



# ADAMS COUNTY

**COLORADO**  
BOARD OF COUNTY COMMISSIONERS

Eva J. Henry - District #1  
Charles "Chaz" Tedesco - District #2  
Erik Hansen - District #3  
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**STUDY SESSION AGENDA  
TUESDAY  
October 2, 2018**

*ALL TIMES LISTED ON THIS AGENDA ARE SUBJECT TO CHANGE*

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<b>11:00 A.M.</b>	<b>ATTENDEE(S):</b>	<b>Adam Burg</b>
	<b>ITEM:</b>	<b>State Lobbyists Update</b>
<b>11:45 A.M.</b>	<b>ATTENDEE(S):</b>	<b>Kristin Sullivan / Doug Clark / Nana Appiah / Joelle Greenland</b>
	<b>ITEM:</b>	<b>Amendments to the Adams County Development Standards and Regulations</b>
<b>12:30 P.M.</b>	<b>ATTENDEE(S):</b>	<b>Terri Lutt / Cindy Bero</b>
	<b>ITEM:</b>	<b>Paid Parental Leave Program</b>
<b>1:00 P.M.</b>	<b>ATTENDEE(S):</b>	<b>Raymond Gonzales</b>
	<b>ITEM:</b>	<b>Administrative Item Review / Commissioner Communications</b>

(AND SUCH OTHER MATTERS OF PUBLIC BUSINESS WHICH MAY ARISE)

\*\*\*AGENDA IS SUBJECT TO CHANGE\*\*\*



## STUDY SESSION AGENDA ITEM

<b>DATE:</b> October 2, 2018
<b>SUBJECT:</b> State Lobbyists Update
<b>FROM:</b> Adam Burg, Legislative and Government Affairs Administrator
<b>AGENCY/DEPARTMENT:</b> County Manager's Office
<b>ATTENDEES:</b> Adam Burg, Eliza Schultz, Elisabeth Rosen
<b>PURPOSE OF ITEM:</b> To provide the Board of County Commissioners with an update on state legislation and regulation.
<b>STAFF RECOMMENDATION:</b> Informational Update

### **BACKGROUND:**

Our state lobbyists will be giving a presentation updating the Adams County Board of County Commissioners on legislative and regulatory issues occurring at the state level.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

None.

### **ATTACHED DOCUMENTS:**

2018 Potential Resolution Items

**FISCAL IMPACT:**

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

**Fund:**

**Cost Center:**

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			<hr/>

	<b>Object Account</b>	<b>Subledger</b>	<b>Amount</b>
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			<hr/>

New FTEs requested:             YES             NO

Future Amendment Needed:     YES             NO

**Additional Note:**

**APPROVAL SIGNATURES:**

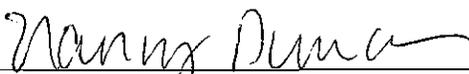
  
\_\_\_\_\_  
Raymond H. Gonzales, County Manager

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Alisha Reis, Deputy County Manager

\_\_\_\_\_  
Bryan Ostler, Deputy County Manager

\_\_\_\_\_  
Patti Duncan, Deputy County Manager

**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Nancy Duma  
Budget / Finance

## 2018 Potential Resolution Items

—Below are initiatives that will be on this November’s ballot in Adams County—

### Amendment 73 Funding for Public Schools

On August 9<sup>th</sup>, 2018, Colorado Secretary of State Wayne Williams announced that a proposed constitutional amendment that boosts income taxes to raise money for education made the ballot. This amendment increases funding for P-12 public education by raising the individual income tax rate for some individuals, increasing the corporate income tax rate, and setting new assessment rates for property taxes levied by school districts.

This amendment proposes amending the Colorado Constitution and Colorado statutes to:

- Increase funding for preschool through twelfth grade (P-12) public education;
- Raise the state individual income tax rate for taxpayers with taxable income over \$150,000, and increase the state corporate income tax rate to provide additional funding for education; and
- For property taxes levied by school districts, set the assessment rate at 7.0 percent for residential properties and decrease the assessment rate to 24.0 percent for most nonresidential properties.

