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Legislative Review Committee Agenda

Meeting Notes

January 22, 2013, 4:00 p.m.

City Manager's Conference Room

Present: Kelly Ohlson, Mayor Pro Tem; Wade Troxell, Councilmember; Lisa Poppaw, Councilmember; Wendy Williams, Assistant City Manager; Ingrid Decker, Senior Assistant City Attorney; Dan Weinheimer, Legislative Policy Manager

Absent: Steve Roy, City Attorney

Guests: Kelly Unger, Management Assistant; Dale Adamy

Mayor Pro Tem Ohlson called the meeting to order at 4:12 pm.

Adoption of the minutes from the October 23, 2012 meeting were moved for approval by Councilmember Troxell and seconded by Mayor Pro Tem Ohlson. Minutes were adopted without amendment.

Dan Weinheimer started the meeting with a discussion of meeting process. He stated that his goal was improving the quality of the information provided to the LRC and to focus members' attention on bills of interest and important measures rather than running through each and every bill during a given meeting. Councilmember Troxell suggested that a compendium of bills similar to the Colorado Municipal League's Statehouse Report might be helpful – this weekly report briefly summarizes a bill and its status in the General Assembly.

Dan offered that another option might be a "consent calendar" where members would be provided non-controversial bills or bills with a clear position in the Legislative Policy Agenda and then at their option be able to pull bills from that list for additional discussion. Controversial bills would not be included on this list and would be discussed in more detail. The goal would be to save discussion time for more important issues.

Mayor Pro Tem Ohlson voiced support for the concept of a consent calendar-style presentation of bills but also said that he was more interested in having a complete background of bills and the timeliness of information from staff. Councilmember Troxell further suggested that staff devise an update system for conveying information between meetings to the LRC members. He recommended that staff develop a calendar-based spreadsheet that could track a bill and each milestone in the legislative process. Councilmember Poppaw agreed that a spreadsheet with

bills would make the meetings move faster and allow LRC to be nimble enough to react to the General Assembly calendar.

Dan then moved on to review current bills in the General Assembly.

HB13-1044 is a bill authorizing the use of graywater. Dan explained that the bill, an updated version of a bill carried by Representative Randy Fischer last session, would direct the state to promulgate rules authorizing the residential, commercial, or industrial use of graywater and subsequent to these rules cities could adopt local rules permitting citizens to install systems. Dan indicated that the Colorado Water Congress has worked with the bill sponsor to amend the bill and now supports it. Mayor Pro Tem Ohlson asked about the amendments to the bill and whether they had gutted it. Dan assured him that the amendments related to concerns about water rights and about the application of the water outside the home. The LRC voted to support this bill.

SB13-23 is a proposal to increase the damage cap under the Colorado Government Immunity Act (CGIA) from one person from \$150,000 to \$478,000 and for two or more persons from \$600,000 to \$990,000 and includes an inflation adjustment every four years afterwards. Dan described the bill in brief and summarized the concern that risk management has with increasing the cap and the fact that this both increases the City's potential exposure to expensive claims and could increase the likelihood of such claims because of a greater damage award. Mayor Pro Tem Ohlson asked when the last increase to the CGIA damage cap occurred. Dan informed him that it was last increased in 1992. Mayor Pro Tem Ohlson then stated that he disagreed with the staff recommendation to oppose this bill and instead would encourage staff to work to fix its concerns rather than to oppose the bill. He further said that government should work to prevent claims rather than keeping the cap lower. No position was adopted on this bill; staff will work to address City concerns.

SB13-25 would mandate collective bargaining for firefighters. Dan presented a Colorado Municipal League summary of the bill as well as four editorials published from around the state in opposition to the bill. By mandating collective bargaining for cities the bill would usurp local control in human resources decisions and disenfranchise voters in communities that might have voted against collective bargaining rights. Mayor Pro Tem Ohlson voiced opposition to the bill noting that he opposes providing one particular group with benefits without a public vote. Councilmember Troxell also opposed the bill. The LRC adopted an oppose position to this bill.

SB13-35 is a bill banning the use of red light cameras and camera radar in cities. Dan summarized the bill saying that it has been introduced several times at the General Assembly and it would remove local control if approved. Fort Collins uses camera speed radar and also employs red light cameras in some intersections.



Mayor Pro Tem Ohlson noted that this bill is clearly covered in the Legislative Policy Agenda and would usurp local control, he recommended an oppose position. The LRC adopted an oppose position to this bill.

SB13-48 would authorize local governments to use Highway Users Tax Fund (HUTF) for transit infrastructure and operations and maintenance purposes. The proposal originated from Boulder County and an advocacy group called SWEEP. Councilmember Troxell noted that greater flexibility in budgeting would be a good thing. The LRC adopted a support position for this bill.

SB13-68 would modify the late vehicle registration fee from a \$25 per month (maximum \$100) to a flat \$20. This bill concerns the City in that it both reduces the motivation for a person to register their vehicle and also by reducing the amount collected statewide would limit the funding available to transportation infrastructure. Mayor Pro Tem Ohlson encouraged staff to look beyond just the money on a bill like this and to consider the safety impacts. Wendy Williams noted that an additional concern with this bill is that it limits the motivation for new residents to register their vehicles in the state. Councilmember Troxell asked if this was a fee that increased under Governor Ritter, staff was not sure of the answer. Mayor Pro Tem Ohlson commented that he thought that the cap might be a relatively new thing. The LRC adopted an oppose position on this bill.

Dan then briefly discussed the status of High Park Fire recovery funds. He stated that the City had been working closely with federal representatives to fund Emergency Watershed Protection (EWP). The money had been included in the Senate and stripped out of the House bill. There is another opportunity to fund EWP in March and City officials are hopeful of success then. Dan mentioned that Congressman Cory Gardner had publicly fought for EWP funds for Colorado and during the hearing he was promised by the Chairperson that Colorado needs would be considered in March. Mayor Pro Tem Ohlson asked whether the funding was intended for people's homes or for reseeded the forest and other purposes. Both Dan and Wendy Williams assured him that funding is for reseeded and watershed protection which would protect City water supplies.

The meeting was adjourned at 4:48pm.