner intends to repair or replace the structure. |
| <b>Status:</b>                  | 02/10/2016 Introduced In House - Assigned to Local Government   |
| <b>Fiscal Notes:</b>            | <a href="#"><u>Fiscal Note</u></a>  |
| <b>Analyze This Comments:</b>   |   |
| <a href="#"><u>SB16-017</u></a> | <b>Concealed Handgun Carry Without Permit</b>   |
| <b>Comment:</b>                 | <b>LPA pg 31, Public Safety #5, "Reject initiatives that have the potential to compromise officer safety."</b>  |
| <b>Position:</b>                | <b>Oppose</b>   |
| <b>Calendar Notification:</b>   | NOT ON CALENDAR   |
| <b>Short Title:</b>             | Concealed Handgun Carry Without Permit  |
| <b>Sponsors:</b>                | NEVILLE T. / NEVILLE P.   |
| <b>Summary:</b>                 | Bill would eliminate concealed carry permit requirement. Permits ensure applicants have received training and gun safety classes.   |
| <b>Status:</b>                  | 02/23/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs  |
| <b>Fiscal Notes:</b>            | <a href="#"><u>Fiscal Note</u></a>  |
| <b>Analyze This Comments:</b>   |   |
| <a href="#"><u>SB16-037</u></a> | <b>Public Access Digitally Stored Data Under CORA</b>   |
| <b>Comment:</b>                 | <b>LPA pg 28, Sovereign and Governmental Immunity #2, "Discourage baseless and frivolous claims and demands made against</b>  |

**municipalities, their officers and employees."**

**Position:** **Amend**

**Calendar Notification:** Wednesday, February 24 2016  
SENATE STATE, VETERANS, & MILITARY AFFAIRS  
COMMITTEE  
1:30 PM SCR 356  
(1) in senate calendar.

**Short Title:** Public Access Digitally Stored Data Under CORA

**Sponsors:** KEFALAS / PABON

**Summary:** Bill would amend the Colorado Open Records Act (CORA) and direct government to, upon request, provide certain files in their "native" format. Concerns include data integrity and costs associated with compliance.

**Status:** 01/13/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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|                                 |  |
|---------------------------------|--|
| <b><a href="#">SB16-038</a></b> | <b>Transparency Of Community-centered Boards</b> |
|---------------------------------|--|

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**Comment:** **Not explicit in LPA**

**Position:** **Monitor**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Transparency Of Community-centered Boards

**Sponsors:** AGUILAR / YOUNG

**Summary:** Bill would increase transparency of community-centered boards (CCB) through a regular state audit and compliance with the local government audit law. In Larimer County, Foothills Gateway is a CCB.

**Status:** 02/01/2016 Senate Committee on State, Veterans, & Military Affairs  
Witness Testimony and/or Committee Discussion Only

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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|---------------------------------|--|
| <b><a href="#">SB16-044</a></b> | <b>Contested Conservation Easement Tax Credit Claims</b> |
|---------------------------------|--|

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**Comment:** **LPA pg. 21, Natural Areas and Open Lands #1, "Maintain or enhance tax incentives to private landowners for voluntary land conservation."**

**Position:** **Monitor**

**Calendar Notification:** Thursday, February 25 2016  
SENATE FINANCE COMMITTEE

Upon Adjournment LSB-B  
(1) in senate calendar.

**Short Title:** Contested Conservation Easement Tax Credit Claims  
**Sponsors:** SONNENBERG  
**Summary:** The bill states that the only allowable reason for the Department of Revenue (department) to contest a conservation easement tax credit claim is if the appraised value is supported solely by an appraiser convicted of a crime in connection with the preparation of an appraisal.  
**Status:** 02/09/2016 Senate Committee on Finance Lay Over Unamended - Amendment(s) Failed  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This Comments:**

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**[SB16-063](#) Intergovt Agreement With Out-of-state Local Gov**

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**Comment:** **LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."**  
**Position:** **Support**  
**Calendar Notification:** Wednesday, March 2 2016  
Local Government  
1:30 p.m. Room 0107  
(2) in house calendar.  
**Short Title:** Intergovt Agreement With Out-of-state Local Gov  
**Sponsors:** ROBERTS / VIGIL  
**Summary:** Bill would allow agreement between municipalities and out-of-state partners for emergency services.  
**Status:** 02/17/2016 Introduced In House - Assigned to Local Government  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This Comments:**

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**[SB16-067](#) Broadband Personal Property Tax Exemption**

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**Comment:** **LPA pg 18, Finance #3, "Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions."**  
**Position:**  
**Calendar Notification:** NOT ON CALENDAR  
**Short Title:** Broadband Personal Property Tax Exemption  
**Sponsors:** SCHEFFEL / WILLIAMS  
**Summary:** Bill creates a state Business Personal Property Tax exemption for broadband equipment. Does not specify new equipment or expansion of

existing service.

**Status:** 01/19/2016 Introduced In Senate - Assigned to Finance + Appropriations

**Fiscal Notes:**

**Analyze This**

**Comments:** N/A: Mon, February 15, 2016, by rrogers@fcgov.com  
(15-Feb-16) Since property tax is the purview of the County, we are not certain what if any broadband assets and property tax revenue may/could be impacted.

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**SB16-075**      **DNA Collection Misdemeanor Vulnerable Persons**

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**Comment:** LPA pg 31, Public Safety #2, "Provide greater protection to victims of crime."

**Position:** Monitor

**Calendar** Wednesday, March 2 2016

**Notification:** SENATE JUDICIARY COMMITTEE  
1:30 PM LSB-B  
(2) in senate calendar.

**Short Title:** DNA Collection Misdemeanor Vulnerable Persons

**Sponsors:** JOHNSTON / LAWRENCE

**Summary:** Bill seeks to collect DNA samples for certain additional offenses.

**Status:** 01/19/2016 Introduced In Senate - Assigned to Judiciary

**Fiscal Notes:**

**Analyze This**

**Comments:**

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**SB16-077**      **Employment First For Persons With Disabilities**

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**Comment:** LPA pg 14, Social Sustainability #6, "Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare."

**Position:** Monitor

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Employment First For Persons With Disabilities

**Sponsors:** KEFALAS / GINAL

**Summary:** Bill seeks to direct the state to develop an employment first model for individuals with disabilities.

**Status:** 01/19/2016 Introduced In Senate - Assigned to Finance

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This**

**Comments:**

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**SB16-080****Marijuana Grows Enclosed Space Requirements**

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**Comment:** **LPA pg 31, Marijuana #1, "Regulate medical and retail marijuana manufacturing, distribution and dispensaries."**

**Position:**

**Calendar Notification:** Wednesday, February 24 2016  
GENERAL ORDERS - SECOND READING OF BILLS  
(2) in senate calendar.

**Short Title:** Marijuana Grows Enclosed Space Requirements

**Sponsors:** NEWELL

**Summary:** Bill would apply the same legal definition of "enclosed, locked space" as required by Amendment 64 to allowed personal grows of medical marijuana.

**Status:** 02/24/2016 Senate Second Reading Passed with Amendments - Floor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**SB16-100****County Road & Bridge Tax Reduction Requirement**

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**Comment:** **LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** County Road & Bridge Tax Reduction Requirement

**Sponsors:** JAHN / PABON

**Summary:** CML bill. The statutes required that one-half of the amount of the levy collected from within a municipality be returned to the municipality to address local road and bridge needs. However, counties have unilateral authority to reduce or eliminate the road & bridge mill levy, in some cases supplementing their own road & bridge fund with other sources of revenue (i.e. specific ownership taxes). This fundamentally unfair fiscal practice has resulted in the loss millions of dollars to municipalities to address their local transportation infrastructure issues as the law intends. CML believes legislation requiring municipal consent or agreement prior to reduction of an existing mill levy is wholly appropriate and on par with recent legislative actions.

**Status:** 02/16/2016 Senate Committee on Transportation Witness Testimony and/or Committee Discussion Only

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This**

## Comments:

[SB16-129](#)

## Neutral Oversight Of Oil And Gas Activities

**Comment:** **LPA pg. 22, Oil and Gas #5, "Allow greater local regulation of oil and gas exploration activities within municipal boundaries."**

**Position:**

**Calendar**

Wednesday, March 2 2016

**Notification:**

SENATE AGRICULTURE, NATURAL RESOURCES, & ENERGY COMMITTEE

Upon Adjournment SCR 354

(2) in senate calendar.

**Short Title:**

Neutral Oversight Of Oil And Gas Activities

**Sponsors:**

JONES / ARNDT

**Summary:**

Bill would remove the word "foster" from the mission of the Colorado Oil and Gas Conservation Commission charter. This change would make COGCC a regulatory entity, rather than one that blends both regulation and "fostering the industry."

**Status:**

02/18/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

**Fiscal Notes:**

**Analyze This**

**Comments:**



**City Manager's Office**  
City Hall  
300 LaPorte Ave.  
PO Box 580  
Fort Collins, CO 80522  
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## **Legislative Review Committee Agenda**

March 22, 2016, 4:00 p.m.

Lincoln Center, Canyon West, 417 W. Magnolia

1. Approval of minutes from March 1, 2016 meeting
2. Review Colorado General Assembly bills
3. Review and discuss National League of Cities
4. Other business

Next meetings: April 5 and 19





City Manager's Office  
City Hall  
300 LaPorte Ave.  
PO Box 580  
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## Legislative Review Committee Agenda

Meeting Notes

March 1, 2016, 4:30 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: None

Guests: Chief Tom Demint, Poudre Fire Authority; Kevin Jones, Fort Collins Area Chamber of Commerce

The meeting came to order at 4:03 pm.

Councilmember Martinez moved approval of the February 16, 2016 minutes and Councilmember Cunniff seconded. Minutes were adopted without amendment.

Chief Demint provided information on HB16-1088, which was amended to reflect compromise between stakeholders. He stated that the Colorado Municipal League is supportive of the amended language.

- **HB16-1088** is a bill that would allow a **Fire Protection District Impact Fee on New Development**. LRC amended its position to adopt a **support** position.

Chief Demint also shared a copy of **HB16-1283** for LRC consideration. This bill is intended to **Decrease Water Loss from Domestic Water Suppliers** and is a concern for Poudre Fire. LRC asked that staff circulate the bill for comment and consideration at the next LRC meeting.

Dan reviewed bills from the General Assembly. He shared that to date nearly 470 bills have been introduced.

- **HB16-1078** is a proposal that would provide **Local Gov Employee Whistleblower Protection**. This bill was briefly discussed and LRC agreed this is impeding on the city's sovereignty. LRC adopted an **oppose** position as more information is gathered.
- **HB16-1114** would **Repeal Duplicate Reporting Requirements**. LRC decided this is a low priority for the city. LRC adopted a **monitor** position.
- **HB16-1155** provides **Controlled-access Highway As County Primary Road**. Dan explained that this would give counties the authority to grant or deny access to the highway; and the placement of all traffic control signals, unless the municipality obtains the county's approval in writing. LRC adopted an **oppose** position.
- **HB16-1231** pertains to **Restricting The Use Of Red Light Cameras**. LRC discussed that this bill amends existing law on the use of red light cameras, and agreed that this legislation would have no impact on the city. LRC adopted a **monitor** position.

- **HB16-1262** would permit a **Law Enforcement Backg'd Check Employment Waiver**. This bill will allow the candidate's previous law enforcement agency employers to disclose all files pertaining to the applicant. LRC adopted a **support** position.
- **HB16-1263** would enact a **Racial Profiling Prohibition**. Racial profiling by a peace officer, under current law, is already prohibited; this bill updates the previously used language. LRC adopted a **monitor** position.
- **HB16-1264** would **Ban Law Enforcement Use Of Chokehold**. Fort Collins Police Services has already banned the use of chokeholds by peace officers. LRC adopted a **monitor** position.
- **HB16-1265** is endeavoring to **Expunge Arrest Records Based On Mistaken Identity**. This bill would require law enforcement agencies to file a petition to expunge the arrest record of a person who was arrested as a result of mistaken identity. LRC adopted a **monitor** position.
- **SB16-067** creates a **Broadband Personal Property Tax Exemption**. Dan explained that this bill does not specify new equipment or expansion of existing service. LRC adopted an **oppose** position.
- **SB16-080** creates **Marijuana Grows Enclosed Space Requirements**. This bill applies the same legal definition of "enclosed, locked space" growing requirement used for recreational marijuana for medical marijuana. LRC adopted a **support** position.
- **SB16-129** would permit more **Neutral Oversight Of Oil And Gas Activities**. This bill would change the language of a task force created by the Governor. LRC adopted a **support** position.

Dan was asked to reach out to City staff to ensure that they provide feedback on bills for LRC to consider. This point was very important to members as there were several bills discussed without staff comments. LRC expressed a desire for more information from City staff.

LRC provided feedback on the February 19 legislative meeting. Comments included:

- Time of year was better - *February works better than December*
- Format was good
- Productive meeting
- Room layout was good – it was nice to see all participants
- By meeting in General Assembly session it was good chance to "fact check" and respond to bills
- In the future, it would be helpful for LRC to determine the top 3-5 topics for discussion and better control the discussion. Use the time for City priorities.

LRC briefly discussed the National League of Cities, Congressional Conference occurring in March 6-9.

The meeting was adjourned at 4:55 pm.

**City of Fort Collins Legislative Tracking**  
General Assembly Session 2016

**Updated: March 15, 2016**

| Updated: March 15, 2016 |  |                      |                       |              | First House   |               |             |             | Second House  |               |             |             |                    |            |          |
|-------------------------|--|----------------------|-----------------------|--------------|---------------|---------------|-------------|-------------|---------------|---------------|-------------|-------------|--------------------|------------|----------|
| Bill #                  | Short Title  | Staff Rec'd Position | City Adopted Position | Date Intro'd | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | First House Repass | Conf. Cmte | Governor |
| HB16-1001               | State Contr Certify Compliance With Equal Pay Laws | Monitor              | Monitor               | 1/13         | BL 3/15       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1002               | Employee Leave Attend Child's Academic Activities  | Support              | Support               | 1/13         | Ed 1/27       |               | 2/3         | 2/4         | SA 3/9        |               |             |             |                    |            |          |
| HB16-1004               | Measurable Goals Deadlines CO Climate Action Plan  | Support              | Support               | 1/13         | He 2/4        |               | 2/8         | 2/9         | Ag 3/24       |               |             |             |                    |            |          |
| HB16-1005               | Residential Precipitation Collection               | Support              | Support               | 1/13         | Ag 2/22       |               | 2/29        | 3/2         | Ag 3/24       |               |             |             |                    |            |          |
| HB16-1006               | Clarify Tax Exemptions For Housing Authorities     | Support              | Support               | 1/13         | F 2/17        | Ap 3/18       |             |             |               |               |             |             |                    |            |          |
| HB16-1067               | Regional Transportation Authority Mill Levy        | Monitor              | Monitor               | 1/13         | LG 2/10       |               | 2/16        | 2/18        | Trans 3/8     |               |             |             |                    |            |          |
| HB16-1069               | Allow City To Set Housing Auth Commn Term Length   | Support              | Support               | 1/13         | LG 1/28       |               | 2/1         | 2/2         | LG 2/16       |               | 2/19        | 2/22        | 2/23               |            | 3/9      |
| HB16-1070               | Signature Verification In Mun Mail Ballot Election | Monitor              | Monitor               | 1/13         | SA 2/10       | Ap 3/4        | 3/7         | 3/8         | SA 3/21       |               |             |             |                    |            |          |
| HB16-1078               | Local Gov Employee Whistleblower Protection        | Oppose               | Oppose                | 1/19         | LG 2/3        | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1088               | Fire Protection Dist Impact Fee On New Development | Support              | Support               | 1/19         | LG 3/16       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1092               | Authorize Retail Marijuana Special Event Permit    | Oppose               |                       | 1/19         | He 2/16       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1114               | Repeal Duplicate Reporting Requirements            | Support              | Monitor               | 1/20         | BL 3/22       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1122               | Remote Starter Systems                             | Oppose               | Monitor               | 1/20         | Trans 2/10    |               | 2/16        | 2/18        | Trans 3/8     |               | 3/11        | 3/14        |                    |            |          |
| HB16-1138               | General Fund Transfers For State Infrastructure    | Oppose               | Monitor               | 1/20         | SA 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1141               | Radon Exposure in Buildings                        | Support              | Support               | 1/21         | He 2/9        | Ap 3/4        | 3/7         | 3/8         | He 3/23       |               |             |             |                    |            |          |
| HB16-1143               | Prohibit Red Light Cameras Photo Radar Auto ID Sys | Oppose               | Oppose                | 1/21         | SA 3/9        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1155               | Controlled-access Highway As County Primary Road   | Oppose               | Oppose                | 1/26         | LG 3/9        |               | 3/16        |             |               |               |             |             |                    |            |          |
| HB16-1166               | Prohibit Seeking Salary History For Job Applicants | Monitor              | Monitor               | 1/29         | BL 3/17       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1191               | Bill Of Rights For Persons Who Are Homeless        | Oppose               | Oppose                | 2/3          | LG 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1231               | Restricting The Use Of Red Light Cameras           | Amend                | Monitor               | 2/5          | Trans 2/24    |               | 2/29        | 3/1         | Trans 3/22    |               |             |             |                    |            |          |
| HB16-1262               | Law Enforcement Backg'd Check Employment Waiver    | Support              | Support               | 2/12         | Jud 3/10      |               | 3/16        |             |               |               |             |             |                    |            |          |
| HB16-1263               | Racial Profiling Prohibition                       | Monitor              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        |             |               |               |             |             |                    |            |          |
| HB16-1264               | Ban Law Enforcement Use Of Chokehold               | Support              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        |             |               |               |             |             |                    |            |          |
| HB16-1265               | Expunge Arrest Records Based On Mistaken Identity  | Monitor              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        |             |               |               |             |             |                    |            |          |
| HB16-1283               | Water Loss Audit Report Performance Standards      | Amend                |                       | 3/2          | Ag 3/21       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1319               | Prohibit Coal Rolling In Diesel Vehicles           | Support              | Support               | 3/2          | Trans 3/23    |               |             |             |               |               |             |             |                    |            |          |
| SB16-003                | Broadcast Burns Wildfire Risk Reduction Funding    | Support              |                       | 1/13         | Jud 2/8       | Ap            |             |             |               |               |             |             |                    |            |          |
| SB16-011                | Terminate Use Of FASTER Fee Revenue For Transit    | Oppose               | Oppose                | 1/13         | Trans 1/26    |               | 2/2         | 2/3         | Trans 2/17    |               |             |             |                    |            |          |
| SB16-012                | Time To Reconstruct Residential Improvements       | Monitor              | Monitor               | 1/13         | LG 2/2        |               | 2/5         | 2/8         | LG 3/9        |               | 3/15        |             |                    |            |          |
| SB16-017                | Concealed Handgun Carry Without Permit             | Oppose               | Oppose                | 1/13         | SA 1/27       | Ap 2/12       | 2/22        | 2/23        | SA 3/7        |               |             |             |                    |            |          |
| SB16-028                | Community Reinvestment Act                         | Monitor              | Monitor               | 1/13         | SA 2/17       |               |             |             |               |               |             |             |                    |            |          |
| SB16-037                | Public Access Digitally Stored Data Under CORA     | Amend                | Amend                 | 1/13         | SA 2/24       |               |             |             |               |               |             |             |                    |            |          |
| SB16-038                | Transparency Of Community-centered Boards          | Monitor              | Monitor               | 1/13         | SA 3/16       |               |             |             |               |               |             |             |                    |            |          |
| SB16-044                | Contested Conservation Easement Tax Credit Claims  | Monitor              | Monitor               | 1/19         | F 3/10        |               |             |             |               |               |             |             |                    |            |          |
| SB16-054                | Local Government Minimum Wage                      | Monitor              | Monitor               | 1/19         | SA 2/17       |               |             |             |               |               |             |             |                    |            |          |
| SB16-063                | Intergovt Agreement With Out-of-state Local Gov    | Support              | Support               | 1/19         | LG 2/9        |               | 2/12        | 2/16        | LG 3/2        |               | 3/7         | 3/8         |                    |            |          |
| SB16-067                | Broadband Personal Property Tax Exemption          | Oppose               | Oppose                | 1/19         | F             | Ap            |             |             |               |               |             |             |                    |            |          |
| SB16-075                | DNA Collection Misdemeanor Vulnerable Persons      | Monitor              | Monitor               | 1/19         | Jud 3/2       | F 3/22        |             |             |               |               |             |             |                    |            |          |
| SB16-077                | Employment First For Persons With Disabilities     | Monitor              | Monitor               | 1/19         | F 3/17        |               |             |             |               |               |             |             |                    |            |          |
| SB16-080                | Marijuana Grows Enclosed Space Requirements        | Support              | Support               | 1/19         | BL 2/16       |               | 2/24        | 2/25        | F 3/23        |               |             |             |                    |            |          |
| SB16-100                | County Road & Bridge Tax Reduction Requirement     | Support              | Support               | 1/29         | Trans 3/17    |               |             |             |               |               |             |             |                    |            |          |





## Legislative Review Committee Bill Report

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# Legislative Review Committee Bill Report

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|                               |  |
|-------------------------------|--|
| <b><u>HB16-1001</u></b>       | <b>State Contr Certify Compliance With Equal Pay Laws</b>  |
| <b>Comment:</b>               | LPA pg 18, Privatization #2, "Maintain local control of the awarding of contracts and the accountability of local officials for those actions."  |
| <b>Position:</b>              | Monitor  |
| <b>Calendar Notification:</b> | Tuesday, March 15 2016<br>Business Affairs and Labor<br>1:30 p.m. Room LSB-A<br>(3) in house calendar.   |
| <b>Short Title:</b>           | State Contr Certify Compliance With Equal Pay Laws   |
| <b>Sponsors:</b>              | DANIELSON  |
| <b>Summary:</b>               | Bill would require certification of contractors working with the City that those contractors are in compliance with state and federal equal pay standards applicable at the time of the execution of the contract.   |
| <b>Status:</b>                | 01/13/2016 Introduced In House - Assigned to Business Affairs and Labor  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> | <b>N/A: Fri, January 15, 2016, by rcochran@fcgov.com</b><br>(15-Jan-16) Please see the response provided by Jenny Lopez Filkins for information regarding this Bill.<br><br><b>N/A: Fri, January 15, 2016, by rcochran@fcgov.com</b><br>(15-Jan-16) Please see the response from Jenny Lopez Filkins regarding this proposed Bill. |

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|-------------------------------|--|
| <b><u>HB16-1004</u></b>       | <b>Measurable Goals Deadlines CO Climate Action Plan</b>   |
| <b>Comment:</b>               | LPA pg 24, Utilities #9, "Establish uniform standards for the reduction of carbon emissions."                                      |
| <b>Position:</b>              | Support  |
| <b>Calendar Notification:</b> | Thursday, March 24 2016<br>SENATE AGRICULTURE, NATURAL RESOURCES, & ENERGY COMMITTEE<br>1:30 PM SCR 354<br>(3) in senate calendar. |

**Short Title:** Measurable Goals Deadlines CO Climate Action Plan

**Sponsors:** WINTER

**Summary:** This bill seeks to include measurable goals in the state's climate action plans. The inclusion of standards and accountability makes it more likely that the state will achieve it's climate goals.

**Status:** 03/04/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:**

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**HB16-1005**      **Residential Precipitation Collection**

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**Comment:** LPA pg 25, Water Supply/Quality #2, "Enact reasonable water quality regulations that are cost effective and can show identifiable benefits."

**Position:** Support

**Calendar Notification:** Thursday, March 24 2016  
SENATE AGRICULTURE, NATURAL RESOURCES, & ENERGY COMMITTEE  
1:30 PM SCR 354  
(2) in senate calendar.

**Short Title:** Residential Precipitation Collection

**Sponsors:** ESGAR / MERRIFIELD

**Summary:** Bill would allow single and multi-family homes to own and use up to two rain barrels that would divert rainwater for the use on site. Colorado is the last western state to allow residential rain barrel use - this bill appears to be a de minimis diversion of water and appears to be a common-sense water conservation measure.

**Status:** 02/29/2016 House Second Reading Passed with Amendments - Committee, Floor

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:** **Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**  
(22-Jan-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is low.

**Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**  
(22-Jan-16) Fort Collins Utilities water rights could be negatively affected by widespread rain barrel use if it results in reduction of flows in the Poudre River that could reduce flows available under our water rights. However, rain barrel use could reduce overall water demands that could balance a potential reduction in flows available to Utilities water rights. Based on initial analysis, the effects of rain barrels on the City would likely be minor, but more information/study would be needed to assess potential impacts.

**Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**  
(22-Jan-16) It is difficult to quantify impacts at this time.

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|-------------------------------|---|
| <b><u>HB16-1006</u></b>       | <b>Clarify Tax Exemptions For Housing Authorities</b>   |
| <b>Comment:</b>               | LPA pg 12, Affordable Housing #2, "Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships." |
| <b>Position:</b>              | Support   |
| <b>Calendar Notification:</b> | Friday, March 18 2016<br>Appropriations<br>8:30 a.m. Room LSB-A<br>(3) in house calendar.   |
| <b>Short Title:</b>           | Clarify Tax Exemptions For Housing Authorities  |
| <b>Sponsors:</b>              | BECKER K.   |
| <b>Summary:</b>               | Bill was sought by Housing Authorities (including Fort Collins') to clarify eligibility for certain tax exemptions.   |
| <b>Status:</b>                | 02/17/2016 House Committee on Finance Refer Amended to Appropriations   |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>  |
| <b>Analyze This Comments:</b> |   |

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|-------------------------------|--|
| <b><u>HB16-1069</u></b>       | <b>Allow City To Set Housing Auth Commn Term Length</b>  |
| <b>Comment:</b>               | LPA pg. 26, Home Rule #1, "Strengthen home rule authority of municipal governments."   |
| <b>Position:</b>              | Support  |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Allow City To Set Housing Auth Commn Term Length   |
| <b>Sponsors:</b>              | RANKIN   |
| <b>Summary:</b>               | CML bill that would allow local government discretion to set the term for housing commission.  |
| <b>Status:</b>                | 03/09/2016 Governor Signed   |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> | <b>Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com</b><br>(03-Feb-16) This bill was in response to issues very small housing authorities say they are having filling their commissioner seats. This is not an issue in FC.<br><br><b>Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com</b><br>(03-Feb-16) It will give the Council the ability to set the Housing Authority Commissioner terms themselves. |

**No Effect: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) No effect.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) While the Fort Collins Housing Authority is neutral on this bill, we do not see that it is an issue for FC, nor do we think it really warrants a legislative fix statewide. The current statute works and the small housing authorities mentioned should be able to work within the current statute

| <b><u>HB16-1070</u></b>       | <b>Signature Verification In Mun Mail Ballot Election</b>  |
|-------------------------------|--|
| <b>Comment:</b>               | <b>Not explicit in LPA</b>   |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | Monday, March 21 2016<br>SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE<br>Upon Adjournment of the Joint State, Veterans, & Military Affairs Committee SCR 356<br>(2) in senate calendar.  |
| <b>Short Title:</b>           | Signature Verification In Mun Mail Ballot Election   |
| <b>Sponsors:</b>              | NEVILLE P. / NEVILLE T.  |
| <b>Summary:</b>               | For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the bill:<br>* Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the statewide voter registration system, commonly referred to as "SCORE";<br>* Grants municipal clerks access to SCORE for signature verification purposes;<br>* Authorizes the use of signature verification devices to perform these comparisons;<br>* Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and<br>* Requires municipal clerks to provide training to election judges who compare signatures. |
| <b>Status:</b>                | 03/09/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> |  |

| <b><u>HB16-1078</u></b> | <b>Local Gov Employee Whistleblower Protection</b>  |
|-------------------------|---|
| <b>Comment:</b>         | LPA pg . 28, Sovereign and Governmental Immunity #1, "Protect the interests of municipalities and their officers and employees in the |



lawful and proper performance of their duties and responsibilities."

**Position:** Oppose  
**Calendar Notification:** NOT ON CALENDAR  
**Short Title:** Local Gov Employee Whistleblower Protection  
**Sponsors:** KAGAN  
**Summary:** This legislation would give express authority to a disgruntled employee to initiate a claim against an employer for any action the employee may claim was due to alleging "violation of a state or federal law or local ordinance; a waste or misuse of public funds; fraud; an abuse of authority; mismanagement; or a danger to the health or safety employees or the public."  
**Status:** 02/03/2016 House Committee on Local Government Refer Amended to Appropriations  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This Comments:**

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|                         |   |
|-------------------------|---|
| <b><u>HB16-1088</u></b> | <b>Fire Protection Dist Impact Fee On New Development</b> |
|-------------------------|---|

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**Comment:** LPA pg 14, Planning and Land Use #4, "Retain local government authority to impose development impact fees."

**Position:** Support  
**Calendar Notification:** Wednesday, March 16 2016  
Local Government  
1:30 p.m. Room 0107  
(2) in house calendar.  
Wednesday, March 16 2016  
Local Government  
1:30 p.m. Room 0107  
(4) in house calendar.

**Short Title:** Fire Protection Dist Impact Fee On New Development

**Sponsors:** DORE

**Summary:** Bill would allow fire districts to impose impact fees provided the fees conform to adopted rates and that information is provided in writing to the local governments in their service area. CML is asking that a fire district amend its service plan to reflect the additional revenue.

**Status:** 02/10/2016 House Committee on Local Government Witness Testimony and/or Committee Discussion Only

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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|                         |  |
|-------------------------|--|
| <b><u>HB16-1114</u></b> | <b>Repeal Duplicate Reporting Requirements</b> |
|-------------------------|--|

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|                               |  |
|-------------------------------|--|
| <b>Comment:</b>               | <b>LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."</b>   |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | Tuesday, March 22 2016<br>Business Affairs and Labor<br>1:30 p.m. Room LSB-A<br>(1) in house calendar.   |
| <b>Short Title:</b>           | Repeal Duplicate Reporting Requirements  |
| <b>Sponsors:</b>              | DELGROSSO / ULIBARRI   |
| <b>Summary:</b>               | Bill would remove Colorado requirements that each employer in Colorado satisfy the state that an employee has a verified legal work status. A local employer will still need to complete an I-9 form to satisfy federal employment requirements.   |
| <b>Status:</b>                | 01/20/2016 Introduced In House - Assigned to Business Affairs and Labor  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> | <b>Monitor: Thu, March 03, 2016, by jbirks@fcgov.com</b><br>(03-Mar-16) Low - from and Economic Health perspective; no comments from Businesses in recent visits about this bill<br><br><b>Support: Sun, March 13, 2016, by jamiller@fcgov.com</b><br>(13-Mar-16) Medium<br><br><b>Support: Sun, March 13, 2016, by jamiller@fcgov.com</b><br>(13-Mar-16) This Bill will eliminate State documentation required to confirm a new employee's identity and authorization for employment. This verification duplicates the Federal I-9 process which serves the same purpose. |

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**HB16-1122**

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**Remote Starter Systems**

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| <b>Comment:</b>               | <b>LPA pg 20, Air Quality #7, "Reduce vehicle emissions by encouraging behavior changes, such as reducing vehicle idling."</b> |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Remote Starter Systems   |
| <b>Sponsors:</b>              | EVERETT / HILL   |
| <b>Summary:</b>               | Bill would allow use of remote starters for vehicles to warm up before use.  |
| <b>Status:</b>                | 03/14/2016 Senate Third Reading Passed - No Amendments   |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |

**Analyze This  
Comments:**

**Oppose: Fri, January 22, 2016, by lsmith@fcgov.com**

(22-Jan-16) My suggestion is to oppose ths bill. Allowing vehicles to idle unattended causes increasd air pollution, in direct opposition to our LPA: "Reduce vehicle emissions by: •?Encouraging behavior changes, such as reducing idling of vehicles"

**Neutral: Thu, February 11, 2016, by mjackson@fcgov.com**

(11-Feb-16) low priority

**N/A: Fri, January 22, 2016, by lsmith@fcgov.com**

(22-Jan-16) Fort Collins is non-attainment for ozone. This bill will hinder efforts to achieve attainment.

**Neutral: Thu, February 11, 2016, by mjackson@fcgov.com**

(11-Feb-16) Only possible concern may be encouraging excessive idling, adding to emissions and AQ issues.

| <b><u>HB16-1141</u></b>           | <b>Radon Exposure In Buildings</b>  |
|-----------------------------------|---|
| <b>Comment:</b>                   | LPA pg 20, Air Quality #2, "Ensure air quality standards are protective of public health and welfare."  |
| <b>Position:</b>                  | Support   |
| <b>Calendar<br/>Notification:</b> | Wednesday, March 23 2016<br>SENATE HEALTH & HUMAN SERVICES COMMITTEE<br>Upon Adjournment SCR 352<br>(1) in senate calendar.   |
| <b>Short Title:</b>               | Radon Exposure In Buildings   |
| <b>Sponsors:</b>                  | BECKER K. / JAHN  |
| <b>Summary:</b>                   | Bill would develop a statewide education program for radon risks and would establish a program to provide financial assistance to low-income individuals for radon mitigation in their homes. Also extends by ten years the state uranium mill tailings remedial action fund, which pays for a program that provides information to the public on uranium mill tailings contamination in residences and commercial buildings.   |
| <b>Status:</b>                    | 03/09/2016 Introduced In Senate - Assigned to Health & Human Services   |
| <b>Fiscal Notes:</b>              | <u>Fiscal Note</u>  |
| <b>Analyze This<br/>Comments:</b> | <b>Support: Tue, February 02, 2016, by Dan Weinheimer<br/>(dweinheimer@fcgov.com)</b><br>(02-Feb-16) From Environmental Services: I would definitely support this bill. We did not receive any funds from the Feds this year so hopefully if this comes through, we'll have additional resources. Radon kits are flying off the shelves. 70% of Fort Collins homes test high and of those that test, only 50% mitigate. We are well on our way to conduct outreach to homes testing high to provide them with additional health and mitigation information. We are also providing materials regarding the Zero Interest Loans. Just recently new state regulations required all |

Child Care Centers to test for radon. As a courtesy, we have contacted all of the child care listings in Fort Collins to make them aware of the Indoor Air Quality programs and to offer them a radon test kit.

**Amend: Tue, February 02, 2016, by Dan Weinheimer  
([dweinheimer@fcgov.com](mailto:dweinheimer@fcgov.com))**

(02-Feb-16) Colorado Building Officials group: seeking to amend the bill and concern is that this could be an avenue for CDPHE to make radon mitigation adopted and enforced by local gov't as an unfunded mandate. This should be amended to only establish the assistance program.

| <b><u>HB16-1155</u></b>       | <b>Controlled-access Highway As County Primary Road</b>   |
|-------------------------------|---|
| <b>Comment:</b>               | LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices." |
| <b>Position:</b>              | Oppose  |
| <b>Calendar Notification:</b> | Wednesday, March 16 2016<br>GENERAL ORDERS - SECOND READING OF BILLS<br>(4) in house calendar.  |
| <b>Short Title:</b>           | Controlled-access Highway As County Primary Road  |
| <b>Sponsors:</b>              | SAINE / SONNENBERG  |
| <b>Summary:</b>               | Bill would give counties the authority to designate any four-lane controlled-access county highway a "primary road" and to grant or deny access to the highway; and the placement of all traffic control signals (unless the municipality obtains the county's approval in writing).  |
| <b>Status:</b>                | 03/14/2016 House Second Reading Laid Over to 03/16/2016 - No Amendments   |
| <b>Fiscal Notes:</b>          | <u><a href="#">Fiscal Note</a></u>  |
| <b>Analyze This Comments:</b> |   |
| <b><u>HB16-1166</u></b>       | <b>Prohibit Seeking Salary History For Job Applicants</b>   |
| <b>Comment:</b>               | LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."   |
| <b>Position:</b>              | Monitor   |
| <b>Calendar Notification:</b> | Thursday, March 17 2016<br>Business Affairs and Labor<br>1:30 p.m. Room LSB-A<br>(1) in house calendar.   |

**Short Title:** Prohibit Seeking Salary History For Job Applicants  
**Sponsors:** PETTERSEN / DONOVAN  
**Summary:** The bill makes it an unfair employment practice for an employer to seek salary history information, including compensation and benefits, about an applicant for employment.  
**Status:** 01/29/2016 Introduced In House - Assigned to Business Affairs and Labor  
**Fiscal Notes:** Fiscal Note  
**Analyze This Comments:**

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|-------------------------|---|
| <b><u>HB16-1231</u></b> | <b>Restricting The Use Of Red Light Cameras</b> |
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**Comment:** LPA pg 31, Public Safety #3, "Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations."

**Position:** Monitor

**Calendar Notification:** Tuesday, March 22 2016  
SENATE TRANSPORTATION COMMITTEE  
2:00 PM SCR 352  
(2) in senate calendar.

**Short Title:** Restricting The Use Of Red Light Cameras

**Sponsors:** LEBSOCK / CARROLL

**Summary:** Bill would amend existing law on the use of red light cameras.

**Status:** 03/04/2016 Introduced In Senate - Assigned to Transportation

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:** **Support: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) Fort Collins makes use of red light cameras.

**Support: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) FC's use of red light cameras is currently limited to two high volume arterial/arterial intersections. Our use falls within the parameters of the bill.

**No Effect: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) Minimal impact given FC's current use and location of red light cameras.

**Support: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) Important to note they are not used for traffic control purposes but for law enforcement.

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| <b><u>HB16-1262</u></b> | <b>Law Enforcement Background Check Employment</b> |
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## Waiver

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| <b>Comment:</b>               | <b>LPA pg. 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."</b>   |
| <b>Position:</b>              | <b>Support</b>  |
| <b>Calendar Notification:</b> | Wednesday, March 16 2016<br>GENERAL ORDERS - SECOND READING OF BILLS<br>(8) in house calendar.  |
| <b>Short Title:</b>           | Law Enforcement Background Check Employment Waiver  |
| <b>Sponsors:</b>              | WILLIAMS / COOKE  |
| <b>Summary:</b>               | <p>Each law enforcement agency in the state that interviews a candidate for a peace officer position who has worked at another law enforcement agency or in private security shall require the candidate to execute a waiver. The waiver will allow the candidate's previous law enforcement agency or private security company employers to disclose all files pertaining to the applicant, including internal affairs files, to the interviewing agency and releases the interviewing agency and each law enforcement agency or private security company that employed the candidate from any liability related to the use and disclosure of the files. The interviewing agency must submit the waiver to each law enforcement agency or private security company at least 10 days before making a hiring decision. A state or local law enforcement agency or private security company that receives a waiver shall provide the disclosure to the Colorado law enforcement agency that is interviewing the candidate not more than 7 days after such receipt. The bill requires a P.O.S.T. certification applicant who has worked at another law enforcement agency to execute the same waiver as described above. Under current law, the P.O.S.T. board must deny certification to a person who was convicted of any felony and certain misdemeanors. The bill gives the P.O.S.T. board the authority to deny certification to a person who entered into a deferred judgment, deferred prosecution, diversion agreement, or deferred adjudication for any of those crimes or had a juvenile adjudication for any of those crimes.</p> |
| <b>Status:</b>                | 03/10/2016 House Committee on Judiciary Refer Amended to House Committee of the Whole   |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>  |
| <b>Analyze This Comments:</b> | <p><b>Strongly Support: Thu, February 18, 2016, by <a href="mailto:jhutto@fcgov.com">jhutto@fcgov.com</a></b><br/>(18-Feb-16) This bill is important to Fort Collins Police Services. As an organization we welcome the opportunity to demonstrate our integrity in an open and transparent manner.</p> <p><b>Support: Mon, March 07, 2016, by <a href="mailto:jschiager@fcgov.com">jschiager@fcgov.com</a></b><br/>(07-Mar-16) This is the way we do business and it should be required for all agencies to make sure any previous employment history is disclosed prior to making a hiring decision.</p>  |

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) For Fort Collins Police Services it will enable us to openly communicate critical information about problematic former employees; communication that may have been restricted in the past.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) It doesn't change much for us. We already require a waiver and we personally inspect all personnel and internal affairs records prior to hiring.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) No fiscal or operational negative impact that I can foresee.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) It will have an impact on improving law enforcement as a profession and therefore it will have a positive impact on FC.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) Legislation such as this is necessary in order to allow me, and other law enforcement professionals, the freedom to communicate critical information about problematic former employees so that they do not surface in another community unbeknownst to those departments.

| <b><u>HB16-1263</u></b>       | <b><u>Racial Profiling Prohibition</u></b>  |
|-------------------------------|---|
| <b>Comment:</b>               | LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."   |
| <b>Position:</b>              | Monitor   |
| <b>Calendar Notification:</b> | Wednesday, March 16 2016<br>GENERAL ORDERS - SECOND READING OF BILLS<br>(9) in house calendar.  |
| <b>Short Title:</b>           | Racial Profiling Prohibition  |
| <b>Sponsors:</b>              | WILLIAMS / ULIBARRI   |
| <b>Summary:</b>               | Under current law, there is a prohibition against profiling by a peace officer. The bill adds to the prohibition by updating the definition of profiling and describing additional prohibited activities related to profiling.  |
| <b>Status:</b>                | 03/10/2016 House Committee on Judiciary Refer Amended to House Committee of the Whole   |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>  |
| <b>Analyze This Comments:</b> | <b>Neutral: Mon, March 07, 2016, by <a href="mailto:jschiager@fcgov.com">jschiager@fcgov.com</a></b><br>(07-Mar-16) This bill makes sense because police officers should not make any "official" decisions based on the identifiers described in the bill. It expands the identifiers and includes more gender preference language, which makes sense to me. The problem with this type of bill, and the reason I have a hard time supporting it fully is that it is difficult to enforce and allegations can be made that are nearly impossible to |

prove. I have investigated some of these claims before, and absent some very strong evidence or pattern of behavior it simply cannot be proven why a police officer took the actions s/he did and whether there may be some prejudice at play. As a policy statement I support this bill, but as a practical matter it will not add much value to the industry.

**Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) Potentially more allegations against police officers that are nearly impossible to prove or disprove. I do not think this bill will change the actions of our police officers, because I believe they already treat people fairly and respectfully regardless of the identifiers listed in this bill.

**Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) Minimal impact

| <b><u>HB16-1264</u></b>       | <b>Ban Law Enforcement Use Of Chokehold</b>  |
|-------------------------------|--|
| <b>Comment:</b>               | <b>LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."</b>   |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | Wednesday, March 16 2016<br>GENERAL ORDERS - SECOND READING OF BILLS<br>(10) in house calendar.  |
| <b>Short Title:</b>           | Ban Law Enforcement Use Of Chokehold   |
| <b>Sponsors:</b>              | MELTON   |
| <b>Summary:</b>               | The bill prohibits a peace officer from intentionally using a chokehold against another person. The bill makes a violation a class 1 misdemeanor. The bill makes an exception if the officer believes his or her life is in danger or that he or she or another person is in imminent danger of death or serious bodily injury.  |
| <b>Status:</b>                | 03/10/2016 House Committee on Judiciary Refer Amended to House Committee of the Whole  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> | <b>Support: Mon, March 07, 2016, by jschiager@fcgov.com</b><br>(07-Mar-16) FCPS has not allowed choke holds or 25 years. This bill does recognize that in a life threatening situation, unusual or otherwise prohibited actions may be necessary to save the officer's life.<br><br><b>Support: Mon, March 07, 2016, by jschiager@fcgov.com</b><br>(07-Mar-16) Minimal. We haven't allowed choke holds for 25 years.<br><br><b>Support: Mon, March 07, 2016, by jschiager@fcgov.com</b><br>(07-Mar-16) Minimal. We haven't allowed choke holds for 25 years. |



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**HB16-1265**

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**Expunge Arrest Records Based On Mistaken Identity**

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**Comment:** LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."

**Position:** Monitor

**Calendar Notification:** Wednesday, March 16 2016  
GENERAL ORDERS - SECOND READING OF BILLS (11) in house calendar.

**Short Title:** Expunge Arrest Records Based On Mistaken Identity

**Sponsors:** MELTON

**Summary:** The bill requires a law enforcement agency to file a petition to expunge the arrest record of a person who is arrested as a result of mistaken identity and with no charges filed with the district court in the judicial district where the person was arrested. The law enforcement agency shall file the petition within 90 days after determining that the person was arrested based on mistaken identity. The court shall enter an order of expungement within 90 days after receiving the petition. The bill prohibits employers, educational institutions, state and local government agencies, officials, and employees from, in any application or interview or in any other way, requiring an applicant to disclose information contained in expunged records.

**Status:** 03/10/2016 House Committee on Judiciary Refer Amended to House Committee of the Whole

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:** **Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) I believe there are already ways for a defendant to get his or her records expunged. It may not always be clear if someone has been arrested based on mistaken identity, and I do not think it should be the responsibility of the police department to start this process. It should be a court process initiated by the defendant.

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) I'm not sure how many of our cases would fall into this category, probably a very small number, but having the responsibility to recognize this situation and initiate this process is unreasonable. The defendant has the ability to make this argument. Possibly we should have a law that pays the defendant back for attorney fees if they are successful in expunging their record based on a mistaken identity,

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Potential liability if we do not properly initiate this process or if the facts are ultimately unclear.

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**HB16-1283**

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**Water Loss Audit Report Performance Standards**

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**Comment:** LPA pg 19, Environmental Health #8, "Protect and monitor water quality, and implement appropriate conservation efforts"

**and long-term water storage capability."**

**Position:** Amend

**Calendar Notification:** Monday, March 21 2016  
Agriculture, Livestock, & Natural Resources  
1:30 p.m. Room 0107  
(1) in house calendar.

**Short Title:** Water Loss Audit Report Performance Standards

**Sponsors:** BECKER K.

**Summary:** This bill would require a "covered entity" (which is a public entity that supplies at least 2,000 acre-feet of water per year to its customers) to submit a completed and validated water loss audit report to the Colorado Water Conservation Board.

**Status:** 02/19/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:** **N/A: Wed, March 02, 2016, by redavis@fcgov.com**  
(02-Mar-16) Medium.

**Oppose: Wed, March 02, 2016, by tdemint@poudre-fire.org**  
(02-Mar-16) It is important to the PFA in that it could possibly require meters on fire protection systems that are existing as well as new. Those on existing systems could possibly result in those systems not meeting the engineering specifications necessary to protect life and property without redesigning the system creating unnecessary expense.

**Amend: Wed, March 02, 2016, by jhaukaas@fcgov.com**  
(02-Mar-16) Page 5, Line 4 states "up to the point of customer metering" Fire lines are not metered and therefore the bill doesn't address an endpoint. We would suggest "up to the point of customer metering or fire line connection"

**Monitor: Mon, March 07, 2016, by ddustin@fcgov.com**  
(07-Mar-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is low.

**N/A: Wed, March 02, 2016, by redavis@fcgov.com**  
(02-Mar-16) The impact to Fort Collins would be positive. Positive outcomes include a better understating of where treated water is delivered. This can lead to co-benefits such as cost-effective leak reduction as well as full recovering revenue full revenue from water deliveries. This revenue recovery aspect focuses on meter inaccuracies and theft. This means that all customers pay for what they use and reduces instances of theft or under billing which may distribute costs unfairly among water customers.

**Oppose: Wed, March 02, 2016, by tdemint@poudre-fire.org**  
(02-Mar-16) As above

**Monitor: Mon, March 07, 2016, by ddustin@fcgov.com**

(07-Mar-16) This bill may provide for water savings from information found from the audits, which is generally good for increasing available supplies. Although reducing the amount of losses could be used against the City with some of its conditional water rights, the benefits of the water savings may outweigh the potential negative impacts.

**N/A: Wed, March 02, 2016, by redavis@fcgov.com**

(02-Mar-16) The audit itself is an effort to quantify benefits and costs. It has the possibility of being revenue positive for the utility which can help maintain low water delivery costs.

**Oppose: Wed, March 02, 2016, by tdemint@poudre-fire.org**

(02-Mar-16) The impacts are broad. This could result in having to hire additional inspectors and personnel for ensuring that the proper measures are taken on fire protection systems to meet the intent of the legislation and that the fire protection systems remain effective.

**Monitor: Mon, March 07, 2016, by ddustin@fcgov.com**

(07-Mar-16) It is difficult to quantify impacts at this time.

**N/A: Wed, March 02, 2016, by redavis@fcgov.com**

(02-Mar-16) Water loss accounting is an important action that can benefit water utilities in terms of both revenue and water conservation and as such, I believe we should support this bill. This is also a chance for Fort Collins to lead. We can lead by example in doing auditing as well as lead by encouraging other utilities by supporting this legislation.

| <b><u>HB16-1319</u></b>       | <b>Prohibit Coal Rolling In Diesel Vehicles</b>   |
|-------------------------------|---|
| <b>Comment:</b>               | LPA pg 20, Air Quality #9, "Strengthen tailpipe emissions and fuel economy standards for all vehicles including reducing the impact of "rolling coal" and nitrous oxide emissions." |
| <b>Position:</b>              | Strongly Support  |
| <b>Calendar Notification:</b> | Wednesday, March 23 2016<br>Transportation & Energy<br>1:30 p.m. Room 0112<br>(2) in house calendar.  |
| <b>Short Title:</b>           | Prohibit Coal Rolling In Diesel Vehicles  |
| <b>Sponsors:</b>              | GINAL   |
| <b>Summary:</b>               | This bill prohibits "coal rolling", or "rolling coal".  |
| <b>Status:</b>                | 03/02/2016 Introduced In House - Assigned to Transportation & Energy  |
| <b>Fiscal Notes:</b>          |   |
| <b>Analyze This Comments:</b> | <b>Support: Thu, March 03, 2016, by mjackson@fcgov.com</b><br>(03-Mar-16) This has been an important issue for FC citizens. Would consider it medium to high for our community.     |

**Strongly Support: Thu, March 03, 2016, by lex@fcgov.com**

(03-Mar-16) This is an important bill that directly affects the quality of life of Fort Collins' residents, and especially the localized air quality that they breathe in. From discussions with Police Services, they also find that this solution is something that is enforceable, which is critical to addressing the issue.

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**

(08-Mar-16) Police Services is the driver for Rep. Ginal's bill. Police officers will have a valuable tool with this legislation to address the growing problem of black smoke from diesel trucks.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**

(03-Mar-16) Not really a transportation so much as an enforcement issue. that being said, harrassment of bikes and peds should not be tolerated.

**Strongly Support: Thu, March 03, 2016, by lex@fcgov.com**

(03-Mar-16) Air quality continues to be a high priority for our residents. and the City places a high priority on multi-modal transportation opportunities, e.g., biking, walking, etc. Rolling coal tends to disproportionately affect our residents walking and biking as the smoke is emitted from a vehicle. It's important that an enforceable option is developed to address this community concern.

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**

(08-Mar-16) This bill combats two issues. One is the nuisance of the smoke together with the harassing behavior associated with the purposeful emission of the smoke. The second is the environmental impact the smoke/soot is surely have on our air quality. The driver's who are convicted of this offense will have a reasonable fine and a two point violation on their driver's license, which is a valuable deterrent to future behavior.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**

(03-Mar-16) Would have a positive impact (hopefully) particularly in the Downtown/Midtown FC areas

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**

(08-Mar-16) There will be a modest positive impact to the General Fund and an equally positive impact to the Traffic Surcharge Fund. The number and frequency of these violations will certainly decrease, which will be particularly evident to people enjoying Oldtown Fort Collins and also on South College Avenue on weekend nights, when the behavior seems to be more evident.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**

(03-Mar-16) Personal opinion: the more tools in the law enforcement toolbox to address this behavior, the better. Seems like there isn't a lot Police can use right now.

**Actively Support: Tue, March 08, 2016, by [chorton@fcgov.com](mailto:chorton@fcgov.com)**  
(08-Mar-16) Rep. Ginal proposed this legislation at our behest, with the understanding that the City would be supportive of the effort. She has been very accommodating of our input on changes to the scope of the bill and suggestions for language changes.

|                               |  |
|-------------------------------|--|
| <b><u>HB16-1355</u></b>       | <b>Affirm Local Gov Siting Auth Oil &amp; Gas Facilities</b>   |
| <b>Comment:</b>               | <b>LPA pg 22, Oil &amp; Gas #5, "Allow greater local regulation of oil and gas exploration activities within municipal boundaries."</b>  |
| <b>Position:</b>              |  |
| <b>Calendar Notification:</b> | Monday, March 21 2016<br>Upon Adjournment Room271 State, Veterans, and Military Affairs (2) in house calendar.   |
| <b>Short Title:</b>           | Affirm Local Gov Siting Auth Oil & Gas Facilities  |
| <b>Sponsors:</b>              | FOOTE / ULIBARRI   |
| <b>Summary:</b>               | This bill is meant to clarify that local governments have the authority to site oil and gas operations.  |
| <b>Status:</b>                | 03/11/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs   |
| <b>Fiscal Notes:</b>          |  |
| <b>Analyze This Comments:</b> | <b>N/A: Tue, March 15, 2016, by <a href="mailto:mjackson@fcgov.com">mjackson@fcgov.com</a></b><br>(15-Mar-16) No comments from a Transportation perspective<br><br><b>N/A: Tue, March 15, 2016, by <a href="mailto:mjackson@fcgov.com">mjackson@fcgov.com</a></b><br>(15-Mar-16) No comments from a Transportation perspective<br><br><b>N/A: Tue, March 15, 2016, by <a href="mailto:mjackson@fcgov.com">mjackson@fcgov.com</a></b><br>(15-Mar-16) No comments from a Transportation perspective<br><br><b>N/A: Tue, March 15, 2016, by <a href="mailto:mjackson@fcgov.com">mjackson@fcgov.com</a></b><br>(15-Mar-16) No comments from a Transportation perspective |
| <b><u>SB16-003</u></b>        | <b>Broadcast Burns Wildfire Risk Reduction Funding</b>   |
| <b>Comment:</b>               | <b>Not explicit in LPA</b>   |
| <b>Position:</b>              | <b>Support</b>   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Broadcast Burns Wildfire Risk Reduction Funding  |
| <b>Sponsors:</b>              | ROBERTS / BECKER K.  |
| <b>Summary:</b>               | This bill would allow broadcast burns, this could serve as an additional tool to reduce wildfires.   |

**Status:** 02/08/2016 Senate Committee on Judiciary Refer Unamended to Appropriations

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:** **Strongly Support: Fri, February 05, 2016, by lsmith@fcgov.com**  
 (05-Feb-16) It is important: High. Broadcast burning is an important tool locally. While Natural Areas does little broadcast burning in the name of fuels reduction, it is an important tool for our cooperators in Larimer County. Natural Areas staff anticipates most (if not all) of this additional funding will either go to state agencies or be administered through a competitive grant process.

**N/A: Fri, February 05, 2016, by lsmith@fcgov.com**  
 (05-Feb-16) Risk to Fort Collins from wildfire smoke was identified as one of the two top risks from climate change to that needs to be addressed (along with extreme heat events). Although prescribed fire does release air pollution, this bill provides more tools and resources to proactively conduct fuels management and likely reduce risks from wildfire smoke.

**N/A: Fri, February 05, 2016, by lsmith@fcgov.com**  
 (05-Feb-16) Efforts by land managers to reduce wildfire in our state will impact Fort Collins citizens positively. The positive impact would most likely affect our cooperators in Larimer County.

**Strongly Support: Fri, February 05, 2016, by lsmith@fcgov.com**  
 (05-Feb-16) Environmental Services and Natural Areas can support or strongly support this bill.

| <b><u>SB16-012</u></b>        | <b>Time To Reconstruct Residential Improvements</b>   |
|-------------------------------|---|
| <b>Comment:</b>               | Not explicit in LPA   |
| <b>Position:</b>              | Monitor   |
| <b>Calendar Notification:</b> | Tuesday, March 15 2016<br>GENERAL ORDERS - SECOND READING OF BILLS<br>(6) in house calendar.  |
| <b>Short Title:</b>           | Time To Reconstruct Residential Improvements  |
| <b>Sponsors:</b>              | HEATH / SINGER  |
| <b>Summary:</b>               | This bill allows residential property to maintain its property tax classification for an indefinite period of time if the county assessor determines the property owner is making a good faith effort to rebuild an improvement destroyed by a natural disaster. A residential improvement is a home or other structure that has been built on residential property. Under current law, the property can maintain its residential classification for up to four years after the improvement has been destroyed if, in the assessor's judgement, the owner intends to repair or replace the structure. |
| <b>Status:</b>                | 03/15/2016 House Second Reading Laid Over Daily - No Amendments<br>Fiscal Note  |

**Fiscal Notes:**

**Analyze This  
Comments:**

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**SB16-038**

**Transparency Of Community-centered Boards**

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**Comment:** Not explicit in LPA

**Position:** Monitor

**Calendar** Wednesday, March 16 2016

**Notification:** SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE  
1:30 PM SCR 356  
(5) in senate calendar.

**Short Title:** Transparency Of Community-centered Boards

**Sponsors:** AGUILAR / YOUNG

**Summary:** Bill would increase transparency of community-centered boards (CCB) through a regular state audit and compliance with the local government audit law. In Larimer County, Foothills Gateway is a CCB.

**Status:** 02/01/2016 Senate Committee on State, Veterans, & Military Affairs  
Witness Testimony and/or Committee Discussion Only

**Fiscal Notes:** Fiscal Note

**Analyze This  
Comments:**

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**SB16-063**

**Intergovt Agreement With Out-of-state Local Gov**

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**Comment:** LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."

**Position:** Support

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Intergovt Agreement With Out-of-state Local Gov

**Sponsors:** ROBERTS / VIGIL

**Summary:** Bill would allow agreement between municipalities and out-of-state partners for emergency services.

**Status:** 03/08/2016 House Third Reading Passed - No Amendments

**Fiscal Notes:** Fiscal Note

**Analyze This  
Comments:**

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**SB16-067**

**Broadband Personal Property Tax Exemption**

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**Comment:** LPA pg 18, Finance #3, "Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions."

**Position:** Oppose  
**Calendar Notification:** NOT ON CALENDAR  
**Short Title:** Broadband Personal Property Tax Exemption  
**Sponsors:** SCHEFFEL / WILLIAMS  
**Summary:** Bill creates a state Business Personal Property Tax exemption for broadband equipment. Does not specify new equipment or expansion of existing service.  
**Status:** 01/19/2016 Introduced In Senate - Assigned to Finance + Appropriations  
**Fiscal Notes:**  
**Analyze This Comments:** N/A: Mon, February 15, 2016, by rrogers@fcgov.com (15-Feb-16) Since property tax is the purview of the County, we are not certain what if any broadband assets and property tax revenue may/could be impacted.

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|------------------------|--|
| <b><u>SB16-075</u></b> | <b>DNA Collection Misdemeanor Vulnerable Persons</b> |
|------------------------|--|

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**Comment:** LPA pg 31, Public Safety #2, "Provide greater protection to victims of crime."  
**Position:** Monitor  
**Calendar Notification:** Tuesday, March 22 2016  
SENATE FINANCE COMMITTEE  
2:00 PM LSB-B  
(2) in senate calendar.  
**Short Title:** DNA Collection Misdemeanor Vulnerable Persons  
**Sponsors:** JOHNSTON / LAWRENCE  
**Summary:** Bill seeks to collect DNA samples for certain additional offenses.  
**Status:** 03/02/2016 Senate Committee on Judiciary Refer Amended to Finance  
**Fiscal Notes:** Fiscal Note  
**Analyze This Comments:**

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|                        |   |
|------------------------|---|
| <b><u>SB16-077</u></b> | <b>Employment First For Persons With Disabilities</b> |
|------------------------|---|

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**Comment:** LPA pg 14, Social Sustainability #6, "Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare."  
**Position:** Monitor  
**Calendar Notification:** Thursday, March 17 2016  
SENATE FINANCE COMMITTEE  
Upon Adjournment LSB-B  
(2) in senate calendar.



**Short Title:** Employment First For Persons With Disabilities  
**Sponsors:** KEFALAS / GINAL  
**Summary:** Bill seeks to direct the state to develop an employment first model for individuals with disabilities.  
**Status:** 01/19/2016 Introduced In Senate - Assigned to Finance  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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|                        |  |
|------------------------|--|
| <b><u>SB16-080</u></b> | <b>Marijuana Grows Enclosed Space Requirements</b> |
|------------------------|--|

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**Comment:** LPA pg 31, Marijuana #1, "Regulate medical and retail marijuana manufacturing, distribution and dispensaries."  
**Position:** Support  
**Calendar** Wednesday, March 23 2016  
**Notification:** Finance  
1:30 p.m. Room LSB-A  
(1) in house calendar.  
**Short Title:** Marijuana Grows Enclosed Space Requirements  
**Sponsors:** NEWELL  
**Summary:** Bill would apply the same legal definition of “enclosed, locked space” as required by Amendment 64 to allowed personal grows of medical marijuana.  
**Status:** 02/26/2016 Introduced In House - Assigned to Finance  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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|                        |   |
|------------------------|---|
| <b><u>SB16-100</u></b> | <b>County Road &amp; Bridge Tax Reduction Requirement</b> |
|------------------------|---|

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**Comment:** LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."  
**Position:** Support  
**Calendar** Thursday, March 17 2016  
**Notification:** SENATE TRANSPORTATION COMMITTEE  
Upon Adjournment SCR 352  
(1) in senate calendar.  
**Short Title:** County Road & Bridge Tax Reduction Requirement  
**Sponsors:** JAHN / PABON  
**Summary:** CML bill. The statutes required that one-half of the amount of the levy collected from within a municipality be returned to the municipality to

address local road and bridge needs. However, counties have unilateral authority to reduce or eliminate the road & bridge mill levy, in some cases supplementing their own road & bridge fund with other sources of revenue (i.e. specific ownership taxes). This fundamentally unfair fiscal practice has resulted in the loss millions of dollars to municipalities to address their local transportation infrastructure issues as the law intends. CML believes legislation requiring municipal consent or agreement prior to reduction of an existing mill levy is wholly appropriate and on par with recent legislative actions.

**Status:** 02/16/2016 Senate Committee on Transportation Witness Testimony and/or Committee Discussion Only

**Fiscal Notes:** Fiscal Note

**Analyze This  
Comments:**

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**SB16-123**

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**Free Access To High Occupancy Vehicle Lanes**

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**Comment:** Not explicit in LPA

**Position:**

**Calendar** Thursday, March 17 2016

**Notification:** GENERAL ORDERS - SECOND READING OF BILLS  
(1) in senate calendar.

**Short Title:** Free Access To High Occupancy Vehicle Lanes

**Sponsors:** LUNDBERG / SINGER

**Summary:** The bill prohibits the department of transportation or the high-performance transportation enterprise from requiring a vehicle owner to use a switchable transponder or other device in order to travel in a high occupancy vehicle on either a high occupancy vehicle lane or a high occupancy toll lane on a toll-free basis.

**Status:** 03/14/2016 Senate Second Reading Laid Over to 03/17/2016 - No Amendments

**Fiscal Notes:** Fiscal Note

**Analyze This  
Comments:** **Neutral: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) No current impact on local highways; long term impacts should I-25 north incorporate tolling.

**No Effect: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) Minimal impact to Fort Collins right now.

**No Effect: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) Minimal impact to Fort Collins right now.

**N/A: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) May make it more difficult to collect tolls and police HOV activity in future if I-25 north incorporates tolling.

| <b><u>SB16-124</u></b>            | <b>Machine Tools Sales Tax Exempt Recovered Materials</b>  |
|-----------------------------------|--|
| <b>Comment:</b>                   | Not explicit in LPA  |
| <b>Position:</b>                  |  |
| <b>Calendar</b>                   | Tuesday, March 15 2016   |
| <b>Notification:</b>              | GENERAL ORDERS - SECOND READING OF BILLS<br>(3) in senate calendar.  |
| <b>Short Title:</b>               | Machine Tools Sales Tax Exempt Recovered Materials   |
| <b>Sponsors:</b>                  | GRANTHAM / PRIOLA  |
| <b>Summary:</b>                   | Purchases of machinery or machine tools to be used in Colorado directly and predominantly in manufacturing tangible personal property are currently exempt from state sales and use tax. The bill would extend the exemption to machinery or machine tools purchased by a business to process recovered materials. |
| <b>Status:</b>                    | 03/15/2016 Senate Second Reading Passed with Amendments - Committee  |
| <b>Fiscal Notes:</b>              | <u>Fiscal Note</u>   |
| <b>Analyze This<br/>Comments:</b> |  |
| <b><u>SB16-136</u></b>            | <b>Broadband Deployment</b>  |
| <b>Comment:</b>                   | <b>LPA pg. 28, Telecommunications #1, "Maintain and enhance local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government programming."</b>   |
| <b>Position:</b>                  |  |
| <b>Calendar</b>                   | Wednesday, March 16 2016   |
| <b>Notification:</b>              | SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE<br>1:30 PM SCR 356<br>(2) in senate calendar.   |
| <b>Short Title:</b>               | Broadband Deployment   |
| <b>Sponsors:</b>                  | DONOVAN  |
| <b>Summary:</b>                   | This bill is concerning broadband deployment, and modifying a local government's process for an exemption from the requirement for voter approval to provide its own advanced service in an un-served area,  |
| <b>Status:</b>                    | 03/04/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  |
| <b>Fiscal Notes:</b>              |  |
| <b>Analyze This<br/>Comments:</b> | <b>Monitor: Wed, March 09, 2016, by wwinkelman@fcgov.com</b><br>(09-Mar-16) City Clerk staff will monitor the status of this bill as it relates to election requirements. It is our understanding that any Fort Collins Broadband issue coming forward may be included in the April                                |

| <b><u>SB16-144</u></b>        | <b>CCW Permits For Military Personnel</b>   |
|-------------------------------|---|
| <b>Comment:</b>               | <b>LPA pg 32, Public Safety #9, "Maintain or enhance a statewide database of concealed weapons permits."</b>  |
| <b>Position:</b>              | <b>Oppose</b>   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR   |
| <b>Short Title:</b>           | CCW Permits For Military Personnel  |
| <b>Sponsors:</b>              | COOKE   |
| <b>Summary:</b>               | This would significantly broaden the terms for a concealed handgun permit for military personnel.   |
| <b>Status:</b>                | 03/04/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs   |
| <b>Fiscal Notes:</b>          |   |
| <b>Analyze This Comments:</b> | <p><b>Oppose: Tue, March 08, 2016, by jschiager@fcgov.com</b><br/>(08-Mar-16) This is a bad idea. While we respect the status and training of our military members, carrying a firearm in the civilian world is completely different than in a military setting. Young military members may not have the discipline yet to have this responsibility. We are already dealing with military members returning with various levels of PTSD. What would be the screening for that. Military members should follow the same rules as everyone else and get a permit when they are of sufficient age.</p> <p><b>Oppose: Tue, March 08, 2016, by jschiager@fcgov.com</b><br/>(08-Mar-16) This could be a significant public safety issue for our community.</p> <p><b>Oppose: Tue, March 08, 2016, by jschiager@fcgov.com</b><br/>(08-Mar-16) Maybe nothing. Maybe big problems. not worth the risk.</p> |



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## **Legislative Review Committee Agenda**

April 5, 2016, 4:00 p.m.  
Commons Conference Room

1. Approval of minutes from March 22, 2016 meeting
2. Review Colorado General Assembly bills
3. Discuss tax implications for water vs. energy rebates
4. Other business

Next meetings: April 19 – *Consider canceling or reschedule of May 3 LRC Meeting*



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## **Legislative Review Committee Agenda**

### **Meeting Notes**

March 22, 2016, 4:00 p.m.

Lincoln Center, Canyon West, 417 W. Magnolia

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce; Dan Betts, Senator Cory Gardner; Alicia Salz, Intern

The meeting came to order at 4:02 pm.

Councilmember Martinez moved approval of the February 16, 2016 minutes and Councilmember Cunniff seconded. Minutes were adopted without amendment.

Dan reviewed bills from the General Assembly. He shared that to date nearly 620 bills have been introduced.

- **HB16-1001** is a proposal that would have the **State Controller Certify Compliance with Equal Pay Laws**. This bill was briefly discussed and LRC decided to keep their current **monitor** position.
- **HB16-1067** is a bill to extend the sunset of **Regional Transportation Authority to have a Mill Levy**. The bill would extend a sunset from 2019 to 2029. LRC adopted a **monitor** position as more information is gathered.
- **HB16-1070** is a bill requiring **Signature Verification in Municipal Mail Ballot Elections**. Dan indicated the bill would impact statutory towns and that CML is in support of the changes. LRC kept a **monitor** position.
- **HB16-1114** would **Repeal Duplicate Reporting Requirements**. LRC decided this is a low priority for the city. LRC kept a **monitor** position.
- **HB16-1122** would allow the use of **Remote Starter Systems**. Dan shared that the city recommended position is to oppose due to City air quality goals. LRC also discussed the safety concerns tied with this bill. LRC kept a **monitor** position.
- **HB16-1231** pertains to **Restricting the Use of Red Light Cameras**. LRC discussed that this bill amends existing law on the use of red light cameras, and agreed that this legislation would be too great of a restriction on the cities use of red light cameras. LRC adopted an **oppose** position.

- **HB16-1263** would enact a **Racial Profiling Prohibition**. Racial profiling by a peace officer, under current law, is already prohibited; this bill updates the previously used language. LRC kept a **monitor** position.
- **HB16-1264** would **Ban Law Enforcement Use of Chokehold**. Fort Collins Police Services has already banned the use of chokeholds by peace officers. The bill also has an exclusion allowing use of a chokehold in cases where officer life safety is a concern. LRC kept a **monitor** position.
- **HB16-1265** is endeavoring to **Expunge Arrest Records Based on Mistaken Identity**. This bill would require law enforcement agencies to file a petition to expunge the arrest record of a person who was arrested as a result of mistaken identity. LRC adopted an **amend** position.
- **HB16-1283** sets new **Water Loss Audit Report Performance Standards**. LRC determined that, while water audits are beneficial that local control concerns made this proposal unnecessary. Fort Collins Utilities can voluntarily create a more efficient and personalized audit for the community and so LRC adopted an **oppose** position.
- **HB16-1355** sets out to **Affirm Local Government Siting Authority over Oil and Gas Facilities**. LRC agreed that this bill would be helpful to the City for addressing locations of oil and gas facilities and in using local land use authority and adopted a **support** position.
- **SB16-003** would create **Broadcast Burns Wildfire Risk Reduction Funding**. Fort Collins staff highly recommended supporting this bill as it would be a tool to prevent wild fires and minimize the air quality impacts associated with big wildfires so LRC adopted a **support** position.
- **SB16-038** which would allow for the **Transparency of Community-centered Boards**. Dan restated that this would affect only Foothills Gateway within Larimer County. The intent of the bill is to foster greater transparency over the use of taxpayer funds. LRC kept a **monitor** position.
- **SB16-075** would allow **DNA Collection Misdemeanor Vulnerable Persons**. Bill seeks to collect DNA samples for certain additional offenses. LRC kept a **monitor** position until they received staff comments.
- **SB16-123** would mandate **Free Access to High Occupancy Vehicle Lanes** by eliminating the required use of switchable transponders in managed lanes. Staff recommended an oppose position due to the likely impact this proposal would have in funding future highway projects in the state like Interstates 25 and 70. LRC adopted an **oppose** position.
- **SB16-124** is proposing to make **Machine Tools Sales Tax Exempt Recovered Materials**. The bill seeks to foster the recycling industry by making tax exempt certain machinery required to sort and process materials. LRC discussed that the impact this would have is unclear and LRC adopted a **monitor** position until they receive staff comments.
- **SB16-144** is a bill regarding **CCW Permits for Military Personnel**. Dan shared that staff was against this bill for many reasons; the main one being that this bill would lower the permitted age for concealed weapon permitting from 21 to 18 and include automatic qualification for a permit for active duty military personnel and honorably discharged former military. LRC adopted an **oppose** position.

LRC briefly discussed the National League of Cities, Congressional Conference in Washington DC that occurred in March 6-9.

- Meetings focused on fixing I-25, and gathering information regarding FASTER and other federal transportation grants.
- The group got to meet with Senator Cory Gardner about I-25 and other transportation priorities. City leaders also met with staff from Senator Bennet and Congressman Polis' offices on transportation and other federal priorities.
- They also had a meeting with staff from the City of DC's Departments of Energy and Environment (DOEE) and Public Works (DPW) regarding their solid waste work to date and bag fee program.

The meeting was adjourned at 4:55 pm.



