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Legislative Review Committee Agenda

Meeting Notes

June 11, 2013, 4:00 p.m.

City Manager's Conference Room

Present: Wade Troxell, Councilmember; Ross Cunniff, Councilmember; Wendy Williams, Assistant City Manager; Steve Roy, City Attorney; Dan Weinheimer, Legislative Policy Manager; Pamela Weir, Management Assistant

Absent: Lisa Poppaw, Councilmember

Guests: none

Councilmember Troxell called the meeting to order at 4:03 pm.

Adoption of the minutes from the April 9, 2013 meeting were moved for approval by Councilmember Troxell and seconded by Councilmember Cunniff. Minutes were adopted without amendment.

The Committee members **selected Councilmember Troxell as the LRC Chair.**

Dan Weinheimer provided some background of LRC operations, its role and specifically the flow of the legislative year. Dan described that the City Council annually adopts a policy agenda as the framework for action on specific bills and typically aligns that document with an eye on the issues of the day, Colorado Municipal League and other subject matter specific organizations. Dan also discussed how the City lobbies specific bills.

Councilmember Cunniff asked about **HB13-1288, establishing a statewide uniform sales and use tax**, noting that the City had an oppose position on the bill but it was signed by the Governor. Dan explained that this bill was for a study of establishing a uniform sales and use tax and that the issue is a great concern for Fort Collins' revenue. He said that the issue is a personal cause of a particular legislator who is concerned that each municipality has different tax rates and that this creates a burden on businesses with operations in many areas of the state. The City opposed the effort because of its concerns and the fact that the effort does not seem sincere to truly study the issue fairly.

Councilmember Troxell asked about **SB13-025, Collective Bargaining for Firefighters** which was signed by the Governor. Dan noted that the bill was amended and the title changed to the **Colorado Firefighter Safety Act**. He said that this did little to improve the bill. Steve Roy stated that the fact that Fort

Collins is served by Poudre Fire Authority and that the Authority's boundaries are non-contiguous to the City's presents a problem should there be a vote to create a firefighters union. Steve said the new law presents a charter issue for Fort Collins and the City Attorney's office will be examining some of these issues in conjunction with colleagues from throughout the state. Councilmember Troxell asked whether perhaps CML might have a session at their June Conference. Dan responded that he thought the session was scheduled for Thursday June 20.

Dan briefly discussed **SB13-043 On-premises Alcohol Consumption Prohibit Removal**. He highlighted that amending this bill was a collaboration between the City of Boulder and Fort Collins and an example where Fort Collins acts outside of CML. The two cities successfully worked to insert a three-strikes provision into the bill that limited the impact of allowing businesses to simply post a sign warning customers not to take alcohol off premises.

Dan also talked about **SB13-059 Peace Officers Obtain Liquor Licenses** which was a bill both the City and CML opposed but was signed into law. This proposal was amended to prevent an officer from having a liquor license in the jurisdiction in which they serve. Councilmember Troxell highlighted that it would appear to still present ethical issues when an officer owns a liquor license at all.

Dan briefly discussed the two oil and gas-related bills that were signed into law from the 2013 session. **HB13-1278** increases the notification requirement for a spill by lowering the threshold for reporting from 5 barrels spilled to 1 barrel. **SB13-202** directs the Colorado Oil and Gas Conservation Commission (COGCC) to develop and implement a pilot for a risk-based inspection program. Dan noted that he anticipated that there would be more action on oil and gas bills in 2014.

Reviewing the federal bills of interest to Fort Collins, Dan discussed the **Marketplace Fairness Act**. He said that Colorado prepared for passage of this bill by approving **HB13-1295, Simplify Sales Tax for Marketplace Fairness Act**. Councilmember Cunniff asked for additional information about this bill and whether it established a statewide sales tax rate and, if so, at what amount.

Dan mentioned that **train horn noise** continues to be an issue of interest to Fort Collins and that staff has been working on the issue regionally and with the Federal Railroad Administration.

Councilmember Troxell asked whether the **tax exempt status of municipal bonds** was a federal issue still being tracked by staff. Dan indicated that it was being tracked and is a priority issue for National League of Cities and CML as well.

Dan moved on to talk a bit about revisions to the Legislative Policy Agenda and future topics for the Colorado General Assembly. He said that typically there are

issues brought forward from staff for consideration as bills. Two such issues seem likely issues for Fort Collins in 2014 – **reintroducing black-footed ferrets with landowner permission to public lands and the Emerald Ash Borer.**

Black-footed Ferrets were discussed in 2013 and a bill was successfully run through the Assembly to permit reintroduction on private lands. These animals are a natural predator of prairie dogs and can be used to control the populations of prairie dogs in some areas. The City will seek to clarify the definition of “private lands” and Dan recommended that Fort Collins seek a legislative fix allowing reintroduction on public lands. The Natural Areas Department has been working with the U.S. Fish and Wildlife Service to bring the ferrets to Soapstone Prairie for reintroduction. Soapstone is thought of as an optimal location for reintroduction of the endangered ferrets because of its size, the size of the prairie dog colonies there and the City’s management practices for the prairie dog colony.

Emerald Ash Borer is a tree pest that has already been identified in many eastern states. The pest is carried from state-to-state through methods like interstate firewood transport. The pest kills ash trees which, especially throughout the Front Range, make up a significant percentage of the urban forest. Fort Collins Forestry has been working with Colorado State University and the State Department of Agriculture to address the likely introduction of the pest proactively. A bill may be needed to ensure the Department of Agriculture has access to needed funding for information and mitigation efforts. Councilmember Troxell mentioned that a CSU researcher has done work in benign pest management strategies and could be a resource for staff.

Councilmember Cunniff asked that **fire management and prevention** be considered for legislative action. Dan said that while staff had tracked both General Assembly and federal action on some fire-related bills that Fort Collins had not led any efforts.

Councilmember Troxell raised the issue of **marijuana policy implementation.** He said his concern remains the under 21 population in Fort Collins and throughout Colorado. He said he would like to see funding for education and enforcement for under 21 community members. Steve Roy asked whether there was still an effort at the federal level to amend marijuana from a Schedule 1 drug to a different level. Dan said that he would pay attention for such an effort but was not aware of a coalition working on this change.

Dan wrapped up the meeting with a brief discussion of the June 27 meeting scheduled with the three state legislators and the Colorado Municipal League conference activities June 18-21

The meeting was adjourned at 4:59 pm.