**City of Fort Collins Legislative Tracking**  
General Assembly Session 2016

**Updated: March 30, 2016**

| Updated: March 30, 2016 |  |                      |                       |              | First House   |               |             |             | Second House  |               |             |             |                    |            |          |
|-------------------------|--|----------------------|-----------------------|--------------|---------------|---------------|-------------|-------------|---------------|---------------|-------------|-------------|--------------------|------------|----------|
| Bill #                  | Short Title  | Staff Rec'd Position | City Adopted Position | Date Intro'd | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | First House Repass | Conf. Cmte | Governor |
| HB16-1001               | State Contr Certify Compliance With Equal Pay Laws | Monitor              | Monitor               | 1/13         | BL 3/17       |               | 3/22        | 3/24        | SA 3/30       |               |             |             |                    |            |          |
| HB16-1002               | Employee Leave Attend Child's Academic Activities  | Support              | Support               | 1/13         | Ed 1/27       |               | 2/3         | 2/4         | SA 3/9        |               |             |             |                    |            |          |
| HB16-1004               | Measurable Goals Deadlines CO Climate Action Plan  | Support              | Support               | 1/13         | He 2/4        |               | 2/8         | 2/9         | Ag 3/30       |               |             |             |                    |            |          |
| HB16-1005               | Residential Precipitation Collection               | Support              | Support               | 1/13         | Ag 2/22       |               | 2/29        | 3/2         | Ag 3/30       |               |             |             |                    |            |          |
| HB16-1006               | Clarify Tax Exemptions For Housing Authorities     | Support              | Support               | 1/13         | F 2/17        | Ap 3/18       | 3/21        | 3/22        | F 3/31        | Ap            |             |             |                    |            |          |
| HB16-1067               | Regional Transportation Authority Mill Levy        | Monitor              | Monitor               | 1/13         | LG 2/10       |               | 2/16        | 2/18        | Trans 3/8     |               |             |             |                    |            |          |
| HB16-1069               | Allow City To Set Housing Auth Commn Term Length   | Support              | Support               | 1/13         | LG 1/28       |               | 2/1         | 2/2         | LG 2/16       |               | 2/19        | 2/22        | 2/23               |            | 3/9      |
| HB16-1070               | Signature Verification In Mun Mail Ballot Election | Monitor              | Monitor               | 1/13         | SA 2/10       | Ap 3/4        | 3/7         | 3/8         | SA 3/21       | Ap 4/1        |             |             |                    |            |          |
| HB16-1078               | Local Gov Employee Whistleblower Protection        | Oppose               | Oppose                | 1/19         | LG 2/3        | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1088               | Fire Protection Dist Impact Fee On New Development | Support              | Support               | 1/19         | LG 3/16       |               | 3/21        | 3/22        | LG 3/29       |               |             |             |                    |            |          |
| HB16-1092               | Authorize Retail Marijuana Special Event Permit    | Oppose               |                       | 1/19         | He 2/16       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1114               | Repeal Duplicate Reporting Requirements            | Support              | Monitor               | 1/20         | BL 3/22       | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1122               | Remote Starter Systems                             | Oppose               | Monitor               | 1/20         | Trans 2/10    |               | 2/16        | 2/18        | Trans 3/8     |               | 3/11        | 3/14        |                    |            | 3/22     |
| HB16-1138               | General Fund Transfers For State Infrastructure    | Oppose               | Monitor               | 1/20         | SA 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1141               | Radon Exposure in Buildings                        | Support              | Support               | 1/21         | He 2/9        | Ap 3/4        | 3/7         | 3/8         | He 3/24       | Ap            |             |             |                    |            |          |
| HB16-1143               | Prohibit Red Light Cameras Photo Radar Auto ID Sys | Oppose               | Oppose                | 1/21         | SA 3/9        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1155               | Controlled-access Highway As County Primary Road   | Oppose               | Oppose                | 1/26         | LG 3/9        |               | 3/16        | 3/17        | Trans 3/31    |               |             |             |                    |            |          |
| HB16-1166               | Prohibit Seeking Salary History For Job Applicants | Monitor              | Monitor               | 1/29         | BL 3/17       |               | 3/24        | 3/28        | SA 3/30       |               |             |             |                    |            |          |
| HB16-1191               | Bill Of Rights For Persons Who Are Homeless        | Oppose               | Oppose                | 2/3          | LG 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1231               | Restricting The Use Of Red Light Cameras           | Amend                | Oppose                | 2/5          | Trans 2/24    |               | 2/29        | 3/1         | Trans 3/22    |               | 3/28        | 3/29        | 3/30               |            |          |
| HB16-1262               | Law Enforcement Backg'd Check Employment Waiver    | Support              | Support               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/31        |             |                    |            |          |
| HB16-1263               | Racial Profiling Prohibition                       | Monitor              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/31        |             |                    |            |          |
| HB16-1264               | Ban Law Enforcement Use Of Chokehold               | Support              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/31        |             |                    |            |          |
| HB16-1265               | Expunge Arrest Records Based On Mistaken Identity  | Monitor              | Amend                 | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/31        |             |                    |            |          |
| HB16-1283               | Water Loss Audit Report Performance Standards      | Amend                | Oppose                | 3/2          | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1314               | Treat Preexisting Groundwater Depletions Replaced  | Oppose               |                       | 3/2          | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1319               | Prohibit Coal Rolling In Diesel Vehicles           | Support              | Support               | 3/2          | Trans 4/7     |               |             |             |               |               |             |             |                    |            |          |
| HB16-1332               | Alternative Fuel Motor Vehicle Income Tax Credits  | Monitor              |                       | 3/2          | F 4/13        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1355               | Affirm Local Gov Siting Auth Oil & Gas Facilities  | Support              | Support               | 3/11         | SA 3/21       |               | 4/4         |             |               |               |             |             |                    |            |          |
| HB16-1370               | Nicotine Product Retailers Registry                | Oppose               |                       | 3/16         | BA 4/7        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1382               | Divert Water Piscatorial Aesthetic Beneficial Use  | Support              |                       | 3/16         | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| SB16-003                | Broadcast Burns Wildfire Risk Reduction Funding    | Support              | Support               | 1/13         | Jud 2/8       | Ap            |             |             |               |               |             |             |                    |            |          |
| SB16-011                | Terminate Use Of FASTER Fee Revenue For Transit    | Oppose               | Oppose                | 1/13         | Trans 1/26    |               | 2/2         | 2/3         | Trans 2/17    |               |             |             |                    |            |          |
| SB16-012                | Time To Reconstruct Residential Improvements       | Monitor              | Monitor               | 1/13         | LG 2/2        |               | 2/5         | 2/8         | LG 3/9        |               | 3/16        | 3/17        |                    |            |          |
| SB16-017                | Concealed Handgun Carry Without Permit             | Oppose               | Oppose                | 1/13         | SA 1/27       | Ap 2/12       | 2/22        | 2/23        | SA 3/7        |               |             |             |                    |            |          |
| SB16-028                | Community Reinvestment Act                         | Monitor              | Monitor               | 1/13         | SA 2/17       |               |             |             |               |               |             |             |                    |            |          |
| SB16-037                | Public Access Digitally Stored Data Under CORA     | Amend                | Amend                 | 1/13         | SA 2/24       |               |             |             |               |               |             |             |                    |            |          |
| SB16-038                | Transparency Of Community-centered Boards          | Monitor              | Monitor               | 1/13         | SA 3/30       |               |             |             |               |               |             |             |                    |            |          |
| SB16-044                | Contested Conservation Easement Tax Credit Claims  | Monitor              | Monitor               | 1/19         | F 3/10        |               |             |             |               |               |             |             |                    |            |          |
| SB16-054                | Local Government Minimum Wage                      | Monitor              | Monitor               | 1/19         | SA 2/17       |               |             |             |               |               |             |             |                    |            |          |

[illegible]



## Legislative Review Committee Bill Report

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# Legislative Review Committee Bill Report

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### [HB16-1001](#)

### State Contr Certify Compliance With Equal Pay Laws

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|----------------------|--|
| <b>Comment:</b>      | <b>LPA pg 18, Privatization #2, "Maintain local control of the awarding of contracts and the accountability of local officials for those actions."</b>   |
| <b>Position:</b>     | <b>Monitor</b>   |
| <b>Calendar</b>      | Wednesday, March 30 2016   |
| <b>Notification:</b> | SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE<br>1:30 PM SCR 356<br>(3) in senate calendar.   |
| <b>Short Title:</b>  | State Contr Certify Compliance With Equal Pay Laws   |
| <b>Sponsors:</b>     | DANIELSON  |
| <b>Summary:</b>      | Bill would require certification of contractors working with the City that those contractors are in compliance with state and federal equal pay standards applicable at the time of the execution of the contract.   |
| <b>Status:</b>       | 03/24/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  |
| <b>Fiscal Notes:</b> | <a href="#">Fiscal Note</a>  |
| <b>Analyze This</b>  | <b>N/A: Fri, January 15, 2016, by rcochran@fcgov.com</b>   |
| <b>Comments:</b>     | (15-Jan-16) Please see the response provided by Jenny Lopez Filkins for information regarding this Bill.<br><br><b>N/A: Fri, January 15, 2016, by rcochran@fcgov.com</b><br>(15-Jan-16) Please see the response from Jenny Lopez Filkins regarding this proposed Bill. |

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### [HB16-1004](#)

### Measurable Goals Deadlines CO Climate Action Plan

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|                      |  |
|----------------------|--|
| <b>Comment:</b>      | <b>LPA pg 24, Utilities #9, "Establish uniform standards for the reduction of carbon emissions."</b>             |
| <b>Position:</b>     | <b>Support</b>   |
| <b>Calendar</b>      | Wednesday, March 30 2016   |
| <b>Notification:</b> | SENATE AGRICULTURE, NATURAL RESOURCES, & ENERGY COMMITTEE<br>Upon Adjournment SCR 354<br>(1) in senate calendar. |

**Short Title:** Measurable Goals Deadlines CO Climate Action Plan  
**Sponsors:** WINTER  
**Summary:** This bill seeks to include measurable goals in the state's climate action plans. The inclusion of standards and accountability makes it more likely that the state will achieve it's climate goals.  
**Status:** 03/04/2016 Introduced In Senate - Assigned to Agriculture, Natural Resources, & Energy  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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**[HB16-1005](#)**

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**Residential Precipitation Collection**

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**Comment:** **LPA pg 25, Water Supply/Quality #2, "Enact reasonable water quality regulations that are cost effective and can show identifiable benefits."**

**Position:** **Support**

**Calendar**  
**Notification:** Wednesday, March 30 2016  
SENATE AGRICULTURE, NATURAL RESOURCES, & ENERGY COMMITTEE  
Upon Adjournment SCR 354  
(2) in senate calendar.

**Short Title:** Residential Precipitation Collection  
**Sponsors:** ESGAR / MERRIFIELD  
**Summary:** Bill would allow single and multi-family homes to own and use up to two rain barrels that would divert rainwater for the use on site. Colorado is the last western state to allow residential rain barrel use - this bill appears to be a de minimis diversion of water and appears to be a common-sense water conservation measure.  
**Status:** 02/29/2016 House Second Reading Passed with Amendments - Committee, Floor  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:** **Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**  
(22-Jan-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is low.  
  
**Monitor: Fri, January 22, 2016, by ddustin@fcgov.com**  
(22-Jan-16) Fort Collins Utilities water rights could be negatively affected by widespread rain barrel use if it results in reduction of flows in the Poudre River that could reduce flows available under our water rights. However, rain barrel use could reduce overall water demands that could balance a potential reduction in flows available to Utilities water rights. Based on initial analysis, the effects of rain barrels on the City would likely be minor, but more information/study would be needed to assess potential impacts.

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**HB16-1006**

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**Clarify Tax Exemptions For Housing Authorities**

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**Comment:** **LPA pg 12, Affordable Housing #2, "Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships."**

**Position:** **Support**

**Calendar Notification:** Thursday, March 31 2016  
SENATE FINANCE COMMITTEE  
Upon Adjournment LSB-B  
(3) in senate calendar.

**Short Title:** Clarify Tax Exemptions For Housing Authorities

**Sponsors:** BECKER K.

**Summary:** Bill was sought by Housing Authorities (including Fort Collins') to clarify eligibility for certain tax exemptions.

**Status:** 03/22/2016 Introduced In Senate - Assigned to Finance + Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**HB16-1069**

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**Allow City To Set Housing Auth Commn Term Length**

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**Comment:** **LPA pg. 26, Home Rule #1, "Strengthen home rule authority of municipal governments."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Allow City To Set Housing Auth Commn Term Length

**Sponsors:** RANKIN

**Summary:** CML bill that would allow local government discretion to set the term for housing commission.

**Status:** 03/09/2016 Governor Signed

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Neutral: Wed, February 03, 2016, by [jbrewen@fcgov.com](mailto:jbrewen@fcgov.com)**  
(03-Feb-16) This bill was in response to issues very small housing authorities say they are having filling their commissioner seats. This is not an issue in FC.

**Neutral: Wed, February 03, 2016, by [jbrewen@fcgov.com](mailto:jbrewen@fcgov.com)**  
(03-Feb-16) It will give the Council the ability to set the Housing Authority Commissioner terms themselves.

**No Effect: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) No effect.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) While the Fort Collins Housing Authority is neutral on this bill, we do not see that it is an issue for FC, nor do we think it really warrants a legislative fix statewide. The current statute works and the small housing authorities mentioned should be able to work within the current statute

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**HB16-1070**

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**Signature Verification In Mun Mail Ballot Election**

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**Comment:** **Not explicit in LPA**

**Position:** **Monitor**

**Calendar Notification:** Friday, April 1 2016  
SENATE APPROPRIATIONS COMMITTEE  
8:00 AM LSB-B  
(1) in senate calendar.

**Short Title:** Signature Verification In Mun Mail Ballot Election

**Sponsors:** NEVILLE P. / NEVILLE T.

**Summary:** For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the bill:  
\* Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the statewide voter registration system, commonly referred to as "SCORE";  
\* Grants municipal clerks access to SCORE for signature verification purposes;  
\* Authorizes the use of signature verification devices to perform these comparisons;  
\* Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and  
\* Requires municipal clerks to provide training to election judges who compare signatures.

**Status:** 03/21/2016 Senate Committee on State, Veterans, & Military Affairs  
Refer Unamended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**HB16-1078**

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**Local Gov Employee Whistleblower Protection**

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**Comment:** **LPA pg . 28, Sovereign and Governmental Immunity #1, "Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities."**

**Position:** **Oppose**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Local Gov Employee Whistleblower Protection

**Sponsors:** KAGAN

**Summary:** This legislation would give express authority to a disgruntled employee to initiate a claim against an employer for any action the employee may claim was due to alleging “violation of a state or federal law or local ordinance; a waste or misuse of public funds; fraud; an abuse of authority; mismanagement; or a danger to the health or safety employees or the public.”

**Status:** 02/03/2016 House Committee on Local Government Refer Amended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**[HB16-1088](#) Fire Protection Dist Impact Fee On New Development**

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**Comment:** **LPA pg 14, Planning and Land Use #4, "Retain local government authority to impose development impact fees."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Fire Protection Dist Impact Fee On New Development

**Sponsors:** DORE

**Summary:** Bill would allow fire districts to impose impact fees provided the fees conform to adopted rates and that information is provided in writing to the local governments in their service area. CML is asking that a fire district amend its service plan to reflect the additional revenue.

**Status:** 03/29/2016 Senate Committee on Local Government Refer Amended to Senate Committee of the Whole

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**[HB16-1114](#) Repeal Duplicate Reporting Requirements**

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**Comment:** **LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:** **Monitor**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Repeal Duplicate Reporting Requirements

**Sponsors:** DELGROSSO / ULIBARRI

**Summary:** Bill would remove Colorado requirements that each employer in Colorado satisfy the state that an employee has a verified legal work status. A local employer will still need to complete an I-9 form to satisfy federal employment requirements.

**Status:** 03/22/2016 House Committee on Business Affairs and Labor Refer Amended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Monitor: Thu, March 03, 2016, by jbirks@fcgov.com**  
(03-Mar-16) Low - from and Economic Health perspective; no comments from Businesses in recent visits about this bill

**Support: Sun, March 13, 2016, by jamiller@fcgov.com**  
(13-Mar-16) Medium

**Support: Sun, March 13, 2016, by jamiller@fcgov.com**  
(13-Mar-16) This Bill will eliminate State documentation required to confirm a new employee's identity and authorization for employment. This verification duplicates the Federal I-9 process which serves the same purpose.

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## **[HB16-1122](#)**

## **Remote Starter Systems**

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**Comment:** **LPA pg 20, Air Quality #7, "Reduce vehicle emissions by encouraging behavior changes, such as reducing vehicle idling."**

**Position:** **Monitor**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Remote Starter Systems

**Sponsors:** EVERETT / HILL

**Summary:** Bill would allow use of remote starters for vehicles to warm up before use.

**Status:** 03/22/2016 Sent to the Governor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Oppose: Fri, January 22, 2016, by lsmith@fcgov.com**  
(22-Jan-16) My suggestion is to oppose ths bill. Allowing vehicles to idle unattended causes increasd air pollution, in direct opposition to our LPA: "Reduce vehicle emissions by: •?Encouraging behavior changes, such as reducing idling of vehicles"

**Neutral: Thu, February 11, 2016, by mjackson@fcgov.com**  
(11-Feb-16) low priority

**N/A: Fri, January 22, 2016, by lsmith@fcgov.com**  
(22-Jan-16) Fort Collins is non-attainment for ozone. This bill will



hinder efforts to achieve attainment.

**Neutral: Thu, February 11, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**

(11-Feb-16) Only possible concern may be encouraging excessive idling, adding to emissions and AQ issues.

| <a href="#">HB16-1141</a>     | Radon Exposure In Buildings   |
|-------------------------------|---|
| <b>Comment:</b>               | <b>LPA pg 20, Air Quality #2, "Ensure air quality standards are protective of public health and welfare."</b>   |
| <b>Position:</b>              | <b>Support</b>  |
| <b>Calendar Notification:</b> | NOT ON CALENDAR   |
| <b>Short Title:</b>           | Radon Exposure In Buildings   |
| <b>Sponsors:</b>              | BECKER K. / JAHN  |
| <b>Summary:</b>               | Bill would develop a statewide education program for radon risks and would establish a program to provide financial assistance to low-income individuals for radon mitigation in their homes. Also extends by ten years the state uranium mill tailings remedial action fund, which pays for a program that provides information to the public on uranium mill tailings contamination in residences and commercial buildings.   |
| <b>Status:</b>                | 03/24/2016 Senate Committee on Health & Human Services Refer Unamended to Appropriations  |
| <b>Fiscal Notes:</b>          | <a href="#">Fiscal Note</a>   |
| <b>Analyze This Comments:</b> | <p><b>Support: Tue, February 02, 2016, by Dan Weinheimer (<a href="mailto:dweinheimer@fcgov.com">dweinheimer@fcgov.com</a>)</b><br/>(02-Feb-16) From Environmental Services: I would definitely support this bill. We did not receive any funds from the Feds this year so hopefully if this comes through, we'll have additional resources. Radon kits are flying off the shelves. 70% of Fort Collins homes test high and of those that test, only 50% mitigate. We are well on our way to conduct outreach to homes testing high to provide them with additional health and mitigation information. We are also providing materials regarding the Zero Interest Loans. Just recently new state regulations required all Child Care Centers to test for radon. As a courtesy, we have contacted all of the child care listings in Fort Collins to make them aware of the Indoor Air Quality programs and to offer them a radon test kit.</p> <p><b>Amend: Tue, February 02, 2016, by Dan Weinheimer (<a href="mailto:dweinheimer@fcgov.com">dweinheimer@fcgov.com</a>)</b><br/>(02-Feb-16) Colorado Building Officials group: seeking to amend the bill and concern is that this could be an avenue for CDPHE to make radon mitigation adopted and enforced by local gov't as an unfunded mandate. This should be amended to only establish the assistance program.</p> |

| <a href="#"><u>HB16-1155</u></a> | Controlled-access Highway As County Primary Road   |
|----------------------------------|--|
| <b>Comment:</b>                  | <b>LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."</b> |
| <b>Position:</b>                 | <b>Oppose</b>  |
| <b>Calendar Notification:</b>    | Thursday, March 31 2016<br>SENATE TRANSPORTATION COMMITTEE<br>Upon Adjournment SCR 352<br>(2) in senate calendar.  |
| <b>Short Title:</b>              | Controlled-access Highway As County Primary Road   |
| <b>Sponsors:</b>                 | SAINE / SONNENBERG   |
| <b>Summary:</b>                  | Bill would give counties the authority to designate any four-lane controlled-access county highway a "primary road" and to grant or deny access to the highway; and the placement of all traffic control signals (unless the municipality obtains the county's approval in writing).   |
| <b>Status:</b>                   | 03/17/2016 Introduced In Senate - Assigned to Transportation   |
| <b>Fiscal Notes:</b>             | <a href="#"><u>Fiscal Note</u></a>   |
| <b>Analyze This Comments:</b>    |  |
| <a href="#"><u>HB16-1166</u></a> | Prohibit Seeking Salary History For Job Applicants   |
| <b>Comment:</b>                  | <b>LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."</b>   |
| <b>Position:</b>                 | <b>Monitor</b>   |
| <b>Calendar Notification:</b>    | Wednesday, March 30 2016<br>SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE<br>1:30 PM SCR 356<br>(4) in senate calendar.   |
| <b>Short Title:</b>              | Prohibit Seeking Salary History For Job Applicants   |
| <b>Sponsors:</b>                 | PETTERSEN / DONOVAN  |
| <b>Summary:</b>                  | The bill makes it an unfair employment practice for an employer to seek salary history information, including compensation and benefits, about an applicant for employment.  |
| <b>Status:</b>                   | 03/28/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs  |
| <b>Fiscal Notes:</b>             | <a href="#"><u>Fiscal Note</u></a>   |
| <b>Analyze This Comments:</b>    | <b>N/A: Tue, March 29, 2016, by jamiller@fcgov.com</b><br>(29-Mar-16) Medium - The City does not currently collect salary history information from applicants. However, supervisors are permitted to ask   |

for this information during the course of the selection process. This bill aligns with City priorities associated with diversity, inclusion and equity as well as with goals identified in the City's Social Sustainability Strategic Plan.

**N/A: Tue, March 29, 2016, by jamiller@fcgov.com**

(29-Mar-16) This bill would prohibit the City from requesting or collecting salary history and/or other benefit information from job applicants. While the City does not ask applicants for salary history or benefit information on the employment application, this information may be gathered during the screening process. The information may have historically been used to negotiate an offer or support a candidate's positive job performance history. If passed, hiring managers would need to be trained to not request benefit or salary information from applicants at any point during the selection process. The City may be the subject of allegations of discrimination and would need to demonstrate that it did not request or collect salary or benefit information from an applicant.

**N/A: Tue, March 29, 2016, by jamiller@fcgov.com**

(29-Mar-16) Personnel Policy changes would be required. Hiring manager training would be necessary.

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**[HB16-1231](#)**

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**Restricting The Use Of Red Light Cameras**

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**Comment:**

**LPA pg 31, Public Safety #3, "Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations."**

**Position:**

**Oppose**

**Calendar**

Wednesday, March 30 2016

**Notification:**

CONSIDERATION OF SENATE AMENDMENTS TO HOUSE BILLS  
(1) in house calendar.

**Short Title:**

Restricting The Use Of Red Light Cameras

**Sponsors:**

LEBSOCK / CARROLL

**Summary:**

This bill, as amended by the Senate Transportation Committee, prohibits the use of an automated vehicle identification system (AVIS), such as photo speed vans and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. An exception is made under the bill for those governmental entities using AVIS to assess tolls and civil penalties on public highways, toll roads and toll highways, and to issue citations for violations related to high occupancy vehicles and high occupancy toll lanes.

**Status:**

03/29/2016 Senate Third Reading Passed - No Amendments

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Support: Wed, March 02, 2016, by mjackson@fcgov.com**

(02-Mar-16) Fort Collins makes use of red light cameras.

**Support: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) FC's use of red light cameras is currently limited to two high volume arterial/arterial intersections. Our use falls within the parameters of the bill.

**No Effect: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) Minimal impact given FC's current use and location of red light cameras.

**Support: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) Important to note they are not used for traffic control purposes but for law enforcement.

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**[HB16-1262](#)**

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**Law Enforcement Background Check Employment Waiver**

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**Comment:** **LPA pg. 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:** **Support**

**Calendar Notification:** Thursday, March 31 2016  
GENERAL ORDERS - SECOND READING OF BILLS - CONSENT CALENDAR  
(4) in senate calendar.

**Short Title:** Law Enforcement Background Check Employment Waiver

**Sponsors:** WILLIAMS / COOKE

**Summary:** Thisbill requires that each candidate for a peace officer position execute a waiver. The waiver allows a hiring state or local law enforcement agency or the Department of Revenue to obtain all records about that candidate from another law enforcement or governmental agency. The hiring agency, including higher education law enforcement agencies, public transit law enforcement agencies, and the Department of Revenue, must submit the waiver to each applicable prior employer at least 21 days before making a decision. A law enforcement agency or government agency must respond to the records request within 21 days of receiving the waiver. Exceptions are provided if the agency is prohibited from providing the disclosure due to a binding nondisclosure agreement to which it is a party, provided that agreement is executed prior to the passage of HB 1262. The state or local law enforcement agency or other government agency is not liable for complying with the waiver requirements or participating in an official oral interview with an investigator regarding the candidate.

**Status:** 03/30/2016 Senate Second Reading Special Order - Passed with Amendments - Committee

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) This bill is important to Fort Collins Police Services. As an organization we welcome the opportunity to demonstrate our integrity in an open and transparent manner.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) This is the way we do business and it should be required for all agencies to make sure any previous employment history is disclosed prior to making a hiring decision.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) For Fort Collins Police Services it will enable us to openly communicate critical information about problematic former employees; communication that may have been restricted in the past.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) It doesn't change much for us. We already require a waiver and we personally inspect all personnel and internal affairs records prior to hiring.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) No fiscal or operational negative impact that I can foresee.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) It will have an impact on improving law enforcement as a profession and therefore it will have a positive impact on FC.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) Legislation such as this is necessary in order to allow me, and other law enforcement professionals, the freedom to communicate critical information about problematic former employees so that they do not surface in another community unbeknownst to those departments.

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**[HB16-1263](#)**

**Racial Profiling Prohibition**

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|                      |  |
|----------------------|--|
| <b>Comment:</b>      | <b>LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."</b>   |
| <b>Position:</b>     | <b>Monitor</b>   |
| <b>Calendar</b>      | Thursday, March 31 2016  |
| <b>Notification:</b> | GENERAL ORDERS - SECOND READING OF BILLS<br>(4) in senate calendar.  |
| <b>Short Title:</b>  | Racial Profiling Prohibition   |
| <b>Sponsors:</b>     | WILLIAMS / ULIBARRI  |
| <b>Summary:</b>      | This bill modifies the prohibition in current law against racial profiling by law enforcement by changing the definition to include the practice of relying on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, or disability (listed characteristics) in determining: • the existence of probable cause to place |

in custody or arrest an individual or in constituting a reasonable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or • the scope, substance, or duration of an investigation or law enforcement activity to which a person will be subjected. In addition, the bill clarifies that a peace officer may use age when making law enforcement decisions if the peace officer is investigating a juvenile status offense.

**Status:** 03/30/2016 Senate Second Reading Special Order - Passed with Amendments - Committee

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) This bill makes sense because police officers should not make any "official" decisions based on the identifiers described in the bill. It expands the identifiers and includes more gender preference language, which makes sense to me. The problem with this type of bill, and the reason I have a hard time supporting it fully is that it is difficult to enforce and allegations can be made that are nearly impossible to prove. I have investigated some of these claims before, and absent some very strong evidence or pattern of behavior it simply cannot be proven why a police officer took the actions s/he did and whether there may be some prejudice at play. As a policy statement I support this bill, but as a practical matter it will not add much value to the industry.

**Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Potentially more allegations against police officers that are nearly impossible to prove or disprove. I do not think this bill will change the actions of our police officers, because I believe they already treat people fairly and respectfully regardless of the identifiers listed in this bill.

**Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal impact

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## [HB16-1264](#)

## **Ban Law Enforcement Use Of Chokehold**

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**Comment:** **LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."**

**Position:** **Monitor**

**Calendar Notification:** Thursday, March 31 2016  
GENERAL ORDERS - SECOND READING OF BILLS  
(5) in senate calendar.

**Short Title:** Ban Law Enforcement Use Of Chokehold

**Sponsors:** MELTON

**Summary:** The bill clarifies that a peace officer may only use a chokehold when he or she reasonably believes that it is necessary to defend himself or herself or a third party is in imminent danger of death or serious bodily injury or to effect an arrest or prevent escape under certain conditions. These



conditions include when the peace officer has a reasonable belief that the other person has committed or attempted a felony involving or threatening the use of a deadly weapon; is attempting to escape by the use of deadly force; or indicates, except through a motor vehicle, that he or she is likely to endanger human life or inflict serious bodily injury unless he or she is apprehended without delay.

**Status:** 03/28/2016 Senate Committee on Judiciary Refer Amended to Senate Committee of the Whole

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) FCPS has not allowed choke holds or 25 years. This bill does recognize that in a life threatening situation, unusual or otherwise prohibited actions may be necessary to save the officer's life.

**Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal. We haven't allowed choke holds for 25 years.

**Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal. We haven't allowed choke holds for 25 years.

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**[HB16-1265](#)**

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**Expunge Arrest Records Based On Mistaken Identity**

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**Comment:** **LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."**

**Position:** **Amend**

**Calendar** Thursday, March 31 2016

**Notification:** GENERAL ORDERS - SECOND READING OF BILLS - CONSENT CALENDAR  
(5) in senate calendar.

**Short Title:** Expunge Arrest Records Based On Mistaken Identity

**Sponsors:** MELTON

**Summary:** This bill requires the court to expunge the arrest and criminal records of a person who was arrested as a result of mistaken identity and who did not have charges filed against him or her. Law enforcement agencies are required to petition the relevant court within 90 days of completing an investigation that determines there was a mistaken identity and no charges were filed. The court then has 90 days to expunge the record and order other agencies that have custody of such records to do the same. Under the bill, the petitioner is responsible for providing copies of the order to the Colorado Bureau of Investigation (CBI) and any other agencies that have custody of records. In the case of a private custodian, the petitioner must also send the notice electronically. After the records are expunged, the court may issue an order sealing the civil case.

**Status:** 03/30/2016 Senate Second Reading Special Order - Passed - No Amendments

[Fiscal Note](#)

**Fiscal Notes:****Analyze This  
Comments:**

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) I believe there are already ways for a defendant to get his or her records expunged. It may not always be clear if someone has been arrested based on mistaken identity, and I do not think it should be the responsibility of the police department to start this process. It should be a court process initiated by the defendant.

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) I'm not sure how many of our cases would fall into this category, probably a very small number, but having the responsibility to recognize this situation and initiate this process is unreasonable. The defendant has the ability to make this argument. Possibly we should have a law that pays the defendant back for attorney fees if they are successful in expunging their record based on a mistaken identity,

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) Potential liability if we do not properly initiate this process or if the facts are ultimately unclear.

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**HB16-1283**

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**Water Loss Audit Report Performance Standards**

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**Comment:**

**LPA pg 19, Environmental Health #8, "Protect and monitor water quality, and implement appropriate conservation efforts and long-term water storage capability."**

**Position:**

**Oppose**

**Calendar**

Monday, April 4 2016

**Notification:**

Agriculture, Livestock, & Natural Resources  
1:30 p.m. Room 0107  
(3) in house calendar.

**Short Title:**

Water Loss Audit Report Performance Standards

**Sponsors:**

BECKER K.

**Summary:**

This bill would require a "covered entity" (which is a public entity that supplies at least 2,000 acre-feet of water per year to its customers) to submit a completed and validated water loss audit report to the Colorado Water Conservation Board.

**Status:**

03/07/2016 House Committee on Agriculture, Livestock, & Natural Resources Lay Over Unamended - Amendment(s) Failed

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**N/A: Wed, March 02, 2016, by redavis@fcgov.com**

(02-Mar-16) Medium.

**Oppose: Wed, March 02, 2016, by tdemint@poudre-fire.org**

(02-Mar-16) It is important to the PFA in that it could possibly require meters on fire protection systems that are existing as well as new. Those on existing systems could possibly result in those systems not meeting



the engineering specifications necessary to protect life and property without redesigning the system creating unnecessary expense.

**Amend: Wed, March 02, 2016, by [jhaukaas@fcgov.com](mailto:jhaukaas@fcgov.com)**

(02-Mar-16) Page 5, Line 4 states “up to the point of customer metering” Fire lines are not metered and therefore the bill doesn’t address an endpoint. We would suggest “up to the point of customer metering or fire line connection”

**Monitor: Mon, March 07, 2016, by [ddustin@fcgov.com](mailto:ddustin@fcgov.com)**

(07-Mar-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is low.

**N/A: Wed, March 02, 2016, by [redavis@fcgov.com](mailto:redavis@fcgov.com)**

(02-Mar-16) The impact to Fort Collins would be positive. Positive outcomes include a better understating of where treated water is delivered. This can lead to co-benefits such as cost-effective leak reduction as well as full recovering revenue full revenue from water deliveries. This revenue recovery aspect focuses on meter inaccuracies and theft. This means that all customers pay for what they use and reduces instances of theft or under billing which may distribute costs unfairly among water customers.

**Oppose: Wed, March 02, 2016, by [tdemint@poudre-fire.org](mailto:tdemint@poudre-fire.org)**

(02-Mar-16) As above

**Monitor: Mon, March 07, 2016, by [ddustin@fcgov.com](mailto:ddustin@fcgov.com)**

(07-Mar-16) This bill may provide for water savings from information found from the audits, which is generally good for increasing available supplies. Although reducing the amount of losses could be used against the City with some of its conditional water rights, the benefits of the water savings may outweigh the potential negative impacts.

**N/A: Wed, March 02, 2016, by [redavis@fcgov.com](mailto:redavis@fcgov.com)**

(02-Mar-16) The audit itself is an effort to quantify benefits and costs. It has the possibility of being revue positive for the utility which can help maintain low water delivery costs.

**Oppose: Wed, March 02, 2016, by [tdemint@poudre-fire.org](mailto:tdemint@poudre-fire.org)**

(02-Mar-16) The impacts are broad. This could result in having to hire additional inspectors and personnel for ensuring that the proper measures are taken on fire protection systems to meet the intent of the legislation and that the fire protection systems remain effective.

**Monitor: Mon, March 07, 2016, by [ddustin@fcgov.com](mailto:ddustin@fcgov.com)**

(07-Mar-16) It is difficult to quantify impacts at this time.

**N/A: Wed, March 02, 2016, by [redavis@fcgov.com](mailto:redavis@fcgov.com)**

(02-Mar-16) Water loss accounting is an important action that can benefit water utilities in terms of both revenue and water conservation and as

such, I believe we should support this bill. This is also a chance for Fort Collins to lead. We can lead by example in doing auditing as well as lead by encouraging other utilities by supporting this legislation.

| <a href="#"><b>HB16-1314</b></a> | <b>Treat Preexisting Groundwater Depletions Replaced</b>  |
|----------------------------------|---|
| <b>Comment:</b>                  | <b>LPA pg 25, Water Supply and Quality #9, "Enable the City to develop and protect its water supply under Colorado's appropriation doctrine without adversely affecting in-stream flows or the natural environment of the stream."</b>  |
| <b>Position:</b>                 |   |
| <b>Calendar</b>                  | Monday, April 4 2016  |
| <b>Notification:</b>             | Agriculture, Livestock, & Natural Resources<br>1:30 p.m. Room 0107<br>(2) in house calendar.  |
| <b>Short Title:</b>              | Treat Preexisting Groundwater Depletions Replaced   |
| <b>Sponsors:</b>                 | SAINE / MARBLE  |
| <b>Summary:</b>                  | Bill would statutorily determine that all out of priority groundwater depletions in Division 1 shall be deemed to be fully replaced, regardless of whether any decree states otherwise  |
| <b>Status:</b>                   | 03/02/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources  |
| <b>Fiscal Notes:</b>             | <a href="#"><u>Fiscal Note</u></a>  |
| <b>Analyze This</b>              | <b>Oppose: Mon, March 07, 2016, by ddustin@fcgov.com</b>  |
| <b>Comments:</b>                 | (07-Mar-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is medium.<br><br><b>Oppose: Mon, March 07, 2016, by ddustin@fcgov.com</b><br>(07-Mar-16) The Fort Collins Utilities Water Resources Division could be negatively impacted by the actions of the bill by foregoing well augmentations that could ultimately result in reduced yields of the City's various water rights.<br><br><b>Oppose: Mon, March 07, 2016, by ddustin@fcgov.com</b><br>(07-Mar-16) It is difficult to quantify impacts at this time, but it is likely they would be negative. |

| <a href="#"><b>HB16-1319</b></a> | <b>Prohibit Coal Rolling In Diesel Vehicles</b>  |
|----------------------------------|--|
| <b>Comment:</b>                  | <b>LPA pg 20, Air Quality #9, "Strengthen tailpipe emissions and fuel economy standards for all vehicles including reducing the impact of "rolling coal" and nitrous oxide emissions."</b> |
| <b>Position:</b>                 | <b>Strongly Support</b>  |
| <b>Calendar</b>                  | Thursday, April 7 2016   |

**Notification:** Transportation & Energy  
Upon Adjournment Room 0112  
(1) in house calendar.

**Short Title:** Prohibit Coal Rolling In Diesel Vehicles

**Sponsors:** GINAL

**Summary:** This bill prohibits "coal rolling", or "rolling coal".

**Status:** 03/02/2016 Introduced In House - Assigned to Transportation & Energy

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Support: Thu, March 03, 2016, by mjackson@fcgov.com**  
(03-Mar-16) This has been an important issue for FC citizens. Would consider it medium to high for our community.

**Strongly Support: Thu, March 03, 2016, by lex@fcgov.com**  
(03-Mar-16) This is an important bill that directly affects the quality of life of Fort Collins' residents, and especially the localized air quality that they breathe in. From discussions with Police Services, they also find that this solution is something that is enforceable, which is critical to addressing the issue.

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**  
(08-Mar-16) Police Services is the driver for Rep. Ginal's bill. Police officers will have a valuable tool with this legislation to address the growing problem of black smoke from diesel trucks.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**  
(03-Mar-16) Not really a transportation so much as an enforcement issue. that being said, harrassment of bikes and peds should not be tolerated.

**Strongly Support: Thu, March 03, 2016, by lex@fcgov.com**  
(03-Mar-16) Air quality continues to be a high priority for our residents. and the City places a high priority on multi-modal transportation opportunities, e.g., biking, walking, etc. Rolling coal tends to disproportionately affect our residents walking and biking as the smoke is emitted from a vehicle. It's important that an enforceable option is developed to address this community concern.

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**  
(08-Mar-16) This bill combats two issues. One is the nuisance of the smoke together with the harassing behavior associated with the purposeful emission of the smoke. The second is the environmental impact the smoke/soot is surely have on our air quality. The driver's who are convicted of this offense will have a reasonable fine and a two point violation on their driver's license, which is a valuable deterrent to future behavior.

**N/A: Tue, March 22, 2016, by lsmith@fcgov.com**  
(22-Mar-16) If effective, the bill would make it illegal to "roll coal" which will reduce safety and health risks to motorists, pedestrians and

bicyclists in Fort Collins.

**Support: Thu, March 03, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**

(03-Mar-16) Would have a positive impact (hopefully) particularly in the Downtown/Midtown FC areas

**Actively Support: Tue, March 08, 2016, by [chorton@fcgov.com](mailto:chorton@fcgov.com)**

(08-Mar-16) There will be a modest positive impact to the General Fund and an equally positive impact to the Traffic Surcharge Fund. The number and frequency of these violations will certainly decrease, which will be particularly evident to people enjoying Oldtown Fort Collins and also on South College Avenue on weekend nights, when the behavior seems to be more evident.

**Support: Thu, March 03, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**

(03-Mar-16) Personal opinion: the more tools in the law enforcement toolbox to address this behavior, the better. Seems like there isn't a lot Police can use right now.

**Actively Support: Tue, March 08, 2016, by [chorton@fcgov.com](mailto:chorton@fcgov.com)**

(08-Mar-16) Rep. Ginal proposed this legislation at our behest, with the understanding that the City would be supportive of the effort. She has been very accommodating of our input on changes to the scope of the bill and suggestions for language changes.

**N/A: Tue, March 22, 2016, by [lsmith@fcgov.com](mailto:lsmith@fcgov.com)**

(22-Mar-16) this Bill is supported by the City's AQ policies (Policy ENV 8.2 – Focus on Priority Air Pollutants...fine particulates is a high priority pollutant in FC) and LPA: The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality." Therefore, the City supports the following policy statements: • Adopt programs and policies that improve public health and air quality. • Enhance local government authority to improve air quality beyond minimum State or Federal requirements. • Provide authority for local governments to implement vehicle emissions reductions programs. (I noticed that Section 42-2-127 changed from "Tampering with emissions control" in the draft bill to "Coal rolling" in the final bill, and I assume that is because it would be more enforceable by traffic officers with this language.

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## **[HB16-1332](#)**

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## **Alternative Fuel Motor Vehicle Income Tax Credits**

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### **Comment:**

**LPA pg 20, Air Quality #7, "Reduce vehicle emissions by employing economic incentives, disincentives and other market approaches that support clean air."**

### **Position:**

### **Calendar**

Wednesday, April 13 2016

### **Notification:**

Finance

1:30 p.m. Room LSB-A

(2) in house calendar.

**Short Title:** Alternative Fuel Motor Vehicle Income Tax Credits

**Sponsors:** DURAN / SCOTT

**Summary:** This legislation simplifies the existing state tax credits to make them easier to understand by eliminating complex calculations. Tax credits with fixed values are easier for consumers to understand, better for dealers to advertise, clearer for Department of Revenue to administer, and more equitable for alternative fuel vehicles with different prices.

**Status:** 03/02/2016 Introduced In House - Assigned to Finance

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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**[HB16-1355](#) Affirm Local Gov Siting Auth Oil & Gas Facilities**

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**Comment:** **LPA pg 22, Oil & Gas #5, "Allow greater local regulation of oil and gas exploration activities within municipal boundaries."**

**Position:** **Support**

**Calendar** Monday, April 4 2016

**Notification:** GENERAL ORDERS - SECOND READING OF BILLS  
(1) in house calendar.

**Short Title:** Affirm Local Gov Siting Auth Oil & Gas Facilities

**Sponsors:** FOOTE / ULIBARRI

**Summary:** This bill is meant to clarify that local governments have the authority to site oil and gas operations.

**Status:** 03/21/2016 House Committee on State, Veterans, & Military Affairs  
Refer Amended to House Committee of the Whole

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:** **N/A: Tue, March 15, 2016, by mjackson@fcgov.com**  
(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by mjackson@fcgov.com**  
(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by mjackson@fcgov.com**  
(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by mjackson@fcgov.com**  
(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by lkadrich@fcgov.com**  
(15-Mar-16) it appears this would give local land use authority to cities and counties and that is something Council and citizens have advocated for; although this would be limited to facilities

**Comment:** **LPA pg 18, Finance #5, "Maintain or increase the City's revenue base (sales, use and property taxes)."**

**Position:**

**Calendar** Thursday, April 7 2016  
**Notification:** Business Affairs and Labor  
1:30 p.m. Room LSB-A  
(4) in house calendar.

**Short Title:** Nicotine Product Retailers Registry

**Sponsors:** SINGER / COOKE

**Summary:** There is not currently a comprehensive list of retailers in the state that sell cigarettes, tobacco products, or nicotine products (retailers). Commencing in 2017, section 2 of the bill requires retailers to register with the liquor enforcement division in the department of revenue (division). The division is required to keep a retailer's registration information confidential. The division is authorized to impose a \$500 fine on a retailer that fails to register with the division. Section 1 increases the appropriation to the division from the tobacco education programs fund, which fund consists of 16% of the money collected from cigarette and tobacco taxes, from \$350,000 to \$500,000 and directs the division to use up to \$150,000 of the money for the administration of the retailers registry. Section 3 applies the hearing procedures established for other nicotine product sales violations to violations of the requirement that a retailer register with the division. Section 4 increases the civil penalties a retailer would face for violating the prohibitions against selling cigarettes, tobacco products, or nicotine products to minors or selling individual cigarettes, a pack of cigarettes containing fewer than twenty cigarettes, or roll-your-own tobacco in a package containing less than 0.60 ounces of tobacco. From state cigarette tax money, the state currently apportions 27% to cities, towns, and counties (local governments) in proportion to the amount of state sales tax revenues collected within the boundaries of the local governments. A local government is prohibited from receiving its allocation of this money if it imposes its own fees, licenses, or taxes on cigarette sales. Section 5 expands the arrangement to cover other tobacco product tax revenues and to prohibit a local government from receiving its allocation of the money if the local government imposes its own fees, licenses, or taxes on tobacco product or nicotine product sales. Under current law, if a tobacco product distributor ships or transports tobacco products to a consumer outside of the state between September 1, 2015, and September 1, 2018, and reports and pays the taxes on those tobacco products, the department of revenue may credit the tax to the distributor. Section 6 modifies that tax credit provision to apply indefinitely.

**Status:** 03/16/2016 Introduced In House - Assigned to Business Affairs and Labor

**Fiscal Notes:**

Analyze This  
Comments:

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**HB16-1382**

**Divert Water Piscatorial Aesthetic Beneficial Use**

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**Comment:** **LPA pg 25, #2, "Enact reasonable water quality regulations that are cost effective and can show identifiable benefits."**

**Position:**

**Calendar**

**Notification:**

Monday, April 4 2016  
Agriculture, Livestock, & Natural Resources  
1:30 p.m. Room 0107  
(4) in house calendar.

**Short Title:**

Divert Water Piscatorial Aesthetic Beneficial Use

**Sponsors:**

BECKER K.

**Summary:**

This bill would confirm the lawfulness of the aesthetic, recreation, and piscatorial uses of some of the City's water rights and mitigate uncertainty regarding those uses that was raised in a recent Colorado Supreme Court case. This bill would also provide the City with more flexibility on projects in and along the Poudre River associated with the use of water for aesthetic, recreation, and piscatorial purposes. I recommend that the City support this bill.

**Status:**

03/16/2016 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

**Fiscal Notes:**

**Analyze This  
Comments:**

**Support: Thu, March 24, 2016, by dfiggs@fcgov.com**

(24-Mar-16) This bill allows flexibility in acquiring new water rights or changing existing water rights for aesthetic, recreation and piscatorial uses. This flexibility is needed to help reach ecological and environmental goals within natural areas and along the Cache la Poudre River.

**Strongly Support: Thu, March 24, 2016, by ddustin@fcgov.com**

(24-Mar-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is high.

**Support: Thu, March 24, 2016, by dfiggs@fcgov.com**

(24-Mar-16) This bill will confirm previous claimed rights of aesthetic, recreation, and piscatorial uses and allow for new change cases to claim these uses.

**Strongly Support: Thu, March 24, 2016, by ddustin@fcgov.com**

(24-Mar-16) The Fort Collins Utilities Water Resources Division supports this bill because it maintains flexibility in using the City's various water rights, many of which already have decreed uses this bill supports (which might be in question without this bill). Without this bill, Utilities would struggle meeting potential mitigation requirements for the proposed Halligan Water Supply Project. The City has policies around improving the health of the Poudre River, which would be more difficult



without this bill.

**Support: Thu, March 24, 2016, by dfiggs@fcgov.com**

(24-Mar-16) The City has water rights that include the uses included in this Bill. Passage of this bill will confirm the uses.

**Strongly Support: Thu, March 24, 2016, by ddustin@fcgov.com**

(24-Mar-16) The impacts could be significantly negative if this bill is not passed, as it could greatly hinder the City's ability to use it's water rights to meet City policies and potential environmental mitigation requirements for future water supply projects.

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**SB16-003**

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**Broadcast Burns Wildfire Risk Reduction Funding**

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**Comment:**

**LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."**

**Position:**

**Support**

**Calendar**

NOT ON CALENDAR

**Notification:**

**Short Title:**

Broadcast Burns Wildfire Risk Reduction Funding

**Sponsors:**

ROBERTS / BECKER K.

**Summary:**

This bill would allow broadcast burns, this could serve as an additional tool to reduce wildfires.

**Status:**

02/08/2016 Senate Committee on Judiciary Refer Unamended to Appropriations

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Strongly Support: Fri, February 05, 2016, by lsmith@fcgov.com**

(05-Feb-16) It is important: High. Broadcast burning is an important tool locally. While Natural Areas does little broadcast burning in the name of fuels reduction, it is an important tool for our cooperators in Larimer County. Natural Areas staff anticipates most (if not all) of this additional funding will either go to state agencies or be administered through a competitive grant process.

**N/A: Fri, February 05, 2016, by lsmith@fcgov.com**

(05-Feb-16) Risk to Fort Collins from wildfire smoke was identified as one of the two top risks from climate change to that needs to be addressed (along with extreme heat events). Although prescribed fire does release air pollution, this bill provides more tools and resources to proactively conduct fuels management and likely reduce risks from wildfire smoke.

**N/A: Fri, February 05, 2016, by lsmith@fcgov.com**

(05-Feb-16) Efforts by land managers to reduce wildfire in our state will impact Fort Collins citizens positively. The positive impact would most likely affect our cooperators in Larimer County.



**Strongly Support: Fri, February 05, 2016, by lsmith@fcgov.com**  
(05-Feb-16) Environmental Services and Natural Areas can support or strongly support this bill.

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**SB16-012**

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**Time To Reconstruct Residential Improvements**

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**Comment:** **LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."**

**Position:** **Monitor**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Time To Reconstruct Residential Improvements

**Sponsors:** HEATH / SINGER

**Summary:** This bill allows residential property to maintain its property tax classification for an indefinite period of time if the county assessor determines the property owner is making a good faith effort to rebuild an improvement destroyed by a natural disaster. A residential improvement is a home or other structure that has been built on residential property. Under current law, the property can maintain its residential classification for up to four years after the improvement has been destroyed if, in the assessor's judgement, the owner intends to repair or replace the structure.

**Status:** 03/17/2016 House Third Reading Passed - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**  
(29-Mar-16) medium

**N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**  
(29-Mar-16) may be helpful in a disaster situation although more likely we would comply with existing timeframe

**N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**  
(29-Mar-16) would be helpful to landlords especially those with multiple properties in the event of a widespread property loss

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**SB16-038**

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**Transparency Of Community-centered Boards**

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**Comment:** **Not explicit in LPA**

**Position:** **Monitor**

**Calendar Notification:** Wednesday, March 30 2016  
SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE  
1:30 PM SCR 356  
(2) in senate calendar.

**Short Title:** Transparency Of Community-centered Boards

**Sponsors:** AGUILAR / YOUNG  
**Summary:** Bill would increase transparency of community-centered boards (CCB) through a regular state audit and compliance with the local government audit law. In Larimer County, Foothills Gateway is a CCB.  
**Status:** 02/01/2016 Senate Committee on State, Veterans, & Military Affairs  
Witness Testimony and/or Committee Discussion Only  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This  
Comments:**

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**[SB16-063](#)**

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**Intergovt Agreement With Out-of-state Local Gov**

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**Comment:** **LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."**  
**Position:** **Support**  
**Calendar  
Notification:** NOT ON CALENDAR  
**Short Title:** Intergovt Agreement With Out-of-state Local Gov  
**Sponsors:** ROBERTS / VIGIL  
**Summary:** Bill would allow agreement between municipalities and out-of-state partners for emergency services.  
**Status:** 03/23/2016 Governor Signed  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This  
Comments:**

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**[SB16-067](#)**

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**Broadband Personal Property Tax Exemption**

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**Comment:** **LPA pg 18, Finance #3, "Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions."**  
**Position:** **Oppose**  
**Calendar  
Notification:** Thursday, March 31 2016  
SENATE FINANCE COMMITTEE  
Upon Adjournment LSB-B  
(2) in senate calendar.  
**Short Title:** Broadband Personal Property Tax Exemption  
**Sponsors:** SCHEFFEL / WILLIAMS  
**Summary:** Bill creates a state Business Personal Property Tax exemption for broadband equipment. Does not specify new equipment or expansion of existing service.  
**Status:** 01/19/2016 Introduced In Senate - Assigned to Finance + Appropriations  
**Fiscal Notes:**

Analyze This  
Comments:

N/A: Mon, February 15, 2016, by rrogers@fcgov.com  
(15-Feb-16) Since property tax is the purview of the County, we are not certain what if any broadband assets and property tax revenue may/could be impacted.

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**SB16-075**

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**DNA Collection Misdemeanor Vulnerable Persons**

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**Comment:** LPA pg 31, Public Safety #2, "Provide greater protection to victims of crime."

**Position:** Monitor

**Calendar  
Notification:** NOT ON CALENDAR

**Short Title:** DNA Collection Misdemeanor Vulnerable Persons

**Sponsors:** JOHNSTON / LAWRENCE

**Summary:** Bill seeks to collect DNA samples for certain additional offenses.

**Status:** 03/29/2016 Senate Committee on Finance Postpone Indefinitely

**Fiscal Notes:** [Fiscal Note](#)

Analyze This  
Comments:

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**SB16-077**

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**Employment First For Persons With Disabilities**

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**Comment:** LPA pg 14, Social Sustainability #6, "Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare."

**Position:** Monitor

**Calendar  
Notification:** NOT ON CALENDAR

**Short Title:** Employment First For Persons With Disabilities

**Sponsors:** KEFALAS / GINAL

**Summary:** Bill seeks to direct the state to develop an employment first model for individuals with disabilities.

**Status:** 03/17/2016 Senate Committee on Finance Refer Amended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

Analyze This  
Comments:

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**SB16-080**

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**Marijuana Grows Enclosed Space Requirements**

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**Comment:** LPA pg 31, Marijuana #1, "Regulate medical and retail marijuana manufacturing, distribution and dispensaries."

**Position:** **Support**  
**Calendar** Wednesday, April 6 2016  
**Notification:** Finance  
1:30 p.m. Room 271  
(5) in house calendar.  
**Short Title:** Marijuana Grows Enclosed Space Requirements  
**Sponsors:** NEWELL  
**Summary:** Bill would apply the same legal definition of “enclosed, locked space” as required by Amendment 64 to allowed personal grows of medical marijuana.  
**Status:** 02/26/2016 Introduced In House - Assigned to Finance  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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| <b><a href="#">SB16-100</a></b> | <b>County Road &amp; Bridge Tax Reduction Requirement</b> |
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**Comment:** **LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."**

**Position:** **Support**  
**Calendar** NOT ON CALENDAR  
**Notification:**  
**Short Title:** County Road & Bridge Tax Reduction Requirement  
**Sponsors:** JAHN / PABON  
**Summary:** CML bill. The statutes required that one-half of the amount of the levy collected from within a municipality be returned to the municipality to address local road and bridge needs. However, counties have unilateral authority to reduce or eliminate the road & bridge mill levy, in some cases supplementing their own road & bridge fund with other sources of revenue (i.e. specific ownership taxes). This fundamentally unfair fiscal practice has resulted in the loss millions of dollars to municipalities to address their local transportation infrastructure issues as the law intends. CML believes legislation requiring municipal consent or agreement prior to reduction of an existing mill levy is wholly appropriate and on par with recent legislative actions.  
**Status:** 03/28/2016 Senate Third Reading Passed - No Amendments  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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| <b><a href="#">SB16-123</a></b> | <b>Free Access To High Occupancy Vehicle Lanes</b> |
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**Comment:** **LPA pg 33, Transportation #5, "Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles."**

**Position:** **Oppose**

**Calendar Notification:** Thursday, April 14 2016  
Transportation & Energy  
Upon Adjournment Room 0112  
(1) in house calendar.

**Short Title:** Free Access To High Occupancy Vehicle Lanes

**Sponsors:** LUNDBERG / SINGER

**Summary:** This bill prohibits the Colorado Department of Transportation (CDOT) from requiring a high occupancy vehicle (HOV) to use a switchable transponder or other device in order to drive on a HOV lane or a high occupancy toll (HOT) lane on a state highway on a toll-free basis.

**Status:** 03/22/2016 Introduced In House - Assigned to Transportation & Energy + Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Neutral: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) No current impact on local highways; long term impacts should I-25 north incorporate tolling.

**No Effect: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) Minimal impact to Fort Collins right now.

**No Effect: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) Minimal impact to Fort Collins right now.

**N/A: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) May make it more difficult to collect tolls and police HOV activity in future if I-25 north incorporates tolling.

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**[SB16-124](#)**

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**Machine Tools Sales Tax Exempt Recovered Materials**

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**Comment:** **LPA pg 23, Recycling and Solid Waste #3, "Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure."**

**Position:** **Monitor**

**Calendar Notification:** Wednesday, April 20 2016  
Finance  
1:30 p.m. Room LSB-A  
(1) in house calendar.

**Short Title:** Machine Tools Sales Tax Exempt Recovered Materials

**Sponsors:** GRANTHAM / PRIOLA

**Summary:** Bill expands the current sales and use tax exemption for machinery and machine tools (machinery) used in manufacturing to include machinery

purchased by businesses listed in the Department of Public Health and Environment's inventory of recyclers and solid waste processors (material recovery facilities).

**Status:** 03/22/2016 Introduced In House - Assigned to Finance + Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Strongly Support: Thu, March 24, 2016, by sgordon@fcgov.com**  
(24-Mar-16) A number of local businesses in Fort Collins (e.g., local recycling collectors and haulers, scrap metal dealers, manufacturers and computer refurbishers) would benefit from being able to more affordably purchase equipment such as balers, which improves the value and marketability of recyclables. As an example, cardboard is much easier and cheaper to transport once it has been compacted and baled, and also commands a higher price in the commodity market than loose, uncompacted cardboard.

**Strongly Support: Thu, March 24, 2016, by sgordon@fcgov.com**  
(24-Mar-16) Local "green businesses" that help the Fort Collins community's progress at meeting adopted Zero Waste goals, as well as carbon reduction goals, is extremely important to the City. Economic development strategies such as this bill's sales and tax refund proposal will help businesses invest in necessary equipment, which is consistent with the City's economic health strategies. City reports show that as much as \$6.5 million dollars worth of recoverable materials are buried in local landfills every year from Fort Collins sources; putting these dollars to work by processing/marketing discards as commodities will enhance the local economy with more jobs and new revenue, as well as contributing to environmental stewardship.

**Strongly Support: Thu, March 24, 2016, by sgordon@fcgov.com**  
(24-Mar-16) At least 15 local businesses in Fort Collins (probably quite a few more) would be well positioned to apply for this sales and use tax exemption; their savings could be put to use in the community to hire more employees or increase employees' pay, or support more sales and marketing efforts by these local businesses.

**Strongly Support: Thu, March 24, 2016, by sgordon@fcgov.com**  
(24-Mar-16) Fort Collins considers that giving state sales and use tax refunds for the purchase of recycling equipment is an effective economic tool that may provide a model for the City to also adopt, as a local policy, thereby allowing local sales and use refunds to businesses in our community that invest in recycling equipment.

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**[SB16-144](#)**

**CCW Permits For Military Personnel**

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**Comment:** **LPA pg 32, Public Safety #9, "Maintain or enhance a statewide database of concealed weapons permits."**

**Position:** **Oppose**

**Calendar** Wednesday, March 30 2016

**Notification:** SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE  
1:30 PM SCR 356  
(6) in senate calendar.

**Short Title:** CCW Permits For Military Personnel

**Sponsors:** COOKE

**Summary:** This would significantly broaden the terms for a concealed handgun permit for military personnel.

**Status:** 03/04/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

**Oppose: Tue, March 08, 2016, by jschiager@fcgov.com**  
(08-Mar-16) This is a bad idea. While we respect the status and training of our military members, carrying a firearm in the civilian world is completely different than in a military setting. Young military members may not have the discipline yet to have this responsibility. We are already dealing with military members returning with various levels of PTSD. What would be the screening for that. Military members should follow the same rules as everyone else and get a permit when they are of sufficient age.

**Oppose: Tue, March 08, 2016, by jschiager@fcgov.com**  
(08-Mar-16) This could be a significant public safety issue for our community.

**Oppose: Tue, March 08, 2016, by jschiager@fcgov.com**  
(08-Mar-16) Maybe nothing. Maybe big problems. not worth the risk.

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**[SB16-157](#)**      **Don't Implement Clean Power Plan Until Stay Lifted**

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**Comment:** **LPA pg 24, Energy #3, "Support reductions of the community's greenhouse gas (GHG) emissions from energy use in accordance with the Climate Action Plan (CAP) Framework (March 2015). Current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050."**

**Position:**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Don't Implement Clean Power Plan Until Stay Lifted

**Sponsors:** COOKE / DORE

**Summary:** This bill requires the Air Quality Control Commission (AQCC) and the Division of Administration in Colorado Department of Public Health and Environment (CDPHE) to suspend work on the Clean Power Plan and state implementation plan until the stay is lifted. It also requires that the state implementation plan be subject to legislative review.

**Status:** 03/29/2016 Senate Third Reading Passed - No Amendments  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**





**City Manager's Office**  
City Hall  
300 LaPorte Ave.  
PO Box 580  
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## **Legislative Review Committee Agenda**

April 19, 2016, 4:00 p.m.  
Commons Conference Room

1. Approval of minutes from April 5, 2016 meeting
2. Review Colorado General Assembly bills
3. Other business

Next meetings: April 26 and May 31



City Manager's Office  
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## Legislative Review Committee Agenda

Meeting Notes

April 5, 2016, 4:00 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce; John Phelan, Fort Collins Utilities

The meeting came to order at 4:00 pm.

Councilmember Martinez moved approval of the March 22, 2016 minutes and Councilmember Cunniff seconded. Minutes were adopted without amendment.

Dan reviewed bills from the General Assembly. He shared that to date nearly 680 bills have been introduced.

- **HB16-1005** is a bill to allow **Residential Precipitation Collection** – to allow residents to use up to two rain barrels at their home to capture, store and use precipitation on site. Dan informed LRC that this bill was approved on the Senate side in both Committee and floor. The passage of this bill will allow residents the use of rain barrels for garden use. LRC had adopted a **support** position on this bill.
- **HB16-1231** pertains to **Restricting the Use of Red Light Cameras**. Dan explained that the bill has been amended to prevent use of red light cameras and photo radar in the Senate. Dan shared that the next step was likely a conference committee and, should the bill contain a prohibition on red light cameras, a veto from the Governor. LRC kept an **oppose** position.
- **HB16-1283** would raise **Water Loss Audit Report Performance Standards**. The impacts of this bill would have been broad and the outcomes were unpredictable. The bill died in the House Agriculture, Livestock, & Natural Resources Committee.
- **HB16-1311** would change **Procedures When Orders Require Monetary Payments**. Dan explained that this bill modifies the court's procedures by offering payment alternatives to a defendant that is unable to pay the amount issued. LRC adopted a **monitor** position.
- **HB16-1314** was purposed to change how they **Treat Preexisting Groundwater Depletions**. The bill specifies that all out of priority groundwater depletions in Division 1 shall be deemed to be fully replaced, regardless of whether any decree states otherwise. The bill died before LRC met. LRC did not adopt a position.

- **HB16-1332** makes adjustments to **Alternative Fuel Motor Vehicle Income Tax Credits**. The bill makes changes to 2 income tax credits available to taxpayers who purchase **alternative** fuel motor vehicles and trucks. LRC adopted a **monitor** position.
- **HB16-1370** is a bill concerning **Nicotine Product Retailers Registry**. The bill makes changes to the allocation of sales tax revenues on all nicotine products; the City of Fort Collins would lose revenue and control over regulation of non-cigarette tobacco products and devices (vaping, etc.) if this bill passes. LRC adopted an **oppose** position.
- **HB16-1382** would allow citizens to **Divert Water** (for) **Piscatorial Aesthetic Beneficial Use**. This bill was recommended for a support position by Fort Collins staff, however, the bill died in the first committee hearing before LRC met. LRC did not adopt a position.
- **HB16-1388** relates to **Employer Hiring Criminal History Employee**. It would ultimately prohibit an employer from asking candidates any questions in regards to their criminal history until they are offered a job. While local governments are exempted in the bill, the LRC saw negative consequences for businesses in the community and adopted an **oppose** position.
- **HB16-1399** makes additions in regards to **Workers' Compensation for PTSD**. Dan explained to LRC that the bill clarifies that a workers' compensation claim for mental impairment may not be denied based on the occupation of the worker. LRC adopted a **monitor** position.
- **HB16-1420** creates a **CO Healthcare Affordability & Sustainability Enterprise**. The purpose of the enterprise would be to participate in the implementation and administration of a state Colorado healthcare affordability and sustainability program. LRC adopted a **support** position.
- **HB16-1421** would **Allocate Additional FY 2016-2017 General Fund Revenues**. This bill would allocate more revenue to the Highway Users Tax Fund and help to make improvements to I-25 in the future. LRC adopted a **support** position.
- **SB16-075** would allow **DNA Collection Misdemeanor Vulnerable Persons**. Bill seeks to collect DNA samples for certain additional offenses. Dan shared that the bill died on March 29<sup>th</sup>, Councilmember Martinez requested information about why the bill failed.
- **SB16-157** is a bill that says **Don't Implement Clean Power Plan Until Stay Lifted**. The bill requires the air quality control commission and the division of administration in the department of public health and environment to suspend all activities in furtherance of developing a state plan to implement the clean power plan until the Supreme Court's stay is lifted and new deadlines for submission of state plans have been established. LRC adopted a **monitor** position, and asked for staff to assess the impact this would have on the city's climate action planning and the State of Colorado working on efficiency-related projects.
- **SB16-177** would **Modify 2015 Urban Renewal Legislation**. Dan shared that this is a cleanup bill negotiated between CML, CCI, and the special districts. The bill makes technical modifications to previous URA legislation. LRC adopted a **support** position.

John Phelan joined LRC to facilitate a discussion on tax exempt status of various water and energy efficiency rebate programs offered by the City. Internal Revenue Service (IRS) has issued guidance that water efficiency rebates are not tax exempt (unlike energy efficiency rebates). LRC asked that staff include a point on modifying the tax exempt status of water efficiency rebates in

the 2017 Legislative Policy Agenda and to work with the Congressional Delegation to change this status in order to encourage additional participation in water efficiency.

LRC discussed altering the meetings schedule to move the May 3 scheduled meeting to April 26. This will result in the next two LRC meetings occurring April 19 and 26.

The meeting was adjourned at 5:08 pm.



## Legislative Review Committee Bill Report

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# Legislative Review Committee Bill Report

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**HB16-1005****Residential Precipitation Collection**

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| <b>Comment:</b>               | <b>LPA pg 25, Water Supply/Quality #2, "Enact reasonable water quality regulations that are cost effective and can show identifiable benefits."</b>   |
| <b>Position:</b>              | <b>Support</b>  |
| <b>Calendar Notification:</b> | <b>NOT ON CALENDAR</b>  |
| <b>Short Title:</b>           | <b>Residential Precipitation Collection</b>   |
| <b>Sponsors:</b>              | <b>ESGAR / MERRIFIELD</b>   |
| <b>Summary:</b>               | Bill would allow single and multi-family homes to own and use up to two rain barrels that would divert rainwater for the use on site. Colorado is the last western state to allow residential rain barrel use - this bill appears to be a de minimis diversion of water and appears to be a common-sense water conservation measure.  |
| <b>Status:</b>                | 04/01/2016 Senate Third Reading Passed - No Amendments  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>  |
| <b>Analyze This Comments:</b> | <b>Monitor: Fri, January 22, 2016, by ddustin@fcgov.com</b><br>(22-Jan-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is low.<br><br><b>Monitor: Fri, January 22, 2016, by ddustin@fcgov.com</b><br>(22-Jan-16) Fort Collins Utilities water rights could be negatively affected by widespread rain barrel use if it results in reduction of flows in the Poudre River that could reduce flows available under our water rights. However, rain barrel use could reduce overall water demands that could balance a potential reduction in flows available to Utilities water rights. Based on initial analysis, the effects of rain barrels on the City would likely be minor, but more information/study would be needed to assess potential impacts.<br><br><b>Monitor: Fri, January 22, 2016, by ddustin@fcgov.com</b><br>(22-Jan-16) It is difficult to quantify impacts at this time. |

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**HB16-1006****Clarify Tax Exemptions For Housing Authorities**

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| <b>Comment:</b> | <b>LPA pg 12, Affordable Housing #2, "Increase local government's</b> |
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**ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships."**

**Position:** Support  
**Calendar Notification:** NOT ON CALENDAR  
**Short Title:** Clarify Tax Exemptions For Housing Authorities  
**Sponsors:** BECKER K.  
**Summary:** Bill was sought by Housing Authorities (including Fort Collins') to clarify eligibility for certain tax exemptions.  
**Status:** 03/31/2016 Senate Committee on Finance Refer Amended to Appropriations  
**Fiscal Notes:** Fiscal Note  
**Analyze This Comments:**

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| <b>HB16-1069</b> | <b>Allow City To Set Housing Auth Commn Term Length</b> |
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**Comment:** LPA pg. 26, Home Rule #1, "Strengthen home rule authority of municipal governments."  
**Position:** Support  
**Calendar Notification:** NOT ON CALENDAR  
**Short Title:** Allow City To Set Housing Auth Commn Term Length  
**Sponsors:** RANKIN  
**Summary:** CML bill that would allow local government discretion to set the term for housing commission.  
**Status:** 03/09/2016 Governor Signed  
**Fiscal Notes:** Fiscal Note  
**Analyze This Comments:** **Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) This bill was in response to issues very small housing authorities say they are having filling their commissioner seats. This is not an issue in FC.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) It will give the Council the ability to set the Housing Authority Commissioner terms themselves.

**No Effect: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) No effect.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) While the Fort Collins Housing Authority is neutral on this bill, we do not see that it is an issue for FC, nor do we think it really warrants a legislative fix statewide. The current statute works and the small housing authorities mentioned should be able to work within the

| <b><u>HB16-1070</u></b>       | <b>Signature Verification In Mun Mail Ballot Election</b>  |
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| <b>Comment:</b>               | Not explicit in LPA  |
| <b>Position:</b>              | Monitor  |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Signature Verification In Mun Mail Ballot Election   |
| <b>Sponsors:</b>              | NEVILLE P. / NEVILLE T.  |
| <b>Summary:</b>               | <p>For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the bill:</p> <ul style="list-style-type: none"><li>* Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the statewide voter registration system, commonly referred to as "SCORE";</li><li>* Grants municipal clerks access to SCORE for signature verification purposes;</li><li>* Authorizes the use of signature verification devices to perform these comparisons;</li><li>* Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and</li><li>* Requires municipal clerks to provide training to election judges who compare signatures.</li></ul> |
| <b>Status:</b>                | 04/06/2016 Senate Third Reading Passed - No Amendments   |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> |  |
| <b><u>HB16-1078</u></b>       | <b>Local Gov Employee Whistleblower Protection</b>   |
| <b>Comment:</b>               | LPA pg . 28, Sovereign and Governmental Immunity #1, "Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities."   |
| <b>Position:</b>              | Oppose   |
| <b>Calendar Notification:</b> | Thursday, April 14 2016<br>THIRD READING OF BILLS - FINAL PASSAGE<br>(31) in house calendar.   |
| <b>Short Title:</b>           | Local Gov Employee Whistleblower Protection  |
| <b>Sponsors:</b>              | KAGAN  |
| <b>Summary:</b>               | This legislation would give express authority to a disgruntled employee to initiate a claim against an employer for any action the employee may claim was due to alleging "violation of a state or federal law or local ordinance; a waste or misuse of public funds; fraud; an abuse of authority; mismanagement; or a danger to the health or safety employees   |

or the public.”

**Status:** 04/13/2016 House Second Reading Passed with Amendments - Floor  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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| <b><u>HB16-1088</u></b> | <b>Fire Protection Dist Impact Fee On New Development</b> |
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**Comment:** LPA pg 14, Planning and Land Use #4, "Retain local government authority to impose development impact fees."  
**Position:** Support  
**Calendar Notification:** NOT ON CALENDAR  
**Short Title:** Fire Protection Dist Impact Fee On New Development  
**Sponsors:** DORE  
**Summary:** Bill would allow fire districts to impose impact fees provided the fees conform to adopted rates and that information is provided in writing to the local governments in their service area. CML is asking that a fire district amend its service plan to reflect the additional revenue.  
**Status:** 04/05/2016 House Considered Senate Amendments - Result was to Laid Over Daily  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:**

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| <b><u>HB16-1114</u></b> | <b>Repeal Duplicate Reporting Requirements</b> |
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**Comment:** LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."  
**Position:** Monitor  
**Calendar Notification:** Thursday, April 14 2016  
THIRD READING OF BILLS - FINAL PASSAGE  
(9) in house calendar.  
**Short Title:** Repeal Duplicate Reporting Requirements  
**Sponsors:** DELGROSSO / ULIBARRI  
**Summary:** Bill would remove Colorado requirements that each employer in Colorado satisfy the state that an employee has a verified legal work status. A local employer will still need to complete an I-9 form to satisfy federal employment requirements.  
**Status:** 04/12/2016 House Third Reading Laid Over Daily - No Amendments  
**Fiscal Notes:** [Fiscal Note](#)  
**Analyze This**  
**Comments:** **Monitor: Thu, March 03, 2016, by [jbirks@fcgov.com](mailto:jbirks@fcgov.com)**  
(03-Mar-16) Low - from and Economic Health perspective; no



comments from Businesses in recent visits about this bill

**Support: Sun, March 13, 2016, by jamiller@fcgov.com**  
(13-Mar-16) Medium

**Support: Sun, March 13, 2016, by jamiller@fcgov.com**  
(13-Mar-16) This Bill will eliminate State documentation required to confirm a new employee's identity and authorization for employment. This verification duplicates the Federal I-9 process which serves the same purpose.

| <b><u>HB16-1122</u></b>       | <b>Remote Starter Systems</b>   |
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| <b>Comment:</b>               | LPA pg 20, Air Quality #7, "Reduce vehicle emissions by encouraging behavior changes, such as reducing vehicle idling."   |
| <b>Position:</b>              | Monitor   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR   |
| <b>Short Title:</b>           | Remote Starter Systems  |
| <b>Sponsors:</b>              | EVERETT / HILL  |
| <b>Summary:</b>               | Bill would allow use of remote starters for vehicles to warm up before use.   |
| <b>Status:</b>                | 03/31/2016 Governor Signed  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>  |
| <b>Analyze This Comments:</b> | <p><b>Oppose: Fri, January 22, 2016, by lsmith@fcgov.com</b><br/>(22-Jan-16) My suggestion is to oppose ths bill. Allowing vehicles to idle unattended causes increasd air pollution, in direct opposition to our LPA: "Reduce vehicle emissions by: •?Encouraging behavior changes, such as reducing idling of vehicles"</p> <p><b>Neutral: Thu, February 11, 2016, by mjackson@fcgov.com</b><br/>(11-Feb-16) low priority</p> <p><b>N/A: Fri, January 22, 2016, by lsmith@fcgov.com</b><br/>(22-Jan-16) Fort Collins is non-attainment for ozone. This bill will hinder efforts to achieve attainment.</p> <p><b>Neutral: Thu, February 11, 2016, by mjackson@fcgov.com</b><br/>(11-Feb-16) Only possible concern may be encouraging excessive idling, adding to emissions and AQ issues.</p> |
| <b><u>HB16-1141</u></b>       | <b>Radon Exposure In Buildings</b>  |
| <b>Comment:</b>               | LPA pg 20, Air Quality #2, "Ensure air quality standards are protective of public health and welfare."  |

**Position:** Support

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Radon Exposure In Buildings

**Sponsors:** BECKER K. / JAHN

**Summary:** Bill would develop a statewide education program for radon risks and would establish a program to provide financial assistance to low-income individuals for radon mitigation in their homes. Also extends by ten years the state uranium mill tailings remedial action fund, which pays for a program that provides information to the public on uranium mill tailings contamination in residences and commercial buildings.

**Status:** 04/06/2016 Senate Third Reading Passed - No Amendments

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:** **Support: Tue, February 02, 2016, by Dan Weinheimer (dweinheimer@fcgov.com)**  
(02-Feb-16) From Environmental Services: I would definitely support this bill. We did not receive any funds from the Feds this year so hopefully if this comes through, we'll have additional resources. Radon kits are flying off the shelves. 70% of Fort Collins homes test high and of those that test, only 50% mitigate. We are well on our way to conduct outreach to homes testing high to provide them with additional health and mitigation information. We are also providing materials regarding the Zero Interest Loans. Just recently new state regulations required all Child Care Centers to test for radon. As a courtesy, we have contacted all of the child care listings in Fort Collins to make them aware of the Indoor Air Quality programs and to offer them a radon test kit.

**Amend: Tue, February 02, 2016, by Dan Weinheimer (dweinheimer@fcgov.com)**  
(02-Feb-16) Colorado Building Officials group: seeking to amend the bill and concern is that this could be an avenue for CDPHE to make radon mitigation adopted and enforced by local gov't as an unfunded mandate. This should be amended to only establish the assistance program.

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| <b><u>HB16-1155</u></b> | <b>Controlled-access Highway As County Primary Road</b> |
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**Comment:** LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."

**Position:** Oppose

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Controlled-access Highway As County Primary Road  
**Sponsors:** SAINE / SONNENBERG  
**Summary:** Bill would give counties the authority to designate any four-lane controlled-access county highway a "primary road" and to grant or deny access to the highway; and the placement of all traffic control signals (unless the municipality obtains the county's approval in writing).  
**Status:** 04/06/2016 Senate Third Reading Passed - No Amendments  
**Fiscal Notes:** Fiscal Note  
**Analyze This Comments:**

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|                         |   |
|-------------------------|---|
| <b><u>HB16-1231</u></b> | <b>Restricting The Use Of Red Light Cameras</b> |
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**Comment:** LPA pg 31, Public Safety #3, "Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations."

**Position:** Oppose

**Calendar Notification:** Thursday, April 14 2016  
CONFERENCE COMMITTEES TO REPORT  
(3) in senate calendar.  
Friday, April 22 2016  
Conference Committee on House Bill 16-1231  
12:00 p.m. Room 0112  
(1) in house calendar.  
Friday, April 22 2016  
CONFERENCE COMMITTEE ON HOUSE BILL 16-1231  
12:00 PM HCR 0112  
(1) in senate calendar.  
Monday, April 25 2016  
CONFERENCE COMMITTEES TO REPORT  
(3) in house calendar.

**Short Title:** Restricting The Use Of Red Light Cameras  
**Sponsors:** LEBSOCK / CARROLL  
**Summary:** This bill, as amended by the Senate Transportation Committee, prohibits the use of an automated vehicle identification system (AVIS), such as photo speed vans and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. An exception is made under the bill for those governmental entities using AVIS to assess tolls and civil penalties on public highways, toll roads and toll highways, and to issue citations for violations related to high occupancy vehicles and high occupancy toll lanes.  
**Status:** 04/05/2016 House Considered Senate Amendments - Result was to Not Concur - Request Conference Committee  
**Fiscal Notes:** Fiscal Note

**Analyze This  
Comments:**

**Support: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) Fort Collins makes use of red light cameras.

**Support: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) FC's use of red light cameras is currently limited to two high volume arterial/arterial intersections. Our use falls within the parameters of the bill.

**No Effect: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) Minimal impact given FC's current use and location of red light cameras.

**Support: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) Important to note they are not used for traffic control purposes but for law enforcement.

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**HB16-1262**

**Law Enforcement Background Check Employment  
Waiver**

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**Comment:**

LPA pg. 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."

**Position:**

**Support**

**Calendar**

**Notification:**

NOT ON CALENDAR

**Short Title:**

Law Enforcement Background Check Employment Waiver

**Sponsors:**

WILLIAMS / COOKE

**Summary:**

This bill requires that each candidate for a peace officer position execute a waiver. The waiver allows a hiring state or local law enforcement agency or the Department of Revenue to obtain all records about that candidate from another law enforcement or governmental agency. The hiring agency, including higher education law enforcement agencies, public transit law enforcement agencies, and the Department of Revenue, must submit the waiver to each applicable prior employer at least 21 days before making a decision. A law enforcement agency or government agency must respond to the records request within 21 days of receiving the waiver. Exceptions are provided if the agency is prohibited from providing the disclosure due to a binding nondisclosure agreement to which it is a party, provided that agreement is executed prior to the passage of HB 1262. The state or local law enforcement agency or other government agency is not liable for complying with the waiver requirements or participating in an official oral interview with an investigator regarding the candidate.

**Status:**

04/01/2016 House Considered Senate Amendments - Result was to Concur - Repass

**Fiscal Notes:**

Fiscal Note

**Analyze This  
Comments:**

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) This bill is important to Fort Collins Police Services. As an organization we welcome the opportunity to demonstrate our integrity in an open and transparent manner.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) This is the way we do business and it should be required for all agencies to make sure any previous employment history is disclosed prior to making a hiring decision.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) For Fort Collins Police Services it will enable us to openly communicate critical information about problematic former employees; communication that may have been restricted in the past.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) It doesn't change much for us. We already require a waiver and we personally inspect all personnel and internal affairs records prior to hiring.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) No fiscal or operational negative impact that I can foresee.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) It will have an impact on improving law enforcement as a profession and therefore it will have a positive impact on FC.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) Legislation such as this is necessary in order to allow me, and other law enforcement professionals, the freedom to communicate critical information about problematic former employees so that they do not surface in another community unbeknownst to those departments.

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| <b><u>HB16-1263</u></b>       | <b>Racial Profiling Prohibition</b>  |
|-------------------------------|--|
| <b>Comment:</b>               | <b>LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."</b>   |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | <b>NOT ON CALENDAR</b>   |
| <b>Short Title:</b>           | <b>Racial Profiling Prohibition</b>  |
| <b>Sponsors:</b>              | <b>WILLIAMS / ULIBARRI</b>   |
| <b>Summary:</b>               | <b>This bill modifies the prohibition in current law against racial profiling by law enforcement by changing the definition to include the practice of relying on race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, or disability (listed characteristics) in determining: • the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable</b> |

suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or • the scope, substance, or duration of an investigation or law enforcement activity to which a person will be subjected. In addition, the bill clarifies that a peace officer may use age when making law enforcement decisions if the peace officer is investigating a juvenile status offense.

**Status:** 04/01/2016 House Considered Senate Amendments - Result was to Concur - Repass

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:** **Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) This bill makes sense because police officers should not make any "official" decisions based on the identifiers described in the bill. It expands the identifiers and includes more gender preference language, which makes sense to me. The problem with this type of bill, and the reason I have a hard time supporting it fully is that it is difficult to enforce and allegations can be made that are nearly impossible to prove. I have investigated some of these claims before, and absent some very strong evidence or pattern of behavior it simply cannot be proven why a police officer took the actions s/he did and whether there may be some prejudice at play. As a policy statement I support this bill, but as a practical matter it will not add much value to the industry.

**Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Potentially more allegations against police officers that are nearly impossible to prove or disprove. I do not think this bill will change the actions of our police officers, because I believe they already treat people fairly and respectfully regardless of the identifiers listed in this bill.

**Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal impact

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**HB16-1264**

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**Ban Law Enforcement Use Of Chokehold**

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**Comment:** LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."

**Position:** Monitor

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Ban Law Enforcement Use Of Chokehold

**Sponsors:** MELTON

**Summary:** The bill clarifies that a peace officer may only use a chokehold when he or she reasonably believes that it is necessary to defend himself or herself or a third party is in imminent danger of death or serious bodily injury or to effect an arrest or prevent escape under certain conditions. These conditions include when the peace officer has a reasonable belief that the other person has committed or attempted a felony involving or

threatening the use of a deadly weapon; is attempting to escape by the use of deadly force; or indicates, except through a motor vehicle, that he or she is likely to endanger human life or inflict serious bodily injury unless he or she is apprehended without delay.

**Status:** 04/01/2016 House Considered Senate Amendments - Result was to Concur - Repass

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) FCPS has not allowed choke holds or 25 years. This bill does recognize that in a life threatening situation, unusual or otherwise prohibited actions may be necessary to save the officer's life.

**Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal. We haven't allowed choke holds for 25 years.

**Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal. We haven't allowed choke holds for 25 years.

| <b><u>HB16-1265</u></b>       | <b>Expunge Arrest Records Based On Mistaken Identity</b>  |
|-------------------------------|---|
| <b>Comment:</b>               | LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."   |
| <b>Position:</b>              | Amend   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR   |
| <b>Short Title:</b>           | Expunge Arrest Records Based On Mistaken Identity   |
| <b>Sponsors:</b>              | MELTON  |
| <b>Summary:</b>               | This bill requires the court to expunge the arrest and criminal records of a person who was arrested as a result of mistaken identity and who did not have charges filed against him or her. Law enforcement agencies are required to petition the relevant court within 90 days of completing an investigation that determines there was a mistaken identity and no charges were filed. The court then has 90 days to expunge the record and order other agencies that have custody of such records to do the same. Under the bill, the petitioner is responsible for providing copies of the order to the Colorado Bureau of Investigation (CBI) and any other agencies that have custody of records. In the case of a private custodian, the petitioner must also send the notice electronically. After the records are expunged, the court may issue an order sealing the civil case. |
| <b>Status:</b>                | 03/31/2016 Senate Third Reading Passed - No Amendments  |
| <b>Fiscal Notes:</b>          | <a href="#"><u>Fiscal Note</u></a>  |
| <b>Analyze This Comments:</b> | <b>Oppose: Mon, March 07, 2016, by jschiager@fcgov.com</b><br>(07-Mar-16) I believe there are already ways for a defendant to get his or her records expunged. It may not always be clear if someone has been arrested based on mistaken identity, and I do not think it should be the  |

responsibility of the police department to start this process. It should be a court process initiated by the defendant.

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) I'm not sure how many of our cases would fall into this category, probably a very small number, but having the responsibility to recognize this situation and initiate this process is unreasonable. The defendant has the ability to make this argument. Possibly we should have a law that pays the defendant back for attorney fees if they are successful in expunging their record based on a mistaken identity,

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) Potential liability if we do not properly initiate this process or if the facts are ultimately unclear.

| <b><u>HB16-1311</u></b>       | <b>Procedures When Orders Require Monetary Payments</b>   |
|-------------------------------|---|
| <b>Comment:</b>               | <b>LPA pg. 26, Home Rule #2, "Reject State or Federal intervention in matters of local concern and that unnecessarily or adversely affect the City's ability to manage pursuant to its home rule authority."</b>  |
| <b>Position:</b>              | <b>Monitor</b>  |
| <b>Calendar Notification:</b> | <b>NOT ON CALENDAR</b>  |
| <b>Short Title:</b>           | Procedures When Orders Require Monetary Payments  |
| <b>Sponsors:</b>              | SALAZAR   |
| <b>Summary:</b>               | When a court imposes a sentence requiring a defendant to pay a monetary amount, the court may make arrangements for payment at a future date or in installments and must provide certain instructions to defendants. This bill specifies that these same rules apply when the court enters a judgment or issues an order requiring payment. The bill also specifies that when imposing a monetary obligation, the court must inform the defendant that he or she may petition the court for a reduction in the amount or may request an alternative sentence, other than incarceration. The court must also inform the defendant that if he or she is unable to pay, the court may not jail the defendant for failure to pay. |
| <b>Status:</b>                | 04/11/2016 Introduced In Senate - Assigned to Judiciary   |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>  |
| <b>Analyze This Comments:</b> | <b>Strongly Oppose: Fri, April 01, 2016, by klane@fcgov.com</b><br>(01-Apr-16) Current safeguards for dealing with failure to pay cases are sufficient.<br><br><b>Strongly Oppose: Fri, April 01, 2016, by klane@fcgov.com</b><br>(01-Apr-16) We would re-review our processes and revise as required but there would be no practical benefit to the public. Processing would likely be more onerous for Court staff as well as the public.   |



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|-----------------------------------|---|
| <b>Comment:</b>                   | LPA pg 20, Air Quality #9, "Strengthen tailpipe emissions and fuel economy standards for all vehicles including reducing the impact of "rolling coal" and nitrous oxide emissions."   |
| <b>Position:</b>                  | <b>Strongly Support</b>   |
| <b>Calendar</b>                   | Thursday, April 14 2016   |
| <b>Notification:</b>              | THIRD READING OF BILLS - FINAL PASSAGE<br>(29) in house calendar.   |
| <b>Short Title:</b>               | Prohibit Coal Rolling In Diesel Vehicles  |
| <b>Sponsors:</b>                  | GINAL   |
| <b>Summary:</b>                   | This bill prohibits "coal rolling", or "rolling coal".  |
| <b>Status:</b>                    | 04/13/2016 House Second Reading Passed with Amendments -<br>Committee   |
| <b>Fiscal Notes:</b>              | <u>Fiscal Note</u>  |
| <b>Analyze This<br/>Comments:</b> | <p><b>Support: Thu, March 03, 2016, by mjackson@fcgov.com</b><br/>(03-Mar-16) This has been an important issue for FC citizens. Would consider it medium to high for our community.</p> <p><b>Strongly Support: Thu, March 03, 2016, by lex@fcgov.com</b><br/>(03-Mar-16) This is an important bill that directly affects the quality of life of Fort Collins' residents, and especially the localized air quality that they breathe in. From discussions with Police Services, they also find that this solution is something that is enforceable, which is critical to addressing the issue.</p> <p><b>Actively Support: Tue, March 08, 2016, by chorton@fcgov.com</b><br/>(08-Mar-16) Police Services is the driver for Rep. Ginal's bill. Police officers will have a valuable tool with this legislation to address the growing problem of black smoke from diesel trucks.</p> <p><b>Support: Thu, March 03, 2016, by mjackson@fcgov.com</b><br/>(03-Mar-16) Not really a transportation so much as an enforcement issue. that being said, harrassment of bikes and peds should not be tolerated.</p> <p><b>Strongly Support: Thu, March 03, 2016, by lex@fcgov.com</b><br/>(03-Mar-16) Air quality continues to be a high priority for our residents. and the City places a high priority on multi-modal transportation opportunities, e.g., biking, walking, etc. Rolling coal tends to disproportionately affect our residents walking and biking as the smoke is emitted from a vehicle. It's important that an enforceable option is developed to address this community concern.</p> <p><b>Actively Support: Tue, March 08, 2016, by chorton@fcgov.com</b><br/>(08-Mar-16) This bill combats two issues. One is the nuisance of the smoke together with the harassing behavior associated with the purposeful emission of the smoke. The second is the environmental impact the smoke/soot is surely have on our air quality. The driver's who</p> |

are convicted of this offense will have a reasonable fine and a two point violation on their driver's license, which is a valuable deterrent to future behavior.

**N/A: Tue, March 22, 2016, by lsmith@fcgov.com**

(22-Mar-16) If effective, the bill would make it illegal to "roll coal" which will reduce safety and health risks to motorists, pedestrians and bicyclists in Fort Collins.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**

(03-Mar-16) Would have a positive impact (hopefully) particularly in the Downtown/Midtown FC areas

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**

(08-Mar-16) There will be a modest positive impact to the General Fund and an equally positive impact to the Traffic Surcharge Fund. The number and frequency of these violations will certainly decrease, which will be particularly evident to people enjoying Oldtown Fort Collins and also on South College Avenue on weekend nights, when the behavior seems to be more evident.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**

(03-Mar-16) Personal opinion: the more tools in the law enforcement toolbox to address this behavior, the better. Seems like there isn't a lot Police can use right now.

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**

(08-Mar-16) Rep. Ginal proposed this legislation at our behest, with the understanding that the City would be supportive of the effort. She has been very accommodating of our input on changes to the scope of the bill and suggestions for language changes.

**N/A: Tue, March 22, 2016, by lsmith@fcgov.com**

(22-Mar-16) this Bill is supported by the City's AQ policies (Policy ENV 8.2 – Focus on Priority Air Pollutants...fine particulates is a high priority pollutant in FC) and LPA: The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality." Therefore, the City supports the following policy statements: • Adopt programs and policies that improve public health and air quality. • Enhance local government authority to improve air quality beyond minimum State or Federal requirements. • Provide authority for local governments to implement vehicle emissions reductions programs. (I noticed that Section 42-2-127 changed from "Tampering with emissions control" in the draft bill to "Coal rolling" in the final bill, and I assume that is because it would be more enforceable by traffic officers with this language.

**Comment:** LPA pg 20, Air Quality #7, "Reduce vehicle emissions by employing economic incentives, disincentives and other market approaches that support clean air."

**Position:** Monitor

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Alternative Fuel Motor Vehicle Income Tax Credits

**Sponsors:** DURAN / SCOTT

**Summary:** This legislation simplifies the existing state tax credits to make them easier to understand by eliminating complex calculations. Tax credits with fixed values are easier for consumers to understand, better for dealers to advertise, clearer for Department of Revenue to administer, and more equitable for alternative fuel vehicles with different prices.

**Status:** 03/02/2016 Introduced In House - Assigned to Finance

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:**

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| <b><u>HB16-1355</u></b> | <b>Affirm Local Gov Siting Auth Oil &amp; Gas Facilities</b> |
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**Comment:** LPA pg 22, Oil & Gas #5, "Allow greater local regulation of oil and gas exploration activities within municipal boundaries."

**Position:** Support

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Affirm Local Gov Siting Auth Oil & Gas Facilities

**Sponsors:** FOOTE / ULIBARRI

**Summary:** This bill is meant to clarify that local governments have the authority to site oil and gas operations.

**Status:** 04/04/2016 House Second Reading Lost with Amendments - Floor

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:**

**N/A: Tue, March 15, 2016, by mjackson@fcgov.com**  
(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by mjackson@fcgov.com**  
(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by mjackson@fcgov.com**  
(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by mjackson@fcgov.com**  
(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by lkadrich@fcgov.com**  
(15-Mar-16) it appears this would give local land use authority to cities

and counties and that is something Council and citizens have advocated for; although this would be limited to facilities

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**HB16-1370**

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**Nicotine Product Retailers Registry**

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| <b>Comment:</b>               | <b>LPA pg 18, Finance #5, "Maintain or increase the City's revenue base (sales, use and property taxes)."</b>  |
| <b>Position:</b>              | <b>Oppose</b>  |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Nicotine Product Retailers Registry  |
| <b>Sponsors:</b>              | SINGER / COOKE   |
| <b>Summary:</b>               | <p>There is not currently a comprehensive list of retailers in the state that sell cigarettes, tobacco products, or nicotine products (retailers). Commencing in 2017, section 2 of the bill requires retailers to register with the liquor enforcement division in the department of revenue (division). The division is required to keep a retailer's registration information confidential. The division is authorized to impose a \$500 fine on a retailer that fails to register with the division. Section 1 increases the appropriation to the division from the tobacco education programs fund, which fund consists of 16% of the money collected from cigarette and tobacco taxes, from \$350,000 to \$500,000 and directs the division to use up to \$150,000 of the money for the administration of the retailers registry. Section 3 applies the hearing procedures established for other nicotine product sales violations to violations of the requirement that a retailer register with the division. Section 4 increases the civil penalties a retailer would face for violating the prohibitions against selling cigarettes, tobacco products, or nicotine products to minors or selling individual cigarettes, a pack of cigarettes containing fewer than twenty cigarettes, or roll-your-own tobacco in a package containing less than 0.60 ounces of tobacco. From state cigarette tax money, the state currently apportions 27% to cities, towns, and counties (local governments) in proportion to the amount of state sales tax revenues collected within the boundaries of the local governments. A local government is prohibited from receiving its allocation of this money if it imposes its own fees, licenses, or taxes on cigarette sales. Section 5 expands the arrangement to cover other tobacco product tax revenues and to prohibit a local government from receiving its allocation of the money if the local government imposes its own fees, licenses, or taxes on tobacco product or nicotine product sales. Under current law, if a tobacco product distributor ships or transports tobacco products to a consumer outside of the state between September 1, 2015, and September 1, 2018, and reports and pays the taxes on those tobacco products, the department of revenue may credit the tax to the distributor. Section 6 modifies that tax credit provision to apply indefinitely.</p> |
| <b>Status:</b>                | 03/16/2016 Introduced In House - Assigned to Business Affairs and Labor  |

Fiscal Note

**Fiscal Notes:**FISCAL NOTE**Analyze This  
Comments:****Oppose: Tue, April 05, 2016, by Dan Weinheimer  
(dweinheimer@fcgov.com)**

(05-Apr-16) This is a comment from Sales Tax list. We are definitely not in favor of this, but cannot quantify the exact lost revenue because sales tax is not reported at that level of detail. I will note that this is a big deal for us because it would mean we would lose revenue on all nicotine products including patches, vaping liquid etc.

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**HB16-1388****Employer Hiring Criminal History Employee**

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**Comment:**

**LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:****Oppose****Calendar**

NOT ON CALENDAR

**Notification:****Short Title:**

Employer Hiring Criminal History Employee

**Sponsors:**

MCCANN

**Summary:**

The bill generally prohibits an employer from: \* Advertising that a person with a criminal history may not apply for a position; \* Placing a statement in an employment application that a person with a criminal history may not apply for a position; or \* Making an inquiry about a candidate's arrests or criminal convictions until the candidate has been offered an interview or a conditional offer of employment. An employer is exempt from these restrictions when: \* The law forbids a person from being employed on account of a criminal conviction or requires an employer to consider a candidate's criminal history for the job; \* The employer is participating in a program to encourage employment of people with criminal histories; or \* The job requires a fidelity bond and the criminal history would disqualify the candidate. An employer must keep applications for 9 months. The department of labor and employment will enforce the section with civil penalties. A violation of the restrictions does not create a private cause of action.

**Status:**

04/12/2016 House Committee on Judiciary Refer Unamended to Appropriations

**Fiscal Notes:**Fiscal Note**Analyze This  
Comments:**

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**HB16-1399****Workers' Compensation For PTSD**

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**Comment:**

**LPA pg 27, Human Resources #2, "Expand the City's ability to offer health, welfare and wellness services for employees."**

**Position:****Monitor**

**Calendar Notification:** Friday, April 15 2016  
Appropriations  
7:30 a.m. Room LSB-A  
(20) in house calendar.

**Short Title:** Workers' Compensation For PTSD

**Sponsors:** SINGER / NEWELL

**Summary:** The bill clarifies that a workers' compensation claim for mental impairment may not be denied based on the occupation of the worker. Each claimant is required to be evaluated by a licensed, level II fully accredited physician, psychiatrist, or psychologist.

**Status:** 04/08/2016 House Committee on Public Health Care & Human Services  
Refer Unamended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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|-------------------------|---|
| <b><u>HB16-1420</u></b> | <b>CO Healthcare Affordability &amp; Sustainability Enter</b> |
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**Comment:** Informational only

**Position:** Support

**Calendar Notification:** Monday, April 18 2016  
GENERAL ORDERS - SECOND READING OF BILLS  
(1) in house calendar.

**Short Title:** CO Healthcare Affordability & Sustainability Enter

**Sponsors:** HULLINGHORST / CROWDER

**Summary:** As amended by the House Appropriations Committee, the bill creates a Colorado Healthcare Affordability and Sustainability Enterprise within the Department of Health Care Policy and Financing (HCPF). Beginning FY 2016-17, the enterprise is responsible for the collection of a new Healthcare Affordability and Sustainability Fee that replaces the Hospital Provider Fee assessed under current law.

**Status:** 04/08/2016 House Second Reading Laid Over to 04/15/2016 - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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|-------------------------|---|
| <b><u>HB16-1421</u></b> | <b>Allocate Additional FY 2016-17 Gen Fund Revenues</b> |
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**Comment:** LPA pg 33, Transportation #3, "Explore and analyze alternative methods of funding transportation infrastructure needs."

**Position:** Support

**Calendar Notification:** Monday, April 18 2016  
GENERAL ORDERS - SECOND READING OF BILLS  
(2) in house calendar.

**Short Title:** Allocate Additional FY 2016-17 Gen Fund Revenues

**Sponsors:** HULLINGHORST

**Summary:** Contingent upon the passage of legislation (the CHASE Act) that eliminates the hospital provider fee at the end of fiscal year 2015-16, the bill: \* Requires legislative council staff, as part of its 2016 economic and revenue forecast, to estimate the total amount of general fund revenues that the state would have been required to make unavailable for expenditure in fiscal year 2016-17 and refund in fiscal year 2017-18 but for the enactment of the CHASE Act; and \* Requires the amount estimated by legislative council staff to be allocated as follows: \* On September 30, 2016, the state treasurer must transfer the lesser of the full amount or \$50 million to the highway users tax fund (HUTF); \* On September 30, 2016, the state treasurer must transfer the lesser of the full amount remaining after the HUTF transfer has been made or a total amount of \$16.2 million in equal parts to the state severance tax trust fund and the local government severance tax fund as repayment of money diverted from those funds to the general fund in fiscal year 2014-15; \* The lesser of the full amount remaining after the HUTF and severance tax fund transfers have been made or a total amount of \$40 million must be used to reduce the 2016-17 public school finance negative factor; and \* The lesser of the full amount remaining after the HUTF and severance tax fund transfers and the negative factor allocation have been made or \$49.5 million is allocated to governing boards of state-supported institutions of higher education to reduce fiscal year 2017-18 tuition increases and provide additional student financial assistance.

**Status:** 04/06/2016 House Second Reading Laid Over to 04/15/2016 - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This**

**Comments:**

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**SB16-003**                      **Broadcast Burns Wildfire Risk Reduction Funding**

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**Comment:** LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."

**Position:** Support

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Broadcast Burns Wildfire Risk Reduction Funding

**Sponsors:** ROBERTS / BECKER K.

**Summary:** This bill would allow broadcast burns, this could serve as an additional tool to reduce wildfires.

**Status:** 02/08/2016 Senate Committee on Judiciary Refer Unamended to Appropriations

**Fiscal Notes:**Fiscal Note**Analyze This  
Comments:**

**Strongly Support: Fri, February 05, 2016, by lsmith@fcgov.com**  
(05-Feb-16) It is important: High. Broadcast burning is an important tool locally. While Natural Areas does little broadcast burning in the name of fuels reduction, it is an important tool for our cooperators in Larimer County. Natural Areas staff anticipates most (if not all) of this additional funding will either go to state agencies or be administered through a competitive grant process.

**N/A: Fri, February 05, 2016, by lsmith@fcgov.com**

(05-Feb-16) Risk to Fort Collins from wildfire smoke was identified as one of the two top risks from climate change to that needs to be addressed (along with extreme heat events). Although prescribed fire does release air pollution, this bill provides more tools and resources to proactively conduct fuels management and likely reduce risks from wildfire smoke.

**N/A: Fri, February 05, 2016, by lsmith@fcgov.com**

(05-Feb-16) Efforts by land managers to reduce wildfire in our state will impact Fort Collins citizens positively. The positive impact would most likely affect our cooperators in Larimer County.

**Strongly Support: Fri, February 05, 2016, by lsmith@fcgov.com**

(05-Feb-16) Environmental Services and Natural Areas can support or strongly support this bill.

**SB16-012****Time To Reconstruct Residential Improvements****Comment:**

LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."

**Position:**

Monitor

**Calendar**

NOT ON CALENDAR

**Notification:****Short Title:**

Time To Reconstruct Residential Improvements

**Sponsors:**

HEATH / SINGER

**Summary:**

This bill allows residential property to maintain its property tax classification for an indefinite period of time if the county assessor determines the property owner is making a good faith effort to rebuild an improvement destroyed by a natural disaster. A residential improvement is a home or other structure that has been built on residential property. Under current law, the property can maintain its residential classification for up to four years after the improvement has been destroyed if, in the assessor's judgement, the owner intends to repair or replace the structure.

**Status:**

04/05/2016 Governor Signed

**Fiscal Notes:**Fiscal Note**Analyze This**

**N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**



**Comments:** (29-Mar-16) medium

**N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**

(29-Mar-16) may be helpful in a disaster situation although more likely we would comply with existing timeframe

**N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**

(29-Mar-16) would be helpful to landlords especially those with multiple properties in the event of a widespread property loss

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**SB16-038**

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**Transparency Of Community-centered Boards**

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**Comment:** Not explicit in LPA

**Position:** Monitor

**Calendar** Thursday, April 14 2016

**Notification:** SENATE FINANCE COMMITTEE  
Upon Adjournment LSB-B  
(2) in senate calendar.

**Short Title:** Transparency Of Community-centered Boards

**Sponsors:** AGUILAR / YOUNG

**Summary:** Bill would increase transparency of community-centered boards (CCB) through a regular state audit and compliance with the local government audit law. In Larimer County, Foothills Gateway is a CCB.

**Status:** 03/30/2016 Senate Committee on State, Veterans, & Military Affairs  
Refer Amended to Finance

**Fiscal Notes:** Fiscal Note

**Analyze This  
Comments:**

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**SB16-063**

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**Intergovt Agreement With Out-of-state Local Gov**

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**Comment:** LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."

**Position:** Support

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Intergovt Agreement With Out-of-state Local Gov

**Sponsors:** ROBERTS / VIGIL

**Summary:** Bill would allow agreement between municipalities and out-of-state partners for emergency services.

**Status:** 03/23/2016 Governor Signed

**Fiscal Notes:** Fiscal Note

**Analyze This**

**Comments:**

| <b><u>SB16-067</u></b>        | <b>Broadband Personal Property Tax Exemption</b>   |
|-------------------------------|--|
| <b>Comment:</b>               | <b>LPA pg 18, Finance #3, "Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions."</b>  |
| <b>Position:</b>              | <b>Oppose</b>  |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Broadband Personal Property Tax Exemption  |
| <b>Sponsors:</b>              | SCHEFFEL / WILLIAMS  |
| <b>Summary:</b>               | Bill creates a state Business Personal Property Tax exemption for broadband equipment. Does not specify new equipment or expansion of existing service.  |
| <b>Status:</b>                | 04/12/2016 Introduced In House - Assigned to Business Affairs and Labor + Finance  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> | <b>N/A: Mon, February 15, 2016, by rrogers@fcgov.com</b><br>(15-Feb-16) Since property tax is the purview of the County, we are not certain what if any broadband assets and property tax revenue may/could be impacted.   |
| <b><u>SB16-077</u></b>        | <b>Employment First For Persons With Disabilities</b>  |
| <b>Comment:</b>               | <b>LPA pg 14, Social Sustainability #6, "Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare."</b> |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Employment First For Persons With Disabilities   |
| <b>Sponsors:</b>              | KEFALAS / GINAL  |
| <b>Summary:</b>               | Bill seeks to direct the state to develop an employment first model for individuals with disabilities.   |
| <b>Status:</b>                | 03/17/2016 Senate Committee on Finance Refer Amended to Appropriations   |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> |  |
| <b><u>SB16-080</u></b>        | <b>Marijuana Grows Enclosed Space Requirements</b>   |

**Comment:** LPA pg 31, Marijuana #1, "Regulate medical and retail marijuana manufacturing, distribution and dispensaries."

**Position:** Support

**Calendar Notification:** Thursday, April 14 2016  
THIRD READING OF BILLS - FINAL PASSAGE  
(20) in house calendar.

**Short Title:** Marijuana Grows Enclosed Space Requirements

**Sponsors:** NEWELL

**Summary:** Bill would apply the same legal definition of "enclosed, locked space" as required by Amendment 64 to allowed personal grows of medical marijuana.

**Status:** 04/12/2016 House Second Reading Passed with Amendments - Committee, Floor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**SB16-100**

**County Road & Bridge Tax Reduction Requirement**

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**Comment:** LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."

**Position:** Support

**Calendar Notification:** Monday, April 18 2016  
State, Veterans, and Military Affairs  
1:30 p.m. Room LSB-A  
(2) in house calendar.

**Short Title:** County Road & Bridge Tax Reduction Requirement

**Sponsors:** JAHN / PABON

**Summary:** CML bill. The statutes required that one-half of the amount of the levy collected from within a municipality be returned to the municipality to address local road and bridge needs. However, counties have unilateral authority to reduce or eliminate the road & bridge mill levy, in some cases supplementing their own road & bridge fund with other sources of revenue (i.e. specific ownership taxes). This fundamentally unfair fiscal practice has resulted in the loss millions of dollars to municipalities to address their local transportation infrastructure issues as the law intends. CML believes legislation requiring municipal consent or agreement prior to reduction of an existing mill levy is wholly appropriate and on par with recent legislative actions.

**Status:** 03/28/2016 Senate Third Reading Passed - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This**

## Comments:

| <b><u>SB16-123</u></b>        | <b>Free Access To High Occupancy Vehicle Lanes</b>   |
|-------------------------------|--|
| <b>Comment:</b>               | LPA pg 33, Transportation #5, "Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles."  |
| <b>Position:</b>              | <b>Oppose</b>  |
| <b>Calendar Notification:</b> | Thursday, April 21 2016<br>Transportation & Energy<br>Upon Adjournment Room 0112<br>(1) in house calendar.   |
| <b>Short Title:</b>           | Free Access To High Occupancy Vehicle Lanes  |
| <b>Sponsors:</b>              | LUNDBERG / SINGER  |
| <b>Summary:</b>               | This bill prohibits the Colorado Department of Transportation (CDOT) from requiring a high occupancy vehicle (HOV) to use a switchable transponder or other device in order to drive on a HOV lane or a high occupancy toll (HOT) lane on a state highway on a toll-free basis.  |
| <b>Status:</b>                | 03/22/2016 Introduced In House - Assigned to Transportation & Energy + Appropriations  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> | <b>Neutral: Wed, March 02, 2016, by mjackson@fcgov.com</b><br>(02-Mar-16) No current impact on local highways; long term impacts should I-25 north incorporate tolling.<br><br><b>No Effect: Wed, March 02, 2016, by mjackson@fcgov.com</b><br>(02-Mar-16) Minimal impact to Fort Collins right now.<br><br><b>No Effect: Wed, March 02, 2016, by mjackson@fcgov.com</b><br>(02-Mar-16) Minimal impact to Fort Collins right now.<br><br><b>N/A: Wed, March 02, 2016, by mjackson@fcgov.com</b><br>(02-Mar-16) May make it more difficult to collect tolls and police HOV activity in future if I-25 north incorporates tolling. |
| <b><u>SB16-124</u></b>        | <b>Machine Tools Sales Tax Exempt Recovered Materials</b>  |
| <b>Comment:</b>               | LPA pg 23, Recycling and Solid Waste #3, "Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure."   |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | Thursday, April 14 2016<br>Finance<br>Upon Adjournment Room LSB-A<br>(2) in house calendar.  |

|                               |  |
|-------------------------------|--|
| <b>Short Title:</b>           | Machine Tools Sales Tax Exempt Recovered Materials   |
| <b>Sponsors:</b>              | GRANTHAM / PRIOLA  |
| <b>Summary:</b>               | Bill expands the current sales and use tax exemption for machinery and machine tools (machinery) used in manufacturing to include machinery purchased by businesses listed in the Department of Public Health and Environment's inventory of recyclers and solid waste processors (material recovery facilities).  |
| <b>Status:</b>                | 03/22/2016 Introduced In House - Assigned to Finance + Appropriations  |
| <b>Fiscal Notes:</b>          | <u>Fiscal Note</u>   |
| <b>Analyze This Comments:</b> | <p><b>Strongly Support: Thu, March 24, 2016, by sgordon@fcgov.com</b><br/>(24-Mar-16) A number of local businesses in Fort Collins (e.g., local recycling collectors and haulers, scrap metal dealers, manufacturers and computer refurbishers) would benefit from being able to more affordably purchase equipment such as balers, which improves the value and marketability of recyclables. As an example, cardboard is much easier and cheaper to transport once it has been compacted and baled, and also commands a higher price in the commodity market than loose, uncompacted cardboard.</p> <p><b>Strongly Support: Thu, March 24, 2016, by sgordon@fcgov.com</b><br/>(24-Mar-16) Local "green businesses" that help the Fort Collins community's progress at meeting adopted Zero Waste goals , as well as carbon reduction goals, is extremely important to the City. Economic development strategies such as this bill's sales and tax refund proposal will help businesses invest in necessary equipment, which is consistent with the City's economic health strategies. City reports show that as much as \$6.5 million dollars worth of recoverable materials are buried in local landfills every year from Fort Collins sources; putting these dollars to work by processing/marketing discards as commodities will enhance the local economy with more jobs and new revenue, as well as contributing to environmental stewardship.</p> <p><b>Strongly Support: Thu, March 24, 2016, by sgordon@fcgov.com</b><br/>(24-Mar-16) At least 15 local businesses in Fort Collins (probably quite a few more) would be well positioned to apply for this sales and use tax exemption; their savings could be put to use in the community to hire more employees or increase employees' pay, or support more sales and marketing efforts by these local businesses.</p> <p><b>Strongly Support: Thu, March 24, 2016, by sgordon@fcgov.com</b><br/>(24-Mar-16) Fort Collins considers that giving state sales and use tax refunds for the purchase of recycling equipment is an effective economic tool that may provide a model for the City to also adopt, as a local policy, thereby allowing local sales and use refunds to businesses in our community that invest in recycling equipment.</p> |

**Comment:** LPA pg 32, Public Safety #9, "Maintain or enhance a statewide database of concealed weapons permits."

**Position:** Oppose

**Calendar Notification:** Monday, April 25 2016  
State, Veterans, and Military Affairs  
1:30 p.m. Room LSB-A  
(5) in house calendar.

**Short Title:** CCW Permits For Military Personnel

**Sponsors:** COOKE

**Summary:** This would significantly broaden the terms for a concealed handgun permit for military personnel.

**Status:** 04/06/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** Fiscal Note

**Analyze This Comments:** **Oppose: Tue, March 08, 2016, by jschiager@fcgov.com**  
(08-Mar-16) This is a bad idea. While we respect the status and training of our military members, carrying a firearm in the civilian world is completely different than in a military setting. Young military members may not have the discipline yet to have this responsibility. We are already dealing with military members returning with various levels of PTSD. What would be the screening for that. Military members should follow the same rules as everyone else and get a permit when they are of sufficient age.

**Oppose: Tue, March 08, 2016, by jschiager@fcgov.com**  
(08-Mar-16) This could be a significant public safety issue for our community.

**Oppose: Tue, March 08, 2016, by jschiager@fcgov.com**  
(08-Mar-16) Maybe nothing. Maybe big problems. not worth the risk.

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**SB16-157**

**Don't Implement Clean Power Plan Until Stay Lifted**

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**Comment:** LPA pg 24, Energy #3, "Support reductions of the community's greenhouse gas (GHG) emissions from energy use in accordance with the Climate Action Plan (CAP) Framework (March 2015). Current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050."

**Position:** Monitor

**Calendar Notification:** Wednesday, April 27 2016  
Transportation & Energy  
1:30 p.m. Room 0112  
(1) in house calendar.

**Short Title:** Don't Implement Clean Power Plan Until Stay Lifted

**Sponsors:** COOKE / DORE

**Summary:** This bill requires the Air Quality Control Commission (AQCC) and the Division of Administration in Colorado Department of Public Health and Environment (CDPHE) to suspend work on the Clean Power Plan and state implementation plan until the stay is lifted. It also requires that the state implementation plan be subject to legislative review.

**Status:** 03/30/2016 Introduced In House - Assigned to Transportation & Energy

**Fiscal Notes:** Fiscal Note

**Analyze This  
Comments:**

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**SB16-177**

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**Modify 2015 Urban Renewal Legislation**

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**Comment:** LPA pg 19, Economic Development #3, "Adopt clarifying language to HB15-1348 to address ambiguity and confusion created by the drafters. Specifically, address standard use of terms and arbitration process, and ensure intent that the law does not impact projects already underway."

**Position:** Support

**Calendar** Thursday, April 14 2016

**Notification:** GENERAL ORDERS - SECOND READING OF BILLS - CONSENT CALENDAR  
(5) in senate calendar.

**Short Title:** Modify 2015 Urban Renewal Legislation

**Sponsors:** MARTINEZ HUMENIK / HULLINGHORST

**Summary:** This is a consensus cleanup bill negotiated between CML, CCI and the special districts. The bill makes technical modifications to statutory provisions enacted by the general assembly in 2015 (2015 legislation) that addressed urban renewal plan allocating of tax revenue.

**Status:** 04/12/2016 Senate Committee on Local Government Refer Unamended - Consent Calendar to Senate Committee of the Whole

**Fiscal Notes:** Fiscal Note

**Analyze This  
Comments:** **Amend: Thu, March 31, 2016, by [prowe@fcgov.com](mailto:prowe@fcgov.com)**  
(31-Mar-16) This bill doesn't address applicability ambiguity, which is critical. It does, however, make a number of other important changes.

**Support: Thu, March 31, 2016, by [prowe@fcgov.com](mailto:prowe@fcgov.com)**  
(31-Mar-16) Clarification on mediation process and obligations in existence prior to December 31, 2015.

**City of Fort Collins Legislative Tracking**  
General Assembly Session 2016

Updated: April 14, 2016

|           |  |                      |                       |              | First House   |               |             |             | Second House  |               |             |             |                    |            |          |
|-----------|--|----------------------|-----------------------|--------------|---------------|---------------|-------------|-------------|---------------|---------------|-------------|-------------|--------------------|------------|----------|
| Bill #    | Short Title  | Staff Rec'd Position | City Adopted Position | Date Intro'd | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | First House Repass | Conf. Cmte | Governor |
| HB16-1001 | <del>State Contr Certify Compliance With Equal Pay Laws</del>    | Monitor              | Monitor               | 1/13         | BL 3/17       |               | 3/22        | 3/24        | SA 3/30       |               |             |             |                    |            |          |
| HB16-1002 | <del>Employee Leave Attend Child's Academic Activities</del>     | Support              | Support               | 1/13         | Ed 1/27       |               | 2/3         | 2/4         | SA 3/9        |               |             |             |                    |            |          |
| HB16-1004 | <del>Measurable Goals Deadlines CO Climate Action Plan</del>     | Support              | Support               | 1/13         | He 2/4        |               | 2/8         | 2/9         | Ag 3/30       |               |             |             |                    |            |          |
| HB16-1005 | Residential Precipitation Collection                             | Support              | Support               | 1/13         | Ag 2/22       |               | 2/29        | 3/2         | Ag 3/30       |               | 3/31        | 4/1         |                    |            |          |
| HB16-1006 | Clarify Tax Exemptions For Housing Authorities                   | Support              | Support               | 1/13         | F 2/17        | Ap 3/18       | 3/21        | 3/22        | F 3/31        | Ap            |             |             |                    |            |          |
| HB16-1067 | <del>Regional Transportation Authority Mill Levy</del>           | Monitor              | Monitor               | 1/13         | LG 2/10       |               | 2/16        | 2/18        | Trans 3/8     |               |             |             |                    |            |          |
| HB16-1069 | Allow City To Set Housing Auth Commn Term Length                 | Support              | Support               | 1/13         | LG 1/28       |               | 2/1         | 2/2         | LG 2/16       |               | 2/19        | 2/22        | 2/23               |            | 3/9      |
| HB16-1070 | Signature Verification In Mun Mail Ballot Election               | Monitor              | Monitor               | 1/13         | SA 2/10       | Ap 3/4        | 3/7         | 3/8         | SA 3/21       | Ap 4/1        | 4/5         | 4/6         |                    |            |          |
| HB16-1078 | Local Gov Employee Whistleblower Protection                      | Oppose               | Oppose                | 1/19         | LG 2/3        | Ap 4/7        | 4/13        | 4/14        |               |               |             |             |                    |            |          |
| HB16-1088 | Fire Protection Dist Impact Fee On New Development               | Support              | Support               | 1/19         | LG 3/16       |               | 3/21        | 3/22        | LG 3/29       |               | 3/31        | 4/1         | 4/11               |            |          |
| HB16-1092 | <del>Authorize Retail Marijuana Special Event Permit</del>       | Oppose               |                       | 1/19         | He 2/16       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1114 | Repeal Duplicate Reporting Requirements                          | Support              | Monitor               | 1/20         | BL 3/22       | Ap 4/7        | 4/11        | 4/14        |               |               |             |             |                    |            |          |
| HB16-1122 | Remote Starter Systems   | Oppose               | Monitor               | 1/20         | Trans 2/10    |               | 2/16        | 2/18        | Trans 3/8     |               | 3/11        | 3/14        |                    |            | 3/31     |
| HB16-1138 | <del>General Fund Transfers For State Infrastructure</del>       | Oppose               | Monitor               | 1/20         | SA 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1141 | Radon Exposure in Buildings                                      | Support              | Support               | 1/21         | He 2/9        | Ap 3/4        | 3/7         | 3/8         | He 3/24       | Ap 4/1        | 4/5         | 4/6         |                    |            |          |
| HB16-1143 | <del>Prohibit Red Light Cameras Photo Radar Auto ID Sys</del>    | Oppose               | Oppose                | 1/21         | SA 3/9        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1155 | Controlled-access Highway As County Primary Road                 | Oppose               | Oppose                | 1/26         | LG 3/9        |               | 3/16        | 3/17        | Trans 3/31    |               | 4/5         | 4/6         |                    |            |          |
| HB16-1166 | <del>Prohibit Seeking Salary History For Job Applicants</del>    | Monitor              | Monitor               | 1/29         | BL 3/17       |               | 3/24        | 3/28        | SA 3/30       |               |             |             |                    |            |          |
| HB16-1191 | <del>Bill Of Rights For Persons Who Are Homeless</del>           | Oppose               | Oppose                | 2/3          | LG 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1231 | Restricting The Use Of Red Light Cameras                         | Amend                | Oppose                | 2/5          | Trans 2/24    |               | 2/29        | 3/1         | Trans 3/22    |               | 3/28        | 3/29        |                    | 4/22       |          |
| HB16-1262 | Law Enforcement Back'd Check Employment Waiver                   | Support              | Support               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/30        | 3/31        | 4/1                |            |          |
| HB16-1263 | Racial Profiling Prohibition                                     | Monitor              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/30        | 3/31        | 4/1                |            |          |
| HB16-1264 | Ban Law Enforcement Use Of Chokehold                             | Support              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/30        | 3/31        | 4/1                |            |          |
| HB16-1265 | Expunge Arrest Records Based On Mistaken Identity                | Monitor              | Amend                 | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/30        | 3/31        |                    |            |          |
| HB16-1283 | <del>Water Loss Audit Report Performance Standards</del>         | Amend                | Oppose                | 3/2          | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1311 | Procedures When Orders Require Monetary Payments                 | Oppose               | Monitor               | 3/2          | Jud 3/24      |               | 4/7         | 4/8         | Jud           |               |             |             |                    |            |          |
| HB16-1314 | <del>Treat Preexisting Groundwater Depletions Replaced</del>     | Oppose               |                       | 3/2          | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1319 | Prohibit Coal Rolling In Diesel Vehicles                         | Support              | Support               | 3/2          | Trans 4/7     |               | 4/13        | 4/14        |               |               |             |             |                    |            |          |
| HB16-1332 | Alternative Fuel Motor Vehicle Income Tax Credits                | Monitor              | Monitor               | 3/2          | F             |               |             |             |               |               |             |             |                    |            |          |
| HB16-1355 | <del>Affirm Local Gov Siting Auth Oil &amp; Gas Facilities</del> | Support              | Support               | 3/11         | SA 3/21       |               | 4/4         |             |               |               |             |             |                    |            |          |
| HB16-1370 | Nicotine Product Retailers Registry                              | Oppose               | Oppose                | 3/16         | BA            |               |             |             |               |               |             |             |                    |            |          |
| HB16-1382 | <del>Divert Water Piscatorial Aesthetic Beneficial Use</del>     | Support              |                       | 3/16         | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1388 | Employer Hiring Criminal History Employee                        | Oppose               | Oppose                | 3/16         | Jud 4/12      | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1399 | Workers' Compensation For PTSD                                   | Monitor              | Monitor               | 3/22         | He 4/8        | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1420 | CO Healthcare Affordability & Sustainability Enter               | Monitor              | Support               | 3/28         | Ap 3/29       |               | 4/18        |             |               |               |             |             |                    |            |          |
| HB16-1421 | Allocate Additional FY 2016-17 Gen Fund Revenues                 | Monitor              | Support               | 3/28         | Ap 3/29       |               | 4/18        |             |               |               |             |             |                    |            |          |
| SB16-003  | Broadcast Burns Wildfire Risk Reduction Funding                  | Support              | Support               | 1/13         | Jud 2/8       | Ap            |             |             |               |               |             |             |                    |            |          |
| SB16-011  | <del>Terminate Use Of FASTER Fee Revenue For Transit</del>       | Oppose               | Oppose                | 1/13         | Trans 1/26    |               | 2/2         | 2/3         | Trans 2/17    |               |             |             |                    |            |          |
| SB16-012  | Time To Reconstruct Residential Improvements                     | Monitor              | Monitor               | 1/13         | LG 2/2        |               | 2/5         | 2/8         | LG 3/9        |               | 3/16        | 3/17        |                    |            | 4/5      |
| SB16-017  | <del>Concealed Handgun Carry Without Permit</del>                | Oppose               | Oppose                | 1/13         | SA 1/27       | Ap 2/12       | 2/22        | 2/23        | SA 3/7        |               |             |             |                    |            |          |



[illegible]



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**970.221.6505**  
970.224.6107 - fax  
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## **Legislative Review Committee Agenda**

April 26, 2016, 4:00 p.m.

City Clerk Large Conference Room

1. Approval of minutes from April 19, 2016 meeting
2. Review Colorado General Assembly bills
3. Other business

Next meetings: May 31 and June 16 (*luncheon with legislators at CIC Room*)



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## **Legislative Review Committee Agenda**

Meeting Notes

April 19, 2016, 4:00 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Judy Schmidt, Senior Assistant City Attorney; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce; Dan Betts, Senator Cory Gardner

The meeting came to order at 4:05 pm.

Councilmember Martinez moved approval of the April 5, 2016 minutes and Councilmember Campana seconded. Minutes were adopted without amendment.

Dan reviewed bills from the General Assembly. He shared that to date nearly 720 bills have been introduced. Dan informed the committee that no new bills have been added to the tracker, but provided updates on several bills.

- Dan told LRC that **HB16-1155** was passed out of both houses, and that we will send a veto request letter to the governor.
- **HB16-1420 - CO Healthcare Affordability & Sustainability Enterprise** – and **HB16-1421 – Allocate Additional FY 2016-2017 General Fund Revenues** – bills related to the Hospital Provider Fee – passed the house, but are unlikely to advance in the Senate.
- **HB16-1311** is changing **Procedures When Orders Require Monetary Payments**. LRC had previously adopted a monitor position, but after receiving more comments from staff regarding the negative impact this bill could have, LRC amended that position to an **oppose** position.
- **HB16-1319** that would **Prohibit Coal Rolling in Diesel Vehicles**. Dan shared that this bill passed through the House with some opposition (on a 39-25 vote). Staff is working to prepare the bill for hearing in Senate Transportation Committee. Senator Kefalas is sponsoring the bill and Dan expressed that support in the Senate is uncertain.
- **SB16-100** would be a **County Road & Bridge Tax Reduction Requirement**. Dan informed LRC that the bill, which the City supported, was postponed indefinitely in the House State Affairs Committee.
- Dan shared rumors that there should still be a couple more bills coming. Possible bills ahead in the session include:
  - A construction defects reform bill is now tied to an affordable housing package

- A broadly titled marijuana bill is possible – staff is uncertain the goal of such a proposal
- A bill to allow limited full-strength beer and wine sales in the grocery stores
- A highway transportation funding bill

Dan gave an update about the Colorado Community for Climate Action (CC4CA) a climate action-focused consortium of communities of which the City is a founding member. He shared that the coalition is now eight cities and counties and that they are in the process of hiring a lobbyist. In the interim, CC4CA will start work on creating legislative proposals.

He shared that LRC will next meet April 26<sup>th</sup>, and that will be the last meeting during the session as the 2016 session ends May 11. Future LRC meetings include May 31 and then a June 16 meeting to review the 2016 session with legislators.

LRC then discussed their planned trip to Washington, DC in September. Members express that they would support a “divide and conquer” strategy where meetings would be tailored to the interests of specific Councilmembers and not all participants would need to attend everything together. The visit is scheduled September 14-16 and Dan will begin working on a tentative agenda.

The meeting was adjourned at 4:42 pm.



## Legislative Review Committee Bill Report

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# Legislative Review Committee Bill Report

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### [HB16-1005](#)

### Residential Precipitation Collection

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|-------------------------------|---|
| <b>Comment:</b>               | <b>LPA pg 25, Water Supply/Quality #2, "Enact reasonable water quality regulations that are cost effective and can show identifiable benefits."</b>   |
| <b>Position:</b>              | <b>Support</b>  |
| <b>Calendar Notification:</b> | NOT ON CALENDAR   |
| <b>Short Title:</b>           | Residential Precipitation Collection  |
| <b>Sponsors:</b>              | ESGAR / MERRIFIELD  |
| <b>Summary:</b>               | Bill would allow single and multi-family homes to own and use up to two rain barrels that would divert rainwater for the use on site. Colorado is the last western state to allow residential rain barrel use - this bill appears to be a de minimis diversion of water and appears to be a common-sense water conservation measure.  |
| <b>Status:</b>                | 04/01/2016 Senate Third Reading Passed - No Amendments  |
| <b>Fiscal Notes:</b>          | <u><a href="#">Fiscal Note</a></u>  |
| <b>Analyze This Comments:</b> | <b>Monitor: Fri, January 22, 2016, by ddustin@fcgov.com</b><br>(22-Jan-16) The importance of this bill to the Fort Collins Utilities Water Resources Division is low.<br><br><b>Monitor: Fri, January 22, 2016, by ddustin@fcgov.com</b><br>(22-Jan-16) Fort Collins Utilities water rights could be negatively affected by widespread rain barrel use if it results in reduction of flows in the Poudre River that could reduce flows available under our water rights. However, rain barrel use could reduce overall water demands that could balance a potential reduction in flows available to Utilities water rights. Based on initial analysis, the effects of rain barrels on the City would likely be minor, but more information/study would be needed to assess potential impacts.<br><br><b>Monitor: Fri, January 22, 2016, by ddustin@fcgov.com</b><br>(22-Jan-16) It is difficult to quantify impacts at this time. |

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### [HB16-1006](#)

### Clarify Tax Exemptions For Housing Authorities

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|                 |   |
|-----------------|---|
| <b>Comment:</b> | <b>LPA pg 12, Affordable Housing #2, "Increase local government's</b> |
|-----------------|---|

**ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships."**

**Position:** **Support**

**Calendar Notification:** Friday, April 22 2016  
SENATE APPROPRIATIONS COMMITTEE  
8:30 AM LSB-B  
(1) in senate calendar.

**Short Title:** Clarify Tax Exemptions For Housing Authorities

**Sponsors:** BECKER K.

**Summary:** Bill was sought by Housing Authorities (including Fort Collins') to clarify eligibility for certain tax exemptions.

**Status:** 03/31/2016 Senate Committee on Finance Refer Amended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**[HB16-1069](#)**

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**Allow City To Set Housing Auth Commn Term Length**

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**Comment:** **LPA pg. 26, Home Rule #1, "Strengthen home rule authority of municipal governments."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Allow City To Set Housing Auth Commn Term Length

**Sponsors:** RANKIN

**Summary:** CML bill that would allow local government discretion to set the term for housing commission.

**Status:** 03/09/2016 Governor Signed

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) This bill was in response to issues very small housing authorities say they are having filling their commissioner seats. This is not an issue in FC.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) It will give the Council the ability to set the Housing Authority Commissioner terms themselves.

**No Effect: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) No effect.

**Neutral: Wed, February 03, 2016, by jbrewen@fcgov.com**  
(03-Feb-16) While the Fort Collins Housing Authority is neutral on this bill, we do not see that it is an issue for FC, nor do we think it really

warrants a legislative fix statewide. The current statute works and the small housing authorities mentioned should be able to work within the current statute

| <a href="#">HB16-1070</a>     | Signature Verification In Mun Mail Ballot Election   |
|-------------------------------|--|
| <b>Comment:</b>               | <b>Not explicit in LPA</b>   |
| <b>Position:</b>              | <b>Monitor</b>   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR  |
| <b>Short Title:</b>           | Signature Verification In Mun Mail Ballot Election   |
| <b>Sponsors:</b>              | NEVILLE P. / NEVILLE T.  |
| <b>Summary:</b>               | <p>For a mail ballot election conducted after March 30, 2018, under the "Colorado Municipal Election Code of 1965", the bill:</p> <ul style="list-style-type: none"><li>* Requires election judges to compare a municipal elector's signature on a mail ballot return envelope self-affirmation with one of the elector's digitized signatures stored in the statewide voter registration system, commonly referred to as "SCORE";</li><li>* Grants municipal clerks access to SCORE for signature verification purposes;</li><li>* Authorizes the use of signature verification devices to perform these comparisons;</li><li>* Describes the procedures for clerks and election judges to follow based on the outcomes of such comparisons; and</li><li>* Requires municipal clerks to provide training to election judges who compare signatures.</li></ul> |
| <b>Status:</b>                | 04/15/2016 Sent to the Governor  |
| <b>Fiscal Notes:</b>          | <a href="#">Fiscal Note</a>  |
| <b>Analyze This Comments:</b> |  |

| <a href="#">HB16-1078</a>     | Local Gov Employee Whistleblower Protection   |
|-------------------------------|---|
| <b>Comment:</b>               | <b>LPA pg . 28, Sovereign and Governmental Immunity #1, "Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities."</b>   |
| <b>Position:</b>              | <b>Oppose</b>   |
| <b>Calendar Notification:</b> | NOT ON CALENDAR   |
| <b>Short Title:</b>           | Local Gov Employee Whistleblower Protection   |
| <b>Sponsors:</b>              | KAGAN   |
| <b>Summary:</b>               | <p>This legislation would give express authority to a disgruntled employee to initiate a claim against an employer for any action the employee may claim was due to alleging "violation of a state or federal law or local ordinance; a waste or misuse of public funds; fraud; an abuse of</p> |

authority; mismanagement; or a danger to the health or safety employees or the public.”

**Status:** 04/19/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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|----------------------------------|---|
| <b><a href="#">HB16-1088</a></b> | <b>Fire Protection Dist Impact Fee On New Development</b> |
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**Comment:** **LPA pg 14, Planning and Land Use #4, "Retain local government authority to impose development impact fees."**

**Position:** **Support**

**Calendar  
Notification:** NOT ON CALENDAR

**Short Title:** Fire Protection Dist Impact Fee On New Development

**Sponsors:** DORE

**Summary:** Bill would allow fire districts to impose impact fees provided the fees conform to adopted rates and that information is provided in writing to the local governments in their service area. CML is asking that a fire district amend its service plan to reflect the additional revenue.

**Status:** 04/05/2016 House Considered Senate Amendments - Result was to Laid Over Daily

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This  
Comments:**

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|----------------------------------|--|
| <b><a href="#">HB16-1114</a></b> | <b>Repeal Duplicate Reporting Requirements</b> |
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**Comment:** **LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:** **Monitor**

**Calendar  
Notification:** Monday, April 25 2016  
SENATE BUSINESS, LABOR, & TECHNOLOGY COMMITTEE  
2:00 PM SCR 354  
(1) in senate calendar.

**Short Title:** Repeal Duplicate Reporting Requirements

**Sponsors:** DELGROSSO / ULIBARRI

**Summary:** Bill would remove Colorado requirements that each employer in Colorado satisfy the state that an employee has a verified legal work status. A local employer will still need to complete an I-9 form to satisfy federal employment requirements.

**Status:** 04/14/2016 Introduced In Senate - Assigned to Business, Labor, &



Technology

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Monitor: Thu, March 03, 2016, by jbirks@fcgov.com**  
(03-Mar-16) Low - from and Economic Health perspective; no comments from Businesses in recent visits about this bill

**Support: Sun, March 13, 2016, by jamiller@fcgov.com**  
(13-Mar-16) Medium

**Support: Sun, March 13, 2016, by jamiller@fcgov.com**  
(13-Mar-16) This Bill will eliminate State documentation required to confirm a new employee's identity and authorization for employment. This verification duplicates the Federal I-9 process which serves the same purpose.

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**[HB16-1122](#)**

**Remote Starter Systems**

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**Comment:**

**LPA pg 20, Air Quality #7, "Reduce vehicle emissions by encouraging behavior changes, such as reducing vehicle idling."**

**Position:**

**Monitor**

**Calendar**

NOT ON CALENDAR

**Notification:**

**Short Title:**

Remote Starter Systems

**Sponsors:**

EVERETT / HILL

**Summary:**

Bill would allow use of remote starters for vehicles to warm up before use.

**Status:**

03/31/2016 Governor Signed

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Oppose: Fri, January 22, 2016, by lsmith@fcgov.com**  
(22-Jan-16) My suggestion is to oppose ths bill. Allowing vehicles to idle unattended causes increasd air pollution, in direct opposition to our LPA: "Reduce vehicle emissions by: •?Encouraging behavior changes, such as reducing idling of vehicles"

**Neutral: Thu, February 11, 2016, by mjackson@fcgov.com**  
(11-Feb-16) low priority

**N/A: Fri, January 22, 2016, by lsmith@fcgov.com**  
(22-Jan-16) Fort Collins is non-attainment for ozone. This bill will hinder efforts to achieve attainment.

**Neutral: Thu, February 11, 2016, by mjackson@fcgov.com**  
(11-Feb-16) Only possible concern may be encouraging excessive idling, adding to emissions and AQ issues.

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**HB16-1141****Radon Exposure In Buildings**

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**Comment:** **LPA pg 20, Air Quality #2, "Ensure air quality standards are protective of public health and welfare."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Radon Exposure In Buildings

**Sponsors:** BECKER K. / JAHN

**Summary:** Bill would develop a statewide education program for radon risks and would establish a program to provide financial assistance to low-income individuals for radon mitigation in their homes. Also extends by ten years the state uranium mill tailings remedial action fund, which pays for a program that provides information to the public on uranium mill tailings contamination in residences and commercial buildings.

**Status:** 04/15/2016 Sent to the Governor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Support: Tue, February 02, 2016, by Dan Weinheimer (dweinheimer@fcgov.com)**  
(02-Feb-16) From Environmental Services: I would definitely support this bill. We did not receive any funds from the Feds this year so hopefully if this comes through, we'll have additional resources. Radon kits are flying off the shelves. 70% of Fort Collins homes test high and of those that test, only 50% mitigate. We are well on our way to conduct outreach to homes testing high to provide them with additional health and mitigation information. We are also providing materials regarding the Zero Interest Loans. Just recently new state regulations required all Child Care Centers to test for radon. As a courtesy, we have contacted all of the child care listings in Fort Collins to make them aware of the Indoor Air Quality programs and to offer them a radon test kit.

**Amend: Tue, February 02, 2016, by Dan Weinheimer (dweinheimer@fcgov.com)**  
(02-Feb-16) Colorado Building Officials group: seeking to amend the bill and concern is that this could be an avenue for CDPHE to make radon mitigation adopted and enforced by local gov't as an unfunded mandate. This should be amended to only establish the assistance program.

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**HB16-1155****Controlled-access Highway As County Primary Road**

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**Comment:** **LPA pg 33, Transportation #1, "Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices."**

**Position:** **Oppose**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Controlled-access Highway As County Primary Road

**Sponsors:** SAINE / SONNENBERG

**Summary:** Bill would give counties the authority to designate any four-lane controlled-access county highway a "primary road" and to grant or deny access to the highway; and the placement of all traffic control signals (unless the municipality obtains the county's approval in writing).

**Status:** 04/15/2016 Sent to the Governor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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**[HB16-1231](#)**      **Restricting The Use Of Red Light Cameras**

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**Comment:** **LPA pg 31, Public Safety #3, "Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations."**

**Position:** **Oppose**

**Calendar Notification:** Wednesday, April 20 2016  
 CONFERENCE COMMITTEES TO REPORT  
 (1) in senate calendar.  
 Friday, April 22 2016  
 CONFERENCE COMMITTEE ON HOUSE BILL 16-1231  
 12:00 PM HCR 0112  
 (1) in senate calendar.  
 Friday, April 22 2016  
 Conference Committee on House Bill 16-1231  
 12:00 p.m. Room 0112  
 (1) in house calendar.  
 Tuesday, April 26 2016  
 (1) in house calendar.

**Short Title:** Restricting The Use Of Red Light Cameras

**Sponsors:** LEBSOCK / CARROLL

**Summary:** This bill, as amended by the Senate Transportation Committee, prohibits the use of an automated vehicle identification system (AVIS), such as photo speed vans and red light cameras, by state and local governments for the purposes of enforcing traffic laws or issuing citations for the violation of traffic laws. An exception is made under the bill for those governmental entities using AVIS to assess tolls and civil penalties on public highways, toll roads and toll highways, and to issue citations for violations related to high occupancy vehicles and high occupancy toll lanes.

**Status:** 04/05/2016 House Considered Senate Amendments - Result was to Not

Concur - Request Conference Committee

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Support: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) Fort Collins makes use of red light cameras.

**Support: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) FC's use of red light cameras is currently limited to two high volume arterial/arterial intersections. Our use falls within the parameters of the bill.

**No Effect: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) Minimal impact given FC's current use and location of red light cameras.

**Support: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**  
(02-Mar-16) Important to note they are not used for traffic control purposes but for law enforcement.

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**[HB16-1262](#)**

**Law Enforcement Background Check Employment  
Waiver**

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**Comment:**

**LPA pg. 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:**

**Support**

**Calendar**

**Notification:**

NOT ON CALENDAR

**Short Title:**

Law Enforcement Background Check Employment Waiver

**Sponsors:**

WILLIAMS / COOKE

**Summary:**

This bill requires that each candidate for a peace officer position execute a waiver. The waiver allows a hiring state or local law enforcement agency or the Department of Revenue to obtain all records about that candidate from another law enforcement or governmental agency. The hiring agency, including higher education law enforcement agencies, public transit law enforcement agencies, and the Department of Revenue, must submit the waiver to each applicable prior employer at least 21 days before making a decision. A law enforcement agency or government agency must respond to the records request within 21 days of receiving the waiver. Exceptions are provided if the agency is prohibited from providing the disclosure due to a binding nondisclosure agreement to which it is a party, provided that agreement is executed prior to the passage of HB 1262. The state or local law enforcement agency or other government agency is not liable for complying with the waiver requirements or participating in an official oral interview with an investigator regarding the candidate.

**Status:**

04/01/2016 House Considered Senate Amendments - Result was to

Concur - Repass

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) This bill is important to Fort Collins Police Services. As an organization we welcome the opportunity to demonstrate our integrity in an open and transparent manner.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) This is the way we do business and it should be required for all agencies to make sure any previous employment history is disclosed prior to making a hiring decision.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) For Fort Collins Police Services it will enable us to openly communicate critical information about problematic former employees; communication that may have been restricted in the past.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) It doesn't change much for us. We already require a waiver and we personally inspect all personnel and internal affairs records prior to hiring.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) No fiscal or operational negative impact that I can foresee.

**Support: Mon, March 07, 2016, by [jschiager@fcgov.com](mailto:jschiager@fcgov.com)**  
(07-Mar-16) It will have an impact on improving law enforcement as a profession and therefore it will have a positive impact on FC.

**Strongly Support: Thu, February 18, 2016, by [jhutto@fcgov.com](mailto:jhutto@fcgov.com)**  
(18-Feb-16) Legislation such as this is necessary in order to allow me, and other law enforcement professionals, the freedom to communicate critical information about problematic former employees so that they do not surface in another community unbeknownst to those departments.

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[HB16-1263](#)

**Racial Profiling Prohibition**

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**Comment:**

**LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."**

**Position:**

**Monitor**

**Calendar**

NOT ON CALENDAR

**Notification:**

**Short Title:**

Racial Profiling Prohibition

**Sponsors:**

WILLIAMS / ULIBARRI

**Summary:**

This bill modifies the prohibition in current law against racial profiling by law enforcement by changing the definition to include the practice of relying on race, ethnicity, gender, national origin, language, religion,

sexual orientation, gender identity, age, or disability (listed characteristics) in determining: • the existence of probable cause to place in custody or arrest an individual or in constituting a reasonable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a vehicle; or • the scope, substance, or duration of an investigation or law enforcement activity to which a person will be subjected. In addition, the bill clarifies that a peace officer may use age when making law enforcement decisions if the peace officer is investigating a juvenile status offense.

**Status:** 04/01/2016 House Considered Senate Amendments - Result was to Concur - Repass

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) This bill makes sense because police officers should not make any "official" decisions based on the identifiers described in the bill. It expands the identifiers and includes more gender preference language, which makes sense to me. The problem with this type of bill, and the reason I have a hard time supporting it fully is that it is difficult to enforce and allegations can be made that are nearly impossible to prove. I have investigated some of these claims before, and absent some very strong evidence or pattern of behavior it simply cannot be proven why a police officer took the actions s/he did and whether there may be some prejudice at play. As a policy statement I support this bill, but as a practical matter it will not add much value to the industry.

**Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Potentially more allegations against police officers that are nearly impossible to prove or disprove. I do not think this bill will change the actions of our police officers, because I believe they already treat people fairly and respectfully regardless of the identifiers listed in this bill.

**Neutral: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal impact

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## [HB16-1264](#)

## **Ban Law Enforcement Use Of Chokehold**

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**Comment:** **LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."**

**Position:** **Monitor**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Ban Law Enforcement Use Of Chokehold

**Sponsors:** MELTON

**Summary:** The bill clarifies that a peace officer may only use a chokehold when he or she reasonably believes that it is necessary to defend himself or herself or a third party is in imminent danger of death or serious bodily injury or

to effect an arrest or prevent escape under certain conditions. These conditions include when the peace officer has a reasonable belief that the other person has committed or attempted a felony involving or threatening the use of a deadly weapon; is attempting to escape by the use of deadly force; or indicates, except through a motor vehicle, that he or she is likely to endanger human life or inflict serious bodily injury unless he or she is apprehended without delay.

**Status:** 04/01/2016 House Considered Senate Amendments - Result was to Concur - Repass

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) FCPS has not allowed choke holds or 25 years. This bill does recognize that in a life threatening situation, unusual or otherwise prohibited actions may be necessary to save the officer's life.

**Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal. We haven't allowed choke holds for 25 years.

**Support: Mon, March 07, 2016, by jschiager@fcgov.com**  
(07-Mar-16) Minimal. We haven't allowed choke holds for 25 years.

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**[HB16-1265](#)**

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**Expunge Arrest Records Based On Mistaken Identity**

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**Comment:** **LPA pg 32, Public Safety #17, "Promote efforts to reduce conflict between community members and law enforcement."**

**Position:** **Amend**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Expunge Arrest Records Based On Mistaken Identity

**Sponsors:** MELTON

**Summary:** This bill requires the court to expunge the arrest and criminal records of a person who was arrested as a result of mistaken identity and who did not have charges filed against him or her. Law enforcement agencies are required to petition the relevant court within 90 days of completing an investigation that determines there was a mistaken identity and no charges were filed. The court then has 90 days to expunge the record and order other agencies that have custody of such records to do the same. Under the bill, the petitioner is responsible for providing copies of the order to the Colorado Bureau of Investigation (CBI) and any other agencies that have custody of records. In the case of a private custodian, the petitioner must also send the notice electronically. After the records are expunged, the court may issue an order sealing the civil case.

**Status:** 03/31/2016 Senate Third Reading Passed - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This** **Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**



**Comments:** (07-Mar-16) I believe there are already ways for a defendant to get his or her records expunged. It may not always be clear if someone has been arrested based on mistaken identity, and I do not think it should be the responsibility of the police department to start this process. It should be a court process initiated by the defendant.

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) I'm not sure how many of our cases would fall into this category, probably a very small number, but having the responsibility to recognize this situation and initiate this process is unreasonable. The defendant has the ability to make this argument. Possibly we should have a law that pays the defendant back for attorney fees if they are successful in expunging their record based on a mistaken identity,

**Oppose: Mon, March 07, 2016, by jschiager@fcgov.com**

(07-Mar-16) Potential liability if we do not properly initiate this process or if the facts are ultimately unclear.

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**HB16-1311**

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**Procedures When Orders Require Monetary Payments**

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**Comment:** **LPA pg. 26, Home Rule #2, "Reject State or Federal intervention in matters of local concern and that unnecessarily or adversely affect the City's ability to manage pursuant to its home rule authority."**

**Position:** **Oppose**

**Calendar** Wednesday, April 27 2016

**Notification:** SENATE JUDICIARY COMMITTEE

1:30 PM LSB-B

(1) in senate calendar.

**Short Title:** Procedures When Orders Require Monetary Payments

**Sponsors:** SALAZAR

**Summary:** When a court imposes a sentence requiring a defendant to pay a monetary amount, the court may make arrangements for payment at a future date or in installments and must provide certain instructions to defendants. This bill specifies that these same rules apply when the court enters a judgment or issues an order requiring payment. The bill also specifies that when imposing a monetary obligation, the court must inform the defendant that he or she may petition the court for a reduction in the amount or may request an alternative sentence, other than incarceration. The court must also inform the defendant that if he or she is unable to pay, the court may not jail the defendant for failure to pay.

**Status:** 04/11/2016 Introduced In Senate - Assigned to Judiciary

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This** **Strongly Oppose: Fri, April 01, 2016, by klane@fcgov.com**

**Comments:** (01-Apr-16) Current safeguards for dealing with failure to pay cases are sufficient.

**Strongly Oppose: Fri, April 01, 2016, by klane@fcgov.com**



(01-Apr-16) We would re-review our processes and revise as required but there would be no practical benefit to the public. Processing would likely be more onerous for Court staff as well as the public.

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**HB16-1319**

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**Prohibit Coal Rolling In Diesel Vehicles**

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**Comment:** **LPA pg 20, Air Quality #9, "Strengthen tailpipe emissions and fuel economy standards for all vehicles including reducing the impact of "rolling coal" and nitrous oxide emissions."**

**Position:** **Strongly Support**

**Calendar Notification:** Tuesday, April 26 2016  
SENATE TRANSPORTATION COMMITTEE  
2:00 PM SCR 352  
(3) in senate calendar.

**Short Title:** Prohibit Coal Rolling In Diesel Vehicles

**Sponsors:** GINAL

**Summary:** This bill prohibits "coal rolling", or "rolling coal".

**Status:** 04/18/2016 Introduced In Senate - Assigned to Transportation

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Support: Thu, March 03, 2016, by mjackson@fcgov.com**  
(03-Mar-16) This has been an important issue for FC citizens. Would consider it medium to high for our community.

**Strongly Support: Thu, March 03, 2016, by lex@fcgov.com**  
(03-Mar-16) This is an important bill that directly affects the quality of life of Fort Collins' residents, and especially the localized air quality that they breathe in. From discussions with Police Services, they also find that this solution is something that is enforceable, which is critical to addressing the issue.

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**  
(08-Mar-16) Police Services is the driver for Rep. Ginal's bill. Police officers will have a valuable tool with this legislation to address the growing problem of black smoke from diesel trucks.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**  
(03-Mar-16) Not really a transportation so much as an enforcement issue. that being said, harrassment of bikes and peds should not be tolerated.

**Strongly Support: Thu, March 03, 2016, by lex@fcgov.com**  
(03-Mar-16) Air quality continues to be a high priority for our residents. and the City places a high priority on multi-modal transportation opportunities, e.g., biking, walking, etc. Rolling coal tends to disproportionately affect our residents walking and biking as the smoke is emitted from a vehicle. It's important that an enforceable option is developed to address this community concern.

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**

(08-Mar-16) This bill combats two issues. One is the nuisance of the smoke together with the harassing behavior associated with the purposeful emission of the smoke. The second is the environmental impact the smoke/soot is surely have on our air quality. The driver's who are convicted of this offense will have a reasonable fine and a two point violation on their driver's license, which is a valuable deterrent to future behavior.

**N/A: Tue, March 22, 2016, by lsmith@fcgov.com**

(22-Mar-16) If effective, the bill would make it illegal to "roll coal" which will reduce safety and health risks to motorists, pedestrians and bicyclists in Fort Collins.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**

(03-Mar-16) Would have a positive impact (hopefully) particularly in the Downtown/Midtown FC areas

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**

(08-Mar-16) There will be a modest positive impact to the General Fund and an equally positive impact to the Traffic Surcharge Fund. The number and frequency of these violations will certainly decrease, which will be particularly evident to people enjoying Oldtown Fort Collins and also on South College Avenue on weekend nights, when the behavior seems to be more evident.

**Support: Thu, March 03, 2016, by mjackson@fcgov.com**

(03-Mar-16) Personal opinion: the more tools in the law enforcement toolbox to address this behavior, the better. Seems like there isn't a lot Police can use right now.

**Actively Support: Tue, March 08, 2016, by chorton@fcgov.com**

(08-Mar-16) Rep. Ginal proposed this legislation at our behest, with the understanding that the City would be supportive of the effort. She has been very accommodating of our input on changes to the scope of the bill and suggestions for language changes.

**N/A: Tue, March 22, 2016, by lsmith@fcgov.com**

(22-Mar-16) this Bill is supported by the City's AQ policies (Policy ENV 8.2 – Focus on Priority Air Pollutants...fine particulates is a high priority pollutant in FC) and LPA: The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality." Therefore, the City supports the following policy statements: • Adopt programs and policies that improve public health and air quality. • Enhance local government authority to improve air quality beyond minimum State or Federal requirements. • Provide authority for local governments to implement vehicle emissions reductions programs. (I noticed that Section 42-2-127 changed from "Tampering with emissions control" in the draft bill to "Coal rolling " in the final bill, and I assume that is because it would be more enforceable by traffic officers with this

language.

| <a href="#"><u>HB16-1332</u></a> | <b>Alternative Fuel Motor Vehicle Income Tax Credits</b>  |
|----------------------------------|---|
| <b>Comment:</b>                  | <b>LPA pg 20, Air Quality #7, "Reduce vehicle emissions by employing economic incentives, disincentives and other market approaches that support clean air."</b>  |
| <b>Position:</b>                 | <b>Monitor</b>  |
| <b>Calendar Notification:</b>    | NOT ON CALENDAR   |
| <b>Short Title:</b>              | Alternative Fuel Motor Vehicle Income Tax Credits   |
| <b>Sponsors:</b>                 | DURAN / SCOTT   |
| <b>Summary:</b>                  | This legislation simplifies the existing state tax credits to make them easier to understand by eliminating complex calculations. Tax credits with fixed values are easier for consumers to understand, better for dealers to advertise, clearer for Department of Revenue to administer, and more equitable for alternative fuel vehicles with different prices.   |
| <b>Status:</b>                   | 04/13/2016 House Committee on Finance Refer Amended to Appropriations   |
| <b>Fiscal Notes:</b>             | <a href="#"><u>Fiscal Note</u></a>  |
| <b>Analyze This Comments:</b>    |   |
| <a href="#"><u>HB16-1355</u></a> | <b>Affirm Local Gov Siting Auth Oil &amp; Gas Facilities</b>  |
| <b>Comment:</b>                  | <b>LPA pg 22, Oil &amp; Gas #5, "Allow greater local regulation of oil and gas exploration activities within municipal boundaries."</b>   |
| <b>Position:</b>                 | <b>Support</b>  |
| <b>Calendar Notification:</b>    | NOT ON CALENDAR   |
| <b>Short Title:</b>              | Affirm Local Gov Siting Auth Oil & Gas Facilities   |
| <b>Sponsors:</b>                 | FOOTE / ULIBARRI  |
| <b>Summary:</b>                  | This bill is meant to clarify that local governments have the authority to site oil and gas operations.   |
| <b>Status:</b>                   | 04/04/2016 House Second Reading Lost with Amendments - Floor  |
| <b>Fiscal Notes:</b>             | <a href="#"><u>Fiscal Note</u></a>  |
| <b>Analyze This Comments:</b>    | N/A: Tue, March 15, 2016, by <a href="mailto:mjackson@fcgov.com">mjackson@fcgov.com</a><br>(15-Mar-16) No comments from a Transportation perspective<br><br>N/A: Tue, March 15, 2016, by <a href="mailto:mjackson@fcgov.com">mjackson@fcgov.com</a><br>(15-Mar-16) No comments from a Transportation perspective<br><br>N/A: Tue, March 15, 2016, by <a href="mailto:mjackson@fcgov.com">mjackson@fcgov.com</a> |

(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**

(15-Mar-16) No comments from a Transportation perspective

**N/A: Tue, March 15, 2016, by [lkadrich@fcgov.com](mailto:lkadrich@fcgov.com)**

(15-Mar-16) it appears this would give local land use authority to cities and counties and that is something Council and citizens have advocated for; although this would be limited to facilities

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**[HB16-1370](#)**

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**Nicotine Product Retailers Registry**

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**Comment:**

**LPA pg 18, Finance #5, "Maintain or increase the City's revenue base (sales, use and property taxes)."**

**Position:**

**Oppose**

**Calendar**

NOT ON CALENDAR

**Notification:****Short Title:**

Nicotine Product Retailers Registry

**Sponsors:**

SINGER / COOKE

**Summary:**

There is not currently a comprehensive list of retailers in the state that sell cigarettes, tobacco products, or nicotine products (retailers). Commencing in 2017, section 2 of the bill requires retailers to register with the liquor enforcement division in the department of revenue (division). The division is required to keep a retailer's registration information confidential. The division is authorized to impose a \$500 fine on a retailer that fails to register with the division. Section 1 increases the appropriation to the division from the tobacco education programs fund, which fund consists of 16% of the money collected from cigarette and tobacco taxes, from \$350,000 to \$500,000 and directs the division to use up to \$150,000 of the money for the administration of the retailers registry. Section 3 applies the hearing procedures established for other nicotine product sales violations to violations of the requirement that a retailer register with the division. Section 4 increases the civil penalties a retailer would face for violating the prohibitions against selling cigarettes, tobacco products, or nicotine products to minors or selling individual cigarettes, a pack of cigarettes containing fewer than twenty cigarettes, or roll-your-own tobacco in a package containing less than 0.60 ounces of tobacco. From state cigarette tax money, the state currently apportions 27% to cities, towns, and counties (local governments) in proportion to the amount of state sales tax revenues collected within the boundaries of the local governments. A local government is prohibited from receiving its allocation of this money if it imposes its own fees, licenses, or taxes on cigarette sales. Section 5 expands the arrangement to cover other tobacco product tax revenues and to prohibit a local government from receiving its allocation of the money if the local government imposes its own fees, licenses, or taxes on tobacco product or nicotine product sales. Under current law, if a tobacco product distributor ships or transports tobacco products to a consumer

outside of the state between September 1, 2015, and September 1, 2018, and reports and pays the taxes on those tobacco products, the department of revenue may credit the tax to the distributor. Section 6 modifies that tax credit provision to apply indefinitely.

**Status:** 03/16/2016 Introduced In House - Assigned to Business Affairs and Labor

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Oppose: Tue, April 05, 2016, by Dan Weinheimer (dweinheimer@fcgov.com)**

(05-Apr-16) This is a comment from Sales Tax list. We are definitely not in favor of this, but cannot quantify the exact lost revenue because sales tax is not reported at that level of detail. I will note that this is a big deal for us because it would mean we would lose revenue on all nicotine products including patches, vaping liquid etc.

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**[HB16-1388](#)**

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**Employer Hiring Criminal History Employee**

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**Comment:** **LPA pg 27, Human Resources #1, "Enhance the City's ability to decide employment issues, including collective bargaining, arbitration, compensation, benefits and leaves."**

**Position:** **Oppose**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Employer Hiring Criminal History Employee

**Sponsors:** MCCANN

**Summary:** The bill generally prohibits an employer from: \* Advertising that a person with a criminal history may not apply for a position; \* Placing a statement in an employment application that a person with a criminal history may not apply for a position; or \* Making an inquiry about a candidate's arrests or criminal convictions until the candidate has been offered an interview or a conditional offer of employment. An employer is exempt from these restrictions when: \* The law forbids a person from being employed on account of a criminal conviction or requires an employer to consider a candidate's criminal history for the job; \* The employer is participating in a program to encourage employment of people with criminal histories; or \* The job requires a fidelity bond and the criminal history would disqualify the candidate. An employer must keep applications for 9 months. The department of labor and employment will enforce the section with civil penalties. A violation of the restrictions does not create a private cause of action.

**Status:** 04/12/2016 House Committee on Judiciary Refer Unamended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

| <a href="#"><u>HB16-1399</u></a> | <b>Workers' Compensation For PTSD</b>   |
|----------------------------------|---|
| <b>Comment:</b>                  | <b>LPA pg 27, Human Resources #2, "Expand the City's ability to offer health, welfare and wellness services for employees."</b>   |
| <b>Position:</b>                 | <b>Monitor</b>  |
| <b>Calendar Notification:</b>    | Wednesday, April 27 2016<br>SENATE STATE, VETERANS, & MILITARY AFFAIRS COMMITTEE<br>1:30 PM SCR 356<br>(1) in senate calendar.  |
| <b>Short Title:</b>              | Workers' Compensation For PTSD  |
| <b>Sponsors:</b>                 | SINGER / NEWELL   |
| <b>Summary:</b>                  | The bill clarifies that a workers' compensation claim for mental impairment may not be denied based on the occupation of the worker. Each claimant is required to be evaluated by a licensed, level II fully accredited physician, psychiatrist, or psychologist. |
| <b>Status:</b>                   | 04/18/2016 Introduced In Senate - Assigned to State, Veterans, & Military Affairs   |
| <b>Fiscal Notes:</b>             | <a href="#"><u>Fiscal Note</u></a>  |
| <b>Analyze This Comments:</b>    |   |

| <a href="#"><u>HB16-1420</u></a> | <b>CO Healthcare Affordability &amp; Sustainability Enter</b>  |
|----------------------------------|--|
| <b>Comment:</b>                  | <b>Informational only</b>  |
| <b>Position:</b>                 | <b>Support</b>   |
| <b>Calendar Notification:</b>    | Friday, April 22 2016<br>GENERAL ORDERS - SECOND READING OF BILLS<br>(1) in house calendar.  |
| <b>Short Title:</b>              | CO Healthcare Affordability & Sustainability Enter   |
| <b>Sponsors:</b>                 | HULLINGHORST / CROWDER   |
| <b>Summary:</b>                  | As amended by the House Appropriations Committee, the bill creates a Colorado Healthcare Affordability and Sustainability Enterprise within the Department of Health Care Policy and Financing (HCPF). Beginning FY 2016-17, the enterprise is responsible for the collection of a new Healthcare Affordability and Sustainability Fee that replaces the Hospital Provider Fee assessed under current law. |
| <b>Status:</b>                   | 04/18/2016 House Second Reading Laid Over Daily - No Amendments  |
| <b>Fiscal Notes:</b>             | <a href="#"><u>Fiscal Note</u></a>   |
| <b>Analyze This Comments:</b>    |  |

| <a href="#"><u>HB16-1421</u></a> | <b>Allocate Additional FY 2016-17 Gen Fund Revenues</b>  |
|----------------------------------|--|
| <b>Comment:</b>                  | <b>LPA pg 33, Transportation #3, "Explore and analyze alternative methods of funding transportation infrastructure needs."</b> |

**Position:** **Support**

**Calendar** Friday, April 22 2016

**Notification:** GENERAL ORDERS - SECOND READING OF BILLS  
(2) in house calendar.

**Short Title:** Allocate Additional FY 2016-17 Gen Fund Revenues

**Sponsors:** HULLINGHORST

**Summary:** Contingent upon the passage of legislation (the CHASE Act) that eliminates the hospital provider fee at the end of fiscal year 2015-16, the bill: \* Requires legislative council staff, as part of its 2016 economic and revenue forecast, to estimate the total amount of general fund revenues that the state would have been required to make unavailable for expenditure in fiscal year 2016-17 and refund in fiscal year 2017-18 but for the enactment of the CHASE Act; and \* Requires the amount estimated by legislative council staff to be allocated as follows: \* On September 30, 2016, the state treasurer must transfer the lesser of the full amount or \$50 million to the highway users tax fund (HUTF); \* On September 30, 2016, the state treasurer must transfer the lesser of the full amount remaining after the HUTF transfer has been made or a total amount of \$16.2 million in equal parts to the state severance tax trust fund and the local government severance tax fund as repayment of money diverted from those funds to the general fund in fiscal year 2014-15; \* The lesser of the full amount remaining after the HUTF and severance tax fund transfers have been made or a total amount of \$40 million must be used to reduce the 2016-17 public school finance negative factor; and \* The lesser of the full amount remaining after the HUTF and severance tax fund transfers and the negative factor allocation have been made or \$49.5 million is allocated to governing boards of state-supported institutions of higher education to reduce fiscal year 2017-18 tuition increases and provide additional student financial assistance.

**Status:** 04/18/2016 House Second Reading Laid Over Daily - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This**

**Comments:**

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**[SB16-003](#) Broadcast Burns Wildfire Risk Reduction Funding**

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**Comment:** **LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."**

**Position:** **Support**

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Broadcast Burns Wildfire Risk Reduction Funding

**Sponsors:** ROBERTS / BECKER K.



**Summary:** This bill would allow broadcast burns, this could serve as an additional tool to reduce wildfires.

**Status:** 02/08/2016 Senate Committee on Judiciary Refer Unamended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Strongly Support: Fri, February 05, 2016, by lsmith@fcgov.com**  
(05-Feb-16) It is important: High. Broadcast burning is an important tool locally. While Natural Areas does little broadcast burning in the name of fuels reduction, it is an important tool for our cooperators in Larimer County. Natural Areas staff anticipates most (if not all) of this additional funding will either go to state agencies or be administered through a competitive grant process.

**N/A: Fri, February 05, 2016, by lsmith@fcgov.com**  
(05-Feb-16) Risk to Fort Collins from wildfire smoke was identified as one of the two top risks from climate change to that needs to be addressed (along with extreme heat events). Although prescribed fire does release air pollution, this bill provides more tools and resources to proactively conduct fuels management and likely reduce risks from wildfire smoke.

**N/A: Fri, February 05, 2016, by lsmith@fcgov.com**  
(05-Feb-16) Efforts by land managers to reduce wildfire in our state will impact Fort Collins citizens positively. The positive impact would most likely affect our cooperators in Larimer County.

**Strongly Support: Fri, February 05, 2016, by lsmith@fcgov.com**  
(05-Feb-16) Environmental Services and Natural Areas can support or strongly support this bill.

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**[SB16-012](#)**

**Time To Reconstruct Residential Improvements**

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**Comment:** **LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."**

**Position:** **Monitor**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Time To Reconstruct Residential Improvements

**Sponsors:** HEATH / SINGER

**Summary:** This bill allows residential property to maintain its property tax classification for an indefinite period of time if the county assessor determines the property owner is making a good faith effort to rebuild an improvement destroyed by a natural disaster. A residential improvement is a home or other structure that has been built on residential property. Under current law, the property can maintain its residential classification for up to four years after the improvement has been destroyed if, in the assessor's judgement, the owner intends to repair or replace the structure.



**Status:** 04/05/2016 Governor Signed

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**  
(29-Mar-16) medium

**N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**  
(29-Mar-16) may be helpful in a disaster situation although more likely we would comply with existing timeframe

**N/A: Tue, March 29, 2016, by lkadrich@fcgov.com**  
(29-Mar-16) would be helpful to landlords especially those with multiple properties in the event of a widespread property loss

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|---------------------------------|--|
| <b><a href="#">SB16-038</a></b> | <b>Transparency Of Community-centered Boards</b> |
|---------------------------------|--|

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**Comment:** **Not explicit in LPA**

**Position:** **Monitor**

**Calendar Notification:** Wednesday, April 20 2016  
THIRD READING OF BILLS - FINAL PASSAGE - CONSENT CALENDAR  
(3) in senate calendar.

**Short Title:** Transparency Of Community-centered Boards

**Sponsors:** AGUILAR / YOUNG

**Summary:** Bill would increase transparency of community-centered boards (CCB) through a regular state audit and compliance with the local government audit law. In Larimer County, Foothills Gateway is a CCB.

**Status:** 04/20/2016 Senate Third Reading Passed - No Amendments

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:**

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|                                 |  |
|---------------------------------|--|
| <b><a href="#">SB16-063</a></b> | <b>Intergovt Agreement With Out-of-state Local Gov</b> |
|---------------------------------|--|

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**Comment:** **LPA pg 32, Public Safety #16, "Increasing state, regional and local disaster resilience."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Intergovt Agreement With Out-of-state Local Gov

**Sponsors:** ROBERTS / VIGIL

**Summary:** Bill would allow agreement between municipalities and out-of-state partners for emergency services.

Status: 03/23/2016 Governor Signed

Fiscal Notes: [Fiscal Note](#)

Analyze This  
Comments:

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**[SB16-067](#)**

**Broadband Personal Property Tax Exemption**

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**Comment:** **LPA pg 18, Finance #3, "Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions."**

**Position:** **Oppose**

**Calendar** NOT ON CALENDAR

**Notification:**

**Short Title:** Broadband Personal Property Tax Exemption

**Sponsors:** SCHEFFEL / WILLIAMS

**Summary:** Bill creates a state Business Personal Property Tax exemption for broadband equipment. Does not specify new equipment or expansion of existing service.

**Status:** 04/12/2016 Introduced In House - Assigned to Business Affairs and Labor + Finance

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This** N/A: Mon, February 15, 2016, by rrogers@fcgov.com  
**Comments:** (15-Feb-16) Since property tax is the purview of the County, we are not certain what if any broadband assets and property tax revenue may/could be impacted.

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**[SB16-077](#)**

**Employment First For Persons With Disabilities**

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**Comment:** **LPA pg 14, Social Sustainability #6, "Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare."**

**Position:** **Monitor**

**Calendar** Friday, April 22 2016

**Notification:** SENATE APPROPRIATIONS COMMITTEE  
8:30 AM LSB-B  
(4) in senate calendar.

**Short Title:** Employment First For Persons With Disabilities

**Sponsors:** KEFALAS / GINAL

**Summary:** Bill seeks to direct the state to develop an employment first model for individuals with disabilities.

**Status:** 03/17/2016 Senate Committee on Finance Refer Amended to Appropriations

**Fiscal Notes:** [Fiscal Note](#)

Analyze This  
Comments:

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**SB16-080**

**Marijuana Grows Enclosed Space Requirements**

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**Comment:** **LPA pg 31, Marijuana #1, "Regulate medical and retail marijuana manufacturing, distribution and dispensaries."**

**Position:** **Support**

**Calendar Notification:** NOT ON CALENDAR

**Short Title:** Marijuana Grows Enclosed Space Requirements

**Sponsors:** NEWELL

**Summary:** Bill would apply the same legal definition of "enclosed, locked space" as required by Amendment 64 to allowed personal grows of medical marijuana.

**Status:** 04/18/2016 Senate Considered House Amendments - Result was to Concur - Repass

**Fiscal Notes:** [Fiscal Note](#)

Analyze This  
Comments:

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**SB16-123**

**Free Access To High Occupancy Vehicle Lanes**

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**Comment:** **LPA pg 33, Transportation #5, "Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles."**

**Position:** **Oppose**

**Calendar Notification:** Thursday, April 21 2016  
Transportation & Energy  
Upon Adjournment Room 0112  
(1) in house calendar.

**Short Title:** Free Access To High Occupancy Vehicle Lanes

**Sponsors:** LUNDBERG / SINGER

**Summary:** This bill prohibits the Colorado Department of Transportation (CDOT) from requiring a high occupancy vehicle (HOV) to use a switchable transponder or other device in order to drive on a HOV lane or a high occupancy toll (HOT) lane on a state highway on a toll-free basis.

**Status:** 03/22/2016 Introduced In House - Assigned to Transportation & Energy + Appropriations

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Neutral: Wed, March 02, 2016, by mjackson@fcgov.com**  
(02-Mar-16) No current impact on local highways; long term impacts should I-25 north incorporate tolling.

**No Effect: Wed, March 02, 2016, by mjackson@fcgov.com**

(02-Mar-16) Minimal impact to Fort Collins right now.

**No Effect: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**

(02-Mar-16) Minimal impact to Fort Collins right now.

**N/A: Wed, March 02, 2016, by [mjackson@fcgov.com](mailto:mjackson@fcgov.com)**

(02-Mar-16) May make it more difficult to collect tolls and police HOV activity in future if I-25 north incorporates tolling.

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**SB16-124**

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**Machine Tools Sales Tax Exempt Recovered Materials**

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**Comment:**

**LPA pg 23, Recycling and Solid Waste #3, "Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure."**

**Position:**

**Monitor**

**Calendar**

NOT ON CALENDAR

**Notification:****Short Title:**

Machine Tools Sales Tax Exempt Recovered Materials

**Sponsors:**

GRANTHAM / PRIOLA

**Summary:**

Bill expands the current sales and use tax exemption for machinery and machine tools (machinery) used in manufacturing to include machinery purchased by businesses listed in the Department of Public Health and Environment's inventory of recyclers and solid waste processors (material recovery facilities).

**Status:**

04/14/2016 House Committee on Finance Refer Unamended to Appropriations

**Fiscal Notes:**

[Fiscal Note](#)

**Analyze This  
Comments:**

**Strongly Support: Thu, March 24, 2016, by [sgordon@fcgov.com](mailto:sgordon@fcgov.com)**

(24-Mar-16) A number of local businesses in Fort Collins (e.g., local recycling collectors and haulers, scrap metal dealers, manufacturers and computer refurbishers) would benefit from being able to more affordably purchase equipment such as balers, which improves the value and marketability of recyclables. As an example, cardboard is much easier and cheaper to transport once it has been compacted and baled, and also commands a higher price in the commodity market than loose, uncompacted cardboard.

**Strongly Support: Thu, March 24, 2016, by [sgordon@fcgov.com](mailto:sgordon@fcgov.com)**

(24-Mar-16) Local "green businesses" that help the Fort Collins community's progress at meeting adopted Zero Waste goals, as well as carbon reduction goals, is extremely important to the City. Economic development strategies such as this bill's sales and tax refund proposal will help businesses invest in necessary equipment, which is consistent with the City's economic health strategies. City reports show that as much as \$6.5 million dollars worth of recoverable materials are buried in local landfills every year from Fort Collins sources; putting these dollars to work by processing/marketing discards as commodities will enhance

the local economy with more jobs and new revenue, as well as contributing to environmental stewardship.

**Strongly Support: Thu, March 24, 2016, by [sgordon@fcgov.com](mailto:sgordon@fcgov.com)**  
(24-Mar-16) At least 15 local businesses in Fort Collins (probably quite a few more) would be well positioned to apply for this sales and use tax exemption; their savings could be put to use in the community to hire more employees or increase employees' pay, or support more sales and marketing efforts by these local businesses.

**Strongly Support: Thu, March 24, 2016, by [sgordon@fcgov.com](mailto:sgordon@fcgov.com)**  
(24-Mar-16) Fort Collins considers that giving state sales and use tax refunds for the purchase of recycling equipment is an effective economic tool that may provide a model for the City to also adopt, as a local policy, thereby allowing local sales and use refunds to businesses in our community that invest in recycling equipment.

| <a href="#">SB16-144</a>      | CCW Permits For Military Personnel  |
|-------------------------------|---|
| <b>Comment:</b>               | <b>LPA pg 32, Public Safety #9, "Maintain or enhance a statewide database of concealed weapons permits."</b>  |
| <b>Position:</b>              | <b>Oppose</b>   |
| <b>Calendar Notification:</b> | Monday, April 25 2016<br>State, Veterans, and Military Affairs<br>1:30 p.m. Room 271<br>(6) in house calendar.  |
| <b>Short Title:</b>           | CCW Permits For Military Personnel  |
| <b>Sponsors:</b>              | COOKE   |
| <b>Summary:</b>               | This would significantly broaden the terms for a concealed handgun permit for military personnel.   |
| <b>Status:</b>                | 04/06/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs  |
| <b>Fiscal Notes:</b>          | <a href="#">Fiscal Note</a>   |
| <b>Analyze This Comments:</b> | <b>Oppose: Tue, March 08, 2016, by <a href="mailto:jschiager@fcgov.com">jschiager@fcgov.com</a></b><br>(08-Mar-16) This is a bad idea. While we respect the status and training of our military members, carrying a firearm in the civilian world is completely different than in a military setting. Young military members may not have the discipline yet to have this responsibility. We are already dealing with military members returning with various levels of PTSD. What would be the screening for that. Military members should follow the same rules as everyone else and get a permit when they are of sufficient age.<br><br><b>Oppose: Tue, March 08, 2016, by <a href="mailto:jschiager@fcgov.com">jschiager@fcgov.com</a></b><br>(08-Mar-16) This could be a significant public safety issue for our community. |

**Oppose: Tue, March 08, 2016, by jschiager@fcgov.com**  
(08-Mar-16) Maybe nothing. Maybe big problems. not worth the risk.

|                                 |   |
|---------------------------------|---|
| <b><a href="#">SB16-157</a></b> | <b>Don't Implement Clean Power Plan Until Stay Lifted</b>   |
| <b>Comment:</b>                 | <b>LPA pg 24, Energy #3, "Support reductions of the community's greenhouse gas (GHG) emissions from energy use in accordance with the Climate Action Plan (CAP) Framework (March 2015). Current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050."</b>                       |
| <b>Position:</b>                | <b>Monitor</b>  |
| <b>Calendar Notification:</b>   | Wednesday, April 27 2016<br>Transportation & Energy<br>1:30 p.m. Room 0112<br>(1) in house calendar.  |
| <b>Short Title:</b>             | Don't Implement Clean Power Plan Until Stay Lifted  |
| <b>Sponsors:</b>                | COOKE / DORE  |
| <b>Summary:</b>                 | This bill requires the Air Quality Control Commission (AQCC) and the Division of Administration in Colorado Department of Public Health and Environment (CDPHE) to suspend work on the Clean Power Plan and state implementation plan until the stay is lifted. It also requires that the state implementation plan be subject to legislative review. |
| <b>Status:</b>                  | 03/30/2016 Introduced In House - Assigned to Transportation & Energy  |
| <b>Fiscal Notes:</b>            | <a href="#">Fiscal Note</a>   |
| <b>Analyze This Comments:</b>   |   |
| <b><a href="#">SB16-177</a></b> | <b>Modify 2015 Urban Renewal Legislation</b>  |
| <b>Comment:</b>                 | <b>LPA pg 19, Economic Development #3, "Adopt clarifying language to HB15-1348 to address ambiguity and confusion created by the drafters. Specifically, address standard use of terms and arbitration process, and ensure intent that the law does not impact projects already underway."</b>  |
| <b>Position:</b>                | <b>Support</b>  |
| <b>Calendar Notification:</b>   | Wednesday, April 27 2016<br>State, Veterans, and Military Affairs<br>Upon Adjournment Room LSB-A<br>(2) in house calendar.  |
| <b>Short Title:</b>             | Modify 2015 Urban Renewal Legislation   |
| <b>Sponsors:</b>                | MARTINEZ HUMENIK / HULLINGHORST   |
| <b>Summary:</b>                 | This is a consensus cleanup bill negotiated between CML, CCI and the special districts. The bill makes technical modifications to statutory provisions enacted by the general assembly in 2015 (2015 legislation)   |

that addressed urban renewal plan allocating of tax revenue.

**Status:** 04/18/2016 Introduced In House - Assigned to State, Veterans, & Military Affairs

**Fiscal Notes:** [Fiscal Note](#)

**Analyze This Comments:** **Amend: Thu, March 31, 2016, by [prowe@fcgov.com](mailto:prowe@fcgov.com)**  
(31-Mar-16) This bill doesn't address applicability ambiguity, which is critical. It does, however, make a number of other important changes.

**Support: Thu, March 31, 2016, by [prowe@fcgov.com](mailto:prowe@fcgov.com)**  
(31-Mar-16) Clarification on mediation process and obligations in existence prior to December 31, 2015.

**City of Fort Collins Legislative Tracking**  
General Assembly Session 2016

Updated: April 20, 2016

|           |  |                      |                       |              | First House   |               |             |             | Second House  |               |             |             |                    |            |          |
|-----------|--|----------------------|-----------------------|--------------|---------------|---------------|-------------|-------------|---------------|---------------|-------------|-------------|--------------------|------------|----------|
| Bill #    | Short Title  | Staff Rec'd Position | City Adopted Position | Date Intro'd | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | 1st Committee | 2nd Committee | 2nd Reading | 3rd Reading | First House Repass | Conf. Cmte | Governor |
| HB16-1001 | <del>State Contr Certify Compliance With Equal Pay Laws</del>    | Monitor              | Monitor               | 1/13         | BL 3/17       |               | 3/22        | 3/24        | SA 3/30       |               |             |             |                    |            |          |
| HB16-1002 | <del>Employee Leave Attend Child's Academic Activities</del>     | Support              | Support               | 1/13         | Ed 1/27       |               | 2/3         | 2/4         | SA 3/9        |               |             |             |                    |            |          |
| HB16-1004 | <del>Measurable Goals Deadlines CO Climate Action Plan</del>     | Support              | Support               | 1/13         | He 2/4        |               | 2/8         | 2/9         | Ag 3/30       |               |             |             |                    |            |          |
| HB16-1005 | Residential Precipitation Collection                             | Support              | Support               | 1/13         | Ag 2/22       |               | 2/29        | 3/2         | Ag 3/30       |               | 3/31        | 4/1         |                    |            |          |
| HB16-1006 | Clarify Tax Exemptions For Housing Authorities                   | Support              | Support               | 1/13         | F 2/17        | Ap 3/18       | 3/21        | 3/22        | F 3/31        | Ap 4/22       |             |             |                    |            |          |
| HB16-1067 | <del>Regional Transportation Authority Mill Levy</del>           | Monitor              | Monitor               | 1/13         | LG 2/10       |               | 2/16        | 2/18        | Trans 3/8     |               |             |             |                    |            |          |
| HB16-1069 | Allow City To Set Housing Auth Commn Term Length                 | Support              | Support               | 1/13         | LG 1/28       |               | 2/1         | 2/2         | LG 2/16       |               | 2/19        | 2/22        | 2/23               |            | 3/9      |
| HB16-1070 | Signature Verification In Mun Mail Ballot Election               | Monitor              | Monitor               | 1/13         | SA 2/10       | Ap 3/4        | 3/7         | 3/8         | SA 3/21       | Ap 4/1        | 4/5         | 4/6         |                    |            | 4/15     |
| HB16-1078 | Local Gov Employee Whistleblower Protection                      | Oppose               | Oppose                | 1/19         | LG 2/3        | Ap 4/7        | 4/13        | 4/19        | SA            |               |             |             |                    |            |          |
| HB16-1088 | Fire Protection Dist Impact Fee On New Development               | Support              | Support               | 1/19         | LG 3/16       |               | 3/21        | 3/22        | LG 3/29       |               | 3/31        | 4/1         | 4/22               |            |          |
| HB16-1092 | <del>Authorize Retail Marijuana Special Event Permit</del>       | Oppose               |                       | 1/19         | He 2/16       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1114 | Repeal Duplicate Reporting Requirements                          | Support              | Monitor               | 1/20         | BL 3/22       | Ap 4/7        | 4/11        | 4/14        | BL 4/25       |               |             |             |                    |            |          |
| HB16-1122 | Remote Starter Systems   | Oppose               | Monitor               | 1/20         | Trans 2/10    |               | 2/16        | 2/18        | Trans 3/8     |               | 3/11        | 3/14        |                    |            | 3/31     |
| HB16-1138 | <del>General Fund Transfers For State Infrastructure</del>       | Oppose               | Monitor               | 1/20         | SA 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1141 | Radon Exposure in Buildings                                      | Support              | Support               | 1/21         | He 2/9        | Ap 3/4        | 3/7         | 3/8         | He 3/24       | Ap 4/1        | 4/5         | 4/6         |                    |            | 4/15     |
| HB16-1143 | <del>Prohibit Red Light Cameras Photo Radar Auto ID Sys</del>    | Oppose               | Oppose                | 1/21         | SA 3/9        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1155 | Controlled-access Highway As County Primary Road                 | Oppose               | Oppose                | 1/26         | LG 3/9        |               | 3/16        | 3/17        | Trans 3/31    |               | 4/5         | 4/6         |                    |            | 4/15     |
| HB16-1166 | <del>Prohibit Seeking Salary History For Job Applicants</del>    | Monitor              | Monitor               | 1/29         | BL 3/17       |               | 3/24        | 3/28        | SA 3/30       |               |             |             |                    |            |          |
| HB16-1191 | <del>Bill Of Rights For Persons Who Are Homeless</del>           | Oppose               | Oppose                | 2/3          | LG 2/24       |               |             |             |               |               |             |             |                    |            |          |
| HB16-1231 | Restricting The Use Of Red Light Cameras                         | Amend                | Oppose                | 2/5          | Trans 2/24    |               | 2/29        | 3/1         | Trans 3/22    |               | 3/28        | 3/29        |                    | 4/26       |          |
| HB16-1262 | Law Enforcement Back'd Check Employment Waiver                   | Support              | Support               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/30        | 3/31        | 4/1                |            |          |
| HB16-1263 | Racial Profiling Prohibition                                     | Monitor              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/30        | 3/31        | 4/1                |            |          |
| HB16-1264 | Ban Law Enforcement Use Of Chokehold                             | Support              | Monitor               | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/30        | 3/31        | 4/1                |            |          |
| HB16-1265 | Expunge Arrest Records Based On Mistaken Identity                | Monitor              | Amend                 | 2/12         | Jud 3/10      |               | 3/16        | 3/17        | Jud 3/28      |               | 3/30        | 3/31        |                    |            |          |
| HB16-1283 | <del>Water Loss Audit Report Performance Standards</del>         | Amend                | Oppose                | 3/2          | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1311 | Procedures When Orders Require Monetary Payments                 | Oppose               | Monitor               | 3/2          | Jud 3/24      |               | 4/7         | 4/8         | Jud 4/27      |               |             |             |                    |            |          |
| HB16-1314 | <del>Treat Preexisting Groundwater Depletions Replaced</del>     | Oppose               |                       | 3/2          | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1319 | Prohibit Coal Rolling In Diesel Vehicles                         | Support              | Support               | 3/2          | Trans 4/7     |               | 4/13        | 4/18        | Trans 4/26    |               |             |             |                    |            |          |
| HB16-1332 | Alternative Fuel Motor Vehicle Income Tax Credits                | Monitor              | Monitor               | 3/2          | F 4/13        | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1355 | <del>Affirm Local Gov Siting Auth Oil &amp; Gas Facilities</del> | Support              | Support               | 3/11         | SA 3/21       |               | 4/4         |             |               |               |             |             |                    |            |          |
| HB16-1370 | Nicotine Product Retailers Registry                              | Oppose               | Oppose                | 3/16         | BA            |               |             |             |               |               |             |             |                    |            |          |
| HB16-1382 | <del>Divert Water Piscatorial Aesthetic Beneficial Use</del>     | Support              |                       | 3/16         | Ag 4/4        |               |             |             |               |               |             |             |                    |            |          |
| HB16-1388 | Employer Hiring Criminal History Employee                        | Oppose               | Oppose                | 3/16         | Jud 4/12      | Ap            |             |             |               |               |             |             |                    |            |          |
| HB16-1399 | Workers' Compensation For PTSD                                   | Monitor              | Monitor               | 3/22         | He 4/8        | Ap 4/15       | 4/15        | 4/18        | SA 4/27       |               |             |             |                    |            |          |
| HB16-1420 | CO Healthcare Affordability & Sustainability Enter               | Monitor              | Support               | 3/28         | Ap 3/29       |               | 4/22        |             |               |               |             |             |                    |            |          |
| HB16-1421 | Allocate Additional FY 2016-17 Gen Fund Revenues                 | Monitor              | Support               | 3/28         | Ap 3/29       |               | 4/22        |             |               |               |             |             |                    |            |          |
| SB16-003  | Broadcast Burns Wildfire Risk Reduction Funding                  | Support              | Support               | 1/13         | Jud 2/8       | Ap            |             |             |               |               |             |             |                    |            |          |
| SB16-011  | <del>Terminate Use Of FASTER Fee Revenue For Transit</del>       | Oppose               | Oppose                | 1/13         | Trans 1/26    |               | 2/2         | 2/3         | Trans 2/17    |               |             |             |                    |            |          |
| SB16-012  | Time To Reconstruct Residential Improvements                     | Monitor              | Monitor               | 1/13         | LG 2/2        |               | 2/5         | 2/8         | LG 3/9        |               | 3/16        | 3/17        |                    |            | 4/5      |
| SB16-017  | <del>Concealed Handgun Carry Without Permit</del>                | Oppose               | Oppose                | 1/13         | SA 1/27       | Ap 2/12       | 2/22        | 2/23        | SA 3/7        |               |             |             |                    |            |          |



[illegible]



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## **Legislative Review Committee Agenda**

June 28, 2016

4:30-5:00 p.m.

Commons Conference Room, City Hall, 300 LaPorte Ave., Building A

1. Approval of minutes from April 26 and May 3, 2016 meetings
2. Review the agenda for the July 1 Legislative Breakfast
3. Other business

Next meeting: July 1 at 8:00-10:00 a.m. (*breakfast with legislators at CIC Room*)





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## Legislative Review Committee Agenda

Meeting Notes

April 26, 2016, 4:00 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Judy Schmidt, Senior Assistant City Attorney; Wendy Williams, Assistant City Manager; Dan Weinheimer, Legislative Policy Manager

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce; Dan Betts, Senator Cory Gardner; Kaitlyn, Poudre High School student

The meeting came to order at 4:03 pm.

Councilmember Martinez moved approval of the April 19, 2016 minutes and Councilmember Cunniff seconded. Minutes were adopted without amendment.

LRC started with a discussion around the proposed **Amendment 69, which would implement ColoradoCare** and seeks to provide universal medical coverage statewide. This question has qualified for the statewide ballot. Dan indicated that Council Finance will discuss at a future meeting, likely in June or July, and Finance will be developing an analysis of the possible impacts to the City for that meeting. It was recommended that **LRC discuss the issue after the Council Finance Committee**. Dan shared some background information about Amendment 69 for LRC members to review.

Dan reviewed the status of bills in the General Assembly and shared that the session will end May 11.

- LRC briefly discussed whether a bill would be brought to address the Landmark case. This would have an impact on special district elections. Nothing was available at this meeting.
- LRC discussed **HB16-1309, concerning the Right to Counsel in Municipal Court**. This bill seeks appointment of counsel for defendants being held on municipal charges which is already required under both the U.S. Constitution and Colorado Constitution. HB 1309 is an unfunded mandate applied to municipal courts. The bill also creates a possible ethical violation for defense attorneys. There would be a financial impact to the City as well since the bill mandates providing counsel to non-indigent defendants at a cost to the City. LRC adopted an **oppose** position.

- Dan updated the LRC that **HB 1319, Prohibit Rolling Coal in Diesel Vehicles**, failed in the Senate Transportation Committee. The LRC briefly discussed whether the City could enact a local ordinance to enact the provisions proposed in the bill. Staff was going to look into that possibility.
- LRC considered SB16-183 which would **Clarify Portion Of 9-1-1 Call Subject To PUC Regulation**. This bill concerns a regulatory fight between the telecommunication industry and the Colorado Public Utilities Commission over the regulation of 9-1-1 calls. There is a concern that this bill could unnecessarily put receipt of emergency calls in jeopardy. LRC adopted an **oppose** position.
- **SB16-186** concerns **Small-Scale Issue Committee** disclosure of campaign donations. The LRC discussed that, while City Council has discussed this issue in the past without resolution, this bill might provide a template for the community in terms of campaign finance disclosure. LRC adopted a **support** position.
- **SB16-194** was discussed; this bill would allow **Regional Transportation Development Projects**. In essence, the bill would allow regional groups to collectively pursue state and other sources of outside funding for transportation priorities. LRC adopted a **support** position.
- LRC discussed the rumor that a construction defects reform bill was pending, but had yet to be introduced. LRC adopted a position of **staff discretion to support**.

LRC rescheduled its May 31 meeting and instead will meet June 21. He requested everyone to bring with them any lessons that were learned this session. LRC will meet Thursday, June 30 to review the 2016 General Assembly session with state legislators and begin to work on interim issues.

The meeting was adjourned at 4:43 pm.



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## Legislative Review Committee Agenda

Meeting Notes

May 3, 2016, 5:00 p.m.

City Clerk Large Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Judy Schmidt, Senior Assistant City Attorney; Wendy Williams, Assistant City Manager

Absent: Dan Weinheimer, Legislative Policy Manager

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce; Dan Betts, Senator Cory Gardner

The meeting came to order at 5:00 pm.

LRC started with a discussion around **SB16-211** that would **Limit Certain Contests Past Special District Elections**. The bill was drafted to address concerns raised by the Colorado Court of Appeals' decision in *Landmark Towers Association v. UMB Bank* ("Landmark"). In *Landmark*, the Court of Appeals decided that the electors who voted at the TABOR election to authorize the Marin Metro District to impose property taxes and issue bonds, were not qualified as electors and, therefore, that TABOR election was conducted illegally. Because the initial electors of most metro districts organized in Colorado have relied on similar purchase contracts for their eligibility to vote, the Court's decision has raised significant concern about the validity of all past metro district elections. SB16-211 prohibits contests of special district elections on the grounds that an elector was unqualified either to vote or to serve on a special district board of directors, and otherwise validates such elections conducted. LRC adopted a **support** position.

LRC then discussed that they would like CML's positions on bills to be added to their notebook materials for them to use as an additional resource.

The meeting was adjourned at 5:30 pm.





## Legislative Breakfast Agenda

FRIDAY, JULY 1 FROM 8:00-10:00AM  
CIC ROOM, CITY HALL 300 LAPORTE AVE

**8:00 - 8:30**

**Breakfast and Networking**

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**8:30 - 8:45**

**General Introductions**

**Welcome and Opening Remarks**

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**8:45 - 10:00**

**General Discussion and Remarks**

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**10:00**

**Adjourn**









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## **Legislative Review Committee Agenda**

July 19, 2016

4:00-4:45 p.m.

Commons Conference Room, City Hall, 300 LaPorte Ave., Building A

1. Approval of minutes from June 28, 2016 meeting and notes from July 1, 2016 Legislative Breakfast
2. Review request from WaterNow Alliance regarding IRS requirements related to issuance of a 1099 for water rebates
3. Discussion of potential lobbying trip to Washington, D.C. in September, 2016.
4. Review remainder of 2016 LRC Calendar
5. Other business

Next meeting: August 9 at 4:00-5:00 p.m.



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## **Legislative Review Committee Agenda**

Meeting Notes

June 28, 2016, 4:30 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Wendy Williams, Assistant City Manager; Ginny Sawyer, Policy and Project Manager; Tyler Marr, Policy and Project Analyst

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce

The meeting came to order at 4:34 pm.

### Approval of Minutes

LRC unanimously approved both the April 26 and May 3, 2016 meeting minutes

### Review of Agenda for the July 1 Legislative Breakfast

LRC discussed their preferences for the July 1<sup>st</sup> Legislative Breakfast Agenda. It was determined that:

- Each legislator or their representative would have about 5 minutes to share upcoming legislative priorities
- Councilmember Cunniff would give a brief overview of the City's legislative approach, including the role of LRC.
- City Council would discuss three primary topics: homelessness (Martinez), water (Horak), and climate action (Troxell).

LRC then discussed the need surrounding the planned September Washington, D.C. lobbying trip. Staff was asked to query departments to see if there are pressing federal priorities that could benefit from a visit, so that a final determination can be made. Staff will provide information at the next LRC meeting.

LRC decided to push the July LRC meeting back by one week, from July 12 to the 19<sup>th</sup>, to allow for the Ethics Review Committee to meet on the 12<sup>th</sup>.

The meeting was adjourned at 5:15 pm.



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**Legislative Breakfast Meeting Summary**

July 1, 2016 8-10 a.m.

**Present:**

Mayor Wade Troxell  
Mayor Pro Tem Gerry Horak  
Councilmembers Ross Cunniff, Ray Martinez, Bob Overbeck, Kristin Stephens  
State House District Representatives Joann Ginal and Jeni Arndt  
State Senator John Kefalas  
US Representative staff Jamie Grim (Polis) and Dan Betts (Gardner)  
City Manager Darin Atteberry  
City Attorney Carrie Daggett  
City staff: Tyler Marr and Ginny Sawyer

**Legislators 2017 Priorities:**

Legislators were asked to share top priorities for 2017. Topic areas included:

- Education
- Water/Greywater
- Healthcare/Drug prices
- Affordable Housing/Manufactured Housing
- Disaster Recovery
- Transportation/FRA/I-25

**Fort Collins Focus Areas:**

Councilmembers shared three main focus areas for 2017-Climate Action, Homelessness, and Water Resources. Discussion highlights:

**Climate Action-**

- Discussion on achievable goals and metrics. Staff will arrange meeting with John Kefalas, and any others, to discuss metrics and how they may be utilized by others, including the state.
- Question of how the City messages what happens after 2020. Message needs to be about opportunity, leveraging, and long-term savings to short-term costs.

**Homelessness-**

- City is doing a lot to address homelessness and will work on creating a safe space for residents to voice concerns and impacts.
- Discussed clarity on what role the State can play in this issue: resources, HMIS Database, more vision and best practice research.
- Federal level compiling possible affordable housing grants and opportunities from the National Housing Trust Fund.

Water Resources-

- City continues to engage and partner on a regional level. Not opposed to storage projects but evaluating projects with a critical eye towards benefits to the Fort Collins community.

Other Discussion-

- City of Fort Collins Legislative Priorities document very valuable to legislators. Keep doing.
- Look for and communicate process to collaborate and address bills and bill support during the session.
- Continue to pursue action on construction defects and rolling coal.
- Start-Up Day and Technology Tour Day on August 4, 2016. Information coming.

Mr. Ali Zaidi, Associate Director for Natural Resources  
Office of Management and Budget

Christy Goldfuss, Managing Director  
Council on Environmental Quality

Jeffrey Zients, Director  
National Economic Council

Dr. John Holdren, Director  
Office of Science and Technology Policy

**Re: Federal Tax Penalties for Local Water Efficiency Rebates**

Dear Mr. Zaidi, Ms. Goldfuss and Mr. Zients,

As water leaders across the U.S., we ask for your support in resolving a federal issue of great importance to our communities. Public water utilities comprise over 80% of U.S. municipal water providers. Our ability to provide clean and reliable drinking water supplies faces growing challenges from drought, stormwater runoff, aging infrastructure, rising costs, and more. Consumer rebates and subsidies are among our most cost-effective and efficient tools for increasing water supply resilience, limiting pollutants in waterways, and keeping water affordable for citizens. Interest is growing to substantially increase these subsidies in order to scale water use efficiency and green infrastructure programs and avoid costlier, and less sustainable, alternatives for our utilities.

As our water rebate programs have grown, there has been significant uncertainty as to how the IRS will treat these rebates, raising the question as to whether such a program might subject our agencies to penalties for failure to issue 1099s to participating consumers. These programs are limited to repayment for specific out-of-pocket expenses that benefit the community far more than consumers themselves. Requiring the recipients to be taxed on these reimbursements would work as a significant financial penalty, and thus a major disincentive for consumer participation in conservation programs, fundamentally undermining their effectiveness.

In many similar situations where the tax consequences of a particular policy incentive is unclear or would create an administrative burden on taxpayers and the government, the IRS has exercised its administrative discretion to provide clarity as to whether a subsidy should be treated as taxable income.

We applaud the White House's leadership on water innovation and sustainability with its recent Water Summit, and we appreciate your outreach to communities. For our efforts to be successful, it is essential to eliminate the threat of federal tax liability for those participating in our water conservation programs. The Administration is on record supporting a tax exemption for water efficiency rebates,<sup>1</sup> but has not yet taken action to put this policy into place. The IRS has discretion to determine that consumer subsidies of this

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<sup>1</sup> <https://www.treasury.gov/resource-center/tax-policy/Documents/General-Explanations-FY2016.pdf>

type represent a reduction of the purchase price of the efficiency or green infrastructure installation, and is therefore not income. Various other avenues for administrative remedies have been provided to you and your staffs previously.

From our perspective as local water decision makers, it is important that the Administration act quickly as we head into what may well be another dry year in the West. Public water utilities shoulder the vast majority – over 85% – of the funding burden for water infrastructure. Our ability to invest significantly in the types of innovative and sustainable water solutions supported by the Administration requires that we eliminate federal disincentives.

Thank you very much for your consideration. If you have any questions please reach out to WaterNow Alliance Executive Director, Cynthia Koehler, [ck@waternow.org](mailto:ck@waternow.org) or 415.360.2999.

Sincerely,

Matt Appelbaum, City Councilmember  
Boulder, CO

Gerry Horak, Mayor Pro Tem  
Ft. Collins, CO

Kathy Holian, County Commissioner  
Santa Fe, NM

David Richins, City Councilmember  
Mesa, AZ

Michael Kasperzak, City Councilmember  
Former Mayor, Mountain View, CA

**LEGISLATIVE REVIEW COMMITTEE**  
2016 MEETING SCHEDULE

| Date  | Time   | Location   |
|---|--|--|
| January 19  | <del>4:00 – 5:00PM</del><br>5:00 – 5:45PM              | Commons Conference Room  |
| <del>February 9</del><br>Rescheduled to <b>Feb 16</b>   | <del>4:00 – 5:00PM</del><br><b>4:30 – 5:30PM</b>       | Commons Conference Room  |
| February 19   | 3:30 – 5:00PM  | Legislative Meeting, CIC Room, City Hall   |
| March 1   | 4:00 – 5:00PM  | Commons Conference Room  |
| March 22  | 4:00 – 5:00PM  | <del>Commons Conference Room</del><br>Canyon West, Lincoln Center, 417 W. Magnolia |
| April 5   | 4:00 – 5:00PM  | Commons Conference Room  |
| April 19  | 4:00 – 5:00PM  | Commons Conference Room  |
| April 29  | 4:00 – 5:00PM  | City Clerk's Large Conference Room   |
| May 3   | 5:00 – 5:20PM  | City Clerk's Large Conference Room   |
| <del>May 31</del><br><b>Rescheduled to June 21</b><br><b>RESCHEDULED TO</b><br><b>June 6</b>  | 11:30 a.m. -<br>12:15 p.m.                             | Commons Conference Room  |
| Tuesday, June 28  | 4:30 p.m. -5:00<br>p.m.                                | Commons Conference Room, City Hall   |
| <del>June 16</del><br><b>Rescheduled to June 30</b><br><b>RESCHEDULED to</b><br><b>July 1</b> | <del>11:30 – 1:30PM</del><br>8:00 a.m. -<br>10:00 a.m. | Legislative Breakfast <del>Lunch</del> , CIC Room, City Hall                       |
| <b>July 12</b><br><b>RESCHEDULED TO</b><br><b>July 19</b>                                     | 4:00 – 5:00PM  | Commons Conference Room  |
| August 9  | 4:00 – 5:00PM  | Commons Conference Room  |
| September 6   | 3:30 – 5:00PM  | Legislative Meeting, Location TBD  |
| September 20  | 4:00 – 5:00PM  | Commons Conference Room  |
| October 11  | 4:00 – 5:00PM  | Commons Conference Room  |
| October 25  | 4:00 – 5:00PM  | Commons Conference Room  |
| November 8  | 4:00 – 5:00PM  | Commons Conference Room  |
| November 29   | 4:00 – 5:00PM  | Commons Conference Room  |
| December 6  | 4:00 – 5:00PM  | Commons Conference Room  |







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## **Legislative Review Committee Agenda**

September 6, 2016

3:30-5:00 p.m.

Commons Conference Room, City Hall, 300 LaPorte Ave., Building A

1. Approval of minutes from July 19, 2016 Meeting (5 minutes)
2. Review alignment of Policy Statements from Colorado Communities for Climate Action (15 minutes)  
Staff presentation: Lindsay Ex
3. WaterNow Alliance Letter to IRS (5 minutes)
  - Review Congressional delegation positions
  - Discuss desire for Council resolution regarding the subject
4. Review Upcoming D.C. Trip Agenda and Major Themes (10 minutes)
  - Congressional Delegation
  - National League of Cities
  - It's on Us
5. Review Colorado Municipal League legislative preview document (30 minutes)
6. Begin work on 2017 Legislative Policy Agenda and Legislative Priorities Document (15 minutes)
7. Other Business (5 minutes)

Next meeting: October 6<sup>th</sup> from 4:00-5:00 p.m.



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**Legislative Review Committee Agenda**

Meeting Notes

July 19, 2016, 4:00 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Wendy Williams, Assistant City Manager; Ginny Sawyer, Policy and Project Manager; Tyler Marr, Policy and Project Analyst

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce

The meeting came to order at 4:34 pm.

Approval of Minutes and Notes

LRC unanimously approved both the June 28, 2016 meeting minutes and the July 1, 2016 Legislative Breakfast meeting notes

Review request from WaterNow Alliance regarding IRS requirements related to issuance of a 1099 for water rebates

LRC heard a presentation from Travis Storin, Accounting Director, on recent trends at the national level that have led to efforts directed at the IRS, asking for a change in the IRS rule that currently requires the issuance of a 1099 for water related rebates over \$600.

Travis noted that this change would have positively affected approximately ten Fort Collins residents over the past year.

WaterNow is writing a letter to the IRS commissioner requesting this exemption for water rebates be approved and is subsequently requesting member support of this effort.

LRC asked that staff reach out to Colorado's congressional delegation representatives to learn about their positions on the IRS rule change and HR 4615, a legislative effort currently in committee to achieve the same policy change.

As staff receives response from Congressional delegation, they will notify LRC members via email and the need for a meeting prior to the next scheduled LRC meeting will be determined.

Discussion of potential Lobbying Trip to Washington, D.C.

Staff reported that a query of departments yielded no pressing federal issues

Councilmember Campana and Tyler Marr will plan on visiting Washington in September. Councilmember Martinez and Darin Atteberry will possibly attend. The purpose of this trip will be to touch base with the congressional delegation and agencies that are of relevance to Council and staff priorities or pressing issues that may arise between now and September.

Tyler Marr will work to set up these meetings.

#### Review Remainder of 2016 LRC Calendar

The LRC agreed that the plan is to have Council adopt the Legislative Priorities document on November 15<sup>th</sup>. It was noted that this item is usually on consent.

Staff was instructed to invite legislators and representatives to the December 6<sup>th</sup> LRC meeting to go over the adopted Legislative Priorities document.

It was determined that the August 9<sup>th</sup> and September 20<sup>th</sup> meetings will be cancelled.

For the September 6<sup>th</sup> meeting, it was determined that discussion items will include an update on the WaterNow Alliance letter and work on legislative priorities for 2017 will begin.

Councilmember Cunniff noted that he would like to see an item about homeless issues brought forth for the legislative document, one that generally would oppose any bills that would allow for the occupation of City Property.

#### Other Business

No other business was discussed.

The meeting adjourned at 4:35 P.M.



## THE VOICE OF COLORADO'S CITIES AND TOWNS

1144 Sherman Street, Denver, CO 80203 • (p) 303-831-6411 • (f) 303-860-8175 • [www.cml.org](http://www.cml.org)

To: CML Executive Board  
From: Kevin Bommer, Geoff Wilson, Dianne Criswell, and Meghan Dollar  
Date: July 5, 2016  
Subject: Potential legislative items for the 2017 session

With the election coming this fall and control over the Colorado Senate and possibly the House switching, it is difficult to predict the issues that will be legislative priorities of legislators in the 2017 session. Some of the primary results may soften the House and Senate Republicans, but only on some issues. Regardless, the Senate President Bill Cadman and House Speaker Dickey Lee Hullinghorst are both term-limited so we will be dealing with new leaders in both chambers.


There is also a possibility that November election results may result in a Washington, DC job offer for Gov. John Hickenlooper. The governor currently has two years left in his second term. Coming out of the last session, we do see there will be some carryover of issues that will arise, no matter what the leadership picture looks like.

### ISSUES

1. Affordable Housing: Affordable housing funding will continue to be heavily discussed amid Colorado's rising home prices. In 2016, legislation was introduced that took \$40 million from the unclaimed property trust fund and put it toward affordable housing grants and loans. We expect similar legislation to be introduced to establish a consistent mechanism for affordable housing funding. *Lobbyist: Meghan Dollar*
2. Beer & Liquor: Even with the ballot initiatives being pulled, there is no doubt that SB 16-197 – which will allow beer, wine, and spirits into grocery stores that are able to acquire additional liquor licensed pharmacy licenses – has some unintended consequences in some of its provisions. Some issues have been flagged by municipalities, and there is no doubt there will be legislation in 2017 addressing aspects of the implementation – but not the overall premise of the bill. We also expect that the Liquor Enforcement Division (LED) will suggest a new type of license for business that give away free alcohol beverages as part of a customer's visit (i.e. nail salons, hair salons, spas). *Lobbyist: Kevin Bommer*
3. Construction defects: CML continues to support efforts to amend state statute to encourage more development of owner occupied housing versus rental housing. In 2016, though there were months of negotiations, there was no compromise. We expect the proponents, namely the Homeownership Opportunity Alliance (HOA), to reintroduce a bill in the 2017 session. The Supreme Court has also granted the petition for *certiorari* in *Vallagio at Inverness Residential Condominium Association Inc. v. Metropolitan*



*Homes, Inc.* The decision states that a clause in governing documents regarding arbitration cannot be amended without the Developer's consent. *Lobbyist: Meghan Dollar*

- 
4. Fiscal Fair Play: During the 2016 session, CML initiated legislation attempting to rectify an ongoing issue of double-taxation and tax fairness with SB 16-100, which would have addressed the unilateral manner in which counties can affect the amount of road & bridge mill levy revenue returned to municipalities under the applicable statutes. The efforts were stymied in 2016, but Sen. Cheri Jahn, D-Wheat Ridge, has expressed her interest in bringing back legislation in 2017. It is an issue that will be discussed over the interim and with the CML Policy Committee and Board. In addition, Dianne will be looking into double-taxation issues in general, as it has been some time since we have compiled any data. It is not yet known if any legislation recommendations will be made. *Lobbyists: Kevin Bommer, Dianne Criswell*
  5. Homelessness: We expect Denver Homeless Out Loud to try again to pass the "Homeless Bill of Rights" in 2017. The 2016 version of the bill attempted to overturn "camping ban ordinances," and in fact conferred rights to the homeless beyond those of any other individual. *Lobbyist: Meghan Dollar*
  6. Marijuana: Now a perennial topic, there is no doubt that so-called special event permits will be proposed again, along with proposals for on-premise consumption of purchased marijuana. While there is little doubt local control will be maintained – including the likelihood of a local government opt-IN, we will also be looking at broader policy implications on municipalities. Private clubs will also continue to be part of the discussion. *Lobbyist: Kevin Bommer*
  7. Metro districts: A Court of Appeals decision at the end of the 2016 session raised some questions about how metro district electors are qualified to vote, an issue that was in part addressed by late legislation in the session. Review by the Supreme Court is being sought. Should the Supreme Court choose not to review the case, further legislation on this topic is likely. *Lobbyist: Geoff Wilson*
  8. Municipal Courts: The American Civil Liberties Union (ACLU) put forth two pieces of legislation in 2016 that ultimately passed. CML asked the Governor to veto HB 16-1309 which requires defense counsel in municipal court in certain instances. The Governor let the bill become law without his signature, but did agree with CML that it was an unfunded mandate. This was evident in his letter to the legislature requesting the state to help pay for the additional cost on local governments. CML will continue to work with the Governor's office to require full acknowledgment of the unfunded mandate and a plan and budget request to fund it, as we concurrently work with our members to assess other options. *Lobbyist: Meghan Dollar*
  9. Open Records: A bill is anticipated granting access to digital records in their "native" digital format. A bill on this was killed in 2016; a working group, which includes CML representatives, is discussing the legislation. *Lobbyist: Geoff Wilson*





10. Red light camera/photo speed radar: The governor's veto of HB 16-1231, which prohibited the use of red light cameras will ensure that the issue returns in 2017. We will see legislation aimed at banning the use of both red light cameras and speed radar. If there is an attempt to work on legislation mirroring the Governor's veto letter, CML will be part of that discussion. *Lobbyist: Meghan Dollar*
11. Sales tax: We may see a resolution asking the League to facilitate a pilot project among several cities for a single point of filing sales tax returns. *Lobbyist: Geoff Wilson*
12. Severance Tax: It is not yet known whether there will be any relief from the legislation late in the 2016 session, following the decision in the *BP America* case, which froze all of the uncommitted balance of the Energy Impact Assistance Fund. The Joint Budget Committee (JBC) was not scheduled to meet again until September. However, the committee will meet again sometime in July to determine whether there is enough information to be able to release some or all of the frozen funds. For communities that have important projects for which applications have been made, missing the August grant cycle could have serious consequences. In addition, it is still a possibility that the JBC (or the governor or both) will propose sweeping some or all of the local governments' severance tax revenue to backfill the state general fund...again. *Lobbyist: Kevin Bommer*
13. Transportation funding: Two transportation funding issues that were brought forward and failed in the closing weeks of the 2016 legislative session could return in 2017. SB 16-210, which was backed by Northern Colorado business and local governments, proposed to seek voter approval to renew transportation bonding (TRANS Bonds, approved by voters in 1999, will expire with the final bond payment in 2017). Re-issuing the bonds would provide up-front money to fund a list of road projects, including a third lane for I-25 from Longmont to Fort Collins. There were two approaches in SB 16-210 to provide revenues for bond repayment: a dedication of a portion of the state's sales tax receipts and CDOT budget, and an alternate proposal to impose a type of state specific occupancy tax/fee. Any state resources used for bond repayment would not have directly benefitted municipal transportation funding, and both of the revenue sources proposed may be problematic. A second bill, SB 16-194, was put forward by Broomfield to create a local tax increment financing area for transportation/transit infrastructure improvements to promote economic development. The only tax increment used to pay/finance the infrastructure would have been the state sales tax increment. Issues around governance, policy, and fiscal impact arose during the consideration of the bill. However, with no progress toward a transportation funding solution made in 2016, these or similar proposals will be put forward in 2017. *Lobbyist: Dianne Criswell*
14. Tax increment financing: After three years of conflict and headaches on this issue, might we be done with it for a while? Doubtful. First, it is still possible that Colorado Counties, Inc. will seek legislation similar to HB 15-1348 but with applicability to downtown development authorities (DDAs). It was on CCI's priority agenda last year, but they decided late in the session to skip it, and we do not yet know if they will revive



the effort. In addition, there is still ambiguity in the urban renewal statutes on the applicability of HB 15-1348 to urban renewal plans adopted prior to January 1, 2016. The counties rejected a reasonable draft proposal in February due to a desire for nearly unrestricted retroactivity of the 2015 bill. We will convene a meeting of the CML Special Committee on Urban Renewal later this year to discuss whether CML should attempt to pursue the issue again. *Lobbyist: Kevin Bommer*

Staff may present other issues at the retreat and will certainly be interested to reply to any questions or comments board members may have on any policy or legislative issue.

The first meeting of the CML Policy Committee is October 14 and the final recommendations to the CML Board prior to the commencement of the 2017 session will be made at the Policy Committee meeting on December 9.





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## **Legislative Review Committee Agenda**

October 11, 2016

4:00-5:00 p.m.

Commons Conference Room, City Hall, 300 LaPorte Ave., Building A

1. Approval of minutes from September 6, 2016 Meeting (5 minutes)
2. Agenda Review (5 Minutes)
3. Previous Item Updates (10 Minutes)
  - Delegation Invitations Sent for Dec 6<sup>th</sup> LRC Meeting
  - WaterNow Alliance Resolution Scheduled for October 18<sup>th</sup>
  - CC4CA Update
  - CML District Meeting and Upcoming Policy Committee Meeting
4. Debrief Washington D.C. Trip (5 minutes)
5. Continue work on 2017 Legislative Policy Agenda and Legislative Priorities Document (30 minutes)
  - Discuss potential addition of RF emissions and open records policy statement
  - Confirm goal of November 15<sup>th</sup> adoption date
6. Other Business (5 minutes)

Next meeting: October 25<sup>th</sup> from 4:00-5:00 p.m.



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## **Legislative Review Committee**

### Meeting Notes

September 6, 2016, 3:30 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Jeff Mihelich, Deputy City Manager; Ginny Sawyer, Policy and Project Manager; Tyler Marr, Policy and Project Analyst; Lindsay Ex, Environmental Program Manager

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce

The meeting came to order at 3:30 pm.

### Approval of Minutes

- LRC unanimously approved the July 19<sup>th</sup> meeting notes.

### Review alignment of Policy Statements from Colorado Communities for Climate Action

- LRC heard a presentation from Lindsay Ex, Environmental Program Manager, regarding the recently updated policy priorities from the CC4CA group.
- LRC was asked if there was any discomfort with the proposed CC4CA policies in terms of interacting with the City's legislative agenda.
- Ex explained that there are 18 policies that the group has identified as priorities. They cover a wide range of topics all related to GHG reduction. Staff identified (via green highlighting) direct correlation between priorities and CC4CA priorities.
  - 3 policies were flagged as potentially in conflict with City goals.
- Councilmember Campana asked about our current level of involvement. Staff attends meetings and votes on proposals. We also contribute member dues to the amount of \$15,000 annually. Ex indicated that Fort Collins level of involvement has been high and our influence has been noticeable on the draft priorities document.
  - Front Range Communities involved include Golden, Boulder, Boulder County and Fort Collins

- Funding goes towards lobbyist at the statewide level and to pay group's coordinator, Rocky Mountain Climate Group
  - Campana questioned the return of the \$15,000 investment in this group. Ex replied that efforts on the statewide level matter and the relationship building has been very important to making progress.
  - Ex noted that there is currently more "give than get" – Our skillset is currently helping to propel the organization
  - Councilmember Campana asked if the City can justify a reduction in the lobbying offer towards expertise lobbying on the climate level. He asked that staff explore/message that point.
- LRC will look in more depth at the policy statements and will notify staff via email if something looks out of order. Other members of Council are welcome to comment as well.
  - LRC requested that the CC4CA items be highlighted and identified separately in bill tracking as the session gets under way.
  - LRC will finalize their opinion of the CC4CA items at their October 11<sup>th</sup> meeting

#### Water Now Alliance Letter.

- Ginny Sawyer reported that the City's Federal delegation is in support of the proposed change to IRS rules related to raising the threshold for which taxes become required on water related rebates.
- LRC unanimously requested a resolution be brought forth in support of the change to the rule.

#### Review DC Agenda

- Councilmember Campana and Mr. Marr reported that they would be meeting with all members of Fort Collins' congressional delegation and also the National League of Cities during a trip to Washington, D.C. on September 14<sup>th</sup>. Topics of discussion are to include I-25, train-horn noise, transient concerns, It's on Us, water collaboration efforts and the Road to 2020.

#### CML Municipal Priorities

- Sawyer and Marr reported that transportation funding, the "Homeless Bill of Rights", and urban renewal reform are all issues from the Colorado Municipal League's legislative preview document that correlate with the City's legislative agenda. Staff will continue to monitor the landscape for anticipated legislative items for the 2017 session.

### Begin work on Policy Agenda

- LRC held a discussion of purpose of Policy Agenda. Group discussed and agreed that the agenda is used to guide positions on non-City legislative or policy items.
- LRC agreed to take out the verbatim copy of the strategic objectives and agreed to instead incorporate strategic objectives via reference in the introduction.
- LRC agreed to add additional information in the introduction explaining the purpose of the various sections.
- LRC reviewed the existing priorities and agreed that the existing priorities should all remain, with a new one added in terms of transients/occupation of City property
- LRC agreed to potentially explore an item related to required cooperation between state institutions like universities related to local ordinances.

### Other Business

- Councilmember Cunniff will be out of town on October 11<sup>th</sup>, the next scheduled meeting.
- Next meeting will include finalization of CC4CA Policies, and continued work on the Policy Agenda/Priorities
- City Attorney Daggett reported that CML's Geoff Wilson resigned and the City should expect changes in CML's legislative approach. More information will follow as staff learns of additional information.
- Councilmember Campana requested a clarifying memo from the City Attorney's Office about what the system and expectation is in terms of confidential memos.

The meeting adjourned at 4:35 P.M.





**LEGISLATIVE POLICY AGENDA  
2017**

**Adopted**

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## INTRODUCTION

Fort Collins is a community of 158,300 residents located at the foot of the Rocky Mountains along Colorado's Front Range. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The City is a data-driven municipal organization that strives to fulfill its mission, "Exceptional service for an exceptional community", through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

The Fort Collins City Council annually adopts *Legislative Priorities* and a *Legislative Policy Agenda* ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals.

- The City's *Legislative Priorities* are broad issues Fort Collins is focused during the Colorado General Assembly and United States Congress sessions. The Priorities may carry over year to year since they are larger, more challenging issues that take multi-year work to influence.
- The *Legislative Policy Agenda* is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

On many federal and state issues, Fort Collins shares the concerns of others within the community the region and statewide. In these cases, Fort Collins will seek opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities. Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation. The Policy Agenda identifies specific City Council-adopted goals associated with the policy statements. This alignment is important for City staff to ensure that advocacy supports specific desired outcomes.

**CITY OF FORT COLLINS  
LEGISLATIVE REVIEW COMMITTEE**

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on particular bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Gino Campana, Chair
- Councilmember Ross Cuniff
- Councilmember Ray Martinez

**LEGISLATIVE REVIEW PROCESS**

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by the City staff. Bills, regulation and rules addressing a stated legislative priority, or adopted policy position, may be brought to the LRC for discussion of an official City position. Once a position is adopted on a bill, staff conveys that information to the appropriate state or federal representative and advocates for the City's adopted position.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The input offered by staff experts is invaluable in analyzing impacts of legislative, regulatory and rulemaking proposals to Fort Collins operations and the community. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins also works with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues. In addition, Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.

In 2017, Fort Collins will contract a state lobbyist to:

- Be a fulltime presence at the capital
- Advise City staff and leaders on relevant bills
- Assist staff who may be testifying in Denver
- Provide frequent updates to the LRC during the session

## LEGISLATIVE PRIORITIES

**Objective:**      **Cooperate with stakeholders on refinement of Urban Renewal Authority laws**

**Issue:**

An Urban Renewal Authority (URA) is a tool in place to identify and revitalize areas of the city deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding tool for URA is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal restores economic vitality and improves the safety of a designated area. Redeveloping urban areas is much harder and more expensive than new development in “greenfield sites”, thus the use of urban renewal and tax increment financing responds to larger, more costly infrastructure needs. The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas.

Fort Collins attempts to use URA and TIF judiciously but also recognizes the concerns raised by counties, special districts and school districts about the use of TIF. URA is an important and useful tool for Fort Collins in addressing community blight and encouraging redevelopment rather than sprawl. The City has engaged regional partners in an attempt to develop an equitable process for utilizing URA in Larimer County. Fort Collins has sought to identify a mechanism to balance Larimer County costs for providing service in URA areas and to shared constituents.

2015 URA reform law (HB15-1348) instituted several changes that the City will be implementing in its URA practices. Key changes to URA law add additional members from county, special districts and school district to a URA Board and a negotiated use of tax increment funds before the City could utilize them. Fort Collins is already working on adopting HB 1348 changes. The General Assembly made clarifications to HB 1348 with SB16-177. The remaining major issue of concern to Fort Collins in the implementation of HB 1348 is the applicability to URA projects and clarifying the impacts on existing versus prospective projects.

The City would like to see clarifications made to HB 1348 as language included in the new law is unclear on when the law applies to existing activities and assistance.

**Objective:**      **Support local control of oil and gas operations**

**Issue:**

Fort Collins, like many other Colorado communities, has taken steps to address oil and gas extraction. Those efforts have been limited by the Colorado Oil and Gas Conservation Commission (COGCC) rules. Fort Collins supports studying and better understanding and mitigating the health and community impacts of oil and gas extraction.

Fort Collins seeks the following:

- Increased local flexibility to regulate oil and gas activity within its incorporated borders
- Limiting the proximity of large-scale oil and gas sites to the City limits in order to minimize community impacts
- Mitigation measures that balance developing oil and gas resources with community environmental and human health
- Additional information about the chemicals being injected into the ground, especially during hydraulic fracturing
- Greater knowledge and control of air emissions from extraction processes and production equipment, including air emissions transported from outside of our community
- Enhanced right for communities to regulate oil and gas as an industrial practice and therefore apply local zoning practices to operators
- Better balance between surface land ownership and mineral right ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to their fullest potential but will also seek legislative remedies to areas of greatest concern. Fort Collins will also work with other interested communities to address oil and gas operation concerns. The City will monitor and engage as appropriate in rulemaking hearings of the Colorado Oil and Gas Conservation Commission.

**Objective: Advocate solutions to nuisance and safety issues related to railroad proximity**

**Issue:**

Communities throughout the United States are wrestling with issues related to railroad proximity. These include extended blockages of community intersections, the transport of hazardous materials, rail car safety, train horn noise, transparency related to rail cargo and train switching. These issues affect quality of life for residents and business owners and can result in catastrophic disasters in cases of derailment.

Fort Collins has two active railroad corridors and three rail companies servicing the community and is working regionally, through the Colorado Municipal League (CML) and National League of Cities (NLC), to raise the profile of rail proximity issues. In addressing rail safety and rail proximity issues, the City has active relationships with Burlington Northern Santa Fe (BNSF), Great Western Railway (GWR) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body – the Federal Railroad Administration (FRA).

In order to foster cleaner air, reduce auto congestion and improve quality of life, several federal agencies including the EPA, HUD and the Federal Transit Administration are encouraging Transit Oriented Development. The idea behind Transit Oriented Development is to bring residents closer to mass transit lines so that they can use mass transportation, and so that downtown revitalization can occur. The Mason Corridor Bus Rapid Transit, which began operation in 2014, is one example. At the same time, the FRA train horn rule in effect is discouraging the development community and residents from locating around transit. Reform is needed.

Trains have regained preference for transporting goods and materials. The increased use of rail has added pressure to the system and identified several safety concerns – track maintenance, tanker car safety, and notification of hazardous materials to public safety leaders. Fort Collins will work to the following goals at a state and national level:

- Engagement with railroad companies
- Development of a “proximity issues” dialogue between railroad and local governments on a broad suite of topics
- Notification about hazardous material shipments passing through communities
- Ensuring track maintenance and train car safety
- Collaboration with railroads to train local emergency personnel
- Solution-oriented use of technology and innovation to improve conflict areas
- Promote improve existing federal and state regulations to identify reasonable safety protections

**Objective: Support marijuana law clarifications and alignment with Colorado Constitution**

**Issue:**

The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. The Fort Collins City Council approved limited adult use marijuana businesses and sales in addition to existing medical marijuana businesses.

Fort Collins seeks clarification on the following items:

- Conflicts that exist between state and federal laws regarding marijuana possession
- Enforcement of the new law and its impacts on local staff and public safety resources
- Rules pertaining to packaging and labeling marijuana and products containing marijuana
- Effectively funding prevention of under-21 possession and use

- Community public safety
- Limiting THC content per serving size and restricting packaging to a single serving

In addition to adult use marijuana, communities across the United States that have authorized medical marijuana are struggling with implementation and the need for a single, viable distribution system. At the core of the issues with both medical and adult use marijuana is the classification of the drug. Marijuana is currently classified as a Schedule 1 drug. This designation means it cannot be prescribed by a doctor or handled through the same distribution channels as other prescribed drugs. As a result, different states have adopted different approaches in conflict with federal laws. In Colorado, medical marijuana may be recommended by a doctor but not prescribed. Work is needed at the federal level to clarify this issue. The federal classification should be re-evaluated to consider allowing more medical research. If it is determined that marijuana fits one of the other classifications and does have medical benefits, it could be included in the existing drug delivery system.

**Objective:**      **Participate in federal, state and regional efforts to foster resilient communities and achieve Road to 2020 goals**

**Issue:**

Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Resilience has become a term used to describe hardening vulnerable community infrastructure and preparing for predictable hazards in order to soften the blow on citizens and infrastructure.

Making Fort Collins and Northern Colorado more resilient involves providing decision-makers hazard mitigation analysis and scientific data, then using that information to invest in complementary systems. Northern Colorado's experience is that resilience must be a regional effort that pays off through coordinated advanced planning and investment.

Resiliency efforts are important because they impact a broad set of critical services including:

- Land use
- Utility operations
- Transportation infrastructure
- Sustainability services
- Health
- Safety
- Emergency Response
- Disaster recovery

Fort Collins adopted aggressive emission reduction goals. The City supports policies and legislation helping communities to achieve these goals, gather scientific data supporting the goal and to invest in needed infrastructure to ensure a clean energy future.

City staff are working to develop actions to implement in order to achieve the Road to 2020 goals. These goals may be assisted and promoted through legislative and regulatory actions. Success in achieving the City's goals may be enhanced through partnership with communities that have adopted similarly aggressive climate action and adaptation goals, and the City is partnering with 12 other Colorado communities via Colorado Communities for Climate Action (CC4CA) to advocate for these efforts at a state and federal level. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both the Road to 2020 and resilience goals. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both Road to 2020 and resilience goals.

The Fort Collins community is just one member of a regional "waste shed" in Northern Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying

broad measures such as setting a state waste diversion goal and helping to support related strategies, which could also serve to reduce carbon emissions and create opportunities for waste-to-energy applications when ultra-low pollution conversion technology is used.

**Objective: Support transportation infrastructure connectivity with an emphasis on funding an integrated, multi-modal system**

**Issue:**

Funding for vital transportation infrastructure will continue to be a high priority for the City of Fort Collins. Transportation infrastructure is a critical element to supporting community and regional economic health, safety and quality of life.

The City supports Congress's recent long-term reauthorization of the nation's surface transportation law with a focus on transit, livable community planning, comprehensive regional investments, revitalization of existing infrastructure, pedestrian and bicycle infrastructure, and approaches that decrease petroleum consumption and reduce carbon pollution.

We strongly support preservation or increase of federal levels of funding and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended purposes. In addition, we urge development of a new, more stable, long range transportation funding mechanism that doesn't rely upon fuel tax revenues. Fuel tax is no longer a sustainable method of funding the nation's transportation infrastructure needs. If there is no way to raise/index the fuel tax to reflect current economic realities, then new funding mechanisms become critically important.

Fort Collins seeks a solution to secure critical funding of the nation's highway and bridge projects. Allowing the Highway Trust Fund to become insolvent would be devastating to the City's transportation infrastructure and have impacts throughout the Northern Colorado economy.

A key transportation funding priority for Fort Collins is Interstate 25 (I-25) in Northern Colorado. The highway has become a pinch point in the regional transportation inventory that limits access to and from Fort Collins for residents, visitors, and the delivery of goods and services. Immediate funding to widen north I-25 is needed to sustain the region's economic growth. The City is an active part of the I-25 Coalition whose primary goal is to accelerate construction of a third lane in each direction of I-25 as identified in the I-25 North Project (from State Highway 6 to State Highway 14).

Colorado Department of Transportation recently received \$15 million in TIGER grant funding for I-25 improvements. This in combination with \$25 million in local match commitments and private sector funds, as well as other scheduled funds for improvements, has accelerated improvements in Northern Colorado by fifteen years. Improvements include a third, managed (toll) lane in each direction plus three bridge improvements and regional bicycle trail connections and are scheduled to be completed in 2020. Improvements will be between SH-14 and SH-402. While these are critical improvements for Fort Collins and Northern Colorado, there still remains a sizeable funding gap in terms of needed I-25 improvements between SH-402 and SH-66.

Actions that may expedite the continued improvement and expansion of northern sections of I-25 include:

- A Transportation Revenue Anticipation Notes (TRANS) bond II ballot initiative (TRANS bonds were previously used to help fund the \$1.67 billion T-REX I-25 improvements in the south Denver Metro area)
- State of Colorado General Fund dollars going to transportation (maintenance & capital construction)
- Tax credit legislation for specific highway projects

**Objective: Support comprehensive water resource management**

**Issue:**



Water resources in Colorado and throughout the West are stressed by many factors – environmental, population growth and aging infrastructure. Local water resource planning efforts ensure adequate supply to residents through managing the City’s water rights portfolio, encouraging increased efficiency and expanding storage. Fort Collins will support efforts to address local and regional water needs, preserve its water rights portfolio, and to encourage conservation of water resources based on the 2016 adoption of the Water Efficiency Plan. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in implementation of the Colorado Water Plan by the Legislature and any State agencies, rulemakings by water-related State agencies (such as, by way of example, the Colorado Department of Public Health and Environment, the Colorado Division of Water Resources, the Colorado Water Conservation Board), and the federal U.S. Army Corps of Engineers’ and Environmental Protection Agency’s (EPA) rulemakings affecting water storage, use, quality and conservation.

**Objective:      Support a comprehensive approach to reduce the impacts of poverty and housing affordability**

**Issue:**

Poverty and lack of affordable housing are persistent issues in Fort Collins and across Colorado. The City is interested in developing local solutions to these persistent problems through collaboration and innovation. The City plays both a convening and leadership role among the many community service providers – seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

- Fort Collins supports solutions to address poverty within the community such as:
- Fully resource a state affordable housing fund
- Implement funding for the Earned Income Tax Credit
- Develop or expand programs that ensure a smooth transition from foster care to independence
- Increase funding for mental health care/programs
- Increase development of condominiums by addressing construction defect law reform
- Pilot innovative programs to address housing

**Objective:      Support efforts to address both homelessness and resource resistant populations**

**Issue:**

Homelessness and transient populations are persistent challenges in Fort Collins and other communities. Fort Collins works to address homelessness through partnering and supporting many community service providers and has a goal of making homelessness rare, short-lived, and non-recurring.

The resource resistant populations are those that occupy public spaces and are not interested in housing or other community services offered. In this arena, the City supports efforts to address public safety concerns, enforce existing local laws, and maintain a welcoming environment for all.

The City opposes efforts to undermine local control or enforcement of activities on public land.

**Objective:      Support the innovation economy**

**Issue:**

Innovation is a key attribute of the City organization and is also important to the community. Fort Collins has numerous drivers of innovation, intellectual property and inventions with an educated resident base, Colorado State University, federal research labs, and a long list of innovative companies. As a result, Fort Collins has a culture and support system that nurtures an innovation economy with the City often serving as a living laboratory for ideas and new technologies.

- The City will maintain and enhance its innovation economy through:
- Supporting efforts to simplify the commercialization of intellectual property
- Efforts to increase the available capital to support innovation and new business formation
- Efforts that support the spin-off and development of intellectual property from research institutes, private business, and higher education
- Efforts to encourage the retention of new and innovative businesses in the community
- Supporting business incubation, primarily through the commercialization of intellectual property, with strong partnerships
- Application of innovative technologies and approaches to improve City programs and services

DRAFT

## LEGISLATIVE POLICY STATEMENTS

### *Neighborhood Livability and Social Health*

#### **Strategic Outcome**

Provide a high quality built environment and support quality, diverse neighborhoods

#### **AFFORDABLE HOUSING**

The City of Fort Collins supports policy and funding mechanisms that help the City develop and maintain affordable housing for our community.

Therefore, the City supports the following policy statements:

1. Maintain or enhance current levels of funding for affordable housing throughout Colorado, , including expanding the State Low Income Housing Tax Credit program.
2. Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.
3. Protect the rights of low-income and/or disabled residents in tenant-landlord disputes, especially as it relates to safety issues.
4. Amend construction defect laws to reasonably balance safe and reliable housing with needed condominium construction.
5. Increase the amount of affordable, accessible, sustainable and high-quality housing in communities.
6. Develop strategies that balance the cost of services provided to the chronically homeless with the cost of providing permanent supportive housing.
7. Create a standardized statewide approach to addressing homelessness.
8. Invest in innovative approaches to address the causes of homelessness.

#### **DEVELOPMENT REVIEW AND INSPECTION**

Fort Collins City Council adopts a land use code, zoning and new and existing property inspection protocol. The City supports retention of home-rule control in aligning development review and inspections with local priorities. In recent sessions, state legislators have introduced measures aimed at having local inspectors provide inspection for building types outside existing responsibilities without additional resources provided to conduct this work.

Therefore, the City supports the following policy statements:

1. Financially compensate a jurisdiction or agency for additional work of inspectors through fees or other means.
2. Give local governments choices in accepting additional inspection work.

3. Allow local governments to determine the time needed to conduct development review and inspection timelines.

### **PLANNING AND LAND USE**

Effective local land use planning and land development regulation contributes to the quality of life enjoyed primarily by Fort Collins residents, yet shared regionally within Larimer County. State legislation can influence local governments' ability to develop and implement land use plans for their communities.

Therefore, the City supports the following policy statements:

1. Require regional cooperation in land use and transportation planning, and foster sustainable development, without unduly constraining the City's home rule powers.
2. Prohibit the annexation of land that is located within the boundaries of a Growth Management Area that was legally established by an intergovernmental agreement between a municipality and a county by any municipality not a party to the agreement.
3. Limit the definition of a compensable taking and/or the definition of vested property rights beyond the provisions of existing law.
4. Retain local government authority to impose development impact fees.
5. Increase cities' ability to regulate industrial land uses like oil and gas exploration and extraction.
6. Foster equitable public housing policies that balance protection of tenants and landlords.

### **SOCIAL SUSTAINABILITY**

Fort Collins has implemented a triple-bottom line-oriented Sustainability Service Area in an effort to ensure community resources are allocated by considering equally human, environmental and economic benefits. The Social Sustainability Department's mission is to support a diverse and equitable community that successfully meets the basic needs of all residents. The Social Sustainability Department strives to achieve this mission through programs, policies, and partnerships that provide access and opportunities for all.

Therefore the City supports the following policy statements:

1. Maintain or increase the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.
2. Adequately fund K-12 and public post-secondary institutions to ensure opportunity for youth.
3. Provide funding for before and after school programs and school out days aimed at at-risk population and low- to moderate-income families.
4. Enhance neighbor relations by improving the resources available to community mediation and restorative justice programs.
5. Provide communities with resources to address chronic homelessness.
6. Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare.

## **URBAN AGRICULTURE**

In 2011, City Plan, our community's comprehensive plan, was updated and contained four goals related to local food production. Staff has worked to align our policies and regulations with the goals outlined in our comprehensive plan. We have updated the Land Use Code to permit urban agriculture in all zone districts, allow farmers markets in more zone districts, allow a greater number and types of animals to be raised, and exempted hoop houses from the building permit process in order to facilitate year-round production. The City has also been an active participant in the Northern Colorado Food Cluster which convenes stakeholders to advance local food initiatives. Locally grown food is a critical step towards a more sustainable community.

Therefore the City supports the following policy statements:

1. Provide options for urban farmers to have longer-term access to the land required for food production.
2. Provide all citizens access to healthy foods.
3. Address supply chain needs to support urban farmers.
4. Diversify the production, consumption and distribution of local food products.
5. Adopt food production practices that support innovative and efficient irrigation practices.

## *Culture and Recreation*

### **Strategic Outcome**

Fort Collins provides diverse cultural and recreational amenities

## **CULTURAL SERVICES**

The City recognizes that art and culture are vitally important to the quality of life in our community and is committed to providing the citizens of Fort Collins with excellent cultural services.

Therefore, the City supports the following policy statements:

1. Fund cultural services activities promoting the education, entertainment and enrichment of the community.
2. Facilitate the creation, performance and presentation of the arts.
3. Protect and preserve our cultural heritage.
4. Expand access and inclusion for all citizens to cultural events.

## **PARKS AND RECREATION**

The City is committed to providing the community with excellent parks and recreation services and facilities. Our citizens enjoy a better quality of life, improved health, less crime and a greater sense of community because of our quality parks and recreation programs.

Therefore, the City supports the following policy statements:

1. Maintain or enhance funding for parks, trails, forestry, horticulture and recreation services and facilities.
2. Provide maximum local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.
3. Sustain availability of Great Outdoors Colorado grants to municipalities in equal or greater funding levels.
4. Enhance the City's ability to provide quality parks and recreation services and facilities for its citizens.
5. Enhance the protection of community trees and natural assets against invasive species, pests and other threats.
6. Expand access and inclusion for all citizens to community recreational opportunities.

### *Economic Health*

#### **Strategic Outcome**

Promote a healthy, sustainable economy reflecting community values

#### **FINANCE**

As a municipality, the City of Fort Collins faces many complex financial issues. Strong fiscal planning, prudent debt management and preservation of the City's revenue base are vital in maintaining and improving the City's financial health. Considering the known impacts of legislation on the City's business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City supports the following policy statements:

1. Maintain or expand municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).
2. Increase funding for higher education, specifically Colorado State University and Front Range Community College.
3. Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.
4. Recognize the importance of sales and use tax to local, self-collecting municipalities and equitably distribute sales tax collections on e-commerce transactions.
5. Maintain or increase the City's revenue base (sales, use and property taxes).

#### **INVESTMENTS**

The Fort Collins City Council has adopted investment policies to be used by the City. The policies are reviewed and updated periodically to ensure the safety and quality of the portfolio to maintain liquidity and to maximize portfolio earnings.

Therefore, the City supports the following policy statements:

1. Protect, without unnecessarily restricting, the investments of government entities.
2. Provide adequate transparency of the City's investment activity.
3. Provide municipalities freedom to participate in investments that meet their strategic objectives.
4. Do not restrict cities' ability to adopt their own investment policies.

#### **PRIVATIZATION**

The City of Fort Collins utilizes outside contracts for procurement of many goods and services. This practice of privatization provides citizens with a balance of quality and cost efficiency.

Therefore, the City supports the following policy statements:

1. Enable cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.
2. Maintain local control of the awarding of contracts and the accountability of local officials for those actions.
3. Reject mandates that increase the complexity and cost of services without improving those services.

#### **ECONOMIC DEVELOPMENT**

Fort Collins seeks to maintain a healthy and resilient economic base of businesses. The City works closely with businesses to retain and invest in alignment with the Council's Action Plan. A healthy and resilient economy for Fort Collins will include:

- Diverse jobs that enable citizens and businesses to thrive.
- Reflects the values of our unique community in a changing world.
- An innovative, creative, and entrepreneurial atmosphere.
- Strong partnerships and collaboration with the private sector, educational institutions, and other organizations.

Therefore, the City supports the following policy statements:

1. Promote sustainable economic development.
2. Retain local governments' use of tax increment financing as a tool to support Downtown Development Authorities and Urban Renewal Authorities, taking into consideration the land use impacts of such legislation (e.g., sprawl) the unique intent(s) and distinctive differences of both the DDA Act and URA Act, and the compelling interests and concerns of other taxing entities.
3. Adopt clarifying language to HB15-1348 to address ambiguity and confusion created by the drafters. Specifically, clarify intent that the law does not impact projects already underway.

#### *Environmental Health*

#### **Strategic Outcome**

Promote, protect and enhance a healthy and sustainable environment

## **AIR QUALITY**

The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality."

Therefore, the City supports the following policy statements:

1. Adopt programs and policies that improve public health and air quality, and support rapid attainment of National Ambient Air Quality Standards including ozone.
2. Ensure air quality standards are protective of public health and welfare.
3. Enhance local government authority to improve air quality beyond minimum State or Federal requirements.
4. Promote strategies to improve regional air quality, recognizing that air pollution does not follow jurisdictional boundaries.
5. Assure that Federal, State and County agencies have adequate authority and resources (funding and personnel) to enforce air quality regulations.
6. Promote voluntary actions to reduce air pollution.
7. Reduce vehicle emissions by:
  - Employing economic incentives, disincentives and other market approaches that support clean air
  - Encouraging behavior changes, such as reducing vehicle idling, biking and use of transit
  - Encourage or promote lower emissions and lower carbon fuels, vehicles and supporting infrastructure
  - Supporting state motor vehicle emissions testing programs consistent with City air quality goals
8. Provide authority for local governments to implement vehicle emissions reductions programs.
9. Strengthen standards for tailpipe emissions, aggregate vehicle emissions and/or fuel economy for all vehicles including reducing the impact of "rolling coal" and nitrous oxide emissions.
10. Reduce or eliminate residential wood smoke emissions.
11. Reduce fossil fuel consumption in the transportation and building sector.

## **ROAD TO 2020 AND ENVIRONMENTAL PROTECTION**

The City of Fort Collins encourages local, state and national efforts to protect and enhance our environment. Additionally, the City has a policy goal to reduce greenhouse gas emissions 20 percent below 2005 levels by 2020 and 80 percent below 2005 levels by 2030 and 100 percent below 2005 levels by 2050. The goals call for Fort Collins to be carbon neutral by 2050.

Therefore the City supports the following policy statements:

1. Enhance Fort Collins' resilience to impacts of climate change.
2. Establish greenhouse gas (GHG) emission reduction targets at all levels of government.
3. Establish market-based mechanisms to reduce emissions.



4. Develop strategies to prevent pollution.
5. Maintain and protect the Colorado self-audit law.
6. Evaluate and address impacts of climate change on water demand and supply.

#### **NATURAL AREAS AND OPEN LANDS**

The City has a vigorous program to protect natural areas and other important open lands within Fort Collins, within our Community Growth Management Area, and regionally. The City works in partnership with other communities, Larimer County, private land trusts, Great Outdoors Colorado, community groups, and state and federal agencies to achieve community and regional conservation goals.

Therefore, the City supports the following policy statements:

1. Maintain or enhance tax incentives to private landowners for voluntary land conservation.
2. Expand the effectiveness of existing protection for wetlands, wildlife habitats, and other sensitive natural areas.
3. Provide additional funding for land conservation programs.
4. Protect the Cache la Poudre River.
5. Increase the availability of Great Outdoors Colorado grants to municipalities in amounts equal to or greater than are currently offered.

#### **OIL AND GAS**

Oil and gas extraction activity and associated health and environmental impacts are a concern for Fort Collins and many communities along the Front Range. There is a portion of a small oil field within Fort Collins 'incorporated boundaries, and the City has entered into an Operator Agreement or Memorandum of Understanding (MOU), that stipulates the operations, maintenance and inspection process for that operator's local holdings. Fort Collins residents have expressed continuing concern about the human and environmental health impacts from oil and gas operations, particularly from the hydraulic fracturing treatment used on most Colorado wells. In November 2013, voters approved a five-year moratorium on oil and gas extraction in order to study its property value and human health impacts.

Therefore, the City supports the following policy statements:

1. Encourage state, federal and academic studies evaluating impacts of oil and gas operations on human health and property values.
2. Establish baseline air pollutant levels and understand the ongoing contributions of the oil and gas industry to air pollution.
3. Provide local government the authority to inspect oil and gas sites and ensure operator compliance through enforcement of federal, state and local regulations.
4. Allow communities to understand impacts of oil and gas on water quality.
5. Allow greater local regulation of oil and gas exploration activities within municipal boundaries.
6. Better balance surface ownership with mineral right ownership.

7. Allow local governments the ability to apply municipal zoning on oil and gas extraction and storage activities.
8. Maintain the current formula allocation of severance tax to impacted jurisdictions so that they might address impacts from resource extraction.
9. Incentivize industry information sharing and collaboration with local governments on the planned development of resources within communities' Growth Management Areas.

### **RECYCLING AND SOLID WASTE**

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction. Additionally, the City has adopted a goal of diverting 75% of community waste by 2020; 90% by 2025 and 100% by 2030.

Therefore, the City supports the following policy statements:

1. Clarify and broaden the regulatory authority of local government to ensure the efficient management of recyclable material and solid waste.
2. Encourage integrated waste and materials management planning and implementation, including but not limited to creation of a state waste diversion goal.
3. Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.
4. Enable and encourage the development of end markets through "buy recycled" or "environmentally preferable purchasing" policies for government agency procurement.
5. Increase funding for programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.
6. Develop more extended producer responsibility initiatives, such as "take back" regulations that assist consumers to appropriately recycle packaging materials or certain products (e.g., electronic equipment or mattresses) and seek to eliminate state statute CRS Section 25-17-104, which currently limits local authority to regulate packaging materials (e.g., single-use plastic bags).
7. Establish a deposit fee on beverage containers and that would be used to pay for recycling programs.
8. Partner with neighboring agencies and stakeholders to create facilities and infrastructure for regionally managing waste to its "highest and best" use.

### **UTILITY SERVICES**

It is critical that the City operate its water, light and power, stormwater and wastewater services in a financially sound, reliable, safe and environmentally acceptable manner. Like other municipal utilities across the country, Fort Collins is faced with many new and evolving challenges associated with changes in the industry, the replacement and security of its infrastructure and development and retention of a knowledgeable workforce.

Therefore, the City supports the following policy statements:

## ENERGY

1. Maintain or improve the reliability of energy delivery.
2. Promote energy affordability and safety for residents, businesses and institutions.
3. Support reductions of the community's GHG emissions from energy use in accordance with the *Climate Action Plan (CAP) Framework* (March 2015) – the current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050.
4. Reduce the emission of criteria pollutants.
5. Reduce the environmental damage caused by energy extraction and production.
6. Leverage the role of Fort Collins Utilities Light & Power as the community's municipally owned utility.
7. Retain more of our community's energy expenditures in the local economy.
8. Foster local economic opportunity in energy efficiency, production and operation.
9. Leverage opportunities to coordinate integrated planning for energy and water supply and demands.
10. Increase our community's resilience to potential energy and climate related disruptions.
11. Maintain compliance with and leverage the potential benefits of local, regional, state and national regulatory frameworks, which impact energy production and use (e.g., carbon, fuel standards, ozone.)
12. Make Fort Collins an energy leader that can serve as a model for other communities.
13. Incent renewable energy production, including wind power, and provide for "State Implementation Plan" credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.
14. Reject attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.
15. Foster smart grid technology adoption and grid modernization.

## WATER SUPPLY AND QUALITY

1. Maintain or expand the authority delegated to the state to administer federally mandated water, stormwater and wastewater environmental regulatory programs (primacy).
2. Enact reasonable water quality regulations that are cost effective and can show identifiable benefits.
3. Enable local watershed protection planning.
4. Provide cities the flexibility to enhance in-stream flows to preserve or improve the natural environment of the stream while protecting the integrity of Colorado's appropriation doctrine and City water supply.

5. Recognize the importance of infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.
6. Stipulate adequate funding for local governments to implement mandated programs.
7. Encourage regional collaboration for water planning, and efficiency and conservation implementation.
8. Encourage greater integration of water efficiency into land use planning and building codes
9. Remove barriers to financing for water conservation projects.
10. Fund recovery and treatment of Cache la Poudre and other waterways impacted by natural disasters.
11. Enable the City to develop, protect and increase the flexibility and resiliency of its water supply under Colorado's appropriation doctrine without adversely affecting in-stream flows or the natural environment of the stream.

#### *High Performing Government*

##### **Strategic Outcome**

Deliver an efficient, innovative, transparent, effective and collaborative city government

#### **HOME RULE**

The City of Fort Collins is a home rule municipality under Article XX (Article 20) of the Colorado Constitution, which grants home rule municipalities "full right of self-government in local and municipal matters." Home rule authority affords the citizens of Fort Collins greater access to government and increased opportunity for participation and contribution to the decision-making process.

Home rule is of utmost importance to the City of Fort Collins. The City recognizes, however, that there are particular areas in which insistence on local control may be untimely or unwise. Therefore, proposed legislation must be reviewed on a case-by-case basis to determine when it is in the City's best interest to assert home rule authority and when the City should support statewide intervention. For example, the City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. On the other hand, the cumulative effect of these and other activities has substantial statewide ramifications that may call for statewide regulation, so that, for example, state regulation may be needed to effectively manage overall growth and development in the state, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City supports the following policy statements:

1. Strengthen home rule authority of municipal governments.
2. Reject State or Federal intervention in matters of local concern and that unnecessarily or adversely affect the City's ability to manage pursuant to its home rule authority.

## **HUMAN RESOURCES**

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be efficient and responsible stewards of tax dollars ensuring that employee compensation and benefits are market-based, fair and competitive. The City believes that its citizens, through their elected representatives on City Council, are in the best position to determine appropriate City employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City supports the following policy statements:

1. Enhance the City's ability to make decisions on employment issues, including collective bargaining, arbitration, compensation, appeal rights related to disciplinary action benefits and leaves.
2. Expand the City's ability to determine how best to manage health, welfare and wellness services for employees.
3. Maintain current state funding for police officer death and disability benefits.
4. Reject proposals that would allow employees and/or retirees with defined contribution plans to move into defined benefit plans if there is a cost to local government.
5. Reject proposals that would limit the City's ability to test job applicants or employees at work for impairment due to consumption of alcohol or controlled substances or to set limits related to such testing.

## **RISK MANAGEMENT**

The City of Fort Collins recognizes the dual purpose of the workers' compensation system – providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Council also recognizes that the City's self-insurance program is a cost-efficient method to insure workers' compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City supports the following policy statements:

1. Improve administrative efficiency of the Division of Workers' Compensation.
2. Resist increased insurance premium costs to employers.
3. Limit or reduce administrative burdens or taxes to self-insurance programs.
4. Limit insurance claim litigation.
5. Increase the City's options and ability to manage workers' compensation claims; oppose actions like removing existing off-sets to workers' compensation benefits or limiting the City's ability to designate treating physicians.
6. Reject efforts to presumptively expand workers' compensation coverage to illnesses or injuries that are not work related.

## **SOVEREIGN AND GOVERNMENTAL IMMUNITY**

The Fort Collins City Council recognizes that the complexity and diversity of City operations and services required to meet the needs of the citizens of Fort Collins may expose the City and its officers and

employees to liability for damage and injury. The Council further recognizes that City officers and employees must be confident that they have the City's support in the lawful and proper performance of their assigned duties and responsibilities.

Therefore, the City supports the following policy statements:

1. Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities.
2. Discourage baseless and frivolous claims and demands made against municipalities, their officers and employees.
3. Maintain or enhance municipal liability protections and municipal immunity.

### **TELECOMMUNICATIONS**

The City of Fort Collins encourages a competitive, open market for cable and telecommunications services in order to ensure the public has access to a variety of programming and services at the lowest cost possible.

Therefore, the City supports the following policy statement:

1. Maintain and enhance local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government programming.
2. Permit communities to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.
3. Allow municipalities to provide telecommunication services within City-owned facilities and on City property.
4. Enhance exclusive digital communication networks for public safety personnel during emergencies.

*Safe Community*

### **Strategic Outcome**

Provide a safe place to live, work, learn and play

### **FIRE PROTECTION**

The Fort Collins City Council recognizes the critical importance of maintaining a safe environment and protecting the lives and property of the citizens of Fort Collins.

Therefore the City supports the following policy statements:

1. Institute a state fire code, the code of choice being the International Building and Fire Code, and allow municipalities to adopt their own amendments.
2. Reject limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.

1. Enhance life safety and property protection through the installation of fire protection systems in structures when appropriate and do not restrict any local jurisdiction from requiring the installation of fire sprinklers.
2. Strengthen the City's ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks without approval of the County Commissioners.
3. Promote fire safety, education and prevention with the goal of reducing injury, loss of life and property damage.
4. Allow local jurisdictions (municipalities and special districts) to implement open burning restrictions.
5. Mandate the home fire sprinklers be provided as an option by all home builders in the state.

#### **HAZARDOUS MATERIALS MANAGEMENT**

It is an important concern of the City to safeguard Fort Collins' health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City supports the following policy statements:

1. Allow the City to continue controlling risks from hazardous materials use, storage and transportation through the International Building and Fire Code and related local amendments.
2. Allow Fort Collins to adopt local regulations for hazardous materials, including review and approval of the location of facilities that use or store hazardous materials or hazardous waste.
3. Strengthen the enforcement of hazardous materials regulations.
4. Strengthen the diversion of hazardous waste from landfills.
5. Establish greater flexibility and more options for local government in the management of publicly-owned areas thought to have asbestos-containing soils while maintaining responsible site management practices.
6. Prevent and penalize improper storage and disposal of hazardous or exploration and production (E&P) wastes from oil and gas operations within municipal boundaries.
7. Preserve community safety by ensuring emergency responders have all available information needed to effectively address disasters and maintain public well-being.
8. Ensure hazardous materials are not stored or used within the 100-year floodplain.

#### **MARIJUANA**

In 2012, Colorado voters approved Amendment 64 which legalizes the possession of adult-use or recreational marijuana in the state. During the same election Fort Collins residents voted to approve the use of medical marijuana within the city. Federal law maintains that marijuana is a schedule 1 drug and, as such, can neither be possessed and used nor researched.

Therefore, the City supports the following policy statements:

1. Regulate medical and retail marijuana manufacturing, distribution and dispensaries.
2. Clarify the implementation and local rights and responsibilities related to Amendment 64.
3. Clarify and align federal marijuana law with the Colorado Constitution.
4. Protect communities' ability to raise necessary funds to maintain public safety and enforce marijuana possession laws.
5. Prevent under-21 access to marijuana.
6. Clarify the rights of individuals, landlords and homeowner associations in limiting or preventing growing or consuming marijuana in multi-family dwellings.
7. Provide additional state marijuana enforcement resources, especially for field enforcement.
8. Limit THC content per serving size and restrict packaging to a single serving.

#### **MUNICIPAL COURT**

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, and civil infractions. Generally, cases are brought to Municipal Court by the Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City supports the following policy statements:

1. Support the current jurisdiction of municipal courts, particularly for home rule municipalities.
1. Oppose limitations on the authority of municipalities to enforce their own ordinances in municipal courts.
2. Reject imposition of state surcharges on municipal court fines for the purpose of funding state programs.

#### **PUBLIC SAFETY**

The Fort Collins City Council recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Fort Collins.

Therefore, the City supports the following policy statements:

1. Develop treatment and intervention programs, especially for youth, which have the potential to reduce incidents of violence in the community.
2. Provide greater protection to victims of crime.
3. Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations.
4. Establish protocols and funding for shared, statewide emergency response communications, including supporting LETA efforts to resolve the 911 Diversity issue with CenturyLink.



5. Reject initiatives that have the potential to compromise officer safety.
6. Establish minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).
7. Regulate the use of cell phones by motorists while operating a vehicle.
8. Preserve or increase funding for treatment of mental illness and substance abuse disorders.
9. Maintain or enhance a statewide database of concealed weapons permits.
10. Seek to reduce community flood risks.
11. Reduce cities' liability for prisoners' self-inflicted wounds while in police custody or detention facilities.
12. Restrict access to illegal substances.
13. Require greater producer responsibility, such as "take back" for prescription drugs to avoid these substances being abused or being disposed of into the water supply.
14. Clarify the qualifications for what types and purposes a business may obtain and use a state liquor license.
15. Define what qualifies as a "meal" when calculating the percentage of meals served for a liquor license.
16. Increasing state, regional and local disaster resilience.
17. Promote efforts to reduce conflict between community members and law enforcement.
18. Encourage the voluntary use of body-worn camera technology on officers and development of community-specific standards for the use of cameras and their data.
19. Develop grant programs for police department use to fund the purchase, training and deployment of body-worn cameras and the retention of footage.

### *Transportation*

#### **Strategic Outcome**

Provide for safe and reliable multi-modal travel to, from, and throughout the city

### **TRANSPORTATION**

The City actively promotes the safety and ease of traveling to, from and throughout the community using a variety of modes of transportation. Additionally, the City's policy is to encourage the use of alternative transportation whenever appropriate.

Therefore, the City supports the following policies:

1. Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices.

2. Reject reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.
3. Explore and analyze alternative methods of funding transportation infrastructure needs.
4. Fund analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.
5. Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles.
6. Encourage flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.
7. Encourage or incent locating affordable housing near transit for greatest accessibility.
8. Preserve the guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.
9. Broaden the definition of the gasoline tax to a “fuel tax” that encompasses other fuel options as they become more prevalent.
10. Increase local governments’ ability to prevent railroad trains from blocking street and highway grade crossings for unreasonable time periods.
11. Foster dialogue between railroad operators and communities aimed at solutions to rail proximity issues.
12. Facilitate the implementation of railroad quiet zones in municipalities and reduce train horn decibel and duration requirements in existing federal rule.
13. Reject divesting key highway roads in urban areas from the state and make them the sole responsibility of local jurisdictions.
14. Maintain safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
15. Develop financing programs for Interstate 25 improvements.
16. Explore solutions to improve bicycle safety and fund implementation projects in communities. Reject reductions in federal dollars for alternate travel modes.
17. Clarify federal and state regulations in order to preserve local governments’ ability to utilize unmanned aerial vehicles (UAVs) for service-related purposes.
18. Ensure local government has access to test the use of UAVs in service delivery.

**CITY OF FORT COLLINS LEGISLATIVE CONTACTS**

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# **LEGISLATIVE POLICY AGENDA**

## **2016-2017**

**Adopted**  
*~~December 15, 2015~~*

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## INTRODUCTION

Fort Collins is a community of 158,300 residents located at the foot of the Rocky Mountains along Colorado's Front Range. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

**Comment [GS1]:** Get latest number

The City is a data-driven municipal organization that strives to fulfill its mission, "Exceptional service for an exceptional community", through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

~~The 2016 City of Fort Collins Legislative Policy Agenda identifies a broad range of important issues. The Fort Collins City Council annually adopts Legislative Priorities and a Legislative Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals. broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. Our~~

~~— policy agenda is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.~~

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~~— The City's Legislative Priorities are broad issues Fort Collins is focused on enduring the 2016 Colorado General Assembly and United States Congress sessions. The Priorities may carry over year to year since they are larger, more challenging issues that may take multi-year work to influence. These priority topics, similar to the City's overall policies, are reviewed and updated annually. Revisions to the policy agenda and priorities are adopted in November ahead of the Colorado General Assembly session.~~

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■ ~~The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.~~

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~~Partnership and interagency collaboration are important methods for achieving optimal legislative outcomes. On many federal and state issues, Fort Collins shares the concerns of others within the community, within the region and other communities statewide. In these cases, Fort Collins will seek opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.~~

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities. ~~Fort Collins' Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health;~~ Safe Community; and Transportation. The Policy



Agenda identifies specific City Council-adopted goals associated with the policy statements. This alignment is important for City staff to ensure that advocacy supports specific desired outcomes.

## CITY OF FORT COLLINS LEGISLATIVE REVIEW COMMITTEE

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on particular bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Gino Campana, Chair
- Councilmember Ross Cunniff
- Councilmember Ray Martinez

## LEGISLATIVE REVIEW PROCESS

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by the [Legislative Policy Manager](#) [City staff](#). Bills, regulation and rules addressing a stated legislative priority, or adopted policy position, may be brought to the LRC for discussion of an official City position. Once a position is adopted on a bill, [the Legislative Policy Manager](#) [staff](#) conveys that information to the appropriate state or federal representative and advocates for the City's adopted position.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The input offered by staff experts is invaluable in analyzing impacts of legislative, regulatory and rulemaking proposals to Fort Collins operations and the community. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins also works with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues. In addition, Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.

In 2017, Fort Collins will ~~maintains a contract a state lobbyist who is responsible for to:~~

- ~~Advising City leaders on~~ Be a fulltime presence at the capital
- Advise City staff and leaders on relevant bills
- Assist staff who may be testifying in Denver
- Provide frequent updates to the LRC during the session

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## LEGISLATIVE PRIORITIES

**Objective:** Cooperate with stakeholders on refinement of Urban Renewal Authority laws

**Issue:** An Urban Renewal Authority (URA) is a tool in place to identify and revitalize areas of the city deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding tool for URA is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal restores economic vitality and improves the safety of a designated area. Redeveloping urban areas is much harder and more expensive than new development in “greenfield sites”, thus the use of urban renewal and tax increment financing responds to larger, more costly infrastructure needs. The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas.

Fort Collins attempts to use URA and TIF judiciously but also recognizes the concerns raised by counties, special districts and school districts about the use of TIF. URA is an important and useful tool for Fort Collins in addressing community blight and encouraging redevelopment rather than sprawl. The City has engaged regional partners in an attempt to develop an equitable formula and process for utilizing URA in Larimer County. Fort Collins has sought to identify a mechanism to balance Larimer County costs for providing service in URA areas and to shared constituents.

2015 URA reform law (HB15-1348) instituted several changes that the City will be implementing in its URA practices. Key changes to URA law add additional members from county, special districts and school district to a URA Board and a negotiated use of tax increment funds before the City could utilize them. Fort Collins is already working on adopting HB 1348 changes. The General Assembly made clarifications to HB 1348 with SB16-177. The remaining major issue of concern to Fort Collins in the implementation of HB 1348 is the applicability to URA projects and clarifying the impacts on existing versus prospective projects.

The City would like to see clarifications made to HB 1348 as language included in the new law is unclear on when the the law applies to existing activities and assistance.

~~The City would like to see clarifications made to HB 1348 as language included in the new law does not conform to URA statute and it is unclear how this new law impacts projects already under development.~~

**Objective:** Support local control of oil and gas operations

**Issue:** Fort Collins, like many other Colorado communities, has taken steps to address oil and gas extraction. Those efforts have been limited by the Colorado Oil and Gas Conservation Commission (COGCC) rules. Fort Collins supports studying and better understanding and mitigating the health and community impacts of oil and gas extraction.

Fort Collins seeks the following:

**Comment [DW2]:** This should be amended to reflect the (real) possibility that DDA statute may be amended to mirror URA. This is a concern for Fort Collins' DDA. Also, the remaining issue of applicability for the HB 1348 modifications remains out there.

**Comment [DW3]:** Recommend clarifying the impact of the Supreme Court action on cities and reflecting that, as appropriate, here.

- Increased local flexibility to regulate oil and gas activity within its incorporated borders
- Limiting the proximity of large-scale oil and gas sites to the City limits in order to minimize community impacts
- Mitigation measures that balance developing oil and gas resources with community environmental and human health
- Additional information about the chemicals being injected into the ground, especially during hydraulic fracturing
- Greater knowledge and control of air emissions from extraction processes and production equipment, including air emissions transported from outside of our community
- 
- Enhanced right for communities to regulate oil and gas as an industrial practice and therefore apply local zoning practices to operators
- Better balance between surface land ownership and mineral right ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to their fullest potential but will also seek legislative remedies to areas of greatest concern. Fort Collins will also work with other interested communities to address oil and gas operation concerns. The City will monitor and engage as appropriate in rulemaking hearings of the Colorado Oil and Gas Conservation Commission.

**Objective:** Advocate solutions to nuisance and safety issues related to railroad proximity

**Issue:** Communities throughout the United States are wrestling with issues related to railroad proximity. These include extended blockages of community intersections, the transport of hazardous materials, rail car safety, train horn noise, transparency related to rail cargo and train switching. These issues affect quality of life for residents and business owners and can result in catastrophic disasters in cases of derailment.

Fort Collins has two active railroad corridors and three rail companies servicing the community and is working regionally, through the Colorado Municipal League (CML) and National League of Cities (NLC), to raise the profile of rail proximity issues. In addressing rail safety and rail proximity issues, the City has active relationships with Burlington Northern Santa Fe (BNSF), Great Western Railway (GWR) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body – the Federal Railroad Administration (FRA).

In order to ~~over~~ foster clean ~~over~~ air, reduce auto congestion and improve quality of life, several federal agencies including the EPA, HUD and the Federal Transit Administration are encouraging Transit Oriented Development. The idea behind Transit Oriented Development is to bring residents closer to mass transit lines so that they can use mass transportation, and so that downtown revitalization can occur. The Mason Corridor Bus Rapid Transit, which began operation in 2014, is one example. At the same time, the FRA train horn rule in effect is discouraging the development community and residents from locating around transit. Reform is needed.

Trains have regained preference for transporting goods and materials. The increased use of rail has added pressure to the system and identified several safety concerns – track maintenance, tanker car safety, and notification of hazardous materials to public safety leaders. Fort Collins will work to the following goals at a state and national level:

- Engagement with railroad companies
- Development of a “proximity issues” dialogue between railroad and local governments on a broad suite of topics
- Notification about hazardous material shipments passing through communities
- Ensuring track maintenance and train car safety
- Collaboration with railroads to train local emergency personnel
- Solution-oriented use of technology and innovation to improve conflict areas
- Promote improve existing federal and state regulations to identify reasonable safety protections

**Objective:** Support marijuana law clarifications and alignment with Colorado Constitution

**Issue:** The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. The Fort Collins City Council approved limited adult use marijuana businesses and sales in addition to existing medical marijuana businesses.

Fort Collins seeks clarification on the following items:

- Conflicts that exist between state and federal laws regarding marijuana possession
- Enforcement of the new law and its impacts on local staff and public safety resources
- Rules pertaining to packaging and labeling marijuana and products containing marijuana
- Effectively funding prevention of under-21 possession and use
- Community public safety
- Limiting THC content per serving size and restricting packaging to a single serving

In addition to adult use marijuana, communities across the United States that have authorized medical marijuana are struggling with implementation and the need for a single, viable distribution system. At the core of the issues with both medical and adult use marijuana is the classification of the drug. Marijuana is currently classified as a Schedule 1 drug. This designation means it cannot be prescribed by a doctor or handled through the same distribution channels as other prescribed drugs. As a result, different states have adopted different approaches in conflict with federal laws. In Colorado, medical marijuana may be recommended by a doctor but not prescribed. Work is needed at the federal level to clarify this issue. The federal classification should be re-evaluated to consider allowing more medical research. If it is determined that marijuana fits one of the other classifications and does have medical benefits, it could be included in the existing drug delivery system.

**Objective:** Participate in federal, state and regional efforts to foster resilient communities and achieve [Road to 2020 Climate Action Plan](#) goals

**Issue:** Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Resilience has become a term used to describe hardening vulnerable community infrastructure and preparing for predictable hazards in order to soften the blow on citizens and infrastructure.

Making Fort Collins and Northern Colorado more resilient involves providing decision-makers hazard mitigation analysis and scientific data, then using that information to invest in complementary systems. Northern Colorado's experience is that resilience must be a regional effort that pays off through coordinated advanced planning and investment.

Resiliency efforts are important because they impact a broad set of critical services including:

- Land use
- Utility operations
- Transportation infrastructure
- Sustainability services
- Health
- Safety
- Emergency Response
- Disaster recovery

Fort Collins ~~has~~ adopted aggressive ~~emission reduction climate action and greenhouse gas reduction~~ goals. The City supports policies and legislation helping communities to achieve ~~specific greenhouse gas reductions, these goals,~~ gather scientific data supporting ~~climate actions~~ the goal and to invest in needed infrastructure to ensure a clean energy future. limit or reduce greenhouse gas emissions

City staff are working to develop actions to implement in order to achieve the Climate Action Plan Road to 2020 goals. These goals may be assisted and promoted through legislative and regulatory actions. Success in achieving the City's ~~climate action~~ goals may be enhanced through partnership with communities that have adopted similarly aggressive climate action and adaptation goals, and the City is partnering with 12 other Colorado communities via Colorado Communities for Climate Action (CC4CA) to advocate for these efforts at a state and federal level. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both the Road to 2020 and resilience goals. Action in the transportation and energy sectors will be important drivers for reducing ~~greenhouse gas emc~~missions and achieving both ~~climate~~ Road to 2020 and resilience goals.

The Fort Collins community is just one member of a regional "waste shed" in Northern Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying broad measures such as setting a state waste diversion goal and helping to support related strategies, which could also serve to reduce carbon emissions and create opportunities for waste-to-energy applications when ultra-low pollution conversion technology is used.

**Objective:** Support transportation infrastructure connectivity with an emphasis on funding an integrated, multi-modal system

**Issue:** Funding for vital transportation infrastructure will continue to be a high priority for the City of Fort Collins. Transportation infrastructure is a critical element to supporting community and regional economic health, safety and quality of life.

The City supports [Congress's recent](#) long-term reauthorization of the nation's surface transportation law with a focus on transit, livable community planning, comprehensive regional investments, revitalization of existing infrastructure, pedestrian and bicycle infrastructure, and approaches that decrease petroleum consumption and reduce carbon pollution.

We strongly support preservation [or increase of](#) federal levels of funding and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended purposes. In addition, we urge development of a new, more stable, long range transportation funding mechanism that doesn't rely upon fuel tax revenues. Fuel tax is no longer a sustainable method of funding the nation's transportation infrastructure needs. [If there is no way to raise/index the fuel tax to reflect current economic realities, then new funding mechanisms become critically important.](#)

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Fort Collins seeks a solution to secure critical funding of the nation's highway and bridge projects. Allowing the Highway Trust Fund to become insolvent would be devastating to the City's transportation infrastructure and have impacts throughout the Northern Colorado economy.

A key transportation funding priority for Fort Collins is Interstate 25 (I-25) in Northern Colorado. The highway has become a pinch point in the regional transportation inventory that limits access to and from Fort Collins for residents, visitors, and the delivery of goods and services. Immediate funding to widen north I-25 is needed to sustain the region's economic growth. The City is an active part of the I-25 Coalition whose primary goal is to accelerate construction of a third lane in each direction of I-25 as identified in the I-25 North Project (from State Highway 6 to State Highway 14).

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[Colorado Department of Transportation recently received \\$15 million in TIGER grant funding for I-25 improvements. This, in combination with \\$25 million in local match commitments and private sector funds, as well as other scheduled funds for improvements, have accelerated improvements in Northern Colorado by fifteen years. Improvements include a third, managed \(toll\) lane in each direction plus three bridge improvements and regional bicycle trail connections and are scheduled to be completed in 2020. Improvements will be between SH-14 and SH-402. While these are critical improvements for Fort Collins and Northern Colorado, there still remains sizeable funding gaps in terms of needed I-25 improvements between SH-402 and SH-66."](#)

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Actions that may expedite the [continued](#) improvement and expansion of northern sections of I-25 include:

- A Transportation Revenue Anticipation Notes (TRANS) bond II ballot initiative (TRANS bonds were previously used to help fund the \$1.67 billion T-REX I-25 improvements in the south Denver Metro area)
- State of Colorado General Fund dollars going to transportation (maintenance & capital construction)
- ~~Modification to SB 228 for maintenance as long as it's tied to TRANS bond (SB 228 provides a mechanism for the State to transfer funds from the General Fund to CDOT for strategic transportation capital infrastructure projects)~~
- ~~Extending SB 228 for 10 years beyond projected five year transfer required in law~~
- Tax credit legislation for specific highway projects

**Objective: Support comprehensive water resource management**

**Issue:** Water resources ~~in Colorado and throughout the West from the Mountain West to California~~ are stressed by many factors – environmental, population growth and aging infrastructure. Local water resource planning efforts ensure adequate supply to residents through managing the City's water rights portfolio, encouraging increased efficiency and expanding storage. Fort Collins will support efforts to address local and regional water needs, preserve its water rights portfolio, and to encourage conservation of water resources based on the 2016 adoption of the Water Efficiency Plan. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in implementation of the Colorado Water Plan by the Legislature and any State agencies, rulemakings by water-related State agencies (such as, by way of example, the Colorado Department of Public Health and Environment, the Colorado Division of Water Resources, the Colorado Water Conservation Board), and the federal U.S. Army Corps of Engineers' and Environmental Protection Agency's (EPA) rulemakings affecting water storage, use, quality and conservation.

**Objective: Support a comprehensive approach to reduce the impacts of poverty and housing affordability ~~and homelessness~~**

**Issue:** Poverty and ~~homelessness~~ lack of affordable housing are persistent issues in Fort Collins and across Colorado. ~~Fort Collins is committed to making homelessness rare, short lived and non-recurring.~~ The City is interested in developing local solutions to these persistent problems through collaboration and innovation. The City plays both a convening and leadership role among the many community service providers – seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

Fort Collins supports solutions to address poverty within the community such as:

- Fully resource a state affordable housing fund
- Implement funding for the Earned Income Tax Credit
- Develop or expand programs that ensure a smooth transition from foster care to independence



- Increase funding for mental health care/programs
- Increase development of condominiums by addressing construction defect law reform
- ~~Adopt standardized state level tools to respond to homelessness~~
- Pilot innovative programs to address housing ~~and homelessness~~

**Objective: Support Efforts to Address both Homelessness and Resource Resistant Population**

**Issue:** Homelessness and transient populations are persistent challenges in Fort Collins and other communities. Fort Collins works to address homelessness through partnering and supporting many community service providers and has a goal of making homelessness rare, short-lived, and non-recurring.

The resource resistant populations are those that occupy public spaces and are not interested in housing or other community services offered. In this arena, the City supports efforts to address public safety concerns, enforce existing local laws, and maintain a welcoming environment for all.

The City opposes efforts to undermine local control or enforcement of activities on public land.

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**Objective: Support the innovation economy**

**Issue:** Innovation is a key attribute of the City organization and is also important to the community. Fort Collins has numerous drivers of innovation, intellectual property and inventions with an educated resident base, Colorado State University, federal research labs, and a long list of innovative companies. As a result, Fort Collins has a culture and support system that nurtures an innovation economy with the City often serving as a living laboratory for ideas and new technologies.

The City will maintain and enhance its innovation economy through:

- Supporting efforts to simplify the commercialization of intellectual property
- Efforts to increase the available capital to support innovation and new business formation
- Efforts that support the spin-off and development of intellectual property from research institutes, private business, and higher education
- Efforts to encourage the retention of new and innovative businesses in the community
- Supporting business incubation, primarily through the commercialization of intellectual property, with strong partnerships
- Application of innovative technologies and approaches to improve City programs and services

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**Objective: Support waste stream management, reduction and resource recovery strategies**

**Issue:** The Fort Collins community is just one member of a regional “wasteshed” in the North Front Range of Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying broad measures such as setting a State per capita (pounds per day) goal for reducing waste generated in Colorado. The State planning agencies, including CDPHE, should take leadership in applying sustainable materials management principles that help find value in discards and refuse. State-wide waste reduction and recycling goals and programs will help communities, including Fort Collins, to extend lifespans of local landfills, address greenhouse gas emission reduction targets, create greater opportunities for economic development, and support appropriate development of waste conversion technology..

- 
- The City relies on regional and state-wide infrastructure and systems for conventional landfill disposal alternatives such as commercial-scale composting, bio-digesters, recycled-content manufacturers, and specialty landfills. We can be more effective at meeting the community’s waste reduction goals through partnerships aimed at source reduction, materials management and resource recovery strategies.

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## LEGISLATIVE POLICY STATEMENTS

**Comment [DW4]:** Update the outcome areas, outcome statements and objectives to relate to the new strategic plan

### ~~Community and~~ Neighborhood Livability and Social Health

#### Strategic Outcome

Provide a high quality built environment and support quality, diverse neighborhoods

#### Strategic Objectives

- ~~1. Improve access to a broad range of quality housing that is safe, accessible and affordable.~~
- ~~2. Preserve the significant historical character of the community.~~
- ~~3. Direct and guide growth in the community through appropriate planning, annexation, land use and development review processes.~~
- ~~4. Preserve and provide responsible access to nature.~~
- ~~5. Preserve and enhance the City's sense of place.~~
- ~~6. Promote health and wellness within the community.~~
- ~~7. Leverage and improve collaboration with other service agencies to address the prevention of homelessness, poverty issues and other high priority human service needs.~~
- ~~8. Expand organizational and community knowledge about diversity, and embrace cultural differences.~~
- ~~9. Develop clear goals, strategic definition and description of the City's social sustainability role within the community.~~
- ~~10. Address neighborhood parking issues.~~
- ~~11. Maintain and enhance attractive neighborhoods through City services, innovative enforcement techniques, and voluntary compliance with City codes and regulations.~~
- ~~12. Foster positive and respectful neighbor relationships and open communication, as well as provide and support conflict resolution.~~

### AFFORDABLE HOUSING

The City of Fort Collins supports policy and funding mechanisms that help the City develop and maintain affordable housing for our community.

Therefore, the City supports the following policy statements:

1. Maintain or enhance current levels of funding for affordable housing throughout Colorado, including expanding the State Low Income Housing Tax Credit program.
2. Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.
3. Protect the rights of low-income and/or disabled residents in tenant-landlord disputes, especially as it relates to safety issues.

~~4. Retain flexibility for City to adopt and enforce rental terms that allow it to appropriately maintain and manage City-owned affordable rental properties.~~

~~5.4.~~ Amend construction defect laws to reasonably balance safe and reliable housing with needed condominium construction.

~~6.5.~~ Increase the amount of affordable, accessible, sustainable and high-quality housing in communities.

~~7.6.~~ Develop strategies that balance the cost of services provided to the chronically homeless with the cost of providing permanent supportive housing.

~~8.7.~~ Create a standardized statewide approach to addressing homelessness.

~~9.8.~~ Invest in innovative approaches to address the causes of homelessness.

### **DEVELOPMENT REVIEW AND INSPECTION**

Fort Collins City Council adopts a land use code, zoning and new and existing property inspection protocol. The City supports retention of home-rule control in aligning development review and inspections with local priorities. In recent sessions, state legislators have introduced measures aimed at having local inspectors provide inspection for building types outside existing responsibilities without additional resources provided to conduct this work.

Therefore, the City supports the following policy statements:

1. Financially compensate a jurisdiction or agency for additional work of inspectors through fees or other means.
2. Give local governments choices in accepting additional inspection work.
3. Allow local governments to determine the time needed to conduct development review and inspection timelines.

### **PLANNING AND LAND USE**

Effective local land use planning and land development regulation contributes to the quality of life enjoyed primarily by Fort Collins residents, yet shared regionally within Larimer County. State legislation can influence local governments' ability to develop and implement land use plans for their communities.

Therefore, the City supports the following policy statements:

1. Require regional cooperation in land use and transportation planning, and foster sustainable development, without unduly constraining the City's home rule powers.
2. Prohibit the annexation of land that is located within the boundaries of a Growth Management Area that was legally established by an intergovernmental agreement between a municipality and a county by any municipality not a party to the agreement.
3. Limit the definition of a compensable taking and/or the definition of vested property rights beyond the provisions of existing law.
4. Retain local government authority to impose development impact fees.
5. Increase cities' ability to regulate industrial land uses like oil and gas exploration and extraction.
6. Foster equitable public housing policies that balance protection of tenants and landlords.

### **SOCIAL SUSTAINABILITY**

Fort Collins has implemented a triple-bottom line-oriented Sustainability Service Area in an effort to ensure community resources are allocated by considering equally human, environmental and economic benefits. [The Social Sustainability Department's mission is to support a diverse and equitable community that successfully meets the basic needs of all residents. The Social Sustainability Department strives to achieve this mission through programs, policies, and partnerships that provide access and opportunities for all.](#) ~~Social Sustainability is the practice of ensuring healthy social systems so that people in our community can thrive. We do this through programs, policies, and partnerships that provide equity and opportunities for all.~~

Therefore the City supports the following policy statements:

1. Maintain or increase the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.
2. Adequately fund K-12 and public post-secondary institutions to ensure opportunity for youth.
3. Provide funding for before and after school programs and school out days aimed at at-risk population and low- to moderate-income families.
4. Enhance neighbor relations by improving the resources available to community mediation and restorative justice programs.
5. Provide communities with resources to address chronic homelessness.

6. Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare.

### **URBAN AGRICULTURE**

In 2011, City Plan, our community's comprehensive plan, was updated and contained four goals related to local food production. Staff has worked to align our policies and regulations with the goals outlined in our comprehensive plan. We have updated the Land Use Code to permit urban agriculture in all zone districts, allow farmers markets in more zone districts, allow a greater number and types of animals to be raised, and exempted hoop houses from the building permit process in order to facilitate year-round production. The City has also been an active participant in the Northern Colorado Food Cluster which convenes stakeholders to advance local food initiatives. Locally grown food is a critical step towards a more sustainable community.

Therefore the City supports the following policy statements:

1. Provide options for urban farmers to have longer-term access to the land required for food production.
2. Provide all citizens access to healthy foods.
3. Address supply chain needs to support urban farmers.
4. Diversify the production, consumption and distribution of local food products.
5. Adopt food production practices that support innovative and efficient irrigation practices.

### ***Culture and Recreation***

#### **Strategic Outcome**

Fort Collins provides diverse cultural and recreational amenities

#### **Strategic Objectives**

- ~~1. Improve low and moderate income citizen access to, and participation in, City programs and facilities~~
- ~~2. Develop effective marketing strategies that drive optimal attendance and revenue~~
- ~~3. Develop effective Operation and Maintenance (O&M) funding alternatives for City subsidized facilities and programs~~
- ~~4. Maintain and enhance the current culture, recreation and parks systems~~
- ~~5. Plan, design and implement citywide park, recreation and trail improvements~~

- ~~6. Develop a clear strategic definition and description of the City's role in the culture and arts while leveraging partnerships with other community organizations~~
- ~~7. Promote a healthy community and responsible access to nature~~

### **CULTURAL SERVICES**

The City recognizes that art and culture are vitally important to the quality of life in our community and is committed to providing the citizens of Fort Collins with excellent cultural services.

Therefore, the City supports the following policy statements:

1. Fund cultural services activities promoting the education, entertainment and enrichment of the community.
2. Facilitate the creation, performance and presentation of the arts.
3. Protect and preserve our cultural heritage.
4. Expand access and inclusion for all citizens to cultural events.

### **PARKS AND RECREATION**

The City is committed to providing the community with excellent parks and recreation services and facilities. Our citizens enjoy a better quality of life, improved health, less crime and a greater sense of community because of our quality parks and recreation programs.

Therefore, the City supports the following policy statements:

1. Maintain or enhance funding for parks, trails, forestry, horticulture and recreation services and facilities.
2. Provide maximum local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.
3. Sustain availability of Great Outdoors Colorado grants to municipalities in equal or greater funding levels.
4. Enhance the City's ability to provide quality parks and recreation services and facilities for its citizens.
5. Enhance the protection of community trees and natural assets against invasive species, pests and other threats.
6. Expand access and inclusion for all citizens to community recreational opportunities.

## *ECONOMIC HEALTH*

### **Strategic Outcome**

Promote a healthy, sustainable economy reflecting community values

### **Strategic Objectives**

- ~~1. Align economic health goals and strategy across all levels of the organization and refine and agree upon the economic tools the City uses~~
- ~~2. Improve policies and programs to retain, expand, incubate and attract primary employers where consistent with City goals~~
- ~~3. Support workforce development and community amenities initiatives that meet the needs of employers within the City~~
- ~~4. Improve effectiveness through collaboration with economic health-oriented regional partners~~
- ~~5. Sustain high water quality to support the community and water-dependent businesses~~
- ~~6. Maintain utility systems and services; infrastructure integrity; and stable, competitive rates~~
- ~~7. Support sustainable infill and redevelopment to meet climate action strategies~~
- ~~8. Preserve the City's sense of place~~
- ~~9. Provide transparent, predictable and efficient processes for citizens and businesses interacting with the City~~
- ~~10. Address Downtown parking issues identified in the adopted Parking Plan, including funding, convenient access, and integrated transit and alternative mode solutions~~
- ~~11. Encourage the development of reliable, ultra-high speed internet services throughout the community~~

## **FINANCE**

As a municipality, the City of Fort Collins faces many complex financial issues. Strong fiscal planning, prudent debt management and preservation of the City's revenue base are vital in maintaining and improving the City's financial health. Considering the known impacts of legislation on the City's business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City supports the following policy statements:

1. Maintain or expand municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).



2. Increase funding for higher education, specifically Colorado State University and Front Range Community College.
3. Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.
4. Recognize the importance of sales and use tax to local, self-collecting municipalities and equitably distribute sales tax collections on e-commerce transactions.
5. Maintain or increase the City's revenue base (sales, use and property taxes).

#### **INVESTMENTS**

The Fort Collins City Council has adopted investment policies to be used by the City. The policies are reviewed and updated periodically to ensure the safety and quality of the portfolio to maintain liquidity and to maximize portfolio earnings.

Therefore, the City supports the following policy statements:

1. Protect, without unnecessarily restricting, the investments of government entities.
2. Provide adequate transparency of the City's investment activity.
3. Provide municipalities freedom to participate in investments that meet their strategic objectives.
4. Do not restrict cities' ability to adopt their own investment policies.

#### **PRIVATIZATION**

The City of Fort Collins utilizes outside contracts for procurement of many goods and services. This practice of privatization provides citizens with a balance of quality and cost efficiency.

Therefore, the City supports the following policy statements:

1. Enable cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.
2. Maintain local control of the awarding of contracts and the accountability of local officials for those actions.
3. Reject mandates that increase the complexity and cost of services without improving those services.

#### **ECONOMIC DEVELOPMENT**

Fort Collins seeks to maintain a healthy and resilient economic base of businesses. The City works closely with businesses to retain and invest in alignment with the Council's Action Plan.

A healthy and resilient economy for Fort Collins will include:

- Diverse jobs that enable citizens and businesses to thrive.
- Reflects the values of our unique community in a changing world.
- An innovative, creative, and entrepreneurial atmosphere.
- Strong partnerships and collaboration with the private sector, educational institutions, and other organizations.

Therefore, the City supports the following policy statements:

1. Promote sustainable economic development.
2. Retain local governments' use of tax increment financing as a tool to support Downtown Development Authorities and Urban Renewal Authorities, taking into consideration the land use impacts of such legislation (e.g., sprawl) the unique intent(s) and distinctive differences of both the DDA Act and URA Act, and the compelling interests and concerns of other taxing entities.
3. Adopt clarifying language to HB15-1348 to address ambiguity and confusion created by the drafters. Specifically, ~~address standard use of terms and arbitration process, and ensure clarify~~ intent that the law does not impact projects already underway.
4. ~~Encourage adopting innovative solutions to governmental and community problems.~~

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## *ENVIRONMENTAL HEALTH*

### **Strategic Outcome**

Promote, protect and enhance a healthy and sustainable environment

### **Strategic Objectives**

1. ~~Improve and protect wildlife habitat and the ecosystems of the Poudre River and other urban streams~~
2. ~~Achieve environmental goals using the Sustainability Assessment framework~~
3. ~~Implement indoor and outdoor air quality improvement initiatives~~
4. ~~Reduce greenhouse gas (GHG) emissions by creating a built environment focused on green building and mobile emission reductions~~
5. ~~Demonstrate progress toward achieving net zero energy within the community and the City organization using a systems approach~~
6. ~~Engage citizens in a way to educate and change behavior toward more sustainable living practices~~
7. ~~Increase the community's resiliency and preparedness for changes in climate, weather and resource availability~~

- ~~8. Protect and monitor water quality, and implement appropriate conservation efforts and long term water storage capability~~
- ~~9. Meet or exceed all environmental regulations~~
- ~~10. Conserve and restore biodiversity and habitat~~
- ~~11. Demonstrate progress toward achieving zero waste within the community and the City organization~~

### AIR QUALITY

The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality."

Therefore, the City supports the following policy statements:

1. Adopt programs and policies that improve public health and air quality, and support rapid attainment of National Ambient Air Quality Standards including ozone.
2. Ensure air quality standards are protective of public health and welfare.
3. Enhance local government authority to improve air quality beyond minimum State or Federal requirements.
4. Promote strategies to improve regional air quality, recognizing that air pollution does not follow jurisdictional boundaries.
5. Assure that Federal, State and County agencies have adequate authority and resources (funding and personnel) to enforce air quality regulations.
6. Promote voluntary actions to reduce air pollution.
7. Reduce vehicle emissions by:
  - ~~• Using the price mechanisms of the free market to shift citizen and business travel behavior toward actions that reduce vehicle emissions and vehicle miles of travel, including removing hidden cost subsidies to motor vehicle users~~
  - Employing economic incentives, disincentives and other market approaches that support clean air
  - Encouraging behavior changes, such as reducing vehicle idling, biking and use of transit
  - Encourage or promote lower emissions and lower carbon fuels, vehicles and supporting infrastructure
  - Supporting~~Implementing~~ state motor vehicle emissions testing programs consistent with City air quality goals

8. Provide authority for local governments to implement vehicle emissions reductions programs.
9. Strengthen standards for tailpipe emissions, aggregate vehicle emissions and/or fuel economy standards for all vehicles including reducing the impact of “rolling coal” and nitrous oxide emissions.
- ~~10. Promote advanced low emission vehicle technology.~~
- ~~11.10. Encourage or promote lower carbon alternative fuels.~~
- ~~12. Reduce or eliminate residential wood smoke emissions in order to achieve compliance with air quality standards.~~
- ~~11.~~  
~~13.12.~~ Reduce fossil fuel consumption in the transportation and building sector.

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## **CLIMATE ROAD TO 2020 AND ENVIRONMENTAL PROTECTION**

The City of Fort Collins encourages local, state and national efforts to protect and enhance our environment. Additionally, the City has a policy goal to reduce greenhouse gas emissions 20 percent below 2005 levels by 2020 and 80 percent below 2005 levels by 2030 and 100 percent below 2005 levels by 2050. The goals call for Fort Collins to be carbon neutral by 2050.

Therefore the City supports the following policy statements:

1. Enhance Fort Collins’ resilience to impacts of climate change.
2. Establish greenhouse gas (GHG) emission reduction targets at all levels of government.
3. Establish market-based mechanisms to reduce greenhouse gas emissions.
4. Develop strategies to prevent pollution.
5. Maintain and protect the Colorado self-audit law.
6. Evaluate and address impacts of climate change on water demand and supply.

## **NATURAL AREAS AND OPEN LANDS**

The City has a vigorous program to protect natural areas and other important open lands within Fort Collins, within our Community Growth Management Area, and regionally. The City works in partnership with other communities, Larimer County, private land trusts, Great Outdoors Colorado, community groups, and state and federal agencies to achieve community and regional conservation goals.

Therefore, the City supports the following policy statements:

1. Maintain or enhance tax incentives to private landowners for voluntary land conservation.
2. Expand the effectiveness of existing protection for wetlands, wildlife habitats, and other sensitive natural areas.
3. Provide additional funding for land conservation programs.
4. Protect the Cache la Poudre River.
5. Increase the availability of Great Outdoors Colorado grants to municipalities in amounts equal to or greater than are currently offered.

### **OIL AND GAS**

Oil and gas extraction activity and associated health and environmental impacts are a concern for Fort Collins and many communities along the Front Range. There is a portion of a small oil field within Fort Collins 'incorporated boundaries, and the City has entered into an Operator Agreement or Memorandum of Understanding (MOU), that stipulates the operations, maintenance and inspection process for that operator's local holdings. Fort Collins residents have expressed continuing concern about the human and environmental health impacts from oil and gas operations, particularly from the hydraulic fracturing treatment used on most Colorado wells. In November 2013, voters approved a five-year moratorium on oil and gas extraction in order to study its property value and human health impacts.

Therefore, the City supports the following policy statements:

1. Encourage state, federal and academic studies evaluating impacts of oil and gas operations on human health and property values.
2. Establish baseline air pollutant levels and understand the ongoing contributions of the oil and gas industry to air pollution.
3. Provide local government the authority to inspect oil and gas sites and ensure operator compliance through enforcement of federal, state and local regulations.
4. Allow communities to understand impacts of oil and gas on water quality.
5. Allow greater local regulation of oil and gas exploration activities within municipal boundaries.
6. Better balance surface ownership with mineral right ownership.

**Comment [DW5]:** Not sure we want this... maybe rewrite?

7. Allow local governments the ability to apply municipal zoning on oil and gas extraction and storage activities.

8. Maintain the current formula allocation of severance tax to impacted jurisdictions so that they might address impacts from resource extraction.

8.9. Incentivize industry information sharing and collaboration with local governments on the planned development of resources within communities' Growth Management Areas.

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## **RECYCLING AND SOLID WASTE**

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction. Additionally, the City has adopted a goal of diverting 75% of community waste by 2020; 90% by 2025 and 100% by 2030.

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting and source reduction, and which also involves new "Sustainable Materials Management" principles such as redesigning systems to reduce pollution and waste. Additionally, the City has adopted a goal of diverting 75 percent of community waste by 2020; 90 percent by 2025 and 100 percent by 2030.

Therefore, the City supports the following policy statements:

1. Clarify and broaden the regulatory authority of local government to ensure the efficient management of recyclable material and solid waste.

2. Encourage integrated waste and materials management planning and implementation, including but not limited to creation of a state waste diversion goal.

3. Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.

4. Enable and encourage the development of endmarkets through "buy recycled" or "environmentally preferable purchasing" policies for government agency procurement.

5. Continue or ~~increase~~ funding for programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.

Develop more extended ~~Require greater~~ producer responsibility initiatives, such as "take back" regulations that assist consumers to appropriately recycle packaging materials or certain products (e.g., electronic equipment or mattresses) and seek to eliminate state statute CRS Section 25-

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17-104, which currently limits local authority to regulate packaging materials (e.g., single-use plastic bags).

recycle electronic equipment (e-waste).

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7-5. Establish a deposit fee on beverage containers and that would be used to pay for recycling programs.

8. Strengthen the “renewable energy” standard; oppose expanding the definition to include pyrolysis (burning of materials).

9. Minimize waste by developing methods to use waste as an asset, recognizing the economic benefits and job creation opportunities that occur when resource recovery is developed as an alternative to landfill disposal for waste products.

10-6. Partner with neighboring agencies and stakeholders to create facilities and infrastructure for regionally managing waste to its “highest and best” use.

### **UTILITY SERVICES**

It is critical that the City operate its water, light and power, stormwater and wastewater services in a financially sound, reliable, safe and environmentally acceptable manner. Like other municipal utilities across the country, Fort Collins is faced with many new and evolving challenges associated with changes in the industry, the replacement and security of its infrastructure and development and retention of a knowledgeable workforce.

Therefore, the City supports the following policy statements:

#### **ENERGY**

**VISION - Fort Collins is a leader in the transition to sustainable and resilient local energy systems to serve the community’s 2050 carbon neutral future.**

- Maintain or improve the reliability of energy delivery
- Promote energy affordability and safety for residents, businesses and institutions
- Support reductions of the community’s GHG emissions from energy use in accordance with the *Climate Action Plan (CAP) Framework* (March 2015) – the current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050
- Reduce the emission of criteria pollutants
- Reduce the environmental damage caused by energy extraction and production
- Leverage the role of Fort Collins Utilities Light & Power as the community’s municipally owned utility
- Retain more of our community’s energy expenditures in the local economy
- Foster local economic opportunity in energy efficiency, production and operation
- Leverage opportunities to coordinate integrated planning for energy and water supply and demands

- Increase our community's resilience to potential energy and climate related disruptions
- Maintain compliance with and leverage the potential benefits of local, regional, state and national regulatory frameworks, which impact energy production and use (e.g., carbon, fuel standards, ozone)
- Make Fort Collins an energy leader that can serve as a model for other communities

- ~~1. Maintain or improve the reliability of energy delivery to all customers.~~
- ~~2. Promote energy affordability and safety for residents, businesses and institutions.~~
- ~~3. Support reductions of the community's greenhouse gas (GHG) emissions from energy use in accordance with the Climate Action Plan (CAP) Framework (March 2015). Current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050.~~
- ~~4. Retain more of our community's energy expenditures in the local economy.~~
- ~~5. Foster local economic opportunity in energy efficiency, production and operation.~~
- ~~6. Increase our community's resilience to potential energy and climate related disruptions.~~
- ~~7. Maintain infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.~~
- ~~8. Provide assistance to local government that balances local design and implementation of greenhouse gas reduction strategies.~~
- ~~9. Establish uniform standards for the reduction of carbon emissions.~~
- ~~10. Remove barriers to financing for energy efficiency, and encourage and fund energy efficiency and conservation while allowing local customization of the programs.~~
- ~~11. Reduce community energy use and net energy use of existing buildings.~~
- ~~12.1. Incent renewable energy production, including wind power, and provide for "State Implementation Plan" credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.~~
- ~~13.2. Reject attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.~~
- ~~14.3. Foster smart grid technology adoption and grid modernization.~~

## **WATER SUPPLY AND QUALITY**



1. Maintain or expand the authority delegated to the state to administer federally mandated water, stormwater and wastewater environmental regulatory programs (primacy).
2. Enact reasonable water quality regulations that are cost effective and can show identifiable benefits.
3. Enable local watershed protection planning.
4. Provide cities the flexibility to enhance in-stream flows to preserve or improve the natural environment of the stream while protecting the integrity of Colorado's appropriation doctrine and City water supply.
5. Recognize the importance of infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.
6. Stipulate adequate funding for local governments to implement mandated programs.
7. Encourage regional collaboration for water planning, and efficiency and conservation implementation.
8. Encourage greater integration of water efficiency into land use planning and building codes
- 6-9. Remove barriers to financing for water conservation projects.
- 7-10. Fund recovery and treatment of Cache la Poudre and other waterways impacted by natural disasters.
- 9-12. Enable the City to develop, and protect and increase the flexibility and resiliency of its water supply under Colorado's appropriation doctrine without adversely affecting in-stream flows or the natural environment of the stream.

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## *High Performing Government*

### **Strategic Outcome**

Deliver an efficient, innovative, transparent, effective and collaborative city government

### **Strategic Objectives**

1. Improve organizational capability and effectiveness—professional development, leadership, change management, strategic thinking, fiscal literacy and staff engagement.
2. Improve core Human Resources systems and develop a total reward system.
3. Align similar jobs and skill sets across the organization to address succession planning and career progression.

- ~~4. Strengthen methods of public engagement and reach all segments of the community.~~
- ~~5. Optimize the use of technology to drive efficiency and productivity, and to improve services.~~
- ~~6. Enhance the use of performance metrics to assess results.~~
- ~~7. Develop and implement enterprise wide processes in appropriate areas —“Plan, Do, Check, Act” process improvement tool, safety, strategic planning, council and strategic plan tracking tool, budgeting, project management.~~
- ~~8. Assess effectiveness of safety initiatives, develop and implement safety initiatives to achieve safety goals, and continue to focus on employee health and wellness.~~
- ~~9. Improve productivity, efficiency, effectiveness, customer service and citizen satisfaction in all areas of the municipal organization.~~
- ~~10. Implement leading edge and innovative practices that drive performance excellence and quality improvements across all Service Areas.~~
- ~~11. Proactively influence policy at other levels of government regulation.~~
- ~~12. Promote a values driven organizational culture that reinforces ethical behavior, exercises transparency and maintains the public trust.~~
- ~~13. Continuously improve the City’s governance process.~~

## **HOME RULE**

**Comment [DW6]:** Add language about the efficient operation of municipal elections.

The City of Fort Collins is a home rule municipality under Article XX (Article 20) of the Colorado Constitution, which grants home rule municipalities “full right of self-government in local and municipal matters.” Home rule authority affords the citizens of Fort Collins greater access to government and increased opportunity for participation and contribution to the decision-making process.

Home rule is of utmost importance to the City of Fort Collins. The City recognizes, however, that there are particular areas in which insistence on local control may be untimely or unwise. Therefore, proposed legislation must be reviewed on a case-by-case basis to determine when it is in the City's best interest to assert home rule authority and when the City should support statewide intervention. For example, the City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. On the other hand, the cumulative effect of these and other activities has substantial statewide ramifications that may call for statewide regulation, so that, for example, state regulation may be needed to effectively manage overall growth and development in the state, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City supports the following policy statements:

1. Strengthen home rule authority of municipal governments.

2. Reject State or Federal intervention in matters of local concern and that unnecessarily or adversely affect the City's ability to manage pursuant to its home rule authority.

### **HUMAN RESOURCES**

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be an efficient and responsible stewards of tax dollars while ensuring that employees compensation and benefits are receive market-based, fair and competitive compensation and benefits. The City believes that its citizens, through their elected representatives on City Council, are in the best position to determine appropriate City employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City supports the following policy statements:

1. Enhance the City's ability to make decisions on decide-employment issues, including collective bargaining, arbitration, compensation, , appeal rights related to disciplinary action benefits and leaves.
2. Expand the City's ability to determine how best to manage offer-health, welfare and wellness services for employees.
3. Maintain current state funding for police officer death and disability benefits.
4. Reject proposals that would allow employees and/or retirees with returning employees with defined contribution plans to move into defined benefit plans if there is a cost to local government.
- 4.5. Reject proposals that would limit the City's ability to test job applicants or employees at work for impairment due to consumption of alcohol or controlled substances or to set limits related to such testing.

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### **RISK MANAGEMENT**

The City of Fort Collins recognizes the dual purpose of the workers' compensation system – providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Council also recognizes that the City's self-insurance program is a cost-efficient method to insure workers' compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City supports the following policy statements:

1. Improve administrative efficiency of the Division of Workers' Compensation.
2. Resist increased insurance premium costs to employers.

3. Limit or reduce administrative burdens or taxes to self-insurance programs.
4. Limit insurance claim litigation.
5. Increase the City's options and ability to manage workers' compensation claims; oppose actions like removing existing off-sets to workers' compensation benefits or limiting the City's ability to designate treating physicians.
6. Reject efforts to presumptively expand workers' compensation coverage to illnesses or injuries that are not work related.

### **SOVEREIGN AND GOVERNMENTAL IMMUNITY**

The Fort Collins City Council recognizes that the complexity and diversity of City operations and services required to meet the needs of the citizens of Fort Collins may expose the City and its officers and employees to liability for damage and injury. The Council further recognizes that City officers and employees must be confident that they have the City's support in the lawful and proper performance of their assigned duties and responsibilities.

Therefore, the City supports the following policy statements:

1. Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities.
2. Discourage baseless and frivolous claims and demands made against municipalities, their officers and employees.
3. Maintain or enhance municipal liability protections and municipal immunity.

### **TELECOMMUNICATIONS**

The City of Fort Collins encourages a competitive, open market for cable and telecommunications services in order to ensure the public has access to a variety of programming and services at the lowest cost possible.

Therefore, the City supports the following policy statement:

1. Maintain and enhance local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government programming.
2. ~~Re-establish the rights of municipalities to provide low cost, accessible telecommunications services and related infrastructure.~~

- ~~3. Revise or repeal SB05-152 so that municipalities may offer high speed and “advanced service” broadband to residents.~~
- ~~4.2. Permit communities to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.~~
- ~~5.3. Allow municipalities to provide telecommunication services within City-owned facilities and on City property.~~
- ~~6.4. Enhance exclusive digital communication networks for public safety personnel during emergencies.~~

## *Safe Community*

### **Strategic Outcome**

Provide a safe place to live, work, learn and play

### **Strategic Objectives**

- ~~1. Provide facilities and training capabilities to support a high caliber police force.~~
- ~~2. Optimize the use of technology to drive efficiency, productivity and customer service.~~
- ~~3. Align staffing levels to deliver services that meet community expectations and needs, and increase public safety operational efficiency.~~
- ~~4. Protect life and property with natural, aesthetically pleasing flood mitigation facilities through building codes and development regulations.~~
- ~~5. Develop and implement emergency preparation, response and recovery plans across the organization in collaboration with other community efforts.~~
- ~~6. Improve safety for all modes of travel including vehicular, pedestrian and bicycles.~~
- ~~7. Use data to focus police efforts on reducing crime and disorder within the community.~~
- ~~8. Improve community involvement, education and regional partnerships to make our community safer and stronger.~~
- ~~9. Partner with Poudre Fire Authority to provide fire and emergency services.~~
- ~~10. Provide a high quality, sustainable water supply that meets or exceeds all public health standards and supports a healthy and safe community.~~

## **FIRE PROTECTION**

The Fort Collins City Council recognizes the critical importance of maintaining a safe environment and protecting the lives and property of the citizens of Fort Collins.

Therefore the City supports the following policy statements:

1. Institute a state fire code, the code of choice being the ~~2012~~ International Building and Fire Code, and allow municipalities to adopt their own amendments.
2. Reject limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.
- ~~3-2..~~ 1. Enhance life safety and property protection through the installation of fire protection systems in structures when appropriate [and do not restrict any local jurisdiction from requiring the installation of fire sprinklers..](#)
- ~~4-3.~~ Strengthen the City's ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks- [without approval of the County Commissioners.](#)
- ~~5-4.~~ Promote fire safety, education and prevention with the goal of reducing injury, loss of life and property damage.
5. Allow local jurisdictions ([municipalities and special districts](#)) to implement open burning restrictions.
6. [Mandate the home fire sprinklers be provided as an option by all home builders in the state.](#)
- ~~6.~~

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## **HAZARDOUS MATERIALS MANAGEMENT**

It is an important concern of the City to safeguard Fort Collins' health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City supports the following policy statements:

1. Allow the City to continue controlling risks from hazardous materials use, storage and transportation through the International Building and Fire Code and related local amendments.
2. Allow Fort Collins to adopt local regulations for hazardous materials, including review and approval of the location of facilities that use or store hazardous materials or hazardous waste.
3. Strengthen the enforcement of hazardous materials regulations.
4. Strengthen the diversion of hazardous waste from landfills.

5. Establish greater flexibility and more options for local government in the management of publicly-owned areas thought to have asbestos-containing soils while maintaining responsible site management practices.
6. Prevent and penalize improper storage and disposal of hazardous or exploration and production (E&P) wastes from oil and gas operations within municipal boundaries.
7. Preserve community safety by ensuring emergency responders have all available information needed to effectively address disasters and maintain public well-being.
8. Ensure hazardous materials are not stored or used within the 100-year floodplain.

### **MARIJUANA**

In 2012, Colorado voters approved Amendment 64 which legalizes the possession of adult-use or recreational marijuana in the state. During the same election Fort Collins residents voted to approve the use of medical marijuana within the city. Federal law maintains that marijuana is a schedule 1 drug and, as such, can neither be possessed and used nor researched.

Therefore, the City supports the following policy statements:

1. Regulate medical and retail marijuana manufacturing, distribution and dispensaries.
2. Clarify the implementation and local rights and responsibilities related to Amendment 64.
3. Clarify and align federal marijuana law with the Colorado Constitution.
4. Protect communities' ability to raise necessary funds to maintain public safety and enforce marijuana possession laws.
5. Prevent under-21 access to marijuana.
6. Clarify the rights of individuals, landlords and homeowner associations in limiting or preventing growing or consuming marijuana in multi-family dwellings.
7. Provide additional state marijuana enforcement resources, especially for field enforcement.
8. Limit THC content per serving size and restrict packaging to a single serving.

### **MUNICIPAL COURT**

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, and civil infractions.

Generally, cases are brought to Municipal Court by the Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City supports the following policy statements:

1. Support the current jurisdiction of municipal courts, particularly for home rule municipalities.  
~~Support municipal court system~~
2. Oppose limitations on the authority of municipalities to enforce their own ordinances in municipal courts.
3. Reject imposition of state surcharges on municipal court fines for the purpose of funding state programs.

**Comment [DW7]:** Judge Lane can fill this in – concern is legislation that prevents effective operation of the Court.

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## **PUBLIC SAFETY**

The Fort Collins City Council recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Fort Collins.

Therefore, the City supports the following policy statements:

1. Develop treatment and intervention programs, especially for youth, which have the potential to reduce incidents of violence in the community.
2. Provide greater protection to victims of crime.
3. Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations.
4. Establish protocols and funding for shared, statewide emergency response communications.
5. Reject initiatives that have the potential to compromise officer safety.
6. Establish minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).
7. Regulate the use of cell phones by motorists while operating a vehicle.



8. Preserve or increase funding for treatment of mental illness and substance abuse disorders.
9. Maintain or enhance a statewide database of concealed weapons permits.
10. Seek to reduce community flood risks.
11. Reduce cities' liability for prisoners' self-inflicted wounds while in police custody or detention facilities.
12. Restrict access to illegal substances.
13. Require greater producer responsibility, such as "take back" for prescription drugs to avoid these substances being abused or being disposed of into the water supply.
14. Clarify the qualifications for what types and purposes a business may obtain and use a state liquor license.
15. Define what qualifies as a "meal" when calculating the percentage of meals served for a liquor license.
16. Increasing state, regional and local disaster resilience.
17. Promote efforts to reduce conflict between community members and law enforcement.
18. Encourage the voluntary use of body-worn camera technology on officers and development of community-specific standards for the use of cameras and their data.
19. Develop grant programs for police department use to fund the purchase, training and deployment of body-worn cameras and the retention of footage.

## *Transportation*

### **Strategic Outcome**

Provide for safe and reliable multi-modal travel to, from, and throughout the city

### **Strategic Objectives**

- ~~1. Improve safety of all modes of travel.~~
- ~~2. Improve transit availability and grow ridership through extended hours, improved headways, and Sunday service in appropriate activity centers.~~
- ~~3. Fill the gaps for all modes of travel and improve the current transportation infrastructure while enhancing the aesthetic environment.~~

- ~~4. Improve traffic flow for all modes of transporting people, goods and information to benefit both individuals and the business community.~~
- ~~5. Create and implement long term transportation planning and help local and regional transportation networks operate at a high level of efficiency, including the airport.~~
- ~~6. Support efforts to achieve climate action goals by reducing mobile emissions and supporting multiple modes of transportation.~~
- ~~7. Create and implement planning, engineering and financial strategies to address adequate infrastructure within the northeast area of Fort Collins.~~

### **TRANSPORTATION**

The City actively promotes the safety and ease of traveling to, from and throughout the community using a variety of modes of transportation. Additionally, the City's policy is to encourage the use of alternative transportation whenever appropriate.

Therefore, the City supports the following policies:

1. Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices.
2. Reject reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.
3. Explore and analyze alternative methods of funding transportation infrastructure needs.
4. Fund analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.
5. Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles.
6. Encourage flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.
7. Encourage or incent locating affordable housing near transit for greatest accessibility.
8. Preserve the guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.
9. Broaden the definition of the gasoline tax to a "fuel tax" that encompasses other fuel options as they become more prevalent.

10. Increase local governments' ability to prevent railroad trains from blocking street and highway grade crossings for unreasonable time periods.
11. Foster dialogue between railroad operators and communities aimed at solutions to rail proximity issues.
12. Facilitate the implementation of railroad quiet zones in municipalities and reduce train horn decibel and duration requirements in existing federal rule.
13. Reject divesting key highway roads in urban areas from the state and make them the sole responsibility of local jurisdictions.
14. Maintain safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
15. Develop financing programs for Interstate 25 improvements.
16. Explore solutions to improve bicycle safety and fund implementation projects in communities. Reject reductions in federal dollars for alternate travel modes.
17. Clarify federal and state regulations in order to preserve local governments' ability to utilize unmanned aerial vehicles (UAVs) for service-related purposes.
18. Ensure local government has access to test the use of UAVs in service delivery.

**CITY OF FORT COLLINS LEGISLATIVE CONTACTS**

| <b>Legislative Review Committee</b>                      |  |   |   |  |
|--|--|---|---|--|
| <b>Name</b>  | <b>District/Title</b>  | <b>Email</b>  | <b>Phone</b>  |  |
| Councilmember Gino Campana                               | District 3   | gcampana@fcgov.com  | (970) 460-6329  |  |
| Councilmember Ross Cunniff                               | District 5   | rcunniff@fcgov.com  | (970) 420-7398  |  |
| Councilmember Ray Martinez                               | District 2   | raymartinez@fcgov.com   | (970) 690 3686  |  |
| Wendy Williams   | Assistant City Manager                                       | wwilliams@fcgov.com   | (970) 416-2899  |  |
| Carrie Daggett   | City Attorney  | cdaggett@fcgov.com  | (970) 416-2463  |  |
| <del>Dan Weinheimer</del>                                | <del>Legislative Policy Manager</del>                        | <del>dweinheimer@fcgov.com</del>  | <del>(970) 416-2253</del>   |  |
| <b>Legislative Staff Liaison Members</b>                 |  |   |   |  |
| <b>Topic Area</b>  | <b>Name</b>  | <b>Title</b>  | <b>Email</b>  | <b>Phone</b>   |
| Affordable Housing and Social Sustainability             | Beth Sowder  | Social Sustainability Director  | bsowder@fcgov.com   | (970) 221-6752   |
| Air Quality  | <del>Lindsay Ex</del><br>Cassie Archuleta                    | <del>Environmental Program Manager</del><br>Planner   | <del>carchuleta@fcgov.com</del><br>lex@fcgov.com                                | <del>(970) 224-6143</del>                                  |
| Cable Television Franchise                               | Carson Hamlin  | Cable Television Manager  | chamlin@fcgov.com   | (970) 221-6510   |
| <del>Climate</del>                                       | <del>Lindsay Ex</del>  | <del>Environmental Program Manager</del>  | <del>lex@fcgov.com</del>  | <del>(970) 224-6143</del>                                  |
| <del>Climate and</del><br>Environmental Protection       | Lucinda Smith  | Environmental Services Director   | lsmith@fcgov.com  | (970) 224-6085   |
| Elections, Liquor Licensing, Medical Marijuana Licensing | Wanda Winkelmann   | City Clerk  | wwinkelmann@fcgov.com   | (970) 416-2995   |
| Cultural Services, Parks and Recreation                  | Mike Calhoon   | Director of Parks   | mcalhoon@fcgov.com  | (970) 416-2079   |
| Energy   | <del>Tim McCollough and John Phelan</del><br>Lisa Rosintoski | <del>Light and Power Operations Manager and Resource Conservation Manager</del><br>Utility Customer Connections Manager | <del>tmccollough@fcgov.com and jphelan@fcgov.com</del><br>lrosintoski@fcgov.com | <del>970) 416-2622 and (970) 416-2539 (970) 416-2432</del> |
| Finance  | Michael Beckstead  | Chief Financial Officer   | mbeckstead@fcgov.com  | (970) 221-6795   |
| Economic Health  | Josh Birks   | Economic Health Director  | jbirks@fcgov.com  | (970) 221-6324   |
| Fire Protection and Hazardous Materials                  | Bob Poncelow   | Division Chief, Poudre Fire Authority   | bponcelow@poudre-fire.org   | (970) 416-2871   |

|  |                 |  |                       |                |
|--|-----------------|--|-----------------------|----------------|
| Management   |                 |  |                       |                |
| Human Resources  | Janet Miller    | Assistant Human Resources Director                       | jamiller@fcgov.com    | (970) 221-6826 |
| Legal  | Carrie Daggett  | City Attorney  | cdaggett@fcgov.com    | (970) 416-2463 |
| Natural Areas, Open Lands and Cache la Poudre River Issues | John Stokes     | Natural Resources Director                               | jstokes@fcgov.com     | (970) 221-6263 |
| Neighborhood and Building Services                         | Mike Gebo       | Chief Building Official                                  | mgebo@fcgov.com       | (970) 416-2618 |
| Planning and Land Use                                      | Tom Leeson      | Community Development and Neighborhood Services Director | tleeson@fcgov.com     | (970) 221-6287 |
| Public Safety  | Jerry Schiager  | Assistant Chief  | jschiager@fcgov.com   | (970) 416-2587 |
| Recycling and Solid Waste                                  | Susie Gordon    | Senior Environmental Planner                             | sgordon@fcgov.com     | (970) 221-6265 |
| Risk Management  | Lance Murray    | Risk Manager   | lmurray@fcgov.com     | (970) 221-6807 |
| Stormwater   | Jon Haukaas     | Water Engineering Field Operations Manager               | jhaukaas@fcgov.com    | (970) 221-6671 |
| Transportation   | Mark Jackson    | Planning, Development and Transportation Deputy Director | mjackson@fcgov.com    | (970) 416-2029 |
| Utilities Customer Service                                 | Lisa Rosintoski | Utility Customer Connections Manager                     | lrosintoski@fcgov.com | (970) 416-2432 |
| Water Supply and Quality                                   | Carol Webb      | Water Resource and Treatment Operations Manager          | cwebb@fcgov.com       | (970) 221-6231 |



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## **Legislative Review Committee Agenda**

October 25, 2016

4:00-5:00 p.m.

Commons Conference Room, City Hall, 300 LaPorte Ave., Building A

1. Approval of minutes from October 11, 2016 Meeting (3 minutes)
2. Agenda Review (3 Minutes)
3. Continue work on 2017 Legislative Policy Agenda and Legislative Priorities Document (40 minutes)
  - Discuss proposed changes and identify any perceived gaps
4. Discussion with Lindsay Ex regarding Colorado Communities for Climate Action (CC4CA) Policy Statements (15 minutes)
5. Other Business

Next meeting: November 8<sup>th</sup> from 4:00-5:00 p.m.



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## **Legislative Review Committee**

### Meeting Notes

October 11, 2016, 4:00 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Ginny Sawyer, Policy and Project Manager; Tyler Marr, Policy and Project Analyst;

Absent: Ross Cunniff, Councilmember

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce

The meeting came to order at 4:00 pm.

### Approval of Minutes

- LRC unanimously approved the September 6<sup>th</sup> meeting notes.

### Previous Item Updates

- Sawyer and Marr noted that:
  - Invitations have been sent to the delegation for the December 6<sup>th</sup> LRC meeting to review the Policy Agenda and Priorities
  - The WaterNow Alliance Resolution is scheduled for October 18<sup>th</sup> and is on the discussion agenda.
  - Lindsay Ex provided a letter in Council's packet that notes finalization of the CC4CA's policy priorities.
  - The CML district 2 meeting occurred on Thursday, September 29. Executive Director Mammet discussed CML's preview of the legislative session which aligns with the discussion LRC had in September.
  - The CML Policy Committee meets for the first time with an eye toward the 2017 legislative session on Friday, October 14. Councilmember Martinez and City Manager Atteberry will attend as Fort Collins' voting members.
- LRC was not supportive of the new general statement number 4 in Ex's memo and would like clarification about whether or not this puts the City in competition for limited funds provided by state and federal programs.

### Debrief Washington, D.C. Trip

- Councilmember Campana and Mr. Marr reported a positive trip to Washington, D.C. in September. They noted that they met with all three members of the federal delegation and the National League of Cities.
  - Marr was asked to provide the Council with the “cheat sheet” provided to the Congressional delegation.
  - Councilmember Campana noted that the follow up emails staff sent the federal delegation and other meeting reps were very valuable and we should continue that process.
  - He also noted that he brought up water storage projects as an aside with all three members of the delegation and noted the perception that the Core of Engineers and our delegation appears to not want to get involved in a conflict between jurisdictions involved in NISP.
  - Marr was asked to follow up with National League of Cities regarding It’s On Us.
  - It was noted that the timing of the trip was good in terms of ease of setting up meeting.

#### Continue Work on Policy Agenda

- LRC discussed RF Emissions and a citizen group request to include an item in the Policy Agenda.
  - LRC did not wish to place any statement related to RF emission or the Telecommunications Act of 1996 in the Policy Agenda.
  - Councilmember Campana requested the previous memo that went to Council on October 6 be amended to include additional language about the APU process that would have to be undertaken for a tower to be approved in a residential zone. Once amended, he requested it be sent to the citizen group in response to their SAR thread.
- Sawyer highlighted the following changes/additions in the Policy Agenda:
  - Police Services is requesting additional language supporting LETA efforts regarding 911 diversity and Century Link.
    - LRC agreed that this addition was desirable.
  - Natural Areas is requesting language to support an increase in Colorado Parks and Wildlife fees which are set by the General Assembly. It was noted these fees have not increased in over a decade.
    - LRC indicated support for this language.
  - Environmental Services requested the addition of a priority statement related to general waste stream management.
    - LRC was supportive of the concept, but there was not support to include in the priorities document based on the proposed language. Staff was asked to reevaluate the language and presence in the priorities document versus the larger policy agenda.



- LRC agreed to review the rest of the changes and report back with any concerns at the next meeting in two weeks. Sawyer will provide an updated redline version via email and in packets.
- Staff will also prepare a statement to add to the agenda regarding proposed open records legislation and municipal courts.

#### Other Business

- LRC discussed an idea suggested by City Manager Atteberry and Mayor Troxell related to a joint federal priorities document and federal advocacy program with Colorado State, Poudre School District, and Larimer County. Other jurisdictions such as Eugene and Boulder have reported success in similar programs through using the same lobbying firm who approached the Mayor and City Manager with the idea.
  - LRC indicated general support for City Manager Atteberry to move forward with gauging interest from the other three entities.
  - Cost information from the federal lobbying firm was not yet available for what a service such as this may cost.

The meeting adjourned at 5:15 P.M.



# LEGISLATIVE POLICY AGENDA 2016-2017

**Adopted**  
*December 15, 2015*

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**Comment [GS1]:** Will adjust and fix page numbers when finalized

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## INTRODUCTION

Fort Collins is a community of 161,058,300 residents located at the foot of the Rocky Mountains along Colorado's Front Range. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

**Comment [GS2]:** Get latest number

The City is a data-driven municipal organization that strives to fulfill its mission, "Exceptional service for an exceptional community", through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

~~The 2016 City of Fort Collins Legislative Policy Agenda identifies a broad range of important issues. The Fort Collins City Council annually adopts Legislative Priorities and a Legislative Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals. broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. Our~~

~~— policy agenda is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.~~

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~~— The City's Legislative Priorities are broad issues Fort Collins is focused on on-induring the 2016 Colorado General Assembly and United States Congress sessions. The Priorities may carry over year to year since they are larger, more challenging issues that may take multi-year work to influence. These priority topics, similar to the City's overall policies, are reviewed and updated annually. Revisions to the policy agenda and priorities are adopted in November ahead of the Colorado General Assembly session.~~

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■ The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

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~~Partnership and interagency collaboration are important methods for achieving optimal legislative outcomes. On many federal and state issues, Fort Collins shares the concerns of others within the community, within the region and other communities statewide. In these cases, Fort Collins will seek opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.~~

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities. ~~Fort Collins'~~ Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation. The Policy

|

Agenda identifies specific City Council-adopted goals associated with the policy statements. This alignment is important for City staff to ensure that advocacy supports specific desired outcomes.

DRAFT

## CITY OF FORT COLLINS LEGISLATIVE REVIEW COMMITTEE

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on particular bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Gino Campana, Chair
- Councilmember Ross Cunniff
- Councilmember Ray Martinez

## LEGISLATIVE REVIEW PROCESS

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by ~~the Legislative Policy Manager~~ City staff. Bills, regulation and rules addressing a stated legislative priority, or adopted policy position, may be brought to the LRC for discussion of an official City position. Once a position is adopted on a bill, ~~the Legislative Policy Manager~~ staff conveys that information to the appropriate state or federal representative and advocates for the City's adopted position.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The input offered by staff experts is invaluable in analyzing impacts of legislative, regulatory and rulemaking proposals to Fort Collins operations and the community. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins also works with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues. In addition, Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.

In 2017, Fort Collins will ~~maintains a contract a state lobbyist who is responsible for to:~~

- ~~Advising City leaders on~~ Be a fulltime presence at the capital
- Advise City staff and leaders on relevant bills
- Assist staff who may be testifying in Denver
- Provide frequent updates to the LRC during the session

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## LEGISLATIVE PRIORITIES

**Objective:** Cooperate with stakeholders on refinement of Urban Renewal Authority laws

**Issue:** An Urban Renewal Authority (URA) is a tool in place to identify and revitalize areas of the city deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding tool for URA is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal restores economic vitality and improves the safety of a designated area. Redeveloping urban areas is much harder and more expensive than new development in “greenfield sites”, thus the use of urban renewal and tax increment financing responds to larger, more costly infrastructure needs. The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas.

Fort Collins attempts to use URA and TIF judiciously but also recognizes the concerns raised by counties, special districts and school districts about the use of TIF. URA is an important and useful tool for Fort Collins in addressing community blight and encouraging redevelopment rather than sprawl. The City has engaged regional partners in an attempt to develop an equitable formula and process for utilizing URA in Larimer County. Fort Collins has sought to identify a mechanism to balance Larimer County costs for providing service in URA areas and to shared constituents.

2015 URA reform law (HB15-1348) instituted several changes that the City will be implementing in its URA practices. Key changes to URA law add additional members from county, special districts and school district to a URA Board and a negotiated use of tax increment funds before the City could utilize them. Fort Collins is already working on adopting HB 1348 changes. [The General Assembly made clarifications to HB 1348 with SB16-177. The remaining major issue of concern to Fort Collins in the implementation of HB 1348 is the applicability to URA projects and clarifying the impacts on existing versus prospective projects.](#)

[The City would like to see clarifications made to HB 1348 as language included in the new law is unclear on when the law applies to existing activities and assistance. The City also seeks to ensure development authorities do not become subject to similar regulations.](#)

[The City would like to see clarifications made to HB 1348 as language included in the new law does not conform to URA statute and it is unclear how this new law impacts projects already under development.](#)

**Objective:** Support local control of oil and gas operations

**Issue:** Fort Collins, like many other Colorado communities, has taken steps to address oil and gas extraction. Those efforts have been limited by the Colorado Oil and Gas Conservation Commission (COGCC) rules. Fort Collins supports studying and better understanding and mitigating the health and community impacts of oil and gas extraction.

**Comment [DW3]:** This should be amended to reflect the (real) possibility that DDA statute may be amended to mirror URA. This is a concern for Fort Collins' DDA. Also, the remaining issue of applicability for the HB 1348 modifications remains out there.

**Comment [DW4]:** Recommend clarifying the impact of the Supreme Court action on cities and reflecting that, as appropriate, here.



Fort Collins seeks the following:

- Increased local flexibility to regulate oil and gas activity within its incorporated borders
- Limiting the proximity of large-scale oil and gas sites to the City limits in order to minimize community impacts
- Mitigation measures that balance developing oil and gas resources with community environmental and human health
- Additional information about the chemicals being injected into the ground, especially during hydraulic fracturing
- Greater knowledge and control of air emissions from extraction processes and production equipment; including air emissions transported from outside of our community
- Enhanced right for communities to regulate oil and gas as an industrial practice and therefore apply local zoning practices to operators
- Better balance between surface land ownership and mineral right ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to their fullest potential but will also seek legislative remedies to areas of greatest concern. Fort Collins will also work with other interested communities to address oil and gas operation concerns. The City will monitor and engage as appropriate in rulemaking hearings of the Colorado Oil and Gas Conservation Commission.

**Objective: Advocate solutions to nuisance and safety issues related to railroad proximity**

**Issue:** Communities throughout the United States are wrestling with issues related to railroad proximity. These include extended blockages of community intersections, the transport of hazardous materials, rail car safety, train horn noise, transparency related to rail cargo and train switching. These issues affect quality of life for residents and business owners and can result in catastrophic disasters in cases of derailment.

Fort Collins has two active railroad corridors and three rail companies servicing the community and is working regionally, through the Colorado Municipal League (CML) and National League of Cities (NLC), to raise the profile of rail proximity issues. In addressing rail safety and rail proximity issues, the City has active relationships with Burlington Northern Santa Fe (BNSF), Great Western Railway (GWR) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body – the Federal Railroad Administration (FRA).

In order to foster clean ~~over~~ air, reduce auto congestion and improve quality of life, several federal agencies including the EPA, HUD and the Federal Transit Administration are encouraging Transit Oriented Development. The idea behind Transit Oriented Development is to bring residents closer to mass transit lines so that they can use mass transportation, and so that downtown revitalization can occur. The Mason Corridor Bus Rapid Transit, which began operation in 2014, is one example. At the same time, the FRA train horn rule in effect is discouraging the development community and residents from locating around transit. Reform is needed.

Trains have regained preference for transporting goods and materials. The increased use of rail has added pressure to the system and identified several safety concerns – track maintenance, tanker car safety, and notification of hazardous materials to public safety leaders. Fort Collins will work to the following goals at a state and national level:

- Engagement with railroad companies
- Development of a “proximity issues” dialogue between railroad and local governments on a broad suite of topics
- Notification about hazardous material shipments passing through communities
- Ensuring track maintenance and train car safety
- Collaboration with railroads to train local emergency personnel
- Solution-oriented use of technology and innovation to improve conflict areas
- Promote improve existing federal and state regulations to identify reasonable safety protections

**Objective:** Support marijuana law clarifications and alignment with Colorado Constitution

**Issue:** The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. The Fort Collins City Council approved limited adult use marijuana businesses and sales in addition to existing medical marijuana businesses.

Fort Collins seeks clarification on the following items:

- Conflicts that exist between state and federal laws regarding marijuana possession
- Enforcement of the new law and its impacts on local staff and public safety resources
- Rules pertaining to packaging and labeling marijuana and products containing marijuana
- Effectively funding prevention of under-21 possession and use
- Community public safety
- Limiting THC content per serving size and restricting packaging to a single serving

In addition to adult use marijuana, communities across the United States that have authorized medical marijuana are struggling with implementation and the need for a single, viable distribution system. At the core of the issues with both medical and adult use marijuana is the classification of the drug. Marijuana is currently classified as a Schedule 1 drug. This designation means it cannot be prescribed by a doctor or handled through the same distribution channels as other prescribed drugs. As a result, different states have adopted different approaches in conflict with federal laws. In Colorado, medical marijuana may be recommended by a doctor but not prescribed. Work is needed at the federal level to clarify this issue. The federal classification should be re-evaluated to consider allowing more medical research. If it is determined that marijuana fits one of the other classifications and does have medical benefits, it could be included in the existing drug delivery system.

**Objective:** Participate in federal, state and regional efforts to foster resilient communities and achieve Road to 2020 Climate Action Plan goals

**Issue:** Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Resilience has become a term used to describe hardening vulnerable community infrastructure and preparing for predictable hazards in order to soften the blow on citizens and infrastructure.

Making Fort Collins and Northern Colorado more resilient involves providing decision-makers hazard mitigation analysis and scientific data, then using that information to invest in complementary systems. Northern Colorado's experience is that resilience must be a regional effort that pays off through coordinated advanced planning and investment.

Resiliency efforts are important because they impact a broad set of critical services including:

- Land use
- Utility operations
- Transportation infrastructure
- Sustainability services
- Health
- Safety
- Emergency Response
- Disaster recovery

Fort Collins ~~has~~ adopted aggressive ~~emission reduction~~ ~~climate action and greenhouse gas reduction~~ goals. The City supports policies and legislation helping communities to achieve ~~specific greenhouse gas reductions, these goals,~~ gather scientific data supporting ~~climate actions~~ ~~the goal~~ and ~~to investing~~ in needed infrastructure to ~~ensure a clean energy future, limit or reduce greenhouse gas emissions~~.

City staff are working to develop actions to implement in order to achieve the ~~Climate Action Plan Road to 2020~~ goals. These goals may be assisted and promoted through legislative and regulatory actions. Success in achieving the City's ~~climate action~~ goals may be enhanced through partnership with communities that have adopted similarly aggressive climate action and adaptation goals. ~~.. The City is partnering with 12 other Colorado communities via Colorado Communities for Climate Action (CC4CA) to advocate for these efforts at a state and federal level. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both the Road to 2020 and resilience goals.. Action in the transportation and energy sectors will be important drivers for reducing greenhouse gas emissions and achieving both climate and resilience goals.~~

The Fort Collins community is just one member of a regional "waste shed" in Northern Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying broad measures such as setting a state waste diversion goal and helping to support related strategies, which could also serve to reduce carbon emissions and create opportunities for waste-to-energy applications when ultra-low pollution conversion technology is used.

**Objective:** Support transportation infrastructure connectivity with an emphasis on funding an integrated, multi-modal system

**Issue:** Funding for vital transportation infrastructure will continue to be a high priority for the City of Fort Collins. Transportation infrastructure is a critical element to supporting community and regional economic health, safety and quality of life.

The City supports Congress's recent long-term reauthorization of the nation's surface transportation law with a focus on transit, livable community planning, comprehensive regional investments, revitalization of existing infrastructure, pedestrian and bicycle infrastructure, and approaches that decrease petroleum consumption and reduce carbon pollution.

We strongly support preservation or increase of federal levels of funding and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended purposes. In addition, we urge development of a new, more stable, long range transportation funding mechanism that doesn't rely upon fuel tax revenues. Fuel tax is no longer a sustainable method of funding the nation's transportation infrastructure needs. If there is no way to raise/index the fuel tax to reflect current economic realities, then new funding mechanisms become critically important.

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Fort Collins seeks a solution to secure critical funding of the nation's highway and bridge projects. Allowing the Highway Trust Fund to become insolvent would be devastating to the City's transportation infrastructure and have impacts throughout the Northern Colorado economy.

A key transportation funding priority for Fort Collins is Interstate 25 (I-25) in Northern Colorado. The highway has become a pinch point in the regional transportation inventory that limits access to and from Fort Collins for residents, visitors, and the delivery of goods and services. Immediate funding to widen north I-25 is needed to sustain the region's economic growth. The City is an active part of the I-25 Coalition whose primary goal is to accelerate construction of a third lane in each direction of I-25 as identified in the I-25 North Project (from State Highway 6 to State Highway 14).

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Colorado Department of Transportation recently received \$15 million in TIGER grant funding for I-25 improvements. This, in combination with \$25 million in local match commitments and private sector funds, as well as other scheduled funds for improvements, have accelerated improvements in Northern Colorado by fifteen years. Improvements include a third, managed (toll) lane in each direction plus three bridge improvements and regional bicycle trail connections and are scheduled to be completed in 2020. Improvements will be between SH-14 and SH-402. While these are critical improvements for Fort Collins and Northern Colorado, there still remains sizeable funding gaps in terms of needed I-25 improvements between SH-402 and SH-66."

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Actions that may expedite the continued improvement and expansion of northern sections of I-25 include:

- A Transportation Revenue Anticipation Notes (TRANS) bond II ballot initiative (TRANS bonds were previously used to help fund the \$1.67 billion T-REX I-25 improvements in the south Denver Metro area)
- State of Colorado General Fund dollars going to transportation (maintenance & capital construction)
- ~~Modification to SB 228 for maintenance as long as it's tied to TRANS bond (SB 228 provides a mechanism for the State to transfer funds from the General Fund to CDOT for strategic transportation capital infrastructure projects)~~
- ~~Extending SB 228 for 10 years beyond projected five year transfer required in law~~
- Tax credit legislation for specific highway projects

**Objective:** Support comprehensive water resource management

**Issue:** Water resources ~~in Colorado and throughout the West from the Mountain West to California~~ are stressed by many factors – environmental, population growth and aging infrastructure. Local water resource planning efforts ensure adequate supply to residents through managing the City's water rights portfolio, encouraging increased efficiency and expanding storage. Fort Collins will support efforts to address local and regional water needs, preserve its water rights portfolio, and to encourage conservation of water resources based on the 2016 adoption of the Water Efficiency Plan. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in implementation of the Colorado Water Plan by the Legislature and any State agencies, rulemakings by water-related State agencies (such as, by way of example, the Colorado Department of Public Health and Environment, the Colorado Division of Water Resources, the Colorado Water Conservation Board), and the federal U.S. Army Corps of Engineers' and Environmental Protection Agency's (EPA) rulemakings affecting water storage, use, quality and conservation.

**Objective:** Support a comprehensive approach to reduce the impacts of poverty and, housing affordability ~~and homelessness~~

**Issue:** Poverty and ~~homelessness~~ lack of affordable housing are persistent issues in Fort Collins and across Colorado. ~~Fort Collins is committed to making homelessness rare, short lived and non-recurring.~~ The City is interested in developing local solutions to these persistent problems through collaboration and innovation. The City plays both a convening and leadership role among the many community service providers – seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

Fort Collins supports solutions to address poverty within the community such as:

- Fully resource a state affordable housing fund
- Implement funding for the Earned Income Tax Credit
- Develop or expand programs that ensure a smooth transition from foster care to independence

- Increase funding for mental health care/programs
- Increase development of condominiums by addressing construction defect law reform
- ~~Adopt standardized state-level tools to respond to homelessness~~
- Pilot innovative programs to address housing ~~and homelessness~~

**Objective: Support Efforts to Address both Homelessness and Resource Resistant Populations**

**Issue:** Homelessness and transient populations are persistent challenges in Fort Collins and other communities. Fort Collins works to address homelessness through partnering and supporting many community service providers and has a goal of making homelessness rare, short-lived, and non-recurring.

The resource resistant populations are those that occupy public spaces and are not interested in housing or other community services offered. In this arena, the City supports efforts to address public safety concerns, enforce existing local laws, and maintain a welcoming environment for all.

The City opposes efforts to undermine local control or enforcement of activities on public property.

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**Objective: Support the innovation economy**

**Issue:** Innovation is a key attribute of the City organization and is also important to the community. Fort Collins has numerous drivers of innovation, intellectual property and inventions with an educated resident base, Colorado State University, federal research labs, and a long list of innovative companies. As a result, Fort Collins has a culture and support system that nurtures an innovation economy with the City often serving as a living laboratory for ideas and new technologies.

The City will maintain and enhance its innovation economy through:

- Supporting efforts to simplify the commercialization of intellectual property
- Efforts to increase the available capital to support innovation and new business formation
- Efforts that support the spin-off and development of intellectual property from research institutes, private business, and higher education
- Efforts to encourage the retention of new and innovative businesses in the community
- Supporting business incubation, primarily through the commercialization of intellectual property, with strong partnerships
- Application of innovative technologies and approaches to improve City programs and services

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## LEGISLATIVE POLICY STATEMENTS

**Comment [DW5]:** Update the outcome areas, outcome statements and objectives to relate to the new strategic plan

### *Community and Neighborhood Livability and Social Health*

#### **Strategic Outcome**

Provide a high quality built environment and support quality, diverse neighborhoods

#### **Strategic Objectives**

- ~~1. Improve access to a broad range of quality housing that is safe, accessible and affordable.~~
- ~~2. Preserve the significant historical character of the community.~~
- ~~3. Direct and guide growth in the community through appropriate planning, annexation, land use and development review processes.~~
- ~~4. Preserve and provide responsible access to nature.~~
- ~~5. Preserve and enhance the City's sense of place.~~
- ~~6. Promote health and wellness within the community.~~
- ~~7. Leverage and improve collaboration with other service agencies to address the prevention of homelessness, poverty issues and other high priority human service needs.~~
- ~~8. Expand organizational and community knowledge about diversity, and embrace cultural differences.~~
- ~~9. Develop clear goals, strategic definition and description of the City's social sustainability role within the community.~~
- ~~10. Address neighborhood parking issues.~~
- ~~11. Maintain and enhance attractive neighborhoods through City services, innovative enforcement techniques, and voluntary compliance with City codes and regulations.~~
- ~~12. Foster positive and respectful neighbor relationships and open communication, as well as provide and support conflict resolution.~~

### **AFFORDABLE HOUSING**

The City of Fort Collins supports policy and funding mechanisms that help the City develop and maintain affordable housing for our community.

Therefore, the City supports the following policy statements:

1. Maintain or enhance current levels of funding for affordable housing throughout Colorado, including expanding the State Low Income Housing Tax Credit program.
2. Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.
3. Protect the rights of low-income and/or disabled residents in tenant-landlord disputes, especially as it relates to safety issues.

~~4. Retain flexibility for City to adopt and enforce rental terms that allow it to appropriately maintain and manage City-owned affordable rental properties.~~

~~5.4.~~ Amend construction defect laws to reasonably balance safe and reliable housing with needed condominium construction.

~~6.5.~~ Increase the amount of affordable, accessible, sustainable and high-quality housing in communities.

~~7.6.~~ Develop strategies that balance the cost of services provided to the chronically homeless with the cost of providing permanent supportive housing.

~~8.7.~~ Create a standardized statewide approach to addressing homelessness.

~~9.8.~~ Invest in innovative approaches to address the causes of homelessness.

### **DEVELOPMENT REVIEW AND INSPECTION**

Fort Collins City Council adopts a land use code, zoning and new and existing property inspection protocol. The City supports retention of home-rule control in aligning development review and inspections with local priorities. In recent sessions, state legislators have introduced measures aimed at having local inspectors provide inspection for building types outside existing responsibilities without additional resources provided to conduct this work.

Therefore, the City supports the following policy statements:

1. Financially compensate a jurisdiction or agency for additional work of inspectors through fees or other means.
2. Give local governments choices in accepting additional inspection work.
3. Allow local governments to determine the time needed to conduct development review and inspection timelines.

### **PLANNING AND LAND USE**

Effective local land use planning and land development regulation contributes to the quality of life enjoyed primarily by Fort Collins residents, yet shared regionally within Larimer County. State legislation can influence local governments' ability to develop and implement land use plans for their communities.

Therefore, the City supports the following policy statements:



1. Require regional cooperation in land use and transportation planning, and foster sustainable development, without unduly constraining the City's home rule powers.
2. Prohibit the annexation of land that is located within the boundaries of a Growth Management Area that was legally established by an intergovernmental agreement between a municipality and a county by any municipality not a party to the agreement.
3. Limit the definition of a compensable taking and/or the definition of vested property rights beyond the provisions of existing law.
4. Retain local government authority to impose development impact fees.
5. Increase cities' ability to regulate industrial land uses like oil and gas exploration and extraction.
6. Foster equitable public housing policies that balance protection of tenants and landlords.

### **SOCIAL SUSTAINABILITY**

Fort Collins has implemented a triple-bottom line-oriented Sustainability Service Area in an effort to ensure community resources are allocated by considering equally human, environmental and economic benefits. The Social Sustainability Department's mission is to support a diverse and equitable community that successfully meets the basic needs of all residents. This mission is supported through programs, policies, and partnerships that provide access and opportunities for all. Social Sustainability is the practice of ensuring healthy social systems so that people in our community can thrive. We do this through programs, policies, and partnerships that provide equity and opportunities for all.

Therefore the City supports the following policy statements:

1. Maintain or increase the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.
2. Adequately fund K-12 and public post-secondary institutions to ensure opportunity for youth.
3. Provide funding for before and after school programs and school out days aimed at at-risk population and low- to moderate-income families.
4. Enhance neighbor relations by improving the resources available to community mediation and restorative justice programs.
5. Provide communities with resources to address chronic homelessness.

6. Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare.

### **URBAN AGRICULTURE**

In 2011, City Plan, our community's comprehensive plan, was updated and contained four goals related to local food production. Staff has worked to align our policies and regulations with the goals outlined in our comprehensive plan. We have updated the Land Use Code to permit urban agriculture in all zone districts, allow farmers markets in more zone districts, allow a greater number and types of animals to be raised, and exempted hoop houses from the building permit process in order to facilitate year-round production. The City has also been an active participant in the Northern Colorado Food Cluster which convenes stakeholders to advance local food initiatives. Locally grown food is a critical step towards a more sustainable community.

Therefore the City supports the following policy statements:

1. Provide options for urban farmers to have longer-term access to the land required for food production.
2. Provide all citizens access to healthy foods.
3. Address supply chain needs to support urban farmers.
4. Diversify the production, consumption and distribution of local food products.
5. Adopt food production practices that support innovative and efficient irrigation practices.

### ***Culture and Recreation***

#### **Strategic Outcome**

Fort Collins provides diverse cultural and recreational amenities

#### **Strategic Objectives**

1. ~~Improve low and moderate income citizen access to, and participation in, City programs and facilities~~
2. ~~Develop effective marketing strategies that drive optimal attendance and revenue~~
3. ~~Develop effective Operation and Maintenance (O&M) funding alternatives for City subsidized facilities and programs~~
4. ~~Maintain and enhance the current culture, recreation and parks systems~~
5. ~~Plan, design and implement citywide park, recreation and trail improvements~~

- ~~6. Develop a clear strategic definition and description of the City's role in the culture and arts while leveraging partnerships with other community organizations~~
- ~~7. Promote a healthy community and responsible access to nature~~

### **CULTURAL SERVICES**

The City recognizes that art and culture are vitally important to the quality of life in our community and is committed to providing the citizens of Fort Collins with excellent cultural services.

Therefore, the City supports the following policy statements:

1. Fund cultural services activities promoting the education, entertainment and enrichment of the community.
2. Facilitate the creation, performance and presentation of the arts.
3. Protect and preserve our cultural heritage.
4. Expand access and inclusion for all citizens to cultural events.

### **PARKS AND RECREATION**

The City is committed to providing the community with excellent parks and recreation services and facilities. Our citizens enjoy a better quality of life, improved health, less crime and a greater sense of community because of our quality parks and recreation programs.

Therefore, the City supports the following policy statements:

1. Maintain or enhance funding for parks, trails, forestry, horticulture and recreation services and facilities.
2. Provide maximum local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.
3. Sustain availability of Great Outdoors Colorado grants to municipalities in equal or greater funding levels.
4. Enhance the City's ability to provide quality parks and recreation services and facilities for its citizens.
5. Enhance the protection of community trees and natural assets against invasive species, pests and other threats.
6. Expand access and inclusion for all citizens to community recreational opportunities.

## *ECONOMIC HEALTH*

### **Strategic Outcome**

Promote a healthy, sustainable economy reflecting community values

### **Strategic Objectives**

1. Align economic health goals and strategy across all levels of the organization and refine and agree upon the economic tools the City uses
2. Improve policies and programs to retain, expand, incubate and attract primary employers where consistent with City goals
3. Support workforce development and community amenities initiatives that meet the needs of employers within the City
4. Improve effectiveness through collaboration with economic health oriented regional partners
5. Sustain high water quality to support the community and water dependent businesses
6. Maintain utility systems and services; infrastructure integrity; and stable, competitive rates
7. Support sustainable infill and redevelopment to meet climate action strategies
8. Preserve the City's sense of place
9. Provide transparent, predictable and efficient processes for citizens and businesses interacting with the City
10. Address Downtown parking issues identified in the adopted Parking Plan, including funding, convenient access, and integrated transit and alternative mode solutions
11. Encourage the development of reliable, ultra high speed internet services throughout the community

## **FINANCE**

As a municipality, the City of Fort Collins faces many complex financial issues. Strong fiscal planning, prudent debt management and preservation of the City's revenue base are vital in maintaining and improving the City's financial health. Considering the known impacts of legislation on the City's business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City supports the following policy statements:

1. Maintain or expand municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).

2. Increase funding for higher education, specifically Colorado State University and Front Range Community College.
3. Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.
4. Recognize the importance of sales and use tax to local, self-collecting municipalities and equitably distribute sales tax collections on e-commerce transactions.
5. Maintain or increase the City's revenue base (sales, use and property taxes).

#### **INVESTMENTS**

The Fort Collins City Council has adopted investment policies to be used by the City. The policies are reviewed and updated periodically to ensure the safety and quality of the portfolio to maintain liquidity and to maximize portfolio earnings.

Therefore, the City supports the following policy statements:

1. Protect, without unnecessarily restricting, the investments of government entities.
2. Provide adequate transparency of the City's investment activity.
3. Provide municipalities freedom to participate in investments that meet their strategic objectives.
4. Do not restrict cities' ability to adopt their own investment policies.

#### **PRIVATIZATION**

The City of Fort Collins utilizes outside contracts for procurement of many goods and services. This practice of privatization provides citizens with a balance of quality and cost efficiency.

Therefore, the City supports the following policy statements:

1. Enable cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.
2. Maintain local control of the awarding of contracts and the accountability of local officials for those actions.
3. Reject mandates that increase the complexity and cost of services without improving those services.

#### **ECONOMIC DEVELOPMENT**

Fort Collins seeks to maintain a healthy and resilient economic base of businesses. The City works closely with businesses to retain and invest in alignment with the Council's Action Plan.

A healthy and resilient economy for Fort Collins will include:

- Diverse jobs that enable citizens and businesses to thrive.
- Reflects the values of our unique community in a changing world.
- An innovative, creative, and entrepreneurial atmosphere.
- Strong partnerships and collaboration with the private sector, educational institutions, and other organizations.

Therefore, the City supports the following policy statements:

1. Promote sustainable economic development.
2. Retain local governments' use of tax increment financing as a tool to support Downtown Development Authorities and Urban Renewal Authorities, taking into consideration the land use impacts of such legislation (e.g., sprawl) the unique intent(s) and distinctive differences of both the DDA Act and URA Act, and the compelling interests and concerns of other taxing entities.
3. Adopt clarifying language to HB15-1348 to address ambiguity and confusion created by the drafters. Specifically, address standard use of terms and arbitration process, and ensure clarify intent that the law does not impact projects already underway.
4. ~~Encourage adopting innovative solutions to governmental and community problems.~~

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## *ENVIRONMENTAL HEALTH*

### **Strategic Outcome**

Promote, protect and enhance a healthy and sustainable environment

### **Strategic Objectives**

1. ~~Improve and protect wildlife habitat and the ecosystems of the Poudre River and other urban streams~~
2. ~~Achieve environmental goals using the Sustainability Assessment framework~~
3. ~~Implement indoor and outdoor air quality improvement initiatives~~
4. ~~Reduce greenhouse gas (GHG) emissions by creating a built environment focused on green building and mobile emission reductions~~
5. ~~Demonstrate progress toward achieving net zero energy within the community and the City organization using a systems approach~~
6. ~~Engage citizens in a way to educate and change behavior toward more sustainable living practices~~
7. ~~Increase the community's resiliency and preparedness for changes in climate, weather and resource availability~~

- ~~8. Protect and monitor water quality, and implement appropriate conservation efforts and long term water storage capability~~
- ~~9. Meet or exceed all environmental regulations~~
- ~~10. Conserve and restore biodiversity and habitat~~
- ~~11. Demonstrate progress toward achieving zero waste within the community and the City organization~~

### AIR QUALITY

The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality."

Therefore, the City supports the following policy statements:

1. Adopt programs and policies that improve public health and air quality, and support rapid attainment of National Ambient Air Quality Standards including ozone.
2. Ensure air quality standards are protective of public health and welfare.
3. Enhance local government authority to improve air quality beyond minimum State or Federal requirements.
4. Promote strategies to improve regional air quality, recognizing that air pollution does not follow jurisdictional boundaries.
5. Assure that Federal, State and County agencies have adequate authority and resources (funding and personnel) to enforce air quality regulations.
6. Promote voluntary actions to reduce air pollution.
7. Reduce vehicle emissions by:
  - ~~• Using the price mechanisms of the free market to shift citizen and business travel behavior toward actions that reduce vehicle emissions and vehicle miles of travel, including removing hidden cost subsidies to motor vehicle users~~
  - Employing economic incentives, disincentives and other market approaches that support clean air
  - Encouraging behavior changes, such as reducing vehicle idling, biking and use of transit
  - Encourage or promote lower emissions and lower carbon fuels, vehicles and supporting infrastructure
  - Supporting~~Implementing~~ state motor vehicle emissions testing programs consistent with City air quality goals

8. Provide authority for local governments to implement vehicle emissions reductions programs.
9. Strengthen standards for tailpipe emissions, aggregate vehicle emissions and/or fuel economy standards for all vehicles including reducing the impact of “rolling coal” and nitrous oxide emissions.
- ~~10. Promote advanced low emission vehicle technology.~~
- ~~11.10. Encourage or promote lower carbon alternative fuels.~~
- ~~12. Reduce or eliminate residential wood smoke emissions in order to achieve compliance with air quality standards.~~
- ~~11.~~
- ~~13.12.~~ Reduce fossil fuel consumption in the transportation and building sector.

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## CLIMATE ROAD TO 2020 AND ENVIRONMENTAL PROTECTION

The City of Fort Collins encourages local, state and national efforts to protect and enhance our environment. Additionally, the City has a policy goal to reduce greenhouse gas emissions 20 percent below 2005 levels by 2020 and 80 percent below 2005 levels by 2030 and 100 percent below 2005 levels by 2050. The goals call for Fort Collins to be carbon neutral by 2050.

Therefore the City supports the following policy statements:

1. Enhance Fort Collins’ resilience to impacts of climate change.
2. Establish greenhouse gas (GHG) emission reduction targets at all levels of government.
3. Establish market-based mechanisms to reduce greenhouse gas emissions.
4. Develop strategies to prevent pollution.
5. Maintain and protect the Colorado self-audit law.
6. Evaluate and address impacts of climate change on water demand and supply.

## NATURAL AREAS AND OPEN LANDS

The City has a vigorous program to protect natural areas and other important open lands within Fort Collins, within our Community Growth Management Area, and regionally. The City works in partnership with other communities, Larimer County, private land trusts, Great Outdoors Colorado, community groups, and state and federal agencies to achieve community and regional conservation goals.



Therefore, the City supports the following policy statements:

1. Maintain or enhance tax incentives to private landowners for voluntary land conservation.
2. Expand the effectiveness of existing protection for wetlands, wildlife habitats, and other sensitive natural areas.
3. ~~Provide additional funding for land conservation programs.~~ Support additional funding for conservation programs, including reinstating Colorado Parks and Wildlife license fees to at least 2005 levels.
4. Protect the Cache la Poudre River.
5. Increase the availability of Great Outdoors Colorado grants to municipalities in amounts equal to or greater than are currently offered.

### OIL AND GAS

Oil and gas extraction activity and associated health and environmental impacts are a concern for Fort Collins and many communities along the Front Range. There is a portion of a small oil field within Fort Collins 'incorporated boundaries, and the City has entered into an Operator Agreement or Memorandum of Understanding (MOU), that stipulates the operations, maintenance and inspection process for that operator's local holdings. Fort Collins residents have expressed continuing concern about the human and environmental health impacts from oil and gas operations, particularly from the hydraulic fracturing treatment used on most Colorado wells. In November 2013, voters approved a five-year moratorium on oil and gas extraction in order to study its property value and human health impacts.

Therefore, the City supports the following policy statements:

1. Encourage state, federal and academic studies evaluating impacts of oil and gas operations on human health and property values.
2. Establish baseline air pollutant levels and understand the ongoing contributions of the oil and gas industry to air pollution.
3. Provide local government the authority to inspect oil and gas sites and ensure operator compliance through enforcement of federal, state and local regulations.
4. Allow communities to understand impacts of oil and gas on water quality.
5. Allow greater local regulation of oil and gas exploration activities within municipal boundaries.
6. Better balance surface ownership with mineral right ownership.

**Comment [DW6]:** Not sure we want this... maybe rewrite? ES says keep-gs

7. Allow local governments the ability to apply municipal zoning on oil and gas extraction and storage activities.

8. Maintain the current formula allocation of severance tax to impacted jurisdictions so that they might address impacts from resource extraction.

8.9. Incentivize industry information sharing and collaboration with local governments on the planned development of resources within communities' Growth Management Areas.

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## **RECYCLING AND SOLID WASTE**

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction. Additionally, the City has adopted a goal of diverting 75% of community waste by 2020; 90% by 2025 and 100% by 2030.

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting and source reduction, and which also involves new "Sustainable Materials Management" principles such as redesigning systems to reduce pollution and waste. Additionally, the City has adopted a goal of diverting 75 percent of community waste by 2020; 90 percent by 2025 and 100 percent by 2030.

Therefore, the City supports the following policy statements:

1. Clarify and broaden the regulatory authority of local government to ensure the efficient management of recyclable material and solid waste.
2. Encourage integrated waste and materials management planning and implementation, including but not limited to creation of a state waste diversion goal.
3. Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.

4. Enable and encourage the development of endmarkets through "buy recycled" or "environmentally preferable purchasing" policies for government agency procurement.

5. Continue or I increase funding for programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.

Develop more extended Require greater producer responsibility initiatives, such as "take back" regulations that assist consumers to appropriately recycle packaging materials or certain products (e.g., electronic equipment or mattresses) and seek to eliminate state statute CRS Section 25-

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17-104, which currently limits local authority to regulate packaging materials (e.g., single-use plastic bags).

~~recycle electronic equipment (e-waste).~~

~~6.4.~~

~~7.5.~~ Establish a deposit fee on beverage containers and that would be used to pay for recycling programs.

~~8. Strengthen the “renewable energy” standard; oppose expanding the definition to include pyrolysis (burning of materials).~~

~~9. Minimize waste by developing methods to use waste as an asset, recognizing the economic benefits and job creation opportunities that occur when resource recovery is developed as an alternative to landfill disposal for waste products.~~

~~10.6.~~ Partner with neighboring and regional agencies and stakeholders to create facilities and infrastructure for regionally managing waste to its “highest and best” use.

### UTILITY SERVICES

It is critical that the City operate its water, light and power, stormwater and wastewater services in a financially sound, reliable, safe and environmentally acceptable manner. Like other municipal utilities across the country, Fort Collins is faced with many new and evolving challenges associated with changes in the industry, the replacement and security of its infrastructure and development and retention of a knowledgeable workforce.

Therefore, the City supports the following policy statements:

#### **ENERGY**

- Maintain or improve the reliability of energy delivery
- Promote energy affordability and safety for residents, businesses and institutions
- Support reductions of the community’s GHG emissions from energy use in accordance with the *Climate Action Plan (CAP) Framework* (March 2015) – the current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050
- Reduce the emission of criteria pollutants
- Reduce the environmental damage caused by energy extraction and production
- Leverage the role of Fort Collins Utilities Light & Power as the community’s municipally owned utility
- Retain more of our community’s energy expenditures in the local economy
- Foster local economic opportunity in energy efficiency, production and operation
- Leverage opportunities to coordinate integrated planning for energy and water supply and demands
- Increase our community’s resilience to potential energy and climate related disruptions

- Maintain compliance with and leverage the potential benefits of local, regional, state and national regulatory frameworks, which impact energy production and use (e.g., carbon, fuel standards, ozone)
- Make Fort Collins an energy leader that can serve as a model for other communities

- ~~1. Maintain or improve the reliability of energy delivery to all customers.~~
- ~~2. Promote energy affordability and safety for residents, businesses and institutions.~~
- ~~3. Support reductions of the community's greenhouse gas (GHG) emissions from energy use in accordance with the Climate Action Plan (CAP) Framework (March 2015). Current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050.~~
- ~~4. Retain more of our community's energy expenditures in the local economy.~~
- ~~5. Foster local economic opportunity in energy efficiency, production and operation.~~
- ~~6. Increase our community's resilience to potential energy and climate related disruptions.~~
- ~~7. Maintain infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.~~
- ~~8. Provide assistance to local government that balances local design and implementation of greenhouse gas reduction strategies.~~
- ~~9. Establish uniform standards for the reduction of carbon emissions.~~
- ~~10. Remove barriers to financing for energy efficiency, and encourage and fund energy efficiency and conservation while allowing local customization of the programs.~~
- ~~11. Reduce community energy use and net energy use of existing buildings.~~
- ~~12.1. Incent renewable energy production, including wind power, and provide for "State Implementation Plan" credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.~~
- ~~13.2. Reject attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.~~
- ~~14.3. Foster smart grid technology adoption and grid modernization.~~

## **WATER SUPPLY AND QUALITY**

1. Maintain or expand the authority delegated to the state to administer federally mandated water, stormwater and wastewater environmental regulatory programs (primacy).

2. Enact reasonable water quality regulations that are cost effective and can show identifiable benefits.
3. Enable local watershed protection planning.
4. Provide cities the flexibility to enhance in-stream flows to preserve or improve the natural environment of the stream while protecting the integrity of Colorado's appropriation doctrine and City water supply.
5. Recognize the importance of infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.
6. Stipulate adequate funding for local governments to implement mandated programs.
7. Encourage regional collaboration for water planning, and efficiency and conservation implementation.
8. Encourage greater integration of water efficiency into land use planning and building codes.
9. Remove barriers to financing for water conservation projects.
10. Fund recovery and treatment of Cache la Poudre and other waterways impacted by natural disasters.
11. Enable the City to develop, and protect and increase the flexibility and resiliency of its water supply under Colorado's appropriation doctrine without adversely affecting in-stream flows or the natural environment of the stream.

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## *High Performing Government*

### **Strategic Outcome**

Deliver an efficient, innovative, transparent, effective and collaborative city government

### **Strategic Objectives**

1. Improve organizational capability and effectiveness—professional development, leadership, change management, strategic thinking, fiscal literacy and staff engagement.
2. Improve core Human Resources systems and develop a total reward system.
3. Align similar jobs and skill sets across the organization to address succession planning and career progression.
4. Strengthen methods of public engagement and reach all segments of the community.

5. ~~Optimize the use of technology to drive efficiency and productivity, and to improve services.~~
6. ~~Enhance the use of performance metrics to assess results.~~
7. ~~Develop and implement enterprise wide processes in appropriate areas—"Plan, Do, Check, Act" process improvement tool, safety, strategic planning, council and strategic plan tracking tool, budgeting, project management.~~
8. ~~Assess effectiveness of safety initiatives, develop and implement safety initiatives to achieve safety goals, and continue to focus on employee health and wellness.~~
9. ~~Improve productivity, efficiency, effectiveness, customer service and citizen satisfaction in all areas of the municipal organization.~~
10. ~~Implement leading edge and innovative practices that drive performance excellence and quality improvements across all Service Areas.~~
11. ~~Proactively influence policy at other levels of government regulation.~~
12. ~~Promote a values driven organizational culture that reinforces ethical behavior, exercises transparency and maintains the public trust.~~
13. ~~Continuously improve the City's governance process.~~

## **HOME RULE AND LOCAL CONTROL**

**Comment [DW7]:** Add language about the efficient operation of municipal elections. ??

The City of Fort Collins is a home rule municipality, ~~under Article XX (Article 20) of the Colorado Constitution, which grants home rule municipalities "full right of self government in local and municipal matters."~~ Home rule authority ~~authority is of utmost importance to the City of Fort Collins, and~~ affords the citizens of Fort Collins greater access to government and increased opportunity for participation and contribution to the decision-making process. ~~In addition, many policy matters are best left to local determination and control, and the benefits of allowing for local control are sometimes overlooked in discussions at the state and federal level.~~

~~Home rule is of utmost importance to the City of Fort Collins.~~ The City recognizes, however, that there are particular areas in which insistence on local control may be untimely or unwise. Therefore, proposed legislation must be reviewed on a case-by-case basis to determine when it is in the City's best interest to assert home rule authority ~~or argue in support of local control,~~ and when the City should support statewide intervention. ~~For example, T~~ the City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. ~~On the other hand, The City also understands~~ the cumulative effect of these and other activities ~~has have~~ substantial statewide ramifications that may call for statewide regulation, ~~so that, for example, state regulation may be needed~~ to effectively manage ~~such things as~~ overall growth and development in the state, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City supports the following policy statements:

1. Strengthen ~~and preserve~~ home rule authority of municipal governments.

2. Reject State or Federal intervention in matters of local concern and that unnecessarily or adversely affect the City's ability to manage and operate pursuant to its home rule authority.
3. Oppose changes that increase (and support changes that lessen) the burdens on municipalities associated with public or other government records, establishment of ethics standards and procedures, operation of municipal courts, and other matters of municipal operations or authority.

2-4.

### **HUMAN RESOURCES**

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be ~~an~~ efficient and responsible stewards of tax dollars ~~while~~ ensuring that employees compensation and benefits are receive market-based, fair and competitive ~~compensation and benefits~~. The City believes that its citizens, through their elected representatives on City Council, are in the best position to determine appropriate City employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City supports the following policy statements:

1. Enhance the City's ability to make decisions on ~~decide~~ employment issues, including collective bargaining, arbitration, compensation, appeal rights related to disciplinary action benefits and leaves.
2. Expand the City's ability to determine how best to manage ~~offer~~ health, welfare and wellness services for employees.
3. Maintain current state funding for police officer death and disability benefits.
4. Reject proposals that would allow employees and/or retirees with ~~returning employees with~~ defined contribution plans to move into defined benefit plans if there is a cost to local government.
- 4.5. Reject proposals that would limit the City's ability to test job applicants or employees at work for impairment due to consumption of alcohol or controlled substances or to set limits related to such testing.

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### **RISK MANAGEMENT**

The City of Fort Collins recognizes the dual purpose of the workers' compensation system – providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Council also recognizes that the City's self-insurance program is a cost-efficient method to insure workers' compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City supports the following policy statements:

1. Improve administrative efficiency of the Division of Workers' Compensation.
2. Resist increased insurance premium costs to employers.
3. Limit or reduce administrative burdens or taxes to self-insurance programs.
4. Limit insurance claim litigation.
5. Increase the City's options and ability to manage workers' compensation claims; oppose actions like removing existing off-sets to workers' compensation benefits or limiting the City's ability to designate treating physicians.
6. Reject efforts to presumptively expand workers' compensation coverage to illnesses or injuries that are not work related.

#### **SOVEREIGN AND GOVERNMENTAL IMMUNITY**

The Fort Collins City Council recognizes that the complexity and diversity of City operations and services ~~required to meet the needs of the citizens of Fort Collins~~ may expose the City and its officers and employees to liability for damage and injury. The Council further recognizes that City officers and employees must be confident that they have the City's support in the lawful and proper performance of their assigned duties and responsibilities.

Therefore, the City supports the following policy statements:

1. Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities.
2. Discourage baseless and frivolous claims and demands made against municipalities, their officers and employees.
3. Maintain or enhance municipal liability protections and municipal immunity.

#### **TELECOMMUNICATIONS**

The City of Fort Collins encourages a competitive, open market for cable and telecommunications services in order to ensure the public has access to a variety of programming and services at the lowest cost possible.

Therefore, the City supports the following policy statement:



1. Maintain and enhance local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government programming.

~~2. Re-establish the rights of municipalities to provide low cost, accessible telecommunications services and related infrastructure.~~

~~3. Revise or repeal SB05-152 so that municipalities may offer high speed and "advanced service" broadband to residents.~~

~~4.2~~ Permit communities to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.

~~5.3~~ Allow municipalities to provide telecommunication services within City-owned facilities and on City property.

~~6.4~~ Enhance exclusive digital communication networks for public safety personnel during emergencies.

## *Safe Community*

### **Strategic Outcome**

Provide a safe place to live, work, learn and play

### **Strategic Objectives**

- ~~1. Provide facilities and training capabilities to support a high caliber police force.~~
- ~~2. Optimize the use of technology to drive efficiency, productivity and customer service.~~
- ~~3. Align staffing levels to deliver services that meet community expectations and needs, and increase public safety operational efficiency.~~
- ~~4. Protect life and property with natural, aesthetically pleasing flood mitigation facilities through building codes and development regulations.~~
- ~~5. Develop and implement emergency preparation, response and recovery plans across the organization in collaboration with other community efforts.~~
- ~~6. Improve safety for all modes of travel including vehicular, pedestrian and bicycles.~~
- ~~7. Use data to focus police efforts on reducing crime and disorder within the community.~~
- ~~8. Improve community involvement, education and regional partnerships to make our community safer and stronger.~~
- ~~9. Partner with Poudre Fire Authority to provide fire and emergency services.~~
- ~~10. Provide a high quality, sustainable water supply that meets or exceeds all public health standards and supports a healthy and safe community.~~

## **FIRE PROTECTION**

The Fort Collins City Council recognizes the critical importance of maintaining a safe environment and protecting the lives and property of the citizens of Fort Collins.

Therefore the City supports the following policy statements:

1. Institute a state fire code, the code of choice being the ~~2012~~ International Building and Fire Code, and allow municipalities to adopt their own amendments.
2. Reject limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.
- ~~3.~~ 1. Enhance life safety and property protection through the installation of fire protection systems in structures when appropriate ~~and do not restrict any local jurisdiction from requiring the installation of fire sprinklers.~~
- ~~4.~~ 3. Strengthen the City's ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks- ~~without approval of the County Commissioners.~~
- ~~5.~~ 4. Promote fire safety, education and prevention with the goal of reducing injury, loss of life and property damage.
5. Allow local jurisdictions (municipalities and special districts) to implement open burning restrictions.
6. ~~Mandate the home fire sprinklers be provided as an option by all home builders in the state.~~
- ~~6.~~

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## **HAZARDOUS MATERIALS MANAGEMENT**

It is an important concern of the City to safeguard Fort Collins' health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City supports the following policy statements:

1. Allow the City to continue controlling risks from hazardous materials use, storage and transportation through the International Building and Fire Code and related local amendments.

2. Allow Fort Collins to adopt local regulations for hazardous materials, including review and approval of the location of facilities that use or store hazardous materials or hazardous waste.
3. Strengthen the enforcement of hazardous materials regulations.
4. Strengthen the diversion of hazardous waste from landfills.
5. Establish greater flexibility and more options for local government in the management of publicly-owned areas thought to have asbestos-containing soils while maintaining responsible site management practices.
6. Prevent and penalize improper storage and disposal of hazardous or exploration and production (E&P) wastes from oil and gas operations within municipal boundaries.
7. Preserve community safety by ensuring emergency responders have all available information needed to effectively address disasters and maintain public well-being.
8. Ensure hazardous materials are not stored or used within the 100-year floodplain.

### MARIJUANA

In 2012, Colorado voters approved Amendment 64 which legalizes the possession of adult-use or recreational marijuana in the state. During the same election Fort Collins residents voted to approve the use of medical marijuana within the city. Federal law maintains that marijuana is a schedule 1 drug and, as such, can neither be possessed and used nor researched.

Therefore, the City supports the following policy statements:

1. Regulate medical and retail marijuana manufacturing, distribution and dispensaries.
2. Clarify the implementation and local rights and responsibilities related to Amendment 64.
3. Clarify and align federal marijuana law with the Colorado Constitution.
4. Protect communities' ability to raise necessary funds to maintain public safety and enforce marijuana possession laws.
5. Prevent under-21 access to marijuana.
6. Clarify the rights of individuals, landlords and homeowner associations in limiting or preventing growing or consuming marijuana in multi-family dwellings.
7. Provide additional state marijuana enforcement resources, especially for field enforcement.

8. Limit THC content per serving size and restrict packaging to a single serving.

**Comment [GS8]:** I think this was done.

## MUNICIPAL COURT

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, and civil infractions. Generally, cases are brought to Municipal Court by the Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City supports the following policy statements:

1. Support the current jurisdiction of municipal courts, particularly for home rule municipalities.  
Support municipal court system
2. Oppose limitations on the authority of municipalities to enforce their own ordinances in municipal courts.
3. Reject imposition of state surcharges on municipal court fines for the purpose of funding state programs.

**Comment [DW9]:** Judge Lane can fill this in – concern is legislation that prevents effective operation of the Court.

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## PUBLIC SAFETY

The Fort Collins City Council recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Fort Collins.

Therefore, the City supports the following policy statements:

1. Develop treatment and intervention programs, especially for youth, which have the potential to reduce incidents of violence in the community.
2. Provide greater protection to victims of crime.
3. Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations.
4. Establish protocols and funding for shared, statewide emergency response communications, including supporting LETA and other efforts to resolve the 911 Diversity issue.

5. Reject initiatives that have the potential to compromise officer safety.
6. Establish minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).
7. Regulate the use of cell phones by motorists while operating a vehicle.
8. Preserve or increase funding for treatment of mental illness and substance abuse disorders.
9. Maintain or enhance a statewide database of concealed weapons permits.
10. Seek to reduce community flood risks.
11. Reduce cities' liability for prisoners' self-inflicted wounds while in police custody or detention facilities.
12. Restrict access to illegal substances.
13. Require greater producer responsibility, such as "take back" for prescription drugs to avoid these substances being abused or being disposed of into the water supply.
14. Clarify the qualifications for what types and purposes a business may obtain and use a state liquor license.
15. Define what qualifies as a "meal" when calculating the percentage of meals served for a liquor license.
16. Increasing state, regional and local disaster resilience.
17. Promote efforts to reduce conflict between community members and law enforcement.
18. Encourage the voluntary use of body-worn camera technology on officers and development of community-specific standards for the use of cameras and their data.
19. Develop grant programs for police department use to fund the purchase, training and deployment of body-worn cameras and the retention of footage.

## *Transportation*

### **Strategic Outcome**

Provide for safe and reliable multi-modal travel to, from, and throughout the city

### Strategic Objectives

- ~~1. Improve safety of all modes of travel.~~
- ~~2. Improve transit availability and grow ridership through extended hours, improved headways, and Sunday service in appropriate activity centers.~~
- ~~3. Fill the gaps for all modes of travel and improve the current transportation infrastructure while enhancing the aesthetic environment.~~
- ~~4. Improve traffic flow for all modes of transporting people, goods and information to benefit both individuals and the business community.~~
- ~~5. Create and implement long term transportation planning and help local and regional transportation networks operate at a high level of efficiency, including the airport.~~
- ~~6. Support efforts to achieve climate action goals by reducing mobile emissions and supporting multiple modes of transportation.~~
- ~~7. Create and implement planning, engineering and financial strategies to address adequate infrastructure within the northeast area of Fort Collins.~~

### TRANSPORTATION

The City actively promotes the safety and ease of traveling to, from and throughout the community using a variety of modes of transportation. Additionally, the City's policy is to encourage the use of alternative transportation whenever appropriate.

Therefore, the City supports the following policies:

1. Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices.
2. Reject reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.
3. Explore and analyze alternative methods of funding transportation infrastructure needs.
4. Fund analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.
5. Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles.
6. Encourage flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.
7. Encourage or incent locating affordable housing near transit for greatest accessibility.

- |
8. Preserve the guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.
  9. Broaden the definition of the gasoline tax to a “fuel tax” that encompasses other fuel options as they become more prevalent.
  10. Increase local governments’ ability to prevent railroad trains from blocking street and highway grade crossings for unreasonable time periods.
  11. Foster dialogue between railroad operators and communities aimed at solutions to rail proximity issues.
  12. Facilitate the implementation of railroad quiet zones in municipalities and reduce train horn decibel and duration requirements in existing federal rule.
  13. Reject divesting key highway roads in urban areas from the state and make them the sole responsibility of local jurisdictions.
  14. Maintain safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
  15. Develop financing programs for Interstate 25 improvements.
  16. Explore solutions to improve bicycle safety and fund implementation projects in communities. Reject reductions in federal dollars for alternate travel modes.
  17. Clarify federal and state regulations in order to preserve local governments’ ability to utilize unmanned aerial vehicles (UAVs) for service-related purposes.
  18. Ensure local government has access to test the use of UAVs in service delivery.

### CITY OF FORT COLLINS LEGISLATIVE CONTACTS

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## **Legislative Review Committee – Meeting Cancelled**

November 8, 2016

### Packet Attachments:

- 1) Minutes from October 25, 2016 meeting
- 2) 2017 Policy Agenda, clean version
- 3) 2017 Policy Agenda, red-line version



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**Legislative Review Committee**

Meeting Notes

October 25, 2016, 4:00 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Jackie Kozak-Thiel, Chief Sustainability Officer; Lindsay Ex, Climate Program Manager; Ginny Sawyer, Policy and Project Manager; Tyler Marr, Policy and Project Analyst

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce; Dan Betts, Senator Cory Gardner Staff

The meeting came to order at 4:03 pm.

Approval of Minutes

- LRC unanimously approved the October 11<sup>th</sup> meeting notes.

Continue Work on Policy Agenda

LRC reviewed

- Staff highlighted that previously suggested edits had been made and the language promised around natural areas funding, the Colorado Open Records Act (CORA) and Municipal Court staffing had been added under the "Home Rule" section of the Policy Agenda.
- LRC discussed leaving Climate Action Plan language as is throughout the agenda.
- Mayor Pro Tem Horak was asked to provide comment on the transportation/I-25 section of the priorities document. Councilmember Campana will follow up with him.
- Minor grammar edits were requested
- Councilmember Cunniff requested consistency throughout the policy agenda in terms of formatting, e.g., numbers vs bullet use and the use of "oppose" instead of "reject"
- City Attorney Daggett explained changes she has suggested for the "Home Rule" section, which includes expanding the section to include matters of "Local Control" because not all local control matters are directly related to home rule communities
- LRC asked for follow up on HR section to include language that reflects employees are treated fair and equitably.
- Staff was asked to remove number 6 under Fire Protection.

LRC unanimously recommended approval of the Legislative Policy Agenda to Council on November 15<sup>th</sup>.

### Discussion with Lindsay Ex Regarding Colorado Communities for Climate Action

#### *Support of CC4CA Policies*

- Ex summarized that LRC is comfortable with the proposed CC4CA policy priorities, but that a general statement of principle which was added about funding for communities adversely impacted by a transition to renewable energy sources was not well received by LRC.
- Councilmember Campana expressed concern that general statement of principle based on the request being broader than climate action and that the vagueness of the statement may result in an excess of communities trying to apply for funds.
- After discussion with Ex and Kozak-Thiel, the proposed language in the CC4CA policies was found to be agreeable to the LRC, with the understanding that specifics of implementation may change LRC opinion once the legislative session starts.
- It was suggested that a resolution be brought to Council authorizing LRC to weigh in on CC4CA priorities items in the future for clarity of mission.

#### *Standing agenda item*

- Kozak-Thiel and Ex requested a standing agenda place during future LRC meetings due to the increasing complexity of the CC4CA group's operations and the sporadic popping up of opportunistic items (such as the Volkswagen settlement testimony below)
  - LRC was receptive to this, with the understanding that agenda item should be cancelled if nothing rises to the level of Committee discussion.

#### *Testimony for Volkswagen settlement*

- Ex discussed the request of CC4CA for Fort Collins to lobby for the distribution of funds awarded in the recent Volkswagen settlement as a member of the CC4CA coalition and as a city in an ozone non-attainment.
- City Attorney Daggett suggested a cautious approach, as the policy agenda does not grant authority to lobby for a specific pot of funds.
- Campana suggested not testifying in the first set of hearings on November 7<sup>th</sup>, due to lack of established policy and process.
- Kozak-Thiel recommended bringing a proposal back to a future LRC meeting to establish a process/policy that would provide guidance for staff and LRC in the future.
  - LRC agreed that this was the best approach moving forward. Staff will discuss options before bringing to LRC in December.

#### Other Business

- Staff provided LRC with a draft calendar for 2017. LRC was receptive to the proposed calendar.
- LRC will not meet on November 8 or on November 22 due to the cancelled Council meetings
- The next LRC meeting will be on December 6<sup>th</sup>.

The meeting adjourned at 5:34 P.M.



2017

# LEGISLATIVE POLICY AGENDA

Adopted:

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## INTRODUCTION

Fort Collins is a community of 161,000 residents located at the foot of the Rocky Mountains along Colorado's Front Range. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The City is a data-driven municipal organization that strives to fulfill its mission, "Exceptional service for an exceptional community", through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

The Fort Collins City Council annually adopts Legislative Priorities and a Legislative Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals.

- The City's Legislative Priorities are broad issues Fort Collins is focused on during the Colorado General Assembly and United States Congress sessions. The Priorities may carry over year to year since they are larger, more challenging issues that may take multi-year work to influence.
- The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

On many federal and state issues, Fort Collins shares the concerns of others within the region and statewide. In these cases, Fort Collins will seek opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities. Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation. The Policy Agenda identifies specific City Council-adopted goals associated with the policy statements. This alignment is important for City staff to ensure that advocacy supports specific desired outcomes.

## **CITY OF FORT COLLINS LEGISLATIVE REVIEW COMMITTEE**

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on particular bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Gino Campana, Chair
- Councilmember Ross Cunniff
- Councilmember Ray Martinez

### **LEGISLATIVE REVIEW PROCESS**

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by City staff. Bills, regulation and rules addressing a stated legislative priority, or adopted policy position, may be brought to the LRC for discussion of an official City position. Once a position is adopted on a bill, staff conveys that information to the appropriate state or federal representative and advocates for the City's adopted position.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The input offered by staff experts is invaluable in analyzing impacts of legislative, regulatory and rulemaking proposals to Fort Collins operations and the community. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins also works with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues. In addition, Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.

In 2017, Fort Collins will contract a state lobbyist to:

- Be a fulltime presence at the capital
- Advise City staff and leaders on relevant bills
- Assist staff who may be testifying in Denver
- Provide frequent updates to the LRC during the session



# LEGISLATIVE PRIORITIES

## **Objective:**

**Cooperate with stakeholders on refinement of Urban Renewal Authority laws**

## **Issue:**

An Urban Renewal Authority (URA) is a tool in place to identify and revitalize areas of the city deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding tool for URA is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal restores economic vitality and improves the safety of a designated area. Redeveloping urban areas is much harder and more expensive than new development in “greenfield sites”, thus the use of urban renewal and tax increment financing responds to larger, more costly infrastructure needs. The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas.

Fort Collins attempts to use URA and TIF judiciously but also recognizes the concerns raised by counties, special districts and school districts about the use of TIF. URA is an important and useful tool for Fort Collins in addressing community blight and encouraging redevelopment rather than sprawl. The City has engaged regional partners in an attempt to develop an equitable process for utilizing URA in Larimer County. Fort Collins has sought to identify a mechanism to balance Larimer County costs for providing service in URA areas and to shared constituents.

2015 URA reform law (HB15-1348) instituted several changes that the City will be implementing in its URA practices. Key changes to URA law add additional members from county, special districts and school district to a URA Board and a negotiated use of tax increment funds before the City could utilize them. Fort Collins is already working on adopting HB 1348 changes. The General Assembly made clarifications to HB 1348 with SB16-177. The remaining major issue of concern to Fort Collins in the implementation of HB 1348 is the applicability to URA projects and clarifying the impacts on existing versus prospective projects.

The City would like to see clarifications made to HB 1348 as language included in the new law is unclear on when the law applies to existing activities and assistance. The City also seeks to ensure development authorities do not become subject to similar regulations.

## **Objective:**

**Support local control of oil and gas operations**

## **Issue:**

Fort Collins, like many other Colorado communities, has taken steps to address oil and gas extraction. Those efforts have been limited by the Colorado Oil and Gas Conservation Commission (COGCC) rules. Fort Collins supports studying and better understanding and mitigating the health and community impacts of oil and gas extraction.

Fort Collins seeks the following:

- Increased local flexibility to regulate oil and gas activity within its incorporated borders
- Limiting the proximity of large-scale oil and gas sites to the City limits in order to minimize community impacts
- Mitigation measures that balance developing oil and gas resources with community environmental and human health
- Additional information about the chemicals being injected into the ground, especially during hydraulic fracturing
- Greater knowledge and control of air emissions from extraction processes and production equipment; including air emissions transported from outside of our community
- Enhanced right for communities to regulate oil and gas as an industrial practice and therefore apply local zoning practices to operators
- Better balance between surface land ownership and mineral right ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to their fullest potential but will also seek legislative remedies to areas of greatest concern. Fort Collins will also work with other interested communities to address oil and gas operation concerns. The City will monitor and engage as appropriate in rulemaking hearings of the Colorado Oil and Gas Conservation Commission.

**Objective:**

**Advocate solutions to nuisance and safety issues related to railroad proximity**

**Issue:**

Communities throughout the United States are wrestling with issues related to railroad proximity. These include extended blockages of community intersections, the transport of hazardous materials, rail car safety, train horn noise, transparency related to rail cargo and train switching. These issues affect quality of life for residents and business owners and can result in catastrophic disasters in cases of derailment.

Fort Collins has two active railroad corridors and three rail companies servicing the community and is working regionally, through the Colorado Municipal League (CML) and National League of Cities (NLC), to raise the profile of rail proximity issues. In addressing rail safety and rail proximity issues, the City has active relationships with Burlington Northern Santa Fe (BNSF), Great Western Railway (GWR) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body - the Federal Railroad Administration (FRA).

In order to foster cleaner air, reduce auto congestion and improve quality of life, several federal agencies including the EPA, HUD and the Federal Transit Administration are encouraging Transit Oriented Development. The idea behind Transit Oriented Development is to bring residents closer to mass transit lines so

that they can use mass transportation, and so that downtown revitalization can occur. The Mason Corridor Bus Rapid Transit, which began operation in 2014, is one example. At the same time, the FRA train horn rule in effect is discouraging the development community and residents from locating around transit. Reform is needed.

Trains have regained preference for transporting goods and materials. The increased use of rail has added pressure to the system and identified several safety concerns - track maintenance, tanker car safety, and notification of hazardous materials to public safety leaders. Fort Collins will work to the following goals at a state and national level:

- Engagement with railroad companies
- Development of a “proximity issues” dialogue between railroad and local governments on a broad suite of topics
- Notification about hazardous material shipments passing through communities
- Ensuring track maintenance and train car safety
- Collaboration with railroads to train local emergency personnel
- Solution-oriented use of technology and innovation to improve conflict areas
- Promote improve existing federal and state regulations to identify reasonable safety protections

**Objective:**

**Support marijuana law clarifications and alignment with Colorado Constitution**

**Issue:**

The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. The Fort Collins City Council approved limited adult use marijuana businesses and sales in addition to existing medical marijuana businesses.

Fort Collins seeks clarification on the following items:

- Conflicts that exist between state and federal laws regarding marijuana possession
- Enforcement of the new law and its impacts on local staff and public safety resources
- Rules pertaining to packaging and labeling marijuana and products containing marijuana
- Effectively funding prevention of under-21 possession and use
- Community public safety
- Limiting THC content per serving size and restricting packaging to a single serving

In addition to adult use marijuana, communities across the United States that have authorized medical marijuana are struggling with implementation and the need for a single, viable distribution system. At the core of the issues with both medical and adult use marijuana is the classification of the drug. Marijuana is currently classified as a Schedule 1 drug. This designation means it cannot be prescribed by a doctor or handled through the same distribution channels as other prescribed

drugs. As a result, different states have adopted different approaches in conflict with federal laws. In Colorado, medical marijuana may be recommended by a doctor but not prescribed. Work is needed at the federal level to clarify this issue. The federal classification should be re-evaluated to consider allowing more medical research. If it is determined that marijuana fits one of the other classifications and does have medical benefits, it could be included in the existing drug delivery system.

**Objective:**

**Participate in federal, state and regional efforts to foster resilient communities and achieve Climate Action Plan goals**

**Issue:**

Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Resilience has become a term used to describe hardening vulnerable community infrastructure and preparing for predictable hazards in order to soften the blow on citizens and infrastructure.

Making Fort Collins and Northern Colorado more resilient involves providing decision-makers hazard mitigation analysis and scientific data, then using that information to invest in complementary systems. Northern Colorado's experience is that resilience must be a regional effort that pays off through coordinated advanced planning and investment.

Resiliency efforts are important because they impact a broad set of critical services including:

- Land use
- Utility operations
- Transportation infrastructure
- Sustainability services
- Health
- Safety
- Emergency Response
- Disaster recovery

Fort Collins adopted aggressive emission reduction goals. The City supports policies and legislation helping communities to achieve these goals, gather scientific data supporting the goal and investing in needed infrastructure to ensure a clean energy future.

City staff are working to develop actions to implement in order to achieve the Climate Action Plan goals. These goals may be assisted and promoted through legislative and regulatory actions. Success in achieving the City's goals may be enhanced through partnership with communities that have adopted similarly aggressive climate action and adaptation goals.

The City is partnering with 12 other Colorado communities via Colorado Communities for Climate Action (CC4CA) to advocate for these efforts at a state and federal level. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both the Climate Action Plan and resilience goals. The Legislative Review Committee will track actions of this group throughout the legislative session and make recommendations of support as appropriate

The Fort Collins community is just one member of a regional “waste shed” in Northern Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying broad measures such as setting a state waste diversion goal and helping to support related strategies, which could also serve to reduce carbon emissions and create opportunities for waste-to-energy applications when ultra-low pollution conversion technology is used.

**Objective:**

**Support transportation infrastructure connectivity with an emphasis on funding an integrated, multi-modal system**

**Issue:**

Funding for vital transportation infrastructure will continue to be a high priority for the City of Fort Collins. Transportation infrastructure is a critical element to supporting community and regional economic health, safety and quality of life.

The City supports Congress’s recent long-term reauthorization of the nation’s surface transportation law with a focus on transit, livable community planning, comprehensive regional investments, revitalization of existing infrastructure, pedestrian and bicycle infrastructure, and approaches that decrease petroleum consumption and reduce carbon pollution.

We strongly support preservation or increase of federal levels of funding and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended purposes. In addition, we urge development of a new, more stable, long range transportation funding mechanism that doesn’t rely upon fuel tax revenues. Fuel tax is no longer a sustainable method of funding the nation’s transportation infrastructure needs. . If there is no way to raise/index the fuel tax to reflect current economic realities, then new funding mechanisms become critically important.

Fort Collins seeks a solution to secure critical funding of the nation’s highway and bridge projects. Allowing the Highway Trust Fund to become insolvent would be devastating to the City’s transportation infrastructure and have impacts throughout the Northern Colorado economy.

A key transportation funding priority for Fort Collins is Interstate 25 (I-25) in Northern Colorado. The highway has become a pinch point in the regional transportation inventory that limits access to and from Fort Collins for residents, visitors, and the delivery of goods and services. Immediate funding to widen north I-25 is needed to sustain the region’s economic growth. The City is an active part

of the I-25 Coalition whose primary goal is to accelerate construction of a third lane in each direction of I-25 as identified in the I-25 North Project (from State Highway 6 to State Highway 14).

Colorado Department of Transportation recently received \$15 million in TIGER grant funding for I-25 improvements. This, in combination with \$25 million in local match commitments and private sector funds, as well as other scheduled funds for improvements, have accelerated improvements in Northern Colorado by fifteen years. Improvements include a third, managed (toll) lane in each direction plus three bridge improvements and regional bicycle trail connections and are scheduled to be completed in 2020. Improvements will be between SH-14 and SH-402. While these are critical improvements for Fort Collins and Northern Colorado, sizeable funding gaps remain in terms of needed I-25 improvements between SH-402 and SH-66.

Actions that may expedite the continued improvement and expansion of northern sections of I-25 include:

- A Transportation Revenue Anticipation Notes (TRANS) bond II ballot initiative (TRANS bonds were previously used to help fund the \$1.67 billion T-REX I-25 improvements in the south Denver Metro area)
- State of Colorado General Fund dollars going to transportation (maintenance & capital construction)
- Tax credit legislation for specific highway projects

**Objective:**

**Support comprehensive water resource management**

**Issue:**

Water resources in Colorado and throughout the West are stressed by many factors - environmental, population growth and aging infrastructure. Local water resource planning efforts ensure adequate supply to residents through managing the City's water rights portfolio, encouraging increased efficiency and expanding storage. Fort Collins will support efforts to address local and regional water needs, preserve its water rights portfolio, and to encourage conservation of water resources based on the 2016 adoption of the Water Efficiency Plan. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in implementation of the Colorado Water Plan by the Legislature and any State agencies, rulemakings by water-related State agencies (such as, by way of example, the Colorado Department of Public Health and Environment, the Colorado Division of Water Resources, the Colorado Water Conservation Board), and the federal U.S. Army Corps of Engineers' and Environmental Protection Agency's (EPA) rulemakings affecting water storage, use, quality and conservation.

**Objective:**

**Support a comprehensive approach to reduce the impacts of poverty and housing affordability**

**Issue:**

Poverty and lack of affordable housing are persistent issues in Fort Collins and across Colorado. The City is interested in developing local solutions to these persistent problems through collaboration and innovation. The City plays both a convening and leadership role among the many community service providers - seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

Fort Collins supports solutions to address poverty within the community such as:

- Fully resource a state affordable housing fund
- Implement funding for the Earned Income Tax Credit
- Develop or expand programs that ensure a smooth transition from foster care to independence
- Increase funding for mental health care/programs
- Increase development of condominiums by addressing construction defect law reform
- Pilot innovative programs to address housing

**Objective:**

**Support Efforts to Address both Homelessness and Resource Resistant Populations**

**Issue:**

Homelessness and transient populations are persistent challenges in Fort Collins and other communities. Fort Collins works to address homelessness through partnering and supporting many community service providers and has a goal of making homelessness rare, short-lived, and non-recurring.

The resource resistant populations are those that occupy public spaces and are not interested in housing or other community services offered. In this arena, the City supports efforts to address public safety concerns, enforce existing local laws, and maintain a welcoming environment for all.

The City opposes efforts to undermine local control or enforcement of activities on public property.

**Objective:**

**Support the innovation economy**

**Issue:**

Innovation is a key attribute of the City organization and is also important to the community. Fort Collins has numerous drivers of innovation, intellectual property

and inventions with an educated resident base, Colorado State University, federal research labs, and a long list of innovative companies. As a result, Fort Collins has a culture and support system that nurtures an innovation economy with the City often serving as a living laboratory for ideas and new technologies.

The City will maintain and enhance its innovation economy through:

- Supporting efforts to simplify the commercialization of intellectual property
- Efforts to increase the available capital to support innovation and new business formation
- Efforts that support the spin-off and development of intellectual property from research institutes, private business, and higher education
- Efforts to encourage the retention of new and innovative businesses in the community
- Supporting business incubation, primarily through the commercialization of intellectual property, with strong partnerships
- Application of innovative technologies and approaches to improve City programs and services



# LEGISLATIVE POLICY STATEMENTS

## ***NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH***

### **Strategic Outcome**

Provide a high quality built environment and support quality, diverse neighborhoods

### **AFFORDABLE HOUSING**

The City of Fort Collins supports policy and funding mechanisms that help the City develop and maintain affordable housing for our community.

Therefore, the City supports the following policy statements:

1. Maintain or enhance current levels of funding for affordable housing throughout Colorado, including expanding the State Low Income Housing Tax Credit program.
2. Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.
3. Protect the rights of low-income and/or disabled residents in tenant-landlord disputes, especially as it relates to safety issues.
4. Amend construction defect laws to reasonably balance safe and reliable housing with needed condominium construction.
5. Increase the amount of affordable, accessible, sustainable and high-quality housing in communities.
6. Develop strategies that balance the cost of services provided to the chronically homeless with the cost of providing permanent supportive housing.
7. Create a standardized statewide approach to addressing homelessness.
8. Invest in innovative approaches to address the causes of homelessness.

### **DEVELOPMENT REVIEW AND INSPECTION**

Fort Collins City Council adopts a land use code, zoning and new and existing property inspection protocol. The City supports retention of home-rule control in aligning development review and inspections with local priorities. In recent sessions, state legislators have introduced measures aimed at having local

inspectors provide inspection for building types outside existing responsibilities without additional resources provided to conduct this work.

Therefore, the City supports the following policy statements:

1. Financially compensate a jurisdiction or agency for additional work of inspectors through fees or other means.
2. Give local governments choices in accepting additional inspection work.
3. Allow local governments to determine the time needed to conduct development review and inspection timelines.

### **PLANNING AND LAND USE**

Effective local land use planning and land development regulation contributes to the quality of life enjoyed primarily by Fort Collins residents, yet shared regionally within Larimer County. State legislation can influence local governments' ability to develop and implement land use plans for their communities.

Therefore, the City supports the following policy statements:

1. Require regional cooperation in land use and transportation planning, and foster sustainable development, without unduly constraining the City's home rule powers.
2. Prohibit the annexation of land that is located within the boundaries of a Growth Management Area that was legally established by an intergovernmental agreement between a municipality and a county by any municipality not a party to the agreement.
3. Limit the definition of a compensable taking and/or the definition of vested property rights beyond the provisions of existing law.
4. Retain local government authority to impose development impact fees.
5. Increase cities' ability to regulate industrial land uses like oil and gas exploration and extraction.
6. Foster equitable public housing policies that balance protection of tenants and landlords.

### **SOCIAL SUSTAINABILITY**

Fort Collins has implemented a triple-bottom line-oriented Sustainability Service Area in an effort to ensure community resources are allocated by considering equally human, environmental and economic benefits. The Social Sustainability Department's mission is to support a diverse and equitable community that

successfully meets the basic needs of all residents. This mission is supported through programs, policies, and partnerships that provide access and opportunities for all.

Therefore the City supports the following policy statements:

1. Maintain or increase the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.
2. Adequately fund K-12 and public post-secondary institutions to ensure opportunity for youth.
3. Provide funding for before and after school programs and school out days aimed at at-risk population and low- to moderate-income families.
4. Enhance neighbor relations by improving the resources available to community mediation and restorative justice programs.
5. Provide communities with resources to address chronic homelessness.
6. Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare.

### **URBAN AGRICULTURE**

In 2011, City Plan, our community's comprehensive plan, was updated and contained four goals related to local food production. Staff has worked to align our policies and regulations with the goals outlined in our comprehensive plan. We have updated the Land Use Code to permit urban agriculture in all zone districts, allow farmers markets in more zone districts, allow a greater number and types of animals to be raised and exempted hoop houses from the building permit process in order to facilitate year-round production. The City has also been an active participant in the Northern Colorado Food Cluster which convenes stakeholders to advance local food initiatives. Locally grown food is a critical step towards a more sustainable community.

Therefore the City supports the following policy statements:

1. Provide options for urban farmers to have longer-term access to the land required for food production.
2. Provide all citizens access to healthy foods.
3. Address supply chain needs to support urban farmers.

4. Diversify the production, consumption and distribution of local food products.
5. Adopt food production practices that support innovative and efficient irrigation practices.

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## ***CULTURE AND RECREATION***

### **Strategic Outcome**

Fort Collins provides diverse cultural and recreational amenities

### **CULTURAL SERVICES**

The City recognizes that art and culture are vitally important to the quality of life in our community and is committed to providing the citizens of Fort Collins with excellent cultural services.

Therefore, the City supports the following policy statements:

1. Fund cultural services activities promoting the education, entertainment and enrichment of the community.
2. Facilitate the creation, performance and presentation of the arts.
3. Protect and preserve our cultural heritage.
4. Expand access and inclusion for all citizens to cultural events.

### **PARKS AND RECREATION**

The City is committed to providing the community with excellent parks and recreation services and facilities. Our citizens enjoy a better quality of life, improved health, less crime and a greater sense of community because of our quality parks and recreation programs.

Therefore, the City supports the following policy statements:

1. Maintain or enhance funding for parks, trails, forestry, horticulture and recreation services and facilities.
2. Provide maximum local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.
3. Sustain availability of Great Outdoors Colorado grants to municipalities in equal or greater funding levels.
4. Enhance the City's ability to provide quality parks and recreation services and facilities for its citizens.
5. Enhance the protection of community trees and natural assets against invasive species, pests and other threats.

6. Expand access and inclusion for all citizens to community recreational opportunities.

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## ***ECONOMIC HEALTH***

### **Strategic Outcome**

Promote a healthy, sustainable economy reflecting community values

### **FINANCE**

As a municipality, the City of Fort Collins faces many complex financial issues. Strong fiscal planning, prudent debt management and preservation of the City's revenue base are vital in maintaining and improving the City's financial health. Considering the known impacts of legislation on the City's business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City supports the following policy statements:

1. Maintain or expand municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).
2. Increase funding for higher education, specifically Colorado State University and Front Range Community College.
3. Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.
4. Recognize the importance of sales and use tax to local, self-collecting municipalities and equitably distribute sales tax collections on e-commerce transactions.
5. Maintain or increase the City's revenue base (sales, use and property taxes).

### **INVESTMENTS**

The Fort Collins City Council has adopted investment policies to be used by the City. The policies are reviewed and updated periodically to ensure the safety and quality of the portfolio to maintain liquidity and to maximize portfolio earnings.

Therefore, the City supports the following policy statements:

1. Protect, without unnecessarily restricting, the investments of government entities.
2. Provide adequate transparency of the City's investment activity.
3. Provide municipalities freedom to participate in investments that meet their strategic objectives.
4. Do not restrict cities' ability to adopt their own investment policies.

## PRIVATIZATION

The City of Fort Collins utilizes outside contracts for procurement of many goods and services. This practice of privatization provides citizens with a balance of quality and cost efficiency.

Therefore, the City supports the following policy statements:

1. Enable cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.
2. Maintain local control of the awarding of contracts and the accountability of local officials for those actions.
3. Oppose mandates that increase the complexity and cost of services without improving those services.

## ECONOMIC DEVELOPMENT

Fort Collins seeks to maintain a healthy and resilient economic base of businesses. The City works closely with businesses to retain and invest in alignment with the Council's Action Plan. A healthy and resilient economy for Fort Collins will include:

- Diverse jobs that enable citizens and businesses to thrive.
- Reflects the values of our unique community in a changing world.
- An innovative, creative, and entrepreneurial atmosphere.
- Strong partnerships and collaboration with the private sector, educational institutions, and other organizations.

Therefore, the City supports the following policy statements:

1. Promote sustainable economic development.
2. Retain local governments' use of tax increment financing as a tool to support Downtown Development Authorities and Urban Renewal Authorities, taking into consideration the land use impacts of such legislation (e.g., sprawl) the unique intent(s) and distinctive differences of both the DDA Act and URA Act, and the compelling interests and concerns of other taxing entities.
3. Adopt clarifying language to HB15-1348 to address ambiguity and confusion created by the drafters. Specifically, clarify intent that the law does not impact projects already underway.



## **ENVIRONMENTAL HEALTH**

### **Strategic Outcome**

Promote, protect and enhance a healthy and sustainable environment

### **AIR QUALITY**

The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality."

Therefore, the City supports the following policy statements:

1. Adopt programs and policies that improve public health and air quality, and support rapid attainment of National Ambient Air Quality Standards including ozone. .
2. Ensure air quality standards are protective of public health and welfare.
3. Enhance local government authority to improve air quality beyond minimum State or Federal requirements.
4. Promote strategies to improve regional air quality, recognizing that air pollution does not follow jurisdictional boundaries.
5. Assure that Federal, State and County agencies have adequate authority and resources (funding and personnel) to enforce air quality regulations.
6. Promote voluntary actions to reduce air pollution.
7. Reduce vehicle emissions by:
  - Employing economic incentives, disincentives and other market approaches that support clean air
  - Encouraging behavior changes, such as biking, use of transit, and reducing vehicle idling
  - Encouraging or promoting lower emissions and lower carbon fuels, vehicles and supporting infrastructure
  - Supporting state motor vehicle emissions testing programs consistent with City air quality goals
8. Provide authority for local governments to implement vehicle emissions reductions programs.
9. Strengthen standards for tailpipe emissions, aggregate vehicle emissions and/or fuel economy for all vehicles including reducing the impact of "rolling coal" and nitrous oxide emissions.
10. Reduce or eliminate residential wood smoke emissions.

11.Reduce fossil fuel consumption in the transportation and building sector.

### **CLIMATE AND ENVIRONMENTAL PROTECTION**

The City of Fort Collins encourages local, state and national efforts to protect and enhance our environment. Additionally, the City has a policy goal to reduce greenhouse gas emissions 20 percent below 2005 levels by 2020 and 80 percent below 2005 levels by 2030 and 100 percent below 2005 levels by 2050. The goals call for Fort Collins to be carbon neutral by 2050.

Therefore the City supports the following policy statements:

1. Enhance Fort Collins’ resilience to impacts of climate change.
2. Establish greenhouse gas (GHG) emission reduction targets at all levels of government.
3. Establish market-based mechanisms to reduce emissions.
4. Develop strategies to prevent pollution.
5. Maintain and protect the Colorado self-audit law.
6. Evaluate and address impacts of climate change on water demand and supply.

### **NATURAL AREAS AND OPEN LANDS**

The City has a vigorous program to protect natural areas and other important open lands within Fort Collins, within our Community Growth Management Area, and regionally.

The City works in partnership with other communities, Larimer County, private land trusts, Great Outdoors Colorado, community groups, and state and federal agencies to achieve community and regional conservation goals.

Therefore, the City supports the following policy statements:

1. Maintain or enhance tax incentives to private landowners for voluntary land conservation.
2. Expand the effectiveness of existing protection for wetlands, wildlife habitats, and other sensitive natural areas.
3. Support additional funding for conservation programs, including reinstating Colorado Parks and Wildlife license fees to at least 2005 levels.
4. Protect the Cache la Poudre River.

5. Increase the availability of Great Outdoors Colorado grants to municipalities in amounts equal to or greater than are currently offered.

## OIL AND GAS

Oil and gas extraction activity and associated health and environmental impacts are a concern for Fort Collins and many communities along the Front Range. There is a portion of a small oil field within Fort Collins 'incorporated boundaries, and the City has entered into an Operator Agreement or Memorandum of Understanding (MOU), that stipulates the operations, maintenance and inspection process for that operator's local holdings. Fort Collins residents have expressed continuing concern about the human and environmental health impacts from oil and gas operations, particularly from the hydraulic fracturing treatment used on most Colorado wells. In November 2013, voters approved a five-year moratorium on oil and gas extraction in order to study its property value and human health impacts.

Therefore, the City supports the following policy statements:

1. Encourage state, federal and academic studies evaluating impacts of oil and gas operations on human health and property values.
2. Establish baseline air pollutant levels and understand the ongoing contributions of the oil and gas industry to air pollution.
3. Provide local government the authority to inspect oil and gas sites and ensure operator compliance through enforcement of federal, state and local regulations.
4. Allow communities to understand impacts of oil and gas on water quality.
5. Allow greater local regulation of oil and gas exploration activities within municipal boundaries.
6. Better balance surface ownership with mineral right ownership.
7. Allow local governments the ability to apply municipal zoning on oil and gas extraction and storage activities.
8. Maintain the current formula allocation of severance tax to impacted jurisdictions so that they might address impacts from resource extraction.
9. Incentivize industry information sharing and collaboration with local governments on the planned development of resources within communities' Growth Management Areas.

## **RECYCLING AND SOLID WASTE**

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction. Additionally, the City adopted goals of diverting 75% of community waste by 2020; 90% by 2025 and 100% by 2030.

Therefore, the City supports the following policy statements:

1. Clarify and broaden the regulatory authority of local government to ensure the efficient management of recyclable material and solid waste.
2. Encourage integrated waste and materials management planning and implementation, including but not limited to creation of a state waste diversion goal.
3. Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.
4. Enable and encourage the development of endmarkets through “buy recycled” or “environmentally preferable purchasing” policies for government agency procurement.
5. Support programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.
6. Support producer responsibility initiatives, such as “take back” regulations that assist consumers to appropriately recycle packaging materials or certain products (e.g., electronic equipment or mattresses) and seek to eliminate state statute CRS Section 25-17-104, which currently limits local authority to regulate packaging materials (e.g., single-use plastic bags).
7. Establish a deposit fee on beverage containers and that would be used to pay for recycling programs.
8. Partner with neighboring and regional agencies and stakeholders to create facilities and infrastructure for regionally managing waste to its “highest and best” use.

## **UTILITY SERVICES**

It is critical that the City operate its water, light and power, stormwater and wastewater services in a financially sound, reliable, safe and environmentally acceptable manner. Like other municipal utilities across the country, Fort Collins is faced with many new and evolving challenges associated with changes in the industry, the replacement and security of its infrastructure and development and retention of a knowledgeable workforce.

Therefore, the City supports the following policy statements:

ENERGY

1. Maintain or improve the reliability of energy delivery
2. Promote energy affordability and safety for residents, businesses and institutions
3. Support reductions of the community's GHG emissions from energy use in accordance with the *Climate Action Plan (CAP) Framework* (March 2015) - the current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050.
4. Reduce the emission of criteria pollutants
5. Reduce the environmental damage caused by energy extraction and production.
6. Leverage the role of Fort Collins Utilities Light & Power as the community's municipally owned utility.
7. Retain more of our community's energy expenditures in the local economy.
8. Foster local economic opportunity in energy efficiency, production and operation.
9. Leverage opportunities to coordinate integrated planning for energy and water supply and demands.
10. Increase our community's resilience to potential energy and climate related disruptions.
11. Maintain compliance with and leverage the potential benefits of local, regional, state and national regulatory frameworks, which impact energy production and use (e.g., carbon, fuel standards, ozone).
12. Make Fort Collins an energy leader that can serve as a model for other communities.
13. Incent renewable energy production, including wind power, and provide for "State Implementation Plan" credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.

14. Oppose attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.
15. Foster smart grid technology adoption and grid modernization.

#### WATER SUPPLY AND QUALITY

1. Maintain or expand the authority delegated to the state to administer federally mandated water, stormwater and wastewater environmental regulatory programs (primacy).
2. Enact reasonable water quality regulations that are cost effective and can show identifiable benefits.
3. Enable local watershed protection planning.
4. Provide cities the flexibility to enhance in-stream flows to preserve or improve the natural environment of the stream while protecting the integrity of Colorado's appropriation doctrine and City water supply.
5. Recognize the importance of infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.
6. Stipulate adequate funding for local governments to implement mandated programs.
7. Encourage regional collaboration for water planning, and efficiency and conservation implementation.
8. Encourage greater integration of water efficiency into land use planning and building codes.
9. Remove barriers to financing for water conservation projects.
10. Fund recovery and treatment of Cache la Poudre and other waterways impacted by natural disasters.
11. Enable the City to develop, protect and increase the flexibility and resiliency of its water supply under Colorado's appropriation doctrine without adversely affecting in-stream flows or the natural environment of the stream.

# **HIGH PERFORMING GOVERNMENT**

## **Strategic Outcome**

Deliver an efficient, innovative, transparent, effective and collaborative city government

### **HOME RULE AND LOCAL CONTROL**

The City of Fort Collins is a home rule municipality. Home rule authority is of utmost importance to the City of Fort Collins, and affords the citizens of Fort Collins greater access to government and increased opportunity for participation and contribution to the decision-making process. In addition, many policy matters are best left to local determination and control, and the benefits of allowing for local control are sometimes overlooked in discussions at the state and federal level.

The City recognizes, however, that there are particular areas in which insistence on local control may be untimely or unwise. Therefore, proposed legislation must be reviewed on a case-by-case basis to determine when it is in the City's best interest to assert home rule authority or argue in support of local control, and when the City should support statewide intervention. The City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. The City also understands the cumulative effect of these and other activities have statewide ramifications that may call for statewide regulation, to effectively manage such things as overall growth and development in the state, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City supports the following policy statements:

1. Strengthen and preserve home rule authority of municipal governments.
2. Oppose State or Federal intervention in matters of local concern or matters that unnecessarily or adversely affect the City's ability to manage and operate pursuant to its home rule authority.
3. Oppose changes that increase (and support changes that lessen) the burdens on municipalities associated with public or other government records, establishment of ethics standards and procedures, operation of municipal courts, and other matters of municipal operations or authority.

### **HUMAN RESOURCES**

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be efficient and responsible stewards of tax dollars ensuring that employee compensation and benefits are fair, market-based, and competitive. The City believes that its citizens, through their elected representatives on City Council, are in the best position to determine appropriate City

employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City supports the following policy statements:

1. Enhance the City's ability to make decisions on employment issues, including collective bargaining, arbitration, compensation, appeal rights related to disciplinary action and benefits to further an equitable work environment.
2. Expand the City's ability to determine how best to manage health, welfare and wellness services for employees.
3. Maintain current state funding for police officer death and disability benefits.
4. Oppose proposals that would allow employees and/or retirees with defined contribution plans to move into defined benefit plans if there is a cost to local government.
5. Oppose proposals that would limit the City's ability to test job applicants or employees at work for impairment due to consumption of alcohol or controlled substances or to set limits related to such testing.

### **RISK MANAGEMENT**

The City of Fort Collins recognizes the dual purpose of the workers' compensation system - providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Council also recognizes that the City's self-insurance program is a cost-efficient method to insure workers' compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City supports the following policy statements:

1. Improve administrative efficiency of the Division of Workers' Compensation.
2. Resist increased insurance premium costs to employers.
3. Limit or reduce administrative burdens or taxes to self-insurance programs.
4. Limit insurance claim litigation.
5. Increase the City's options and ability to manage workers' compensation claims; oppose actions like removing existing off-sets to workers' compensation benefits or limiting the City's ability to designate treating physicians.
6. Oppose efforts to presumptively expand workers' compensation coverage to illnesses or injuries that are not work related.



## **SOVEREIGN AND GOVERNMENTAL IMMUNITY**

The Fort Collins City Council recognizes that the complexity and diversity of City operations and services may expose the City and its officers and employees to liability for damage and injury. The Council further recognizes that City officers and employees must be confident that they have the City's support in the lawful and proper performance of their assigned duties and responsibilities.

Therefore, the City supports the following policy statements:

1. Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities.
2. Discourage baseless and frivolous claims and demands made against municipalities, their officers and employees.
3. Maintain or enhance municipal liability protections and municipal immunity.

## **TELECOMMUNICATIONS**

The City of Fort Collins encourages a competitive, open market for cable and telecommunications services in order to ensure the public has access to a variety of programming and services at the lowest cost possible.

Therefore, the City supports the following policy statement:

1. Maintain and enhance local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government programming.
2. Permit communities to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.
3. Allow municipalities to provide telecommunication services within City-owned facilities and on City property.
4. Enhance exclusive digital communication networks for public safety personnel during emergencies.

# **SAFE COMMUNITY**

## **Strategic Outcome**

Provide a safe place to live, work, learn and play

### **FIRE PROTECTION**

The Fort Collins City Council recognizes the critical importance of maintaining a safe environment and protecting the lives and property of the citizens of Fort Collins.

Therefore the City supports the following policy statements:

1. Institute a state fire code, the code of choice being the International Building and Fire Code, and allow municipalities to adopt their own amendments.
2. Oppose limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.
3. Enhance life safety and property protection through the installation of fire protection systems in structures when appropriate and do not restrict any local jurisdiction from requiring the installation of fire sprinklers.
4. Strengthen the City's ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks without approval of the County Commissioners.
5. Promote fire safety, education and prevention with the goal of reducing injury, loss of life and property damage.
6. Allow local jurisdictions (municipalities and special districts) to implement open burning restrictions.

### **HAZARDOUS MATERIALS MANAGEMENT**

It is an important concern of the City to safeguard Fort Collins' health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City supports the following policy statements:

1. Allow the City to continue controlling risks from hazardous materials use, storage and transportation through the International Building and Fire Code and related local amendments.

2. Allow Fort Collins to adopt local regulations for hazardous materials, including review and approval of the location of facilities that use or store hazardous materials or hazardous waste.
3. Strengthen the enforcement of hazardous materials regulations.
4. Strengthen the diversion of hazardous waste from landfills.
5. Establish greater flexibility and more options for local government in the management of publicly-owned areas thought to have asbestos-containing soils while maintaining responsible site management practices.
6. Prevent and penalize improper storage and disposal of hazardous or exploration and production (E&P) wastes from oil and gas operations within municipal boundaries.
7. Preserve community safety by ensuring emergency responders have all available information needed to effectively address disasters and maintain public well-being.
8. Ensure hazardous materials are not stored or used within the 100-year floodplain.

### MARIJUANA

In 2012, Colorado voters approved Amendment 64 which legalizes the possession of adult-use or recreational marijuana in the state. During the same election Fort Collins residents voted to approve the use of medical marijuana within the city. Federal law maintains that marijuana is a schedule 1 drug and, as such, can neither be possessed and used nor researched.

Therefore, the City supports the following policy statements:

1. Regulate medical and retail marijuana manufacturing, distribution and dispensaries.
2. Clarify the implementation and local rights and responsibilities related to Amendment 64.
3. Clarify and align federal marijuana law with the Colorado Constitution.
4. Protect communities' ability to raise necessary funds to maintain public safety and enforce marijuana possession laws.
5. Prevent under-21 access to marijuana.

6. Clarify the rights of individuals, landlords and homeowner associations in limiting or preventing growing or consuming marijuana in multi-family dwellings.
7. Provide additional state marijuana enforcement resources, especially for field enforcement.
8. Limit THC content per serving size and restrict packaging to a single serving.

### **MUNICIPAL COURT**

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, and civil infractions. Generally, cases are brought to Municipal Court by the Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City supports the following policy statements:

1. Support the current jurisdiction of municipal courts, particularly for home rule municipalities.
2. Oppose limitations on the authority of municipalities to enforce their own ordinances in municipal courts.
3. Oppose imposition of state surcharges on municipal court fines for the purpose of funding state programs.

### **PUBLIC SAFETY**

The Fort Collins City Council recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Fort Collins.

Therefore, the City supports the following policy statements:

1. Develop treatment and intervention programs, especially for youth, which have the potential to reduce incidents of violence in the community.
2. Provide greater protection to victims of crime.
3. Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations.

4. Establish protocols and funding for shared, statewide emergency response communications, including supporting Larimer Emergency Telephone Authority (LETA) and other efforts to resolve the 911 redundancy issue.
5. Oppose initiatives that have the potential to compromise officer safety.
6. Establish minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).
7. Regulate the use of cell phones by motorists while operating a vehicle.
8. Preserve or increase funding for treatment of mental illness and substance abuse disorders.
9. Maintain or enhance a statewide database of concealed weapons permits.
10. Seek to reduce community flood risks.
11. Reduce cities' liability for prisoners' self-inflicted wounds while in police custody or detention facilities.
12. Restrict access to illegal substances.
13. Require greater producer responsibility, such as "take back" for prescription drugs to avoid these substances being abused or being disposed of into the water supply.
14. Clarify the qualifications for what types and purposes a business may obtain and use a state liquor license.
15. Define what qualifies as a "meal" when calculating the percentage of meals served for a liquor license.
16. Increasing state, regional and local disaster resilience.
17. Promote efforts to reduce conflict between community members and law enforcement.
18. Encourage the voluntary use of body-worn camera technology on officers and development of community-specific standards for the use of cameras and their data.
19. Develop grant programs for police department use to fund the purchase, training and deployment of body-worn cameras and the retention of footage.

# **TRANSPORTATION**

## **Strategic Outcome**

Provide for safe and reliable multi-modal travel to, from, and throughout the city

### **TRANSPORTATION**

The City actively promotes the safety and ease of traveling to, from and throughout the community using a variety of modes of transportation. Additionally, the City's policy is to encourage the use of alternative transportation whenever appropriate.

Therefore, the City supports the following policies:

1. Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices.
2. Oppose reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.
3. Explore and analyze alternative methods of funding transportation infrastructure needs.
4. Fund analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.
5. Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles.
6. Encourage flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.
7. Encourage or incent locating affordable housing near transit for greatest accessibility.
8. Preserve the guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.
9. Broaden the definition of the gasoline tax to a "fuel tax" that encompasses other fuel options as they become more prevalent.
10. Increase local governments' ability to prevent railroad trains from blocking street and highway grade crossings for unreasonable time periods.

11. Foster dialogue between railroad operators and communities aimed at solutions to rail proximity issues.
12. Facilitate the implementation of railroad quiet zones in municipalities and reduce train horn decibel and duration requirements in existing federal rule.
13. Oppose divesting key highway roads in urban areas from the state and make them the sole responsibility of local jurisdictions.
14. Maintain safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
15. Develop financing programs for Interstate 25 improvements.
16. Explore solutions to improve bicycle safety and fund implementation projects in communities. Oppose reductions in federal dollars for alternate travel modes.
17. Clarify federal and state regulations in order to preserve local governments' ability to utilize unmanned aerial vehicles (UAVs) for service-related purposes.
18. Ensure local government has access to test the use of UAVs in service delivery.

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# **LEGISLATIVE POLICY AGENDA**

## **~~2016~~ 2017**

**Adopted**  
*December 15, 2015*

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## INTRODUCTION

Fort Collins is a community of 161,058,300 residents located at the foot of the Rocky Mountains along Colorado's Front Range. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The City is a data-driven municipal organization that strives to fulfill its mission, "Exceptional service for an exceptional community", through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

~~The 2016 City of Fort Collins Legislative Policy Agenda identifies a broad range of important issues. The Fort Collins City Council annually adopts Legislative Priorities and a Legislative Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals, broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. Our~~

- ~~—policy agenda is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.~~
- ~~—The City's Legislative Priorities are broad issues Fort Collins is focused on on-induring the 2016 Colorado General Assembly and United States Congress sessions. The Priorities may carry over year to year since they are larger, more challenging issues that may take multi-year work to influence. These priority topics, similar to the City's overall policies, are reviewed and updated annually. Revisions to the policy agenda and priorities are adopted in November ahead of the Colorado General Assembly session.~~
- The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

~~Partnership and interagency collaboration are important methods for achieving optimal legislative outcomes. On many federal and state issues, Fort Collins shares the concerns of others within the community, within the region and other communities statewide. In these cases, Fort Collins will seek opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.~~

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities. ~~Fort Collins'~~ Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation. The Policy

|

Agenda identifies specific City Council-adopted goals associated with the policy statements. This alignment is important for City staff to ensure that advocacy supports specific desired outcomes.

DRAFT

## **CITY OF FORT COLLINS LEGISLATIVE REVIEW COMMITTEE**

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on particular bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Gino Campana, Chair
- Councilmember Ross Cunniff
- Councilmember Ray Martinez

### **LEGISLATIVE REVIEW PROCESS**

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by ~~the Legislative Policy Manager~~ City staff. Bills, regulation and rules addressing a stated legislative priority, or adopted policy position, may be brought to the LRC for discussion of an official City position. Once a position is adopted on a bill, ~~the Legislative Policy Manager~~ staff conveys that information to the appropriate state or federal representative and advocates for the City's adopted position.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The input offered by staff experts is invaluable in analyzing impacts of legislative, regulatory and rulemaking proposals to Fort Collins operations and the community. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins also works with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues. In addition, Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.

In 2017, Fort Collins will ~~maintains a contract~~ a state lobbyist ~~who is responsible for~~ to:

- ~~Advising City leaders on~~ Be a fulltime presence at the capital
- Advise City staff and leaders on relevant bills
- Assist staff who may be testifying in Denver
- Provide frequent updates to the LRC during the session

## LEGISLATIVE PRIORITIES

**Objective:** Cooperate with stakeholders on refinement of Urban Renewal Authority laws<sup>[DW3]</sup>

**Issue:** An Urban Renewal Authority (URA) is a tool in place to identify and revitalize areas of the city deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding tool for URA is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal restores economic vitality and improves the safety of a designated area. Redeveloping urban areas is much harder and more expensive than new development in “greenfield sites”, thus the use of urban renewal and tax increment financing responds to larger, more costly infrastructure needs. The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas.

Fort Collins attempts to use URA and TIF judiciously but also recognizes the concerns raised by counties, special districts and school districts about the use of TIF. URA is an important and useful tool for Fort Collins in addressing community blight and encouraging redevelopment rather than sprawl. The City has engaged regional partners in an attempt to develop an equitable formula and process for utilizing URA in Larimer County. Fort Collins has sought to identify a mechanism to balance Larimer County costs for providing service in URA areas and to shared constituents.

2015 URA reform law (HB15-1348) instituted several changes that the City will be implementing in its URA practices. Key changes to URA law add additional members from county, special districts and school district to a URA Board and a negotiated use of tax increment funds before the City could utilize them. Fort Collins is already working on adopting HB 1348 changes. [The General Assembly made clarifications to HB 1348 with SB16-177. The remaining major issue of concern to Fort Collins in the implementation of HB 1348 is the applicability to URA projects and clarifying the impacts on existing versus prospective projects.](#)

The City would like to see clarifications made to HB 1348 as language included in the new law is unclear on when the law applies to existing activities and assistance. The City also seeks to ensure development authorities do not become subject to similar regulations.

~~The City would like to see clarifications made to HB 1348 as language included in the new law does not conform to URA statute and it is unclear how this new law impacts projects already under development.~~

**Objective:** Support local control of oil and gas operations

<sup>[DW4]</sup>

**Issue:** Fort Collins, like many other Colorado communities, has taken steps to address oil and gas extraction. Those efforts have been limited by the Colorado Oil and Gas Conservation Commission (COGCC) rules. Fort Collins supports studying and better understanding and mitigating the health and community impacts of oil and gas extraction.



Fort Collins seeks the following:

- Increased local flexibility to regulate oil and gas activity within its incorporated borders
- Limiting the proximity of large-scale oil and gas sites to the City limits in order to minimize community impacts
- Mitigation measures that balance developing oil and gas resources with community environmental and human health
- Additional information about the chemicals being injected into the ground, especially during hydraulic fracturing
- Greater knowledge and control of air emissions from extraction processes and production equipment; including air emissions transported from outside of our community
- Enhanced right for communities to regulate oil and gas as an industrial practice and therefore apply local zoning practices to operators
- Better balance between surface land ownership and mineral right ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to their fullest potential but will also seek legislative remedies to areas of greatest concern. Fort Collins will also work with other interested communities to address oil and gas operation concerns. The City will monitor and engage as appropriate in rulemaking hearings of the Colorado Oil and Gas Conservation Commission.

**Objective:** Advocate solutions to nuisance and safety issues related to railroad proximity

**Issue:** Communities throughout the United States are wrestling with issues related to railroad proximity. These include extended blockages of community intersections, the transport of hazardous materials, rail car safety, train horn noise, transparency related to rail cargo and train switching. These issues affect quality of life for residents and business owners and can result in catastrophic disasters in cases of derailment.

Fort Collins has two active railroad corridors and three rail companies servicing the community and is working regionally, through the Colorado Municipal League (CML) and National League of Cities (NLC), to raise the profile of rail proximity issues. In addressing rail safety and rail proximity issues, the City has active relationships with Burlington Northern Santa Fe (BNSF), Great Western Railway (GWR) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body – the Federal Railroad Administration (FRA).

In order to foster clean ~~over~~ air, reduce auto congestion and improve quality of life, several federal agencies including the EPA, HUD and the Federal Transit Administration are encouraging Transit Oriented Development. The idea behind Transit Oriented Development is to bring residents closer to mass transit lines so that they can use mass transportation, and so that downtown revitalization can occur. The Mason Corridor Bus Rapid Transit, which began operation in 2014, is one example. At the same time, the FRA train horn rule in effect is discouraging the development community and residents from locating around transit. Reform is needed.

Trains have regained preference for transporting goods and materials. The increased use of rail has added pressure to the system and identified several safety concerns – track maintenance, tanker car safety, and notification of hazardous materials to public safety leaders. Fort Collins will work to the following goals at a state and national level:

- Engagement with railroad companies
- Development of a “proximity issues” dialogue between railroad and local governments on a broad suite of topics
- Notification about hazardous material shipments passing through communities
- Ensuring track maintenance and train car safety
- Collaboration with railroads to train local emergency personnel
- Solution-oriented use of technology and innovation to improve conflict areas
- Promote improve existing federal and state regulations to identify reasonable safety protections

**Objective:** Support marijuana law clarifications and alignment with Colorado Constitution

**Issue:** The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. The Fort Collins City Council approved limited adult use marijuana businesses and sales in addition to existing medical marijuana businesses.

Fort Collins seeks clarification on the following items:

- Conflicts that exist between state and federal laws regarding marijuana possession
- Enforcement of the new law and its impacts on local staff and public safety resources
- Rules pertaining to packaging and labeling marijuana and products containing marijuana
- Effectively funding prevention of under-21 possession and use
- Community public safety
- Limiting THC content per serving size and restricting packaging to a single serving

In addition to adult use marijuana, communities across the United States that have authorized medical marijuana are struggling with implementation and the need for a single, viable distribution system. At the core of the issues with both medical and adult use marijuana is the classification of the drug. Marijuana is currently classified as a Schedule 1 drug. This designation means it cannot be prescribed by a doctor or handled through the same distribution channels as other prescribed drugs. As a result, different states have adopted different approaches in conflict with federal laws. In Colorado, medical marijuana may be recommended by a doctor but not prescribed. Work is needed at the federal level to clarify this issue. The federal classification should be re-evaluated to consider allowing more medical research. If it is determined that marijuana fits one of the other classifications and does have medical benefits, it could be included in the existing drug delivery system.

**Objective:** Participate in federal, state and regional efforts to foster resilient communities and achieve Climate Action Plan ~~Road to 2020 Climate Action Plan~~ goals

**Issue:** Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Resilience has become a term used to describe hardening vulnerable community infrastructure and preparing for predictable hazards in order to soften the blow on citizens and infrastructure.

Making Fort Collins and Northern Colorado more resilient involves providing decision-makers hazard mitigation analysis and scientific data, then using that information to invest in complementary systems. Northern Colorado's experience is that resilience must be a regional effort that pays off through coordinated advanced planning and investment.

Resiliency efforts are important because they impact a broad set of critical services including:

- Land use
- Utility operations
- Transportation infrastructure
- Sustainability services
- Health
- Safety
- Emergency Response
- Disaster recovery

Fort Collins ~~has~~ adopted aggressive ~~emission reduction~~ ~~climate action and greenhouse gas reduction~~ goals. The City supports policies and legislation helping communities to achieve ~~specific greenhouse gas reductions; these goals,~~ gather scientific data supporting ~~climate actions~~ ~~the goal~~ and ~~to investing~~ in needed infrastructure to ~~ensure a clean energy future. limit or reduce greenhouse gas emissions~~.

City staff are working to develop actions to implement in order to achieve the ~~Climate Action Plan~~ ~~Road to 2020~~ Climate Action Plan goals. These goals may be assisted and promoted through legislative and regulatory actions. Success in achieving the City's ~~climate action~~ goals may be enhanced through partnership with communities that have adopted similarly aggressive climate action and adaptation goals. The City is partnering with 12 other Colorado communities via Colorado Communities for Climate Action (CC4CA) to advocate for these efforts at a state and federal level. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both the Road to 2020 Climate Action Plan and resilience goals. The Legislative Review Committee will track actions of this group throughout the legislative session and make recommendations of support as appropriate. Action in the transportation and energy sectors will be important drivers for reducing greenhouse gas emissions and achieving both climate and resilience goals.

The Fort Collins community is just one member of a regional "waste shed" in Northern Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying broad measures such as setting a state waste diversion goal and helping to support related strategies, which could also serve to reduce carbon emissions and

create opportunities for waste-to-energy applications when ultra-low pollution conversion technology is used.

**Objective:** Support transportation infrastructure connectivity with an emphasis on funding an integrated, multi-modal system

**Issue:** Funding for vital transportation infrastructure will continue to be a high priority for the City of Fort Collins. Transportation infrastructure is a critical element to supporting community and regional economic health, safety and quality of life.

The City supports ~~Congress's recent~~ long-term reauthorization of the nation's surface transportation law with a focus on transit, livable community planning, comprehensive regional investments, revitalization of existing infrastructure, pedestrian and bicycle infrastructure, and approaches that decrease petroleum consumption and reduce carbon pollution.

We strongly support preservation ~~or increase of~~ federal levels of funding and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended purposes. In addition, we urge development of a new, more stable, long range transportation funding mechanism that doesn't rely upon fuel tax revenues. Fuel tax is no longer a sustainable method of funding the nation's transportation infrastructure needs. . If there is no way to raise/index the fuel tax to reflect current economic realities, then new funding mechanisms become critically important.

Fort Collins seeks a solution to secure critical funding of the nation's highway and bridge projects. Allowing the Highway Trust Fund to become insolvent would be devastating to the City's transportation infrastructure and have impacts throughout the Northern Colorado economy.

A key transportation funding priority for Fort Collins is Interstate 25 (I-25) in Northern Colorado. The highway has become a pinch point in the regional transportation inventory that limits access to and from Fort Collins for residents, visitors, and the delivery of goods and services. Immediate funding to widen north I-25 is needed to sustain the region's economic growth. The City is an active part of the I-25 Coalition whose primary goal is to accelerate construction of a third lane in each direction of I-25 as identified in the I-25 North Project (from State Highway 6 to State Highway 14).

Colorado Department of Transportation recently received \$15 million in TIGER grant funding for I-25 improvements. This, in combination with \$25 million in local match commitments and private sector funds, as well as other scheduled funds for improvements, have accelerated improvements in Northern Colorado by fifteen years. Improvements include a third, managed (toll) lane in each direction plus three bridge improvements and regional bicycle trail connections and are scheduled to be completed in 2020. Improvements will be between SH-14 and SH-402. While these are critical improvements for Fort Collins and Northern Colorado, there still remains sizeable funding gaps in terms of needed I-25 improvements between SH-402 and SH-66."

Actions that may expedite the continued improvement and expansion of northern sections of I-25 include:

- A Transportation Revenue Anticipation Notes (TRANS) bond II ballot initiative (TRANS bonds were previously used to help fund the \$1.67 billion T-REX I-25 improvements in the south Denver Metro area)
- State of Colorado General Fund dollars going to transportation (maintenance & capital construction)
- ~~Modification to SB 228 for maintenance as long as it's tied to TRANS bond (SB 228 provides a mechanism for the State to transfer funds from the General Fund to CDOT for strategic transportation capital infrastructure projects)~~
- ~~Extending SB 228 for 10 years beyond projected five year transfer required in law~~
- Tax credit legislation for specific highway projects

**Objective: Support comprehensive water resource management**

**Issue:** Water resources ~~in Colorado and throughout the West from the Mountain West to California~~ are stressed by many factors – environmental, population growth and aging infrastructure. Local water resource planning efforts ensure adequate supply to residents through managing the City's water rights portfolio, encouraging increased efficiency and expanding storage. Fort Collins will support efforts to address local and regional water needs, preserve its water rights portfolio, and to encourage conservation of water resources based on the 2016 adoption of the Water Efficiency Plan. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in implementation of the Colorado Water Plan by the Legislature and any State agencies, rulemakings by water-related State agencies (such as, by way of example, the Colorado Department of Public Health and Environment, the Colorado Division of Water Resources, the Colorado Water Conservation Board), and the federal U.S. Army Corps of Engineers' and Environmental Protection Agency's (EPA) rulemakings affecting water storage, use, quality and conservation.

**Objective: Support a comprehensive approach to reduce the impacts of poverty and, housing affordability and homelessness**

**Issue:** Poverty and ~~homelessness~~ lack of affordable housing are persistent issues in Fort Collins and across Colorado. ~~Fort Collins is committed to making homelessness rare, short lived and non-recurring.~~ The City is interested in developing local solutions to these persistent problems through collaboration and innovation. The City plays both a convening and leadership role among the many community service providers – seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

Fort Collins supports solutions to address poverty within the community such as:

- Fully resource a state affordable housing fund
- Implement funding for the Earned Income Tax Credit

- Develop or expand programs that ensure a smooth transition from foster care to independence
- Increase funding for mental health care/programs
- Increase development of condominiums by addressing construction defect law reform
- ~~Adopt standardized state level tools to respond to homelessness~~
- Pilot innovative programs to address housing ~~and homelessness~~

**Objective: Support Efforts to Address both Homelessness and Resource Resistant Populations**

**Issue:** Homelessness and transient populations are persistent challenges in Fort Collins and other communities. Fort Collins works to address homelessness through partnering and supporting many community service providers and has a goal of making homelessness rare, short-lived, and non-recurring.

The resource resistant populations are those that occupy public spaces and are not interested in housing or other community services offered. In this arena, the City supports efforts to address public safety concerns, enforce existing local laws, and maintain a welcoming environment for all.

The City opposes efforts to undermine local control or enforcement of activities on public property.

**Objective: Support the innovation economy**

**Issue:** Innovation is a key attribute of the City organization and is also important to the community. Fort Collins has numerous drivers of innovation, intellectual property and inventions with an educated resident base, Colorado State University, federal research labs, and a long list of innovative companies. As a result, Fort Collins has a culture and support system that nurtures an innovation economy with the City often serving as a living laboratory for ideas and new technologies.

The City will maintain and enhance its innovation economy through:

- Supporting efforts to simplify the commercialization of intellectual property
- Efforts to increase the available capital to support innovation and new business formation
- Efforts that support the spin-off and development of intellectual property from research institutes, private business, and higher education
- Efforts to encourage the retention of new and innovative businesses in the community
- Supporting business incubation, primarily through the commercialization of intellectual property, with strong partnerships

- Application of innovative technologies and approaches to improve City programs and services

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## LEGISLATIVE POLICY STATEMENTS<sup>[DW5]</sup>

### *Community and Neighborhood Livability and Social Health*

#### **Strategic Outcome**

Provide a high quality built environment and support quality, diverse neighborhoods

#### **Strategic Objectives**

- ~~1. Improve access to a broad range of quality housing that is safe, accessible and affordable.~~
- ~~2. Preserve the significant historical character of the community.~~
- ~~3. Direct and guide growth in the community through appropriate planning, annexation, land use and development review processes.~~
- ~~4. Preserve and provide responsible access to nature.~~
- ~~5. Preserve and enhance the City's sense of place.~~
- ~~6. Promote health and wellness within the community.~~
- ~~7. Leverage and improve collaboration with other service agencies to address the prevention of homelessness, poverty issues and other high priority human service needs.~~
- ~~8. Expand organizational and community knowledge about diversity, and embrace cultural differences.~~
- ~~9. Develop clear goals, strategic definition and description of the City's social sustainability role within the community.~~
- ~~10. Address neighborhood parking issues.~~
- ~~11. Maintain and enhance attractive neighborhoods through City services, innovative enforcement techniques, and voluntary compliance with City codes and regulations.~~
- ~~12. Foster positive and respectful neighbor relationships and open communication, as well as provide and support conflict resolution.~~

#### **AFFORDABLE HOUSING**

The City of Fort Collins supports policy and funding mechanisms that help the City develop and maintain affordable housing for our community.

Therefore, the City supports the following policy statements:

1. Maintain or enhance current levels of funding for affordable housing throughout Colorado, ~~including expanding the State Low Income Housing Tax Credit program.~~
2. Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.
3. Protect the rights of low-income and/or disabled residents in tenant-landlord disputes, especially as it relates to safety issues.



~~4. Retain flexibility for City to adopt and enforce rental terms that allow it to appropriately maintain and manage City-owned affordable rental properties.~~

~~5.4.~~ Amend construction defect laws to reasonably balance safe and reliable housing with needed condominium construction.

~~6.5.~~ Increase the amount of affordable, accessible, sustainable and high-quality housing in communities.

~~7.6.~~ Develop strategies that balance the cost of services provided to the chronically homeless with the cost of providing permanent supportive housing.

~~8.7.~~ Create a standardized statewide approach to addressing homelessness.

~~9.8.~~ Invest in innovative approaches to address the causes of homelessness.

### **DEVELOPMENT REVIEW AND INSPECTION**

Fort Collins City Council adopts a land use code, zoning and new and existing property inspection protocol. The City supports retention of home-rule control in aligning development review and inspections with local priorities. In recent sessions, state legislators have introduced measures aimed at having local inspectors provide inspection for building types outside existing responsibilities without additional resources provided to conduct this work.

Therefore, the City supports the following policy statements:

1. Financially compensate a jurisdiction or agency for additional work of inspectors through fees or other means.
2. Give local governments choices in accepting additional inspection work.
3. Allow local governments to determine the time needed to conduct development review and inspection timelines.

### **PLANNING AND LAND USE**

Effective local land use planning and land development regulation contributes to the quality of life enjoyed primarily by Fort Collins residents, yet shared regionally within Larimer County. State legislation can influence local governments' ability to develop and implement land use plans for their communities.

Therefore, the City supports the following policy statements:

1. Require regional cooperation in land use and transportation planning, and foster sustainable development, without unduly constraining the City's home rule powers.
2. Prohibit the annexation of land that is located within the boundaries of a Growth Management Area that was legally established by an intergovernmental agreement between a municipality and a county by any municipality not a party to the agreement.
3. Limit the definition of a compensable taking and/or the definition of vested property rights beyond the provisions of existing law.
4. Retain local government authority to impose development impact fees.
5. Increase cities' ability to regulate industrial land uses like oil and gas exploration and extraction.
6. Foster equitable public housing policies that balance protection of tenants and landlords.

### **SOCIAL SUSTAINABILITY**

Fort Collins has implemented a triple-bottom line-oriented Sustainability Service Area in an effort to ensure community resources are allocated by considering equally human, environmental and economic benefits. The Social Sustainability Department's mission is to support a diverse and equitable community that successfully meets the basic needs of all residents. This mission is supported through programs, policies, and partnerships that provide access and opportunities for all. ~~Social Sustainability is the practice of ensuring healthy social systems so that people in our community can thrive. We do this through programs, policies, and partnerships that provide equity and opportunities for all.~~

Therefore the City supports the following policy statements:

1. Maintain or increase the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.
2. Adequately fund K-12 and public post-secondary institutions to ensure opportunity for youth.
3. Provide funding for before and after school programs and school out days aimed at at-risk population and low- to moderate-income families.
4. Enhance neighbor relations by improving the resources available to community mediation and restorative justice programs.
5. Provide communities with resources to address chronic homelessness.

6. Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare.

## **URBAN AGRICULTURE**

In 2011, City Plan, our community's comprehensive plan, was updated and contained four goals related to local food production. Staff has worked to align our policies and regulations with the goals outlined in our comprehensive plan. We have updated the Land Use Code to permit urban agriculture in all zone districts, allow farmers markets in more zone districts, allow a greater number and types of animals to be raised, and exempted hoop houses from the building permit process in order to facilitate year-round production. The City has also been an active participant in the Northern Colorado Food Cluster which convenes stakeholders to advance local food initiatives. Locally grown food is a critical step towards a more sustainable community.

Therefore the City supports the following policy statements:

1. Provide options for urban farmers to have longer-term access to the land required for food production.
2. Provide all citizens access to healthy foods.
3. Address supply chain needs to support urban farmers.
4. Diversify the production, consumption and distribution of local food products.
5. Adopt food production practices that support innovative and efficient irrigation practices.

## *Culture and Recreation*

### **Strategic Outcome**

Fort Collins provides diverse cultural and recreational amenities

### **Strategic Objectives**

1. ~~Improve low and moderate income citizen access to, and participation in, City programs and facilities~~
2. ~~Develop effective marketing strategies that drive optimal attendance and revenue~~
3. ~~Develop effective Operation and Maintenance (O&M) funding alternatives for City subsidized facilities and programs~~
4. ~~Maintain and enhance the current culture, recreation and parks systems~~
5. ~~Plan, design and implement citywide park, recreation and trail improvements~~

- ~~6. Develop a clear strategic definition and description of the City's role in the culture and arts while leveraging partnerships with other community organizations~~
- ~~7. Promote a healthy community and responsible access to nature~~

### **CULTURAL SERVICES**

The City recognizes that art and culture are vitally important to the quality of life in our community and is committed to providing the citizens of Fort Collins with excellent cultural services.

Therefore, the City supports the following policy statements:

1. Fund cultural services activities promoting the education, entertainment and enrichment of the community.
2. Facilitate the creation, performance and presentation of the arts.
3. Protect and preserve our cultural heritage.
4. Expand access and inclusion for all citizens to cultural events.

### **PARKS AND RECREATION**

The City is committed to providing the community with excellent parks and recreation services and facilities. Our citizens enjoy a better quality of life, improved health, less crime and a greater sense of community because of our quality parks and recreation programs.

Therefore, the City supports the following policy statements:

1. Maintain or enhance funding for parks, trails, forestry, horticulture and recreation services and facilities.
2. Provide maximum local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.
3. Sustain availability of Great Outdoors Colorado grants to municipalities in equal or greater funding levels.
4. Enhance the City's ability to provide quality parks and recreation services and facilities for its citizens.
5. Enhance the protection of community trees and natural assets against invasive species, pests and other threats.
6. Expand access and inclusion for all citizens to community recreational opportunities.

## *ECONOMIC HEALTH*

### **Strategic Outcome**

Promote a healthy, sustainable economy reflecting community values

### **Strategic Objectives**

1. Align economic health goals and strategy across all levels of the organization and refine and agree upon the economic tools the City uses
2. Improve policies and programs to retain, expand, incubate and attract primary employers where consistent with City goals
3. Support workforce development and community amenities initiatives that meet the needs of employers within the City
4. Improve effectiveness through collaboration with economic health-oriented regional partners
5. Sustain high water quality to support the community and water dependent businesses
6. Maintain utility systems and services; infrastructure integrity; and stable, competitive rates
7. Support sustainable infill and redevelopment to meet climate action strategies
8. Preserve the City's sense of place
9. Provide transparent, predictable and efficient processes for citizens and businesses interacting with the City
10. Address Downtown parking issues identified in the adopted Parking Plan, including funding, convenient access, and integrated transit and alternative mode solutions
11. Encourage the development of reliable, ultra-high speed internet services throughout the community

## **FINANCE**

As a municipality, the City of Fort Collins faces many complex financial issues. Strong fiscal planning, prudent debt management and preservation of the City's revenue base are vital in maintaining and improving the City's financial health. Considering the known impacts of legislation on the City's business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City supports the following policy statements:

1. Maintain or expand municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).

2. Increase funding for higher education, specifically Colorado State University and Front Range Community College.
3. Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.
4. Recognize the importance of sales and use tax to local, self-collecting municipalities and equitably distribute sales tax collections on e-commerce transactions.
5. Maintain or increase the City's revenue base (sales, use and property taxes).

#### **INVESTMENTS**

The Fort Collins City Council has adopted investment policies to be used by the City. The policies are reviewed and updated periodically to ensure the safety and quality of the portfolio to maintain liquidity and to maximize portfolio earnings.

Therefore, the City supports the following policy statements:

1. Protect, without unnecessarily restricting, the investments of government entities.
2. Provide adequate transparency of the City's investment activity.
3. Provide municipalities freedom to participate in investments that meet their strategic objectives.
4. Do not restrict cities' ability to adopt their own investment policies.

#### **PRIVATIZATION**

The City of Fort Collins utilizes outside contracts for procurement of many goods and services. This practice of privatization provides citizens with a balance of quality and cost efficiency.

Therefore, the City supports the following policy statements:

1. Enable cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.
2. Maintain local control of the awarding of contracts and the accountability of local officials for those actions.
3. ~~Reject~~Oppose mandates that increase the complexity and cost of services without improving those services.

#### **ECONOMIC DEVELOPMENT**

Fort Collins seeks to maintain a healthy and resilient economic base of businesses. The City works closely with businesses to retain and invest in alignment with the Council's Action Plan. A healthy and resilient economy for Fort Collins will include:

- Diverse jobs that enable citizens and businesses to thrive.
- Reflects the values of our unique community in a changing world.
- An innovative, creative, and entrepreneurial atmosphere.
- Strong partnerships and collaboration with the private sector, educational institutions, and other organizations.

Therefore, the City supports the following policy statements:

1. Promote sustainable economic development.
2. Retain local governments' use of tax increment financing as a tool to support Downtown Development Authorities and Urban Renewal Authorities, taking into consideration the land use impacts of such legislation (e.g., sprawl) the unique intent(s) and distinctive differences of both the DDA Act and URA Act, and the compelling interests and concerns of other taxing entities.
3. Adopt clarifying language to HB15-1348 to address ambiguity and confusion created by the drafters. Specifically, address standard use of terms and arbitration process, and ensure clarify intent that the law does not impact projects already underway.
4. ~~Encourage adopting innovative solutions to governmental and community problems.~~

## *ENVIRONMENTAL HEALTH*

### **Strategic Outcome**

Promote, protect and enhance a healthy and sustainable environment

### **Strategic Objectives**

1. ~~Improve and protect wildlife habitat and the ecosystems of the Poudre River and other urban streams~~
2. ~~Achieve environmental goals using the Sustainability Assessment framework~~
3. ~~Implement indoor and outdoor air quality improvement initiatives~~
4. ~~Reduce greenhouse gas (GHG) emissions by creating a built environment focused on green building and mobile emission reductions~~
5. ~~Demonstrate progress toward achieving net zero energy within the community and the City organization using a systems approach~~
6. ~~Engage citizens in a way to educate and change behavior toward more sustainable living practices~~
7. ~~Increase the community's resiliency and preparedness for changes in climate, weather and resource availability~~

- ~~8. Protect and monitor water quality, and implement appropriate conservation efforts and long-term water storage capability~~
- ~~9. Meet or exceed all environmental regulations~~
- ~~10. Conserve and restore biodiversity and habitat~~
- ~~11. Demonstrate progress toward achieving zero waste within the community and the City organization~~

## AIR QUALITY

The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality."

Therefore, the City supports the following policy statements:

1. Adopt programs and policies that improve public health and air quality, and support rapid attainment of National Ambient Air Quality Standards including ozone.
2. Ensure air quality standards are protective of public health and welfare.
3. Enhance local government authority to improve air quality beyond minimum State or Federal requirements.
4. Promote strategies to improve regional air quality, recognizing that air pollution does not follow jurisdictional boundaries.
5. Assure that Federal, State and County agencies have adequate authority and resources (funding and personnel) to enforce air quality regulations.
6. Promote voluntary actions to reduce air pollution.
7. Reduce vehicle emissions by:
  - ~~• Using the price mechanisms of the free market to shift citizen and business travel behavior toward actions that reduce vehicle emissions and vehicle miles of travel, including removing hidden cost subsidies to motor vehicle users~~
  - Employing economic incentives, disincentives and other market approaches that support clean air
  - Encouraging behavior changes, such as biking, use of transit, and reducing vehicle idling, biking and use of transit
  - Encouraging or promoting lower emissions and lower carbon fuels, vehicles and supporting infrastructure
  - Supporting~~Implementing~~ state motor vehicle emissions testing programs consistent with City air quality goals



8. Provide authority for local governments to implement vehicle emissions reductions programs.
9. Strengthen standards for -tailpipe emissions, aggregate vehicle emissions and/or fuel economy standards for all vehicles including reducing the impact of “rolling coal” and nitrous oxide emissions.

~~10. Promote advanced low emission vehicle technology.~~

~~11.10. Encourage or promote lower carbon alternative fuels.~~

~~12. Reduce or eliminate residential wood smoke emissions in order to achieve compliance with air quality standards.~~

11.  
~~13.12.~~ Reduce fossil fuel consumption in the transportation and building sector.

### **CLIMATE ROAD TO 2020 CLIMATE AND ENVIRONMENTAL PROTECTION**

The City of Fort Collins encourages local, state and national efforts to protect and enhance our environment. Additionally, the City has a policy goal to reduce greenhouse gas emissions 20 percent below 2005 levels by 2020 and 80 percent below 2005 levels by 2030 and 100 percent below 2005 levels by 2050. The goals call for Fort Collins to be carbon neutral by 2050.

Therefore the City supports the following policy statements:

1. Enhance Fort Collins’ resilience to impacts of climate change.
2. Establish greenhouse gas (GHG) emission reduction targets at all levels of government.
3. Establish market-based mechanisms to reduce ~~greenhouse gas~~ emissions.
4. Develop strategies to prevent pollution.
5. Maintain and protect the Colorado self-audit law.
6. Evaluate and address impacts of climate change on water demand and supply.

### **NATURAL AREAS AND OPEN LANDS**

The City has a vigorous program to protect natural areas and other important open lands within Fort Collins, within our Community Growth Management Area, and regionally. The City works in partnership with other communities, Larimer County, private land trusts, Great Outdoors Colorado, community groups, and state and federal agencies to achieve community and regional conservation goals.

Therefore, the City supports the following policy statements:

1. Maintain or enhance tax incentives to private landowners for voluntary land conservation.
2. Expand the effectiveness of existing protection for wetlands, wildlife habitats, and other sensitive natural areas.
3. Provide additional funding for land conservation programs. Support additional funding for conservation programs, including reinstating Colorado Parks and Wildlife license fees to at least 2005 levels.
4. Protect the Cache la Poudre River.
5. Increase the availability of Great Outdoors Colorado grants to municipalities in amounts equal to or greater than are currently offered.

### **OIL AND GAS**

Oil and gas extraction activity and associated health and environmental impacts are a concern for Fort Collins and many communities along the Front Range. There is a portion of a small oil field within Fort Collins 'incorporated boundaries, and the City has entered into an Operator Agreement or Memorandum of Understanding (MOU), that stipulates the operations, maintenance and inspection process for that operator's local holdings. Fort Collins residents have expressed continuing concern about the human and environmental health impacts from oil and gas operations, particularly from the hydraulic fracturing treatment used on most Colorado wells. In November 2013, voters approved a five-year moratorium on oil and gas extraction in order to study its property value and human health impacts.

Therefore, the City supports the following policy statements:

1. Encourage state, federal and academic studies evaluating impacts of oil and gas operations on human health and property values.
2. Establish baseline air pollutant levels and understand the ongoing contributions of the oil and gas industry to air pollution.
3. Provide local government the authority to inspect oil and gas sites and ensure operator compliance through enforcement of federal, state and local regulations.<sup>[DW6]</sup>
4. Allow communities to understand impacts of oil and gas on water quality.
5. Allow greater local regulation of oil and gas exploration activities within municipal boundaries.
6. Better balance surface ownership with mineral right ownership.

7. Allow local governments the ability to apply municipal zoning on oil and gas extraction and storage activities.
8. Maintain the current formula allocation of severance tax to impacted jurisdictions so that they might address impacts from resource extraction.
- 8.9. Incentivize industry information sharing and collaboration with local governments on the planned development of resources within communities' Growth Management Areas.

### **RECYCLING AND SOLID WASTE**

~~The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction. Additionally, the City has adopted a goal of diverting 75% of community waste by 2020; 90% by 2025 and 100% by 2030.~~  
 The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting and source reduction, and which also involves new "Sustainable Materials Management" principles such as redesigning systems to reduce pollution and waste. Additionally, the City has adopted a goal of diverting 75 percent of community waste by 2020; 90 percent by 2025 and 100 percent by 2030.

Therefore, the City supports the following policy statements:

1. Clarify and broaden the regulatory authority of local government to ensure the efficient management of recyclable material and solid waste.
2. Encourage integrated waste and materials management planning and implementation, including but not limited to creation of a state waste diversion goal.
3. Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.
4. ~~Enable~~ and encourage the development of endmarkets through "buy recycled" or "environmentally preferable purchasing" policies for government agency procurement.
5. ~~Continue or increase funding for~~ Support programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.
- ~~Develop more extended~~ Require greater Support-producer responsibility initiatives, such as "take back" regulations that assist consumers to appropriately recycle packaging materials or certain products (e.g., electronic equipment or mattresses) and seek to eliminate state statute CRS

Section 25-17-104, which currently limits local authority to regulate packaging materials (e.g., single-use plastic bags).

~~recycle electronic equipment (e-waste).~~

~~6.4.~~

~~7.5.~~ Establish a deposit fee on beverage containers and that would be used to pay for recycling programs.

~~8. Strengthen the “renewable energy” standard; oppose expanding the definition to include pyrolysis (burning of materials).~~

~~9. Minimize waste by developing methods to use waste as an asset, recognizing the economic benefits and job creation opportunities that occur when resource recovery is developed as an alternative to landfill disposal for waste products.~~

~~10.6.~~ Partner with neighboring and regional agencies and stakeholders to create facilities and infrastructure for regionally managing waste to its “highest and best” use.

### UTILITY SERVICES

It is critical that the City operate its water, light and power, stormwater and wastewater services in a financially sound, reliable, safe and environmentally acceptable manner. Like other municipal utilities across the country, Fort Collins is faced with many new and evolving challenges associated with changes in the industry, the replacement and security of its infrastructure and development and retention of a knowledgeable workforce.

Therefore, the City supports the following policy statements:

#### **ENERGY**

- Maintain or improve the reliability of energy delivery
- Promote energy affordability and safety for residents, businesses and institutions
- Support reductions of the community’s GHG emissions from energy use in accordance with the *Climate Action Plan (CAP) Framework* (March 2015) – the current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050
- Reduce the emission of criteria pollutants
- Reduce the environmental damage caused by energy extraction and production
- Leverage the role of Fort Collins Utilities Light & Power as the community’s municipally owned utility
- Retain more of our community’s energy expenditures in the local economy
- Foster local economic opportunity in energy efficiency, production and operation
- Leverage opportunities to coordinate integrated planning for energy and water supply and demands
- Increase our community’s resilience to potential energy and climate related disruptions

- Maintain compliance with and leverage the potential benefits of local, regional, state and national regulatory frameworks, which impact energy production and use (e.g., carbon, fuel standards, ozone)
- Make Fort Collins an energy leader that can serve as a model for other communities

- ~~1. Maintain or improve the reliability of energy delivery to all customers.~~
- ~~2. Promote energy affordability and safety for residents, businesses and institutions.~~
- ~~3. Support reductions of the community's greenhouse gas (GHG) emissions from energy use in accordance with the Climate Action Plan (CAP) Framework (March 2015). Current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050.~~
- ~~4. Retain more of our community's energy expenditures in the local economy.~~
- ~~5. Foster local economic opportunity in energy efficiency, production and operation.~~
- ~~6. Increase our community's resilience to potential energy and climate related disruptions.~~
- ~~7. Maintain infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.~~
- ~~8. Provide assistance to local government that balances local design and implementation of greenhouse gas reduction strategies.~~
- ~~9. Establish uniform standards for the reduction of carbon emissions.~~
- ~~10. Remove barriers to financing for energy efficiency, and encourage and fund energy efficiency and conservation while allowing local customization of the programs.~~
- ~~11. Reduce community energy use and net energy use of existing buildings.~~
- ~~12.1.~~ Incent renewable energy production, including wind power, and provide for "State Implementation Plan" credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.
- ~~13.2.~~ RejectOppose attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.
- ~~14.3.~~ Foster smart grid technology adoption and grid modernization.

## WATER SUPPLY AND QUALITY

1. Maintain or expand the authority delegated to the state to administer federally mandated water, stormwater and wastewater environmental regulatory programs (primacy).

2. Enact reasonable water quality regulations that are cost effective and can show identifiable benefits.
3. Enable local watershed protection planning.
4. Provide cities the flexibility to enhance in-stream flows to preserve or improve the natural environment of the stream while protecting the integrity of Colorado's appropriation doctrine and City water supply.
5. Recognize the importance of infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.
6. Stipulate adequate funding for local governments to implement mandated programs.
7. Encourage regional collaboration for water planning, and efficiency and conservation implementation.
8. Encourage greater integration of water efficiency into land use planning and building codes.
- 6-9. Remove barriers to financing for water conservation projects.
- 7-10. Fund recovery and treatment of Cache la Poudre and other waterways impacted by natural disasters.
- 9-12. Enable the City to develop, and protect and increase the flexibility and resiliency of its water supply under Colorado's appropriation doctrine without adversely affecting in-stream flows or the natural environment of the stream.

## *High Performing Government*

### **Strategic Outcome**

Deliver an efficient, innovative, transparent, effective and collaborative city government

### **Strategic Objectives**

1. ~~Improve organizational capability and effectiveness — professional development, leadership, change management, strategic thinking, fiscal literacy and staff engagement.~~
2. ~~Improve core Human Resources systems and develop a total reward system.~~
3. ~~Align similar jobs and skill sets across the organization to address succession planning and career progression.~~
4. ~~Strengthen methods of public engagement and reach all segments of the community.~~

5. ~~Optimize the use of technology to drive efficiency and productivity, and to improve services.~~
6. ~~Enhance the use of performance metrics to assess results.~~
7. ~~Develop and implement enterprise-wide processes in appropriate areas—"Plan, Do, Check, Act" process improvement tool, safety, strategic planning, council and strategic plan tracking tool, budgeting, project management.~~
8. ~~Assess effectiveness of safety initiatives, develop and implement safety initiatives to achieve safety goals, and continue to focus on employee health and wellness.~~
9. ~~Improve productivity, efficiency, effectiveness, customer service and citizen satisfaction in all areas of the municipal organization.~~
10. ~~Implement leading edge and innovative practices that drive performance excellence and quality improvements across all Service Areas.~~
11. ~~Proactively influence policy at other levels of government regulation.~~
12. ~~Promote a values-driven organizational culture that reinforces ethical behavior, exercises transparency and maintains the public trust.~~
13. ~~Continuously improve the City's governance process.~~

## **HOME RULE<sup>(DW7)</sup> AND LOCAL CONTROL**

The City of Fort Collins is a home rule municipality, ~~under Article XX (Article 20) of the Colorado Constitution, which grants home rule municipalities "full right of self government in local and municipal matters."~~ Home rule authority authority is of utmost importance to the City of Fort Collins, and affords the citizens of Fort Collins greater access to government and increased opportunity for participation and contribution to the decision-making process. In addition, many policy matters are best left to local determination and control, and the benefits of allowing for local control are sometimes overlooked in discussions at the state and federal level.

~~Home rule is of utmost importance to the City of Fort Collins.~~ The City recognizes, however, that there are particular areas in which insistence on local control may be untimely or unwise. Therefore, proposed legislation must be reviewed on a case-by-case basis to determine when it is in the City's best interest to assert home rule authority or argue in support of local control, and when the City should support statewide intervention. ~~For example,~~ The City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. ~~On the other hand, The City also understands~~ the cumulative effect of these and other activities ~~has have substantial~~ statewide ramifications that may call for statewide regulation, ~~so that, for example, state regulation may be needed~~ to effectively manage such things as overall growth and development in the state, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City supports the following policy statements:

1. Strengthen and preserve home rule authority of municipal governments.

2. ~~Reject~~Oppose State or Federal intervention in matters of local concern ~~and or matters~~ that unnecessarily or adversely affect the City's ability to manage and operate pursuant to its home rule authority.
3. Oppose changes that increase (and support changes that lessen) the burdens on municipalities associated with public or other government records, establishment of ethics standards and procedures, operation of municipal courts, and other matters of municipal operations or authority.

~~2.4.~~

### **HUMAN RESOURCES**

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be ~~an~~ efficient and responsible stewards of tax dollars ~~while~~ ensuring that employees compensation and benefits are receive fair, market-based, fair and competitive ~~compensation and benefits~~. The City believes that its citizens, through their elected representatives on City Council, are in the best position to determine appropriate City employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City supports the following policy statements:

1. Enhance the City's ability to make decisions on ~~decide~~ employment issues, including collective bargaining, arbitration, compensation, , appeal rights related to disciplinary action and benefits to further an equitable work environment and leaves.
2. Expand the City's ability to determine how best to manage ~~offer~~ health, welfare and wellness services for employees.
3. Maintain current state funding for police officer death and disability benefits.
4. ~~Reject~~Oppose proposals that would allow employees and/or retirees with returning employees with defined contribution plans to move into defined benefit plans if there is a cost to local government.
- 4.5 ~~Reject~~Oppose proposals that would limit the City's ability to test job applicants or employees at work for impairment due to consumption of alcohol or controlled substances or to set limits related to such testing.

### **RISK MANAGEMENT**

The City of Fort Collins recognizes the dual purpose of the workers' compensation system – providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Council also recognizes that the City's self-insurance program is a cost-efficient method to insure workers' compensation and that government intervention or taxation can negatively impact the City.



Therefore, the City supports the following policy statements:

1. Improve administrative efficiency of the Division of Workers' Compensation.
2. Resist increased insurance premium costs to employers.
3. Limit or reduce administrative burdens or taxes to self-insurance programs.
4. Limit insurance claim litigation.
5. Increase the City's options and ability to manage workers' compensation claims; oppose actions like removing existing off-sets to workers' compensation benefits or limiting the City's ability to designate treating physicians.
6. ~~Reject~~Oppose efforts to presumptively expand workers' compensation coverage to illnesses or injuries that are not work related.

### **SOVEREIGN AND GOVERNMENTAL IMMUNITY**

The Fort Collins City Council recognizes that the complexity and diversity of City operations and services ~~required to meet the needs of the citizens of Fort Collins~~ may expose the City and its officers and employees to liability for damage and injury. The Council further recognizes that City officers and employees must be confident that they have the City's support in the lawful and proper performance of their assigned duties and responsibilities.

Therefore, the City supports the following policy statements:

1. Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities.
2. Discourage baseless and frivolous claims and demands made against municipalities, their officers and employees.
3. Maintain or enhance municipal liability protections and municipal immunity.

### **TELECOMMUNICATIONS**

The City of Fort Collins encourages a competitive, open market for cable and telecommunications services in order to ensure the public has access to a variety of programming and services at the lowest cost possible.

Therefore, the City supports the following policy statement:

1. Maintain and enhance local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government programming.
- ~~2. Re-establish the rights of municipalities to provide low cost, accessible telecommunications services and related infrastructure.~~
- ~~3. Revise or repeal SB05-152 so that municipalities may offer high speed and "advanced service" broadband to residents.~~
- ~~4.2~~ Permit communities to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.
- ~~5.3~~ Allow municipalities to provide telecommunication services within City-owned facilities and on City property.
- ~~6.4~~ Enhance exclusive digital communication networks for public safety personnel during emergencies.

## *Safe Community*

### **Strategic Outcome**

Provide a safe place to live, work, learn and play

### **Strategic Objectives**

- ~~1. Provide facilities and training capabilities to support a high caliber police force.~~
- ~~2. Optimize the use of technology to drive efficiency, productivity and customer service.~~
- ~~3. Align staffing levels to deliver services that meet community expectations and needs, and increase public safety operational efficiency.~~
- ~~4. Protect life and property with natural, aesthetically pleasing flood mitigation facilities through building codes and development regulations.~~
- ~~5. Develop and implement emergency preparation, response and recovery plans across the organization in collaboration with other community efforts.~~
- ~~6. Improve safety for all modes of travel including vehicular, pedestrian and bicycles.~~
- ~~7. Use data to focus police efforts on reducing crime and disorder within the community.~~
- ~~8. Improve community involvement, education and regional partnerships to make our community safer and stronger.~~
- ~~9. Partner with Poudre Fire Authority to provide fire and emergency services.~~
- ~~10. Provide a high quality, sustainable water supply that meets or exceeds all public health standards and supports a healthy and safe community.~~

## **FIRE PROTECTION**

The Fort Collins City Council recognizes the critical importance of maintaining a safe environment and protecting the lives and property of the citizens of Fort Collins.

Therefore the City supports the following policy statements:

1. Institute a state fire code, the code of choice being the ~~2012~~ International Building and Fire Code, and allow municipalities to adopt their own amendments.
2. ~~Reject~~ Oppose limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.
- ~~3.~~ 1. Enhance life safety and property protection through the installation of fire protection systems in structures when appropriate and do not restrict any local jurisdiction from requiring the installation of fire sprinklers.
- ~~4.~~ 3. Strengthen the City's ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks: without approval of the County Commissioners.
- ~~5.~~ 4. Promote fire safety, education and prevention with the goal of reducing injury, loss of life and property damage.
5. Allow local jurisdictions (municipalities and special districts) to implement open burning restrictions.
- ~~—~~ Mandate the home fire sprinklers be provided as an option by all home builders in the state.
- ~~6.~~

## **HAZARDOUS MATERIALS MANAGEMENT**

It is an important concern of the City to safeguard Fort Collins' health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City supports the following policy statements:

1. Allow the City to continue controlling risks from hazardous materials use, storage and transportation through the International Building and Fire Code and related local amendments.

2. Allow Fort Collins to adopt local regulations for hazardous materials, including review and approval of the location of facilities that use or store hazardous materials or hazardous waste.
3. Strengthen the enforcement of hazardous materials regulations.
4. Strengthen the diversion of hazardous waste from landfills.
5. Establish greater flexibility and more options for local government in the management of publicly-owned areas thought to have asbestos-containing soils while maintaining responsible site management practices.
6. Prevent and penalize improper storage and disposal of hazardous or exploration and production (E&P) wastes from oil and gas operations within municipal boundaries.
7. Preserve community safety by ensuring emergency responders have all available information needed to effectively address disasters and maintain public well-being.
8. Ensure hazardous materials are not stored or used within the 100-year floodplain.

### **MARIJUANA**

In 2012, Colorado voters approved Amendment 64 which legalizes the possession of adult-use or recreational marijuana in the state. During the same election Fort Collins residents voted to approve the use of medical marijuana within the city. Federal law maintains that marijuana is a schedule 1 drug and, as such, can neither be possessed and used nor researched.

Therefore, the City supports the following policy statements:

1. Regulate medical and retail marijuana manufacturing, distribution and dispensaries.
2. Clarify the implementation and local rights and responsibilities related to Amendment 64.
3. Clarify and align federal marijuana law with the Colorado Constitution.
4. Protect communities' ability to raise necessary funds to maintain public safety and enforce marijuana possession laws.
5. Prevent under-21 access to marijuana.
6. Clarify the rights of individuals, landlords and homeowner associations in limiting or preventing growing or consuming marijuana in multi-family dwellings.
7. Provide additional state marijuana enforcement resources, especially for field enforcement.

8. Limit THC content per serving size and restrict packaging to a single ~~serving~~ [GS8].

### MUNICIPAL COURT

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, and civil infractions. Generally, cases are brought to Municipal Court by the Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City supports the following policy statements:

1. Support the current jurisdiction of municipal courts, particularly for home rule municipalities.  
~~Support municipal court system~~ [DW9]
2. Oppose limitations on the authority of municipalities to enforce their own ordinances in municipal courts.
3. ~~Reject~~ Oppose imposition of state surcharges on municipal court fines for the purpose of funding state programs.

### PUBLIC SAFETY

The Fort Collins City Council recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Fort Collins.

Therefore, the City supports the following policy statements:

1. Develop treatment and intervention programs, especially for youth, which have the potential to reduce incidents of violence in the community.
2. Provide greater protection to victims of crime.
3. Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations.
4. Establish protocols and funding for shared, statewide emergency response communications, including supporting Larimer Emergency Telephone Authority (LETA) and other efforts to resolve the 911 Diversity redundancy issue.

- 5. ~~Reject~~Oppose initiatives that have the potential to compromise officer safety.
- 6. Establish minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).
- 7. Regulate the use of cell phones by motorists while operating a vehicle.
- 8. Preserve or increase funding for treatment of mental illness and substance abuse disorders.
- 9. Maintain or enhance a statewide database of concealed weapons permits.
- 10. Seek to reduce community flood risks.
- 11. Reduce cities' liability for prisoners' self-inflicted wounds while in police custody or detention facilities.
- 12. Restrict access to illegal substances.
- 13. Require greater producer responsibility, such as "take back" for prescription drugs to avoid these substances being abused or being disposed of into the water supply.
- 14. Clarify the qualifications for what types and purposes a business may obtain and use a state liquor license.
- 15. Define what qualifies as a "meal" when calculating the percentage of meals served for a liquor license.
- 16. Increasing state, regional and local disaster resilience.
- 17. Promote efforts to reduce conflict between community members and law enforcement.
- 18. Encourage the voluntary use of body-worn camera technology on officers and development of community-specific standards for the use of cameras and their data.
- 19. Develop grant programs for police department use to fund the purchase, training and deployment of body-worn cameras and the retention of footage.

## *Transportation*

### **Strategic Outcome**

Provide for safe and reliable multi-modal travel to, from, and throughout the city

### Strategic Objectives

- ~~1. Improve safety of all modes of travel.~~
- ~~2. Improve transit availability and grow ridership through extended hours, improved headways, and Sunday service in appropriate activity centers.~~
- ~~3. Fill the gaps for all modes of travel and improve the current transportation infrastructure while enhancing the aesthetic environment.~~
- ~~4. Improve traffic flow for all modes of transporting people, goods and information to benefit both individuals and the business community.~~
- ~~5. Create and implement long-term transportation planning and help local and regional transportation networks operate at a high level of efficiency, including the airport.~~
- ~~6. Support efforts to achieve climate action goals by reducing mobile emissions and supporting multiple modes of transportation.~~
- ~~7. Create and implement planning, engineering and financial strategies to address adequate infrastructure within the northeast area of Fort Collins.~~

### TRANSPORTATION

The City actively promotes the safety and ease of traveling to, from and throughout the community using a variety of modes of transportation. Additionally, the City's policy is to encourage the use of alternative transportation whenever appropriate.

Therefore, the City supports the following policies:

1. Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices.
2. Reject/Oppose reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.
3. Explore and analyze alternative methods of funding transportation infrastructure needs.
4. Fund analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.
5. Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles.
6. Encourage flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.
7. Encourage or incent locating affordable housing near transit for greatest accessibility.

- |
8. Preserve the guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.
  9. Broaden the definition of the gasoline tax to a “fuel tax” that encompasses other fuel options as they become more prevalent.
  10. Increase local governments’ ability to prevent railroad trains from blocking street and highway grade crossings for unreasonable time periods.
  11. Foster dialogue between railroad operators and communities aimed at solutions to rail proximity issues.
  12. Facilitate the implementation of railroad quiet zones in municipalities and reduce train horn decibel and duration requirements in existing federal rule.
  - | 13. ~~Reject~~ Oppose divesting key highway roads in urban areas from the state and make them the sole responsibility of local jurisdictions.
  14. Maintain safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
  15. Develop financing programs for Interstate 25 improvements.
  - | 16. Explore solutions to improve bicycle safety and fund implementation projects in communities. ~~Reject~~ Oppose reductions in federal dollars for alternate travel modes.
  17. Clarify federal and state regulations in order to preserve local governments’ ability to utilize unmanned aerial vehicles (UAVs) for service-related purposes.
  18. Ensure local government has access to test the use of UAVs in service delivery.



## CITY OF FORT COLLINS LEGISLATIVE CONTACTS

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## **Legislative Review Committee Agenda**

December 6, 2016

3:30-5:00 p.m.

Commons Conference Room, City Hall, 300 LaPorte Ave., Building A

1. Approval of minutes from October 25, 2016 Meeting (3 minutes)
2. Agenda Review (3 Minutes)
3. Review Legislative Priorities and Policy Agenda with Legislators (70 minutes)
4. Other Business (15 minutes)

Next meeting: January 17th from 4:00-5:00 p.m.



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**Legislative Review Committee**

Meeting Notes

October 25, 2016, 4:00 p.m.

Commons Conference Room

Present: Gino Campana, Councilmember; Ross Cunniff, Councilmember; Ray Martinez, Councilmember; Carrie Daggett, City Attorney; Jackie Kozak-Thiel, Chief Sustainability Officer; Lindsay Ex, Climate Program Manager; Ginny Sawyer, Policy and Project Manager; Tyler Marr, Policy and Project Analyst

Absent: None

Guests: Kevin Jones, Fort Collins Area Chamber of Commerce; Dan Betts, Senator Cory Gardner Staff

The meeting came to order at 4:03 pm.

Approval of Minutes

- LRC unanimously approved the October 11<sup>th</sup> meeting notes.

Continue Work on Policy Agenda

LRC reviewed

- Staff highlighted that previously suggested edits had been made and the language promised around natural areas funding, the Colorado Open Records Act (CORA) and Municipal Court staffing had been added under the "Home Rule" section of the Policy Agenda.
- LRC discussed leaving Climate Action Plan language as is throughout the agenda.
- Mayor Pro Tem Horak was asked to provide comment on the transportation/I-25 section of the priorities document. Councilmember Campana will follow up with him.
- Minor grammar edits were requested
- Councilmember Cunniff requested consistency throughout the policy agenda in terms of formatting, e.g., numbers vs bullet use and the use of "oppose" instead of "reject"
- City Attorney Daggett explained changes she has suggested for the "Home Rule" section, which includes expanding the section to include matters of "Local Control" because not all local control matters are directly related to home rule communities
- LRC asked for follow up on HR section to include language that reflects employees are treated fair and equitably.
- Staff was asked to remove number 6 under Fire Protection.

LRC unanimously recommended approval of the Legislative Policy Agenda to Council on November 15<sup>th</sup>.

### Discussion with Lindsay Ex Regarding Colorado Communities for Climate Action

#### *Support of CC4CA Policies*

- Ex summarized that LRC is comfortable with the proposed CC4CA policy priorities, but that a general statement of principle which was added about funding for communities adversely impacted by a transition to renewable energy sources was not well received by LRC.
- Councilmember Campana expressed concern that general statement of principle based on the request being broader than climate action and that the vagueness of the statement may result in an excess of communities trying to apply for funds.
- After discussion with Ex and Kozak-Thiel, the proposed language in the CC4CA policies was found to be agreeable to the LRC, with the understanding that specifics of implementation may change LRC opinion once the legislative session starts.
- It was suggested that a resolution be brought to Council authorizing LRC to weigh in on CC4CA priorities items in the future for clarity of mission.

#### *Standing agenda item*

- Kozak-Thiel and Ex requested a standing agenda place during future LRC meetings due to the increasing complexity of the CC4CA group's operations and the sporadic popping up of opportunistic items (such as the Volkswagen settlement testimony below)
  - LRC was receptive to this, with the understanding that agenda item should be cancelled if nothing rises to the level of Committee discussion.

#### *Testimony for Volkswagen settlement*

- Ex discussed the request of CC4CA for Fort Collins to lobby for the distribution of funds awarded in the recent Volkswagen settlement as a member of the CC4CA coalition and as a city in an ozone non-attainment.
- City Attorney Daggett suggested a cautious approach, as the policy agenda does not grant authority to lobby for a specific pot of funds.
- Campana suggested not testifying in the first set of hearings on November 7<sup>th</sup>, due to lack of established policy and process.
- Kozak-Thiel recommended bringing a proposal back to a future LRC meeting to establish a process/policy that would provide guidance for staff and LRC in the future.
  - LRC agreed that this was the best approach moving forward. Staff will discuss options before bringing to LRC in December.

#### Other Business

- Staff provided LRC with a draft calendar for 2017. LRC was receptive to the proposed calendar.
- LRC will not meet on November 8 or on November 22 due to the cancelled Council meetings
- The next LRC meeting will be on December 6<sup>th</sup>.

The meeting adjourned at 5:34 P.M.





City of Fort Collins

# 2017 Legislative Priorities



# 2017

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## Introduction

Fort Collins is a community of 161,000 residents located at the foot of the Rocky Mountains along Colorado's Front Range. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The City is a data-driven municipal organization that strives to fulfill its mission, "Exceptional service for an exceptional community," through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

The Fort Collins City Council annually adopts Legislative Priorities and a Legislative Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals.

- The City's Legislative Priorities are broad issues Fort Collins is focused on during the Colorado General Assembly and United States Congress sessions. The Priorities may carry over year to year since they are larger, more challenging issues that may take multi-year work to influence.
- The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

On many federal and state issues, Fort Collins shares the concerns of others within the region and statewide. In these cases, Fort Collins will seek opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities. Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation. The Policy Agenda identifies specific City Council-adopted goals associated with the policy statements. This alignment is important for City staff to ensure that advocacy supports specific desired outcomes.

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- Joann Ginal  
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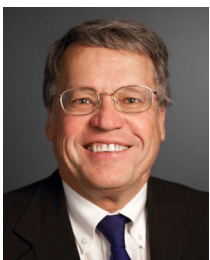
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## City of Fort Collins

### Legislative Review Committee

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on particular bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Gino Campana, Chair
- Councilmember Ross Cunniff
- Councilmember Ray Martinez

### Legislative Review Process

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by City staff. Bills, regulation and rules addressing a stated legislative priority, or adopted policy position, may be brought to the LRC for discussion of an official City position. Once a position is adopted on a bill, staff conveys that information to the appropriate state or federal representative and advocates for the City's adopted position.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The input offered by staff experts is invaluable in analyzing impacts of legislative, regulatory and rulemaking proposals to Fort Collins operations and the community. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins also works with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues. In addition, Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.

In 2017, Fort Collins will contract a state lobbyist to:

- Be a fulltime presence at the capital
- Advise City staff and leaders on relevant bills
- Assist staff who may be testifying in Denver
- Provide frequent updates to the LRC during the session



## Legislative Priorities

### Objective:

**Cooperate with stakeholders on refinement of Urban Renewal Authority laws**

### Issue:

An Urban Renewal Authority (URA) is a tool in place to identify and revitalize areas of the city deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding tool for URA is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal restores economic vitality and improves the safety of a designated area. Redeveloping urban areas is much harder and more expensive than new development in “greenfield sites”, thus the use of urban renewal and tax increment financing responds to larger, more costly infrastructure needs. The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas.

Fort Collins attempts to use URA and TIF judiciously but also recognizes the concerns raised by counties, special districts and school districts about the use of TIF. URA is an important and useful tool for Fort Collins in addressing community blight and encouraging redevelopment rather than sprawl. The City has engaged regional partners in an attempt to develop an equitable process for utilizing URA in Larimer County. Fort Collins has sought to identify a mechanism to balance Larimer County costs for providing service in URA areas and to shared constituents.

2015 URA reform law (HB15-1348) instituted several changes that the City will be implementing in its URA practices. Key changes to URA law add additional members from county, special districts and school district to a URA Board and a negotiated use of tax increment funds before the City could utilize them. Fort Collins is already working on adopting HB 1348 changes. The General Assembly made clarifications to HB 1348 with SB16-177. The remaining major issue of concern to Fort Collins in the implementation of HB 1348 is the applicability to URA projects and clarifying the impacts on existing versus prospective projects.

The City would like to see clarifications made to HB 1348 as language included in the new law is unclear on when the law applies to existing activities and assistance. The City also seeks to ensure development authorities do not become subject to similar regulations.

Urban renewal is an important and useful tool and Fort Collins supports an equitable process for utilizing this mechanism locally.





### Objective:

#### **Support local control of oil and gas operations**

### Issue:

Fort Collins, like many other Colorado communities, has taken steps to address oil and gas extraction. Those efforts have been limited by the Colorado Oil and Gas Conservation Commission (COGCC) rules. Fort Collins supports studying and better understanding and mitigating the health and community impacts of oil and gas extraction.

Fort Collins seeks the following:

- Increased local flexibility to regulate oil and gas activity within its incorporated borders
- Limiting the proximity of large-scale oil and gas sites to the City limits in order to minimize community impacts
- Mitigation measures that balance developing oil and gas resources with community environmental and human health
- Additional information about the chemicals being injected into the ground, especially during hydraulic fracturing
- Greater knowledge and control of air emissions from extraction processes and production equipment; including air emissions transported from outside of our community
- Enhanced right for communities to regulate oil and gas as an industrial practice and therefore apply local zoning practices to operators
- Better balance between surface land ownership and mineral right ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to their fullest potential but will also seek legislative remedies to areas of greatest concern. Fort Collins will also work with other interested communities to address oil and gas operation concerns. The City will monitor and engage as appropriate in rulemaking hearings of the Colorado Oil and Gas Conservation Commission.

## Objective:

### **Advocate solutions to nuisance and safety issues related to railroad proximity**

## Issue:

Communities throughout the United States are wrestling with issues related to railroad proximity. These include extended blockages of community intersections, the transport of hazardous materials, rail car safety, train horn noise, transparency related to rail cargo and train switching. These issues affect quality of life for residents and business owners and can result in catastrophic disasters in cases of derailment.

Fort Collins has two active railroad corridors and three rail companies servicing the community and is working regionally, through the Colorado Municipal League (CML) and National League of Cities (NLC), to raise the profile of rail proximity issues. In addressing rail safety and rail proximity issues, the City has active relationships with Burlington Northern Santa Fe (BNSF), Great Western Railway (GWR) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body – the Federal Railroad Administration (FRA).

In order to foster cleaner air, reduce auto congestion and improve quality of life, several federal agencies including the EPA, HUD and the Federal Transit Administration are encouraging Transit Oriented Development. The idea behind Transit Oriented Development is to bring residents closer to mass transit lines so that they can use mass transportation, and so that downtown revitalization can occur. The Mason Corridor Bus Rapid Transit, which began operation in 2014, is one example. At the same time, the FRA train horn rule in effect is discouraging the development community and residents from locating around transit. Reform is needed.

Trains have regained preference for transporting goods and materials. The increased use of rail has added pressure to the system and identified several safety concerns – track maintenance, tanker car safety, and notification of hazardous materials to public safety leaders. Fort Collins will work to the following goals at a state and national level:

- Engagement with railroad companies
- Development of a “proximity issues” dialogue between railroad and local governments on a broad suite of topics
- Notification about hazardous material shipments passing through communities
- Ensuring track maintenance and train car safety
- Collaboration with railroads to train local emergency personnel
- Solution-oriented use of technology and innovation to improve conflict areas
- Promote improve existing federal and state regulations to identify reasonable safety protections



Fort Collins has two active railroad corridors and three rail companies servicing the community.





### Objective:

#### **Support marijuana law clarifications and alignment with Colorado Constitution**

### Issue:

The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. The Fort Collins City Council approved limited adult use marijuana businesses and sales in addition to existing medical marijuana businesses.

Fort Collins seeks clarification on the following items:

- Conflicts that exist between state and federal laws regarding marijuana possession
- Enforcement of the new law and its impacts on local staff and public safety resources
- Rules pertaining to packaging and labeling marijuana and products containing marijuana
- Effectively funding prevention of under-21 possession and use
- Community public safety
- Limiting THC content per serving size and restricting packaging to a single serving

In addition to adult use marijuana, communities across the United States that have authorized medical marijuana are struggling with implementation and the need for a single, viable distribution system. At the core of the issues with both medical and adult use marijuana is the classification of the drug. Marijuana is currently classified as a Schedule 1 drug. This designation means it cannot be prescribed by a doctor or handled through the same distribution channels as other prescribed drugs. As a result, different states have adopted different approaches in conflict with federal laws. In Colorado, medical marijuana may be recommended by a doctor but not prescribed. Work is needed at the federal level to clarify this issue. The federal classification should be re-evaluated to consider allowing more medical research. If it is determined that marijuana fits one of the other classifications and does have medical benefits, it could be included in the existing drug delivery system.



Resilience must be a regional effort that pays off through coordinated advanced planning and investment.

## Objective:

**Participate in federal, state and regional efforts to foster resilient communities and achieve Climate Action Plan goals**

## Issue:

Making communities more resilient to disaster and the effects of a changing climate has become more important to Colorado communities over the last several years as natural disasters have caused significant human and property loss. Resilience has become a term used to describe hardening vulnerable community infrastructure and preparing for predictable hazards in order to soften the blow on citizens and infrastructure.

Making Fort Collins and Northern Colorado more resilient involves providing decision-makers hazard mitigation analysis and scientific data, then using that information to invest in complementary systems. Northern Colorado's experience is that resilience must be a regional effort that pays off through coordinated advanced planning and investment.

Resiliency efforts are important because they impact a broad set of critical services including:

- Land use
- Utility operations
- Transportation infrastructure
- Sustainability services
- Health
- Safety
- Emergency Response
- Disaster recovery

Fort Collins adopted aggressive emission reduction goals. The City supports policies and legislation helping communities to achieve these goals, gather scientific data supporting the goal and investing in needed infrastructure to ensure a clean energy future.

City staff are working to develop actions to implement in order to achieve the Climate Action Plan goals. These goals may be assisted and promoted through legislative and regulatory actions. Success in achieving the City's goals may be enhanced through partnership with communities that have adopted similarly aggressive climate action and adaptation goals.

The City is partnering with 12 other Colorado communities via Colorado Communities for Climate Action (CC4CA) to advocate for these efforts at a state and federal level. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both the Climate Action Plan and resilience goals. The Legislative Review Committee will track actions of this group throughout the legislative session and make recommendations of support as appropriate

The Fort Collins community is just one member of a regional "waste shed" in Northern Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying broad measures such as setting a state waste diversion goal and helping to support related strategies, which could also serve to reduce carbon emissions and create opportunities for waste-to-energy applications when ultra-low pollution conversion technology is used.





## Objective:

**Support transportation infrastructure connectivity with an emphasis on funding an integrated, multi-modal system**

## Issue:

Funding for vital transportation infrastructure will continue to be a high priority for the City of Fort Collins. Transportation infrastructure is a critical element to supporting community and regional economic health, safety and quality of life.

The City supports Congress's recent long-term reauthorization of the nation's surface transportation law with a focus on transit, livable community planning, comprehensive regional investments, revitalization of existing infrastructure, pedestrian and bicycle infrastructure, and approaches that decrease petroleum consumption and reduce carbon pollution.

We strongly support preservation or increase of federal levels of funding and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended purposes. In addition, we urge development of a new, more stable, long range transportation funding mechanism that doesn't rely upon fuel tax revenues. Fuel tax is no longer a sustainable method of funding the nation's transportation infrastructure needs. If there is no way to raise/index the fuel tax to reflect current economic realities, then new funding mechanisms become critically important.

Fort Collins seeks a solution to secure critical funding of the nation's highway and bridge projects. Allowing the Highway Trust Fund to become insolvent would be devastating to the City's transportation infrastructure and have impacts throughout the Northern Colorado economy.

A key transportation funding priority for Fort Collins is Interstate 25 (I-25) in Northern Colorado. The highway has become a pinch point in the regional transportation inventory that limits access to and from Fort Collins for residents, visitors, and the delivery of goods and services. Immediate funding to widen north I-25 is needed to sustain the region's economic growth. The City is an active part of the I-25 Coalition whose primary goal is to accelerate construction of a third lane in each direction of I-25 as identified in the I-25 North Project (from State Highway 6 to State Highway 14).

Colorado Department of Transportation recently received \$15 million in TIGER grant funding for I-25 improvements. This, in combination with \$25 million in local match commitments and private sector funds, as well as other scheduled funds for improvements, have accelerated improvements in Northern Colorado by fifteen years. Improvements include a third, managed (toll) lane in each direction plus three bridge improvements and regional bicycle trail connections and are scheduled to be completed in 2020. Improvements will be between SH-14 and SH-402. While these are critical improvements for Fort Collins and Northern Colorado, sizable funding gaps remain in terms of needed I-25 improvements between SH-402 and SH-66.

Actions that may expedite the continued improvement and expansion of northern sections of I-25 include:

- A Transportation Revenue Anticipation Notes (TRANS) bond II ballot initiative (TRANS bonds were previously used to help fund the \$1.67 billion T-REX I-25 improvements in the south Denver Metro area)
- State of Colorado General Fund dollars going to transportation (maintenance & capital construction)
- Tax credit legislation for specific highway projects

## Objective:

### **Support comprehensive water resource management**

## Issue:

Water resources in Colorado and throughout the West are stressed by many factors – environmental, population growth and aging infrastructure. Local water resource planning efforts ensure adequate supply to residents through managing the City's water rights portfolio, encouraging increased efficiency and expanding storage. Fort Collins will support efforts to address local and regional water needs, preserve its water rights portfolio, and to encourage conservation of water resources based on the 2016 adoption of the Water Efficiency Plan. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in implementation of the Colorado Water Plan by the Legislature and any State agencies, rulemakings by water-related State agencies (such as, by way of example, the Colorado Department of Public Health and Environment, the Colorado Division of Water Resources, the Colorado Water Conservation Board), and the federal U.S. Army Corps of Engineers' and Environmental Protection Agency's (EPA) rulemakings affecting water storage, use, quality and conservation.

## Objective:

### **Support a comprehensive approach to reduce the impacts of poverty and housing affordability**

## Issue:

Poverty and lack of affordable housing are persistent issues in Fort Collins and across Colorado. The City is interested in developing local solutions to these persistent problems through collaboration and innovation. The City plays both a convening and leadership role among the many community service providers – seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

Fort Collins supports solutions to address poverty within the community such as:

- Fully resource a state affordable housing fund
- Implement funding for the Earned Income Tax Credit
- Develop or expand programs that ensure a smooth transition from foster care to independence
- Increase funding for mental health care/programs
- Increase development of condominiums by addressing construction defect law reform
- Pilot innovative programs to address housing

## Objective:

### **Support Efforts to Address both Homelessness and Resource Resistant Populations**

## Issue:

Homelessness and transient populations are persistent challenges in Fort Collins and other communities. Fort Collins works to address homelessness through partnering and supporting many community service providers and has a goal of making homelessness rare, short-lived, and non-recurring.

The resource resistant populations are those that occupy public spaces and are not interested in housing or other community services offered. In this arena, the City supports efforts to address public safety concerns, enforce existing local laws, and maintain a welcoming environment for all.

The City opposes efforts to undermine local control or enforcement of activities on public property.

## Objective:

### **Support the innovation economy**

## Issue:

Innovation is a key attribute of the City organization and is also important to the community. Fort Collins has numerous drivers of innovation, intellectual property and inventions with an educated resident base, Colorado State University, federal research labs, and a long list of innovative companies. As a result, Fort Collins has a culture and support system that nurtures an innovation economy with the City often serving as a living laboratory for ideas and new technologies.

The City will maintain and enhance its innovation economy through:

- Supporting efforts to simplify the commercialization of intellectual property
- Efforts to increase the available capital to support innovation and new business formation
- Efforts that support the spin-off and development of intellectual property from research institutes, private business, and higher education
- Efforts to encourage the retention of new and innovative businesses in the community
- Supporting business incubation, primarily through the commercialization of intellectual property, with strong partnerships
- Application of innovative technologies and approaches to improve City programs and services



# City of Fort Collins Legislative Contacts

## Legislative Review Committee

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2017

# **LEGISLATIVE POLICY AGENDA**

Adopted: November 15, 2016

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## INTRODUCTION

Fort Collins is a community of 161,000 residents located at the foot of the Rocky Mountains along Colorado's Front Range. Incorporated in 1873, the City has grown to become the commercial, educational and cultural hub of Northern Colorado. The City adopted a home rule charter in 1954 and operates under a Council-Manager form of government.

The City is a data-driven municipal organization that strives to fulfill its mission, "Exceptional service for an exceptional community", through a vision of providing world-class municipal services through operational excellence and a culture of innovation. City leaders seek innovative solutions to issues facing the community and are often willing to leverage emerging technologies.

The Fort Collins City Council annually adopts Legislative Priorities and a Legislative Policy Agenda ahead of the upcoming Colorado general Assembly session for the purpose of guiding legislators and staff in supporting community goals.

- The City's Legislative Priorities are broad issues Fort Collins is focused on during the Colorado General Assembly and United States Congress sessions. The Priorities may carry over year to year since they are larger, more challenging issues that may take multi-year work to influence.
- The Policy Agenda is broad set of policy statements meant to convey positions on issues that affect the quality of life and the governance of our community. It is structured to address areas of local concern and to also reflect the strategic planning that guides City of Fort Collins organizational resource allocation and decision making.

On many federal and state issues, Fort Collins shares the concerns of others within the region and statewide. In these cases, Fort Collins will seek opportunities to work in partnership to leverage additional resources and participate in regional dialogue to achieve shared outcomes.

The City has identified seven outcome areas to ensure appropriate and effective resource allocation supporting the community's priorities. Outcome areas include Culture and Recreation; Economic Health; Environmental Health; High Performing Government; Neighborhood Livability and Social Health; Safe Community; and Transportation. The Policy Agenda identifies specific City Council-adopted goals associated with the policy statements. This alignment is important for City staff to ensure that advocacy supports specific desired outcomes.

## **CITY OF FORT COLLINS LEGISLATIVE REVIEW COMMITTEE**

The Legislative Review Committee (LRC) is a representative group of Council members that reviews and reacts to proposed legislation on behalf of City Council and the City. In taking a position on particular bills, the LRC interprets and applies the various policies that are included in the Legislative Policy Agenda.

Council Members presently serving on the Legislative Review Committee are:

- Councilmember Gino Campana, Chair
- Councilmember Ross Cunniff
- Councilmember Ray Martinez

### **LEGISLATIVE REVIEW PROCESS**

Bills introduced in the Colorado General Assembly, United States Congress and federal, state or county regulations or rulemakings are reviewed by City staff. Bills, regulation and rules addressing a stated legislative priority, or adopted policy position, may be brought to the LRC for discussion of an official City position. Once a position is adopted on a bill, staff conveys that information to the appropriate state or federal representative and advocates for the City's adopted position.

Staff liaisons support the LRC by contributing expertise in various areas of municipal service. The input offered by staff experts is invaluable in analyzing impacts of legislative, regulatory and rulemaking proposals to Fort Collins operations and the community. Fort Collins also works with community partners to support local projects and staff collaborates with representatives of other municipalities on mutually-held priorities. Fort Collins actively seeks innovative partnerships to leverage positive outcomes for residents.

The City works closely with the Colorado Municipal League (CML) and the National League of Cities (NLC) on many legislative items facing cities. Fort Collins also works with Colorado Association of Municipal Utilities (CAMU) which represents 29 municipal utilities throughout the state on utility issues. In addition, Fort Collins actively participates in the Colorado Water Congress State Affairs Committee to address water-related issues.

In 2017, Fort Collins will contract a state lobbyist to:

- Be a fulltime presence at the capital
- Advise City staff and leaders on relevant bills
- Assist staff who may be testifying in Denver
- Provide frequent updates to the LRC during the session

## LEGISLATIVE PRIORITIES

### **Objective:**

**Cooperate with stakeholders on refinement of Urban Renewal Authority laws**

### **Issue:**

An Urban Renewal Authority (URA) is a tool in place to identify and revitalize areas of the city deemed blighted and provide a funding mechanism to encourage redevelopment. The main funding tool for URA is Tax Increment Financing (TIF) generated through property taxes. In its best intention, urban renewal restores economic vitality and improves the safety of a designated area. Redeveloping urban areas is much harder and more expensive than new development in “greenfield sites”, thus the use of urban renewal and tax increment financing responds to larger, more costly infrastructure needs. The state of Colorado has empowered local authorities to use Urban Renewal Authorities to encourage revitalization and the elimination of blight in these areas.

Fort Collins attempts to use URA and TIF judiciously but also recognizes the concerns raised by counties, special districts and school districts about the use of TIF. URA is an important and useful tool for Fort Collins in addressing community blight and encouraging redevelopment rather than sprawl. The City has engaged regional partners in an attempt to develop an equitable process for utilizing URA in Larimer County. Fort Collins has sought to identify a mechanism to balance Larimer County costs for providing service in URA areas and to shared constituents.

2015 URA reform law (HB15-1348) instituted several changes that the City will be implementing in its URA practices. Key changes to URA law add additional members from county, special districts and school district to a URA Board and a negotiated use of tax increment funds before the City could utilize them. Fort Collins is already working on adopting HB 1348 changes. The General Assembly made clarifications to HB 1348 with SB16-177. The remaining major issue of concern to Fort Collins in the implementation of HB 1348 is the applicability to URA projects and clarifying the impacts on existing versus prospective projects.

The City would like to see clarifications made to HB 1348 as language included in the new law is unclear on when the law applies to existing activities and assistance. The City also seeks to ensure development authorities do not become subject to similar regulations.

### **Objective:**

**Support local control of oil and gas operations**

### **Issue:**

Fort Collins, like many other Colorado communities, has taken steps to address oil and gas extraction. Those efforts have been limited by the Colorado Oil and Gas Conservation Commission (COGCC) rules. Fort Collins supports studying and better understanding and mitigating the health and community impacts of oil and gas extraction.

Fort Collins seeks the following:

- Increased local flexibility to regulate oil and gas activity within its incorporated borders
- Limiting the proximity of large-scale oil and gas sites to the City limits in order to minimize community impacts
- Mitigation measures that balance developing oil and gas resources with community environmental and human health
- Additional information about the chemicals being injected into the ground, especially during hydraulic fracturing
- Greater knowledge and control of air emissions from extraction processes and production equipment; including air emissions transported from outside of our community
- Enhanced right for communities to regulate oil and gas as an industrial practice and therefore apply local zoning practices to operators
- Better balance between surface land ownership and mineral right ownership

Fort Collins intends to use existing programs like the Local Government Designee (LGD) to their fullest potential but will also seek legislative remedies to areas of greatest concern. Fort Collins will also work with other interested communities to address oil and gas operation concerns. The City will monitor and engage as appropriate in rulemaking hearings of the Colorado Oil and Gas Conservation Commission.

**Objective:**

**Advocate solutions to nuisance and safety issues related to railroad proximity**

**Issue:**

Communities throughout the United States are wrestling with issues related to railroad proximity. These include extended blockages of community intersections, the transport of hazardous materials, rail car safety, train horn noise, transparency related to rail cargo and train switching. These issues affect quality of life for residents and business owners and can result in catastrophic disasters in cases of derailment.

Fort Collins has two active railroad corridors and three rail companies servicing the community and is working regionally, through the Colorado Municipal League (CML) and National League of Cities (NLC), to raise the profile of rail proximity issues. In addressing rail safety and rail proximity issues, the City has active relationships with Burlington Northern Santa Fe (BNSF), Great Western Railway (GWR) and Union Pacific (UP) railroad companies and has cultivated a relationship with the federal regulatory body - the Federal Railroad Administration (FRA).

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one example. At the same time, the FRA train horn rule in effect is discouraging the development community and residents from locating around transit. Reform is needed.

Trains have regained preference for transporting goods and materials. The increased use of rail has added pressure to the system and identified several safety concerns - track maintenance, tanker car safety, and notification of hazardous materials to public safety leaders. Fort Collins will work to the following goals at a state and national level:

- Engagement with railroad companies
- Development of a “proximity issues” dialogue between railroad and local governments on a broad suite of topics
- Notification about hazardous material shipments passing through communities
- Ensuring track maintenance and train car safety
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- Solution-oriented use of technology and innovation to improve conflict areas
- Promote improve existing federal and state regulations to identify reasonable safety protections

#### **Objective:**

**Support marijuana law clarifications and alignment with Colorado Constitution**

#### **Issue:**

The passage and implementation of Amendment 64 legalized adult use marijuana in Colorado. The Fort Collins City Council approved limited adult use marijuana businesses and sales in addition to existing medical marijuana businesses.

Fort Collins seeks clarification on the following items:

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The federal classification should be re-evaluated to consider allowing more medical research. If it is determined that marijuana fits one of the other classifications and does have medical benefits, it could be included in the existing drug delivery system.

**Objective:**

**Participate in federal, state and regional efforts to foster resilient communities and achieve Climate Action Plan goals**

**Issue:**

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Making Fort Collins and Northern Colorado more resilient involves providing decision-makers hazard mitigation analysis and scientific data, then using that information to invest in complementary systems. Northern Colorado's experience is that resilience must be a regional effort that pays off through coordinated advanced planning and investment.

Resiliency efforts are important because they impact a broad set of critical services including:

- Land use
- Utility operations
- Transportation infrastructure
- Sustainability services
- Health
- Safety
- Emergency Response
- Disaster recovery

Fort Collins adopted aggressive emission reduction goals. The City supports policies and legislation helping communities to achieve these goals, gather scientific data supporting the goal and investing in needed infrastructure to ensure a clean energy future.

City staff are working to develop actions to implement in order to achieve the Climate Action Plan goals. These goals may be assisted and promoted through legislative and regulatory actions. Success in achieving the City's goals may be enhanced through partnership with communities that have adopted similarly aggressive climate action and adaptation goals.

The City is partnering with 12 other Colorado communities via Colorado Communities for Climate Action (CC4CA) to advocate for these efforts at a state and federal level. Action in the transportation and energy sectors will be important drivers for reducing emissions and achieving both the Climate Action

Plan and resilience goals. The Legislative Review Committee will track actions of this group throughout the legislative session and make recommendations of support as appropriate

The Fort Collins community is just one member of a regional “waste shed” in Northern Colorado. The City acknowledges this interdependence, and the role that state legislation can, and should, play in applying broad measures such as setting a state waste diversion goal and helping to support related strategies, which could also serve to reduce carbon emissions and create opportunities for waste-to-energy applications when ultra-low pollution conversion technology is used.

**Objective:**

**Support transportation infrastructure connectivity with an emphasis on funding an integrated, multi-modal system**

**Issue:**

Funding for vital transportation infrastructure will continue to be a high priority for the City of Fort Collins. Transportation infrastructure is a critical element to supporting community and regional economic health, safety and quality of life.

The City supports Congress’s recent long-term reauthorization of the nation’s surface transportation law with a focus on transit, livable community planning, comprehensive regional investments, revitalization of existing infrastructure, pedestrian and bicycle infrastructure, and approaches that decrease petroleum consumption and reduce carbon pollution.

We strongly support preservation or increase of federal levels of funding and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended purposes. In addition, we urge development of a new, more stable, long range transportation funding mechanism that doesn’t rely upon fuel tax revenues. Fuel tax is no longer a sustainable method of funding the nation’s transportation infrastructure needs. . If there is no way to raise/index the fuel tax to reflect current economic realities, then new funding mechanisms become critically important.

Fort Collins seeks a solution to secure critical funding of the nation’s highway and bridge projects. Allowing the Highway Trust Fund to become insolvent would be devastating to the City’s transportation infrastructure and have impacts throughout the Northern Colorado economy.

A key transportation funding priority for Fort Collins is Interstate 25 (I-25) in Northern Colorado. The highway has become a pinch point in the regional transportation inventory that limits access to and from Fort Collins for residents, visitors, and the delivery of goods and services. Immediate funding to widen north I-25 is needed to sustain the region’s economic growth. The City is an active part of the I-25 Coalition whose primary goal is to accelerate construction of a third lane in each direction of I-25 as identified in the I-25 North Project (from State Highway 6 to State Highway 14).

Colorado Department of Transportation recently received \$15 million in TIGER grant funding for I-25 improvements. This, in combination with \$25 million in local match commitments and private sector funds, as well as other scheduled funds for improvements, have accelerated improvements in Northern Colorado by fifteen years. Improvements include a third, managed (toll) lane in each direction plus three bridge improvements and regional bicycle trail connections and are scheduled to be completed in 2020. Improvements will be between SH-14 and SH-402. While these are critical improvements for Fort Collins and Northern Colorado, sizeable funding gaps remain in terms of needed I-25 improvements between SH-402 and SH-66.

Actions that may expedite the continued improvement and expansion of northern sections of I-25 include:

- A Transportation Revenue Anticipation Notes (TRANS) bond II ballot initiative (TRANS bonds were previously used to help fund the \$1.67 billion T-REX I-25 improvements in the south Denver Metro area)
- State of Colorado General Fund dollars going to transportation (maintenance & capital construction)
- Tax credit legislation for specific highway projects

**Objective:**

**Support comprehensive water resource management**

**Issue:**

Water resources in Colorado and throughout the West are stressed by many factors - environmental, population growth and aging infrastructure. Local water resource planning efforts ensure adequate supply to residents through managing the City's water rights portfolio, encouraging increased efficiency and expanding storage. Fort Collins will support efforts to address local and regional water needs, preserve its water rights portfolio, and to encourage conservation of water resources based on the 2016 adoption of the Water Efficiency Plan. The conservation of water resources extends to support for Cache la Poudre River restoration projects.

Fort Collins will participate in implementation of the Colorado Water Plan by the Legislature and any State agencies, rulemakings by water-related State agencies (such as, by way of example, the Colorado Department of Public Health and Environment, the Colorado Division of Water Resources, the Colorado Water Conservation Board), and the federal U.S. Army Corps of Engineers' and Environmental Protection Agency's (EPA) rulemakings affecting water storage, use, quality and conservation.

**Objective:**

**Support a comprehensive approach to reduce the impacts of poverty and housing affordability**

**Issue:**

Poverty and lack of affordable housing are persistent issues in Fort Collins and across Colorado. The City is interested in developing local solutions to these

persistent problems through collaboration and innovation. The City plays both a convening and leadership role among the many community service providers - seeking to foster sustainable solutions to complex social issues through a combination of City involvement and leadership.

Fort Collins supports solutions to address poverty within the community such as:

- Fully resource a state affordable housing fund
- Implement funding for the Earned Income Tax Credit
- Develop or expand programs that ensure a smooth transition from foster care to independence
- Increase funding for mental health care/programs
- Increase development of condominiums by addressing construction defect law reform
- Pilot innovative programs to address housing

**Objective:**

**Support Efforts to Address both Homelessness and Resource Resistant Populations**

**Issue:**

Homelessness and transient populations are persistent challenges in Fort Collins and other communities. Fort Collins works to address homelessness through partnering and supporting many community service providers and has a goal of making homelessness rare, short-lived, and non-recurring.

The resource resistant populations are those that occupy public spaces and are not interested in housing or other community services offered. In this arena, the City supports efforts to address public safety concerns, enforce existing local laws, and maintain a welcoming environment for all.

The City opposes efforts to undermine local control or enforcement of activities on public property.

**Objective:**

**Support the innovation economy**

**Issue:**

Innovation is a key attribute of the City organization and is also important to the community. Fort Collins has numerous drivers of innovation, intellectual property and inventions with an educated resident base, Colorado State University, federal research labs, and a long list of innovative companies. As a result, Fort Collins has a culture and support system that nurtures an innovation economy with the City often serving as a living laboratory for ideas and new technologies.

The City will maintain and enhance its innovation economy through:

- Supporting efforts to simplify the commercialization of intellectual property

- Efforts to increase the available capital to support innovation and new business formation
- Efforts that support the spin-off and development of intellectual property from research institutes, private business, and higher education
- Efforts to encourage the retention of new and innovative businesses in the community
- Supporting business incubation, primarily through the commercialization of intellectual property, with strong partnerships
- Application of innovative technologies and approaches to improve City programs and services

# LEGISLATIVE POLICY STATEMENTS

## NEIGHBORHOOD LIVABILITY AND SOCIAL HEALTH

### Strategic Outcome

Provide a high quality built environment and support quality, diverse neighborhoods

#### AFFORDABLE HOUSING

The City of Fort Collins supports policy and funding mechanisms that help the City develop and maintain affordable housing for our community.

Therefore, the City supports the following policy statements:

1. Maintain or enhance current levels of funding for affordable housing throughout Colorado, including expanding the State Low Income Housing Tax Credit program.
2. Increase local government's ability to regulate, manage or generate alternative sources of funding for affordable housing, including public-private partnerships.
3. Protect the rights of low-income and/or disabled residents in tenant-landlord disputes, especially as it relates to safety issues.
4. Amend construction defect laws to reasonably balance safe and reliable housing with needed condominium construction.
5. Increase the amount of affordable, accessible, sustainable and high-quality housing in communities.
6. Develop strategies that balance the cost of services provided to the chronically homeless with the cost of providing permanent supportive housing.
7. Create a standardized statewide approach to addressing homelessness.
8. Invest in innovative approaches to address the causes of homelessness.

#### DEVELOPMENT REVIEW AND INSPECTION

Fort Collins City Council adopts a land use code, zoning and new and existing property inspection protocol. The City supports retention of home-rule control in aligning development review and inspections with local priorities. In recent sessions, state legislators have introduced measures aimed at having local inspectors provide inspection for building types outside existing responsibilities without additional resources provided to conduct this work.

Therefore, the City supports the following policy statements:

1. Financially compensate a jurisdiction or agency for additional work of inspectors through fees or other means.
2. Give local governments choices in accepting additional inspection work.
3. Allow local governments to determine the time needed to conduct development review and inspection timelines.

### **PLANNING AND LAND USE**

Effective local land use planning and land development regulation contributes to the quality of life enjoyed primarily by Fort Collins residents, yet shared regionally within Larimer County. State legislation can influence local governments' ability to develop and implement land use plans for their communities.

Therefore, the City supports the following policy statements:

1. Require regional cooperation in land use and transportation planning, and foster sustainable development, without unduly constraining the City's home rule powers.
2. Prohibit the annexation of land that is located within the boundaries of a Growth Management Area that was legally established by an intergovernmental agreement between a municipality and a county by any municipality not a party to the agreement.
3. Limit the definition of a compensable taking and/or the definition of vested property rights beyond the provisions of existing law.
4. Retain local government authority to impose development impact fees.
5. Increase cities' ability to regulate industrial land uses like oil and gas exploration and extraction.
6. Foster equitable public housing policies that balance protection of tenants and landlords.

### **SOCIAL SUSTAINABILITY**

Fort Collins has implemented a triple-bottom line-oriented Sustainability Service Area in an effort to ensure community resources are allocated by considering equally human, environmental and economic benefits. The Social Sustainability Department's mission is to support a diverse, equitable, and inclusive community that successfully meets the basic needs of all residents. This mission is supported through programs, policies, and partnerships that provide access and opportunities for all.

Therefore the City supports the following policy statements:

1. Maintain or increase the funds available through the state and federal government for community-focused non-profits to provide human services and housing support.
2. Adequately fund K-12 and public post-secondary institutions to ensure opportunity for youth.
3. Provide funding for before and after school programs and school out days aimed at at-risk population and low- to moderate-income families.
4. Enhance neighbor relations by improving the resources available to community mediation and restorative justice programs.
5. Provide communities with resources to address chronic homelessness, mental health, and substance abuse.
6. Provide reasonable accommodation and expand access for special populations, including individuals with disabilities, seniors, at-risk youth, people with mental health needs, and households needing affordable childcare.

### URBAN AGRICULTURE

In 2011, City Plan, our community's comprehensive plan, was updated and contained four goals related to local food production. Staff has worked to align our policies and regulations with the goals outlined in our comprehensive plan. We have updated the Land Use Code to permit urban agriculture in all zone districts, allow farmers markets in more zone districts, allow a greater number and types of animals to be raised and exempted hoop houses from the building permit process in order to facilitate year-round production. The City has also been an active participant in the Northern Colorado Food Cluster which convenes stakeholders to advance local food initiatives. Locally grown food is a critical step towards a more sustainable community.

Therefore the City supports the following policy statements:

1. Provide options for urban farmers to have longer-term access to the land required for food production.
2. Provide all citizens access to healthy foods.
3. Address supply chain needs to support urban farmers.
4. Diversify the production, consumption and distribution of local food products.



5. Adopt food production practices that support innovative and efficient irrigation practices.

## **CULTURE AND RECREATION**

### **Strategic Outcome**

Fort Collins provides diverse cultural and recreational amenities

### **CULTURAL SERVICES**

The City recognizes that art and culture are vitally important to the quality of life in our community and is committed to providing the citizens of Fort Collins with excellent cultural services.

Therefore, the City supports the following policy statements:

1. Fund cultural services activities promoting the education, entertainment and enrichment of the community.
2. Facilitate the creation, performance and presentation of the arts.
3. Protect and preserve our cultural heritage.
4. Expand access and inclusion for all citizens to cultural events.

### **PARKS AND RECREATION**

The City is committed to providing the community with excellent parks and recreation services and facilities. Our citizens enjoy a better quality of life, improved health, less crime and a greater sense of community because of our quality parks and recreation programs.

Therefore, the City supports the following policy statements:

1. Maintain or enhance funding for parks, trails, forestry, horticulture and recreation services and facilities.
2. Provide maximum local discretion to use Great Outdoors Colorado and other sources for funding municipal government projects addressing local needs and priorities.
3. Sustain availability of Great Outdoors Colorado grants to municipalities in equal or greater funding levels.
4. Enhance the City's ability to provide quality parks and recreation services and facilities for its citizens.
5. Enhance the protection of community trees and natural assets against invasive species, pests and other threats.
6. Expand access and inclusion for all citizens to community recreational opportunities.

## ***ECONOMIC HEALTH***

### **Strategic Outcome**

Promote a healthy, sustainable economy reflecting community values

### **FINANCE**

As a municipality, the City of Fort Collins faces many complex financial issues. Strong fiscal planning, prudent debt management and preservation of the City's revenue base are vital in maintaining and improving the City's financial health. Considering the known impacts of legislation on the City's business community can help foster a stronger tax base and retain a strong quality of life.

Therefore, the City supports the following policy statements:

1. Maintain or expand municipal authority to establish alternative funding mechanisms, including financing tools such as public improvement fees (PIF) and certificates of participation (COP).
2. Increase funding for higher education, specifically Colorado State University and Front Range Community College.
3. Promote the equitable treatment of sales and use taxes to residents and corporations residing or doing business in Colorado by limiting exemptions.
4. Recognize the importance of sales and use tax to local, self-collecting municipalities and equitably distribute sales tax collections on e-commerce transactions.
5. Maintain or increase the City's revenue base (sales, use and property taxes).

### **INVESTMENTS**

The Fort Collins City Council has adopted investment policies to be used by the City. The policies are reviewed and updated periodically to ensure the safety and quality of the portfolio to maintain liquidity and to maximize portfolio earnings.

Therefore, the City supports the following policy statements:

1. Protect, without unnecessarily restricting, the investments of government entities.
2. Provide adequate transparency of the City's investment activity.
3. Provide municipalities freedom to participate in investments that meet their strategic objectives.
4. Do not restrict cities' ability to adopt their own investment policies.

## PRIVATIZATION

The City of Fort Collins utilizes outside contracts for procurement of many goods and services. This practice of privatization provides citizens with a balance of quality and cost efficiency.

Therefore, the City supports the following policy statements:

1. Enable cities to choose the provision of services through private enterprise in a manner that fosters cost effective, sustainable, quality services.
2. Maintain local control of the awarding of contracts and the accountability of local officials for those actions.
3. Oppose mandates that increase the complexity and cost of services without improving those services.

## ECONOMIC DEVELOPMENT

Fort Collins seeks to maintain a healthy and resilient economic base of businesses. The City works closely with businesses to retain and invest in alignment with the Council's Action Plan. A healthy and resilient economy for Fort Collins will include:

- Diverse jobs that enable citizens and businesses to thrive.
- Reflects the values of our unique community in a changing world.
- An innovative, creative, and entrepreneurial atmosphere.
- Strong partnerships and collaboration with the private sector, educational institutions, and other organizations.

Therefore, the City supports the following policy statements:

1. Promote sustainable economic development.
2. Retain local governments' use of tax increment financing as a tool to support Downtown Development Authorities and Urban Renewal Authorities, taking into consideration the land use impacts of such legislation (e.g., sprawl) the unique intent(s) and distinctive differences of both the DDA Act and URA Act, and the compelling interests and concerns of other taxing entities.
3. Adopt clarifying language to HB15-1348 to address ambiguity and confusion created by the drafters. Specifically, clarify intent that the law does not impact projects already underway.

# ENVIRONMENTAL HEALTH

## Strategic Outcome

Promote, protect and enhance a healthy and sustainable environment

### AIR QUALITY

The City's Air Quality Plan establishes a strong overall goal to "continually improve Fort Collins air quality."

Therefore, the City supports the following policy statements:

1. Adopt programs and policies that improve public health and air quality, and support rapid attainment of National Ambient Air Quality Standards including ozone. .
2. Ensure air quality standards are protective of public health and welfare.
3. Enhance local government authority to improve air quality beyond minimum State or Federal requirements.
4. Promote strategies to improve regional air quality, recognizing that air pollution does not follow jurisdictional boundaries.
5. Assure that Federal, State and County agencies have adequate authority and resources (funding and personnel) to enforce air quality regulations.
6. Promote voluntary actions to reduce air pollution.
7. Reduce vehicle emissions by:
  - Employing economic incentives, disincentives and other market approaches that support clean air
  - Encouraging behavior changes, such as biking, use of transit, and reducing vehicle idling
  - Encouraging or promoting lower emissions and lower carbon fuels, vehicles and supporting infrastructure
  - Supporting state motor vehicle emissions testing programs consistent with City air quality goals
8. Provide authority for local governments to implement vehicle emissions reductions programs.
9. Strengthen standards for tailpipe emissions, aggregate vehicle emissions and/or fuel economy for all vehicles including reducing the impact of "rolling coal" and nitrous oxide emissions.
10. Reduce or eliminate residential wood smoke emissions.

11. Reduce fossil fuel consumption in the transportation and building sector.

### **CLIMATE AND ENVIRONMENTAL PROTECTION**

The City of Fort Collins encourages local, state and national efforts to protect and enhance our environment. Additionally, the City has a policy goal to reduce greenhouse gas emissions 20 percent below 2005 levels by 2020 and 80 percent below 2005 levels by 2030 and 100 percent below 2005 levels by 2050. The goals call for Fort Collins to be carbon neutral by 2050.

Therefore the City supports the following policy statements:

1. Enhance Fort Collins' resilience to impacts of climate change.
2. Establish greenhouse gas (GHG) emission reduction targets at all levels of government.
3. Establish market-based mechanisms to reduce emissions.
4. Develop strategies to prevent pollution.
5. Maintain and protect the Colorado self-audit law.
6. Evaluate and address impacts of climate change on water demand and supply.

### **NATURAL AREAS AND OPEN LANDS**

The City has a vigorous program to protect natural areas and other important open lands within Fort Collins, within our Community Growth Management Area, and regionally.

The City works in partnership with other communities, Larimer County, private land trusts, Great Outdoors Colorado, community groups, and state and federal agencies to achieve community and regional conservation goals.

Therefore, the City supports the following policy statements:

1. Maintain or enhance tax incentives to private landowners for voluntary land conservation.
2. Expand the effectiveness of existing protection for wetlands, wildlife habitats, and other sensitive natural areas.
3. Support additional funding for conservation programs, including reinstating Colorado Parks and Wildlife license fees to at least 2005 levels.
4. Protect the Cache la Poudre River and local urban streams.

5. Increase the availability of Great Outdoors Colorado grants to municipalities in amounts equal to or greater than are currently offered.

## OIL AND GAS

Oil and gas extraction activity and associated health and environmental impacts are a concern for Fort Collins and many communities along the Front Range. There is a portion of a small oil field within Fort Collins 'incorporated boundaries, and the City has entered into an Operator Agreement or Memorandum of Understanding (MOU), that stipulates the operations, maintenance and inspection process for that operator's local holdings. Fort Collins residents have expressed continuing concern about the human and environmental health impacts from oil and gas operations, particularly from the hydraulic fracturing treatment used on most Colorado wells. In November 2013, voters approved a five-year moratorium on oil and gas extraction in order to study its property value and human health impacts.

Therefore, the City supports the following policy statements:

1. Encourage state, federal and academic studies evaluating impacts of oil and gas operations on human health and property values.
2. Establish baseline air pollutant levels and understand the ongoing contributions of the oil and gas industry to air pollution.
3. Provide local government the authority to inspect oil and gas sites and ensure operator compliance through enforcement of federal, state and local regulations.
4. Allow communities to understand impacts of oil and gas on water quality.
5. Allow greater local regulation of oil and gas exploration activities within municipal boundaries.
6. Better balance surface ownership with mineral right ownership.
7. Allow local governments the ability to apply municipal zoning on oil and gas extraction and storage activities.
8. Maintain the current formula allocation of severance tax to impacted jurisdictions so that they might address impacts from resource extraction.
9. Incentivize industry information sharing and collaboration with local governments on the planned development of resources within communities' Growth Management Areas.

## **RECYCLING AND SOLID WASTE**

The City of Fort Collins endorses a multi-pronged approach to waste minimization that includes recycling, re-use, composting, and source reduction. Additionally, the City adopted goals of diverting 75% of community waste by 2020; 90% by 2025 and 100% by 2030.

Therefore, the City supports the following policy statements:

1. Clarify and broaden the regulatory authority of local government to ensure the efficient management of recyclable material and solid waste.
2. Encourage integrated waste and materials management planning and implementation, including but not limited to creation of a state waste diversion goal.
3. Provide incentives and funding for programs that promote waste reduction, reuse and recycling, and development of related infrastructure.
4. Enable and encourage the development of endmarkets through “buy recycled” or “environmentally preferable purchasing” policies for government agency procurement.
5. Support programs to collect and monitor data on trash volumes, rates of diversion from landfill disposal and economic impacts of recycling.
6. Support producer responsibility initiatives, such as “take back” regulations that assist consumers to appropriately recycle packaging materials or certain products (e.g., electronic equipment or mattresses) and seek to eliminate state statute CRS Section 25-17-104, which currently limits local authority to regulate packaging materials (e.g., single-use plastic bags).
7. Establish a deposit fee on beverage containers and that would be used to pay for recycling programs.
8. Partner with neighboring and regional agencies and stakeholders to create facilities and infrastructure for regionally managing waste to its “highest and best” use.

## **UTILITY SERVICES**

It is critical that the City operate its water, light and power, stormwater and wastewater services in a financially sound, reliable, safe and environmentally acceptable manner. Like other municipal utilities across the country, Fort Collins is faced with many new and evolving challenges associated with changes in the industry, the replacement and security of its infrastructure and development and retention of a knowledgeable workforce.

Therefore, the City supports the following policy statements:



## ENERGY

1. Maintain or improve the reliability of energy delivery
2. Promote energy affordability and safety for residents, businesses and institutions
3. Support reductions of the community's GHG emissions from energy use in accordance with the *Climate Action Plan (CAP) Framework* (March 2015) - the current community GHG goals are a reduction of 20 percent from 2005 levels by 2020, 80 percent by 2030 and carbon neutral by 2050.
4. Reduce the emission of criteria pollutants
5. Reduce the environmental damage caused by energy extraction and production.
6. Leverage the role of Fort Collins Utilities Light & Power as the community's municipally owned utility.
7. Retain more of our community's energy expenditures in the local economy.
8. Foster local economic opportunity in energy efficiency, production and operation.
9. Leverage opportunities to coordinate integrated planning for energy and water supply and demands.
10. Increase our community's resilience to potential energy and climate related disruptions.
11. Maintain compliance with and leverage the potential benefits of local, regional, state and national regulatory frameworks, which impact energy production and use (e.g., carbon, fuel standards, ozone).
12. Make Fort Collins an energy leader that can serve as a model for other communities.
13. Incent renewable energy production, including wind power, and provide for "State Implementation Plan" credits for renewable energy (excluding residential wood burning and corn-based ethanol) and energy efficiency.

14. Oppose attempts to prevent or inhibit provision of municipal electric service in newly annexed areas.
15. Foster smart grid technology adoption and grid modernization.

#### WATER SUPPLY AND QUALITY

1. Maintain or expand the authority delegated to the state to administer federally mandated water, stormwater and wastewater environmental regulatory programs (primacy).
2. Enact reasonable water quality regulations that are cost effective and can show identifiable benefits.
3. Enable local watershed protection planning.
4. Provide cities the flexibility to enhance in-stream flows to preserve or improve the natural environment of the stream while protecting the integrity of Colorado's appropriation doctrine and City water supply.
5. Recognize the importance of infrastructure security while minimizing restriction to the Utility's ability to manage security as an integral part of the system.
6. Stipulate adequate funding for local governments to implement mandated programs.
7. Encourage regional collaboration for water planning, and efficiency and conservation implementation.
8. Encourage greater integration of water efficiency into land use planning and building codes.
9. Remove barriers to financing for water conservation projects.
10. Fund recovery and treatment of Cache la Poudre and other waterways impacted by natural disasters.
11. Enable the City to develop, protect and increase the flexibility and resiliency of its water supply under Colorado's appropriation doctrine without adversely affecting in-stream flows or the natural environment of the stream.

# HIGH PERFORMING GOVERNMENT

## Strategic Outcome

Deliver an efficient, innovative, transparent, effective and collaborative city government

### HOME RULE AND LOCAL CONTROL

The City of Fort Collins is a home rule municipality. Home rule authority is of utmost importance to the City of Fort Collins, and affords the citizens of Fort Collins greater access to government and increased opportunity for participation and contribution to the decision-making process. In addition, many policy matters are best left to local determination and control, and the benefits of allowing for local control are sometimes overlooked in discussions at the state and federal level.

The City recognizes, however, that there are particular areas in which insistence on local control may be untimely or unwise. Therefore, proposed legislation must be reviewed on a case-by-case basis to determine when it is in the City's best interest to assert home rule authority or argue in support of local control, and when the City should support statewide intervention. The City must be free to regulate local activities that primarily impact the area within the City's boundaries, such as the speed of local traffic or the effects of particular land use developments. The City also understands the cumulative effect of these and other activities have statewide ramifications that may call for statewide regulation, to effectively manage such things as overall growth and development in the state, traffic congestion in major transportation corridors and environmental quality.

Therefore, the City supports the following policy statements:

1. Strengthen and preserve home rule authority of municipal governments.
2. Oppose State or Federal intervention in matters of local concern or matters that unnecessarily or adversely affect the City's ability to manage and operate pursuant to its home rule authority.
3. Oppose changes that increase (and support changes that lessen) the burdens on municipalities associated with public or other government records, establishment of ethics standards and procedures, operation of municipal courts, and other matters of municipal operations or authority.

### HUMAN RESOURCES

The City of Fort Collins is committed to the health, safety and well-being of its employees. The City works diligently to be efficient and responsible stewards of tax dollars ensuring that employee compensation and benefits are fair, market-based, and competitive. The City believes that its citizens, through their elected representatives on City Council, are in the best position to determine appropriate City

employee compensation, benefits, appeal rights related to disciplinary action and policies.

Therefore, the City supports the following policy statements:

1. Enhance the City's ability to make decisions on employment issues, including collective bargaining, arbitration, compensation, appeal rights related to disciplinary action and benefits to further an equitable work environment.
2. Expand the City's ability to determine how best to manage health, welfare and wellness services for employees.
3. Maintain current state funding for police officer death and disability benefits.
4. Oppose proposals that would allow employees and/or retirees with defined contribution plans to move into defined benefit plans if there is a cost to local government.
5. Oppose proposals that would limit the City's ability to test job applicants or employees at work for impairment due to consumption of alcohol or controlled substances or to set limits related to such testing.

### **RISK MANAGEMENT**

The City of Fort Collins recognizes the dual purpose of the workers' compensation system - providing benefits promptly to injured employees in a cost-effective manner and minimizing costly litigation. Council also recognizes that the City's self-insurance program is a cost-efficient method to insure workers' compensation and that government intervention or taxation can negatively impact the City.

Therefore, the City supports the following policy statements:

1. Improve administrative efficiency of the Division of Workers' Compensation.
2. Resist increased insurance premium costs to employers.
3. Limit or reduce administrative burdens or taxes to self-insurance programs.
4. Limit insurance claim litigation.
5. Increase the City's options and ability to manage workers' compensation claims; oppose actions like removing existing off-sets to workers' compensation benefits or limiting the City's ability to designate treating physicians.
6. Oppose efforts to presumptively expand workers' compensation coverage to illnesses or injuries that are not work related.

## SOVEREIGN AND GOVERNMENTAL IMMUNITY

The Fort Collins City Council recognizes that the complexity and diversity of City operations and services may expose the City and its officers and employees to liability for damage and injury. The Council further recognizes that City officers and employees must be confident that they have the City's support in the lawful and proper performance of their assigned duties and responsibilities.

Therefore, the City supports the following policy statements:

1. Protect the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities.
2. Discourage baseless and frivolous claims and demands made against municipalities, their officers and employees.
3. Maintain or enhance municipal liability protections and municipal immunity.

## TELECOMMUNICATIONS

The City of Fort Collins encourages a competitive, open market for cable and telecommunications services in order to ensure the public has access to a variety of programming and services at the lowest cost possible.

Therefore, the City supports the following policy statement:

1. Maintain and enhance local franchising authority to preserve local governments' ability to negotiate in the public interest for cable channel space, institutional networks and public education and government programming.
2. Permit communities to offer high speed internet, Wi-Fi and other enhanced telecommunication services to residents, schools, academic institutions and businesses.
3. Allow municipalities to provide telecommunication services within City-owned facilities and on City property.
4. Enhance exclusive digital communication networks for public safety personnel during emergencies.

# SAFE COMMUNITY

## Strategic Outcome

Provide a safe place to live, work, learn and play

### FIRE PROTECTION

The Fort Collins City Council recognizes the critical importance of maintaining a safe environment and protecting the lives and property of the citizens of Fort Collins.

Therefore the City supports the following policy statements:

1. Institute a state fire code, the code of choice being the International Building and Fire Code, and allow municipalities to adopt their own amendments.
2. Oppose limits to local enforcement of the International Fire Code as adopted with local amendments, imposing inspection requirements or preventing collection of permit or inspection fees as required by the local jurisdiction.
3. Enhance life safety and property protection through the installation of fire protection systems in structures when appropriate and do not restrict any local jurisdiction from requiring the installation of fire sprinklers.
4. Strengthen the City's ability to prohibit the use and sale of fireworks and allow counties and fire districts to prohibit and otherwise control fireworks without approval of the County Commissioners.
5. Promote fire safety, education and prevention with the goal of reducing injury, loss of life and property damage.
6. Allow local jurisdictions (municipalities and special districts) to implement open burning restrictions.

### HAZARDOUS MATERIALS MANAGEMENT

It is an important concern of the City to safeguard Fort Collins' health and environmental safety by reducing risks from the unauthorized release of hazardous materials or hazardous waste.

Therefore, the City supports the following policy statements:

1. Allow the City to continue controlling risks from hazardous materials use, storage and transportation through the International Building and Fire Code and related local amendments.

2. Allow Fort Collins to adopt local regulations for hazardous materials, including review and approval of the location of facilities that use or store hazardous materials or hazardous waste.
3. Strengthen the enforcement of hazardous materials regulations.
4. Strengthen the diversion of hazardous waste from landfills.
5. Establish greater flexibility and more options for local government in the management of publicly-owned areas thought to have asbestos-containing soils while maintaining responsible site management practices.
6. Prevent and penalize improper storage and disposal of hazardous or exploration and production (E&P) wastes from oil and gas operations within municipal boundaries.
7. Preserve community safety by ensuring emergency responders have all available information needed to effectively address disasters and maintain public well-being.
8. Ensure hazardous materials are not stored or used within the 100-year floodplain.

## MARIJUANA

In 2012, Colorado voters approved Amendment 64 which legalizes the possession of adult-use or recreational marijuana in the state. During the same election Fort Collins residents voted to approve the use of medical marijuana within the city. Federal law maintains that marijuana is a schedule 1 drug and, as such, can neither be possessed and used nor researched.

Therefore, the City supports the following policy statements:

1. Regulate medical and retail marijuana manufacturing, distribution and dispensaries.
2. Clarify the implementation and local rights and responsibilities related to Amendment 64.
3. Clarify and align federal marijuana law with the Colorado Constitution.
4. Protect communities' ability to raise necessary funds to maintain public safety and enforce marijuana possession laws.
5. Prevent under-21 access to marijuana.
6. Clarify the rights of individuals, landlords and homeowner associations in limiting or preventing growing or consuming marijuana in multi-family dwellings.

7. Provide additional state marijuana enforcement resources, especially for field enforcement.
8. Limit THC content per serving size and restrict packaging to a single serving.

### **MUNICIPAL COURT**

The Fort Collins Municipal Court is responsible for administering the operations of the judicial branch of City government according to the ordinances adopted by City Council. Cases adjudicated in Municipal Court include traffic violations, misdemeanors, and civil infractions. Generally, cases are brought to Municipal Court by the Fort Collins Police Services, Colorado State University Police Department, Animal Control, other City departments, and private residents.

Therefore, the City supports the following policy statements:

1. Support the current jurisdiction of municipal courts, particularly for home rule municipalities.
2. Oppose limitations on the authority of municipalities to enforce their own ordinances in municipal courts.
3. Oppose imposition of state surcharges on municipal court fines for the purpose of funding state programs.

### **PUBLIC SAFETY**

The Fort Collins City Council recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Fort Collins.

Therefore, the City supports the following policy statements:

1. Develop treatment and intervention programs, especially for youth, which have the potential to reduce incidents of violence in the community.
2. Provide greater protection to victims of crime.
3. Maintain or enhance the City's right to use camera enforcement of traffic laws, reduce operational restrictions on the use of camera enforcement, and increases the fines associated with violations.
4. Establish protocols and funding for shared, statewide emergency response communications, including supporting Larimer Emergency Telephone Authority (LETA) and other efforts to resolve the 911 redundancy issue.
5. Oppose initiatives that have the potential to compromise officer safety.



6. Establish minimum training criteria and professional mediator certification that formally legitimizes the field of Alternative Dispute Resolution (ADR).
7. Regulate the use of cell phones by motorists while operating a vehicle.
8. Preserve or increase funding for treatment of mental illness and substance abuse disorders.
9. Maintain or enhance a statewide database of concealed weapons permits.
10. Seek to reduce community flood risks.
11. Reduce cities' liability for prisoners' self-inflicted wounds while in police custody or detention facilities.
12. Restrict access to illegal substances.
13. Require greater producer responsibility, such as "take back" for prescription drugs to avoid these substances being abused or being disposed of into the water supply.
14. Clarify the qualifications for what types and purposes a business may obtain and use a state liquor license.
15. Define what qualifies as a "meal" when calculating the percentage of meals served for a liquor license.
16. Increasing state, regional and local disaster resilience.
17. Promote efforts to reduce conflict between community members and law enforcement.
18. Encourage the voluntary use of body-worn camera technology on officers and development of community-specific standards for the use of cameras and their data.
19. Develop grant programs for police department use to fund the purchase, training and deployment of body-worn cameras and the retention of footage.

# TRANSPORTATION

## Strategic Outcome

Provide for safe and reliable multi-modal travel to, from, and throughout the city

### TRANSPORTATION

The City actively promotes the safety and ease of traveling to, from and throughout the community using a variety of modes of transportation. Additionally, the City's policy is to encourage the use of alternative transportation whenever appropriate.

Therefore, the City supports the following policies:

1. Facilitate cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists, pedestrians and those using mobility aid devices.
2. Oppose reductions to the present allocation formula of 60 percent state, 22 percent counties, and 18 percent municipalities for Highway User Tax Fund (HUTF) or any appropriations from the state using the same formula.
3. Explore and analyze alternative methods of funding transportation infrastructure needs.
4. Fund analysis and implementation of inter- and intra-regional transit linkages, including future commuter rail connectivity.
5. Facilitate regional planning for various modes of transportation with the goal of providing practical solutions to reduce reliance on single-occupant vehicles.
6. Encourage flexibility in federal funding and regulations in order to better meet the needs of small to medium-size communities.
7. Encourage or incent locating affordable housing near transit for greatest accessibility.
8. Preserve the guaranteed levels of federal funding for transportation and allocation of all federal motor fuel taxes and other federal transportation trust funds for their intended transportation purposes.
9. Broaden the definition of the gasoline tax to a "fuel tax" that encompasses other fuel options as they become more prevalent.
10. Increase local governments' ability to prevent railroad trains from blocking street and highway grade crossings for unreasonable time periods.

11. Foster dialogue between railroad operators and communities aimed at solutions to rail proximity issues.
12. Facilitate the implementation of railroad quiet zones in municipalities and reduce train horn decibel and duration requirements in existing federal rule.
13. Oppose divesting key highway roads in urban areas from the state and make them the sole responsibility of local jurisdictions.
14. Maintain safe operation of railroads through timely track inspections, joint training and communication between railroad and emergency personnel, and the use of safe equipment.
15. Develop financing programs for Interstate 25 improvements.
16. Explore solutions to improve bicycle safety and fund implementation projects in communities. Oppose reductions in federal dollars for alternate travel modes.
17. Clarify federal and state regulations in order to preserve local governments' ability to utilize unmanned aerial vehicles (UAVs) for service-related purposes.
18. Ensure local government has access to test the use of UAVs in service delivery.

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