P-12 public schools in Colorado are funded through a combination of state, local, and federal sources. Based on the latest available data, total education funding is approximately \$9.8 billion, of which \$6.6 billion is allocated to school districts through a formula in state law. Formula funding begins with the same amount of funding per student, known as the base per pupil funding, which is constitutionally required to increase by at least the rate of inflation annually. In budget year 2017-18, the base per pupil amount was \$6,546. The base funding amount is then adjusted by the following factors to determine a final per pupil amount that varies by district:

- District size factor, which provides additional funding based on student enrollment, with smaller districts receiving more funding;
- Cost-of-living factor, which provides additional funding based on the cost of living in a given district relative to other districts;
- At-risk factor, which provides additional funding based on the number of low-income and non-English speaking students; and

- Budget stabilization factor, which was adopted in 2010 as a budget-balancing tool and applies an equal percentage reduction in formula funding across all school districts.

After the factors were applied, final per pupil amounts ranged from \$7,236 to \$16,247 across all school districts in budget year 2017-18. Once the funding is distributed to districts, each locally elected school board determines how to spend the revenue in its own district.

Formula funding is provided by state and local sources. The state pays for the portion of the formula that school districts are unable to fund with their local revenue. Of the \$6.6 billion distributed through the formula in budget year 2017-18, the state share was \$4.1 billion and the local share was \$2.5 billion. The state share is funded by income taxes, sales taxes, and other state revenues, while the local share is funded through local property taxes and vehicle ownership taxes.

In addition to funding set by the formula, districts receive additional state assistance for specific programs, known as “categoricals”. Categoricals include special education, English language learning, gifted and talented and vocational programs, and transportation and totaled \$297.6 million in budget year 2017-18. Additional sources of revenue for education include federal funding, district-assessed fees, competitive state grants for specific purposes, and state capital construction programs, among other sources.

In many school districts, voters have approved property tax revenue above the amount authorized through the school finance formula. These additional property taxes are called “mill levy overrides,” and are used for specific local education needs. As of 2018, voters in 121 out of 178 districts have approved mill levy overrides. For those districts, the additional per pupil funding ranges from \$32 to \$5,024 per student.

The measure encourages the state legislature to adopt a new public school finance act that distributes funding to public schools. The new distribution formula must be transparent and easy to understand, and meet criteria related to:

- An increase in base per pupil funding;
- Equitable allocation of funding among districts, based on certain student and district characteristics;
- Additional funding for certain specialized and early childhood programs; and
- The recruitment and retention of teachers.

This amendment increases income tax rates to provide additional revenue for public education. Colorado’s current individual and corporate income tax rate is a flat 4.63 percent. Beginning in 2019, the measure creates a graduated individual income tax rate for taxable income above \$150,000, and increases the corporate tax rate from 4.63 percent to 6.0 percent. The measure

is expected to generate \$1.6 billion in budget year 2019-20, the first year of implementation, to be spent on public education. This revenue is exempt from constitutional spending limits.

The income tax increase will impact 8.2 percent of individual and joint income tax filers. The graduated income tax rate also applies to estates, trusts, and businesses that file individually. The change in income tax rates is expected to increase state revenue by an estimated \$1.4 billion in budget year 2019-20.

Those with taxable income equal to or less than \$150,000 will not experience an income tax increase under the measure. The impact of the graduated tax increase on taxpayers with higher earnings will differ based on a taxpayer's taxable income. For example, a taxpayer with taxable income equal to \$250,000 would be taxed at 4.63 percent for the first \$150,000 in income. The subsequent \$50,000 would be taxed at a rate of 5.0 percent, and the final \$50,000 would be taxed at a rate of 6.0 percent.

The measure increases the corporate income tax rate from 4.63 percent to 6.0 percent. Businesses that pay corporate income tax are typically large businesses that operate across multiple states or countries. In contrast to the measure's individual tax rate changes, the increase in the corporate income tax rate is not a graduated tax rate and applies to all corporate taxpayers. The change is expected to generate \$229.4 million in budget year 2019-20. On average, each of the approximately 15,000 corporate income taxpayers with an income tax liability are expected to pay an additional \$14,139 per year under the measure.

Property taxes are paid on a portion of a property's value, determined by an assessment rate. Under current law, the assessment rate for most nonresidential property is set at 29 percent, and the rate for residential property is determined by the state legislature based on a formula in the state constitution. Over time, the residential assessment rate has declined from 21 percent in 1983 to the current rate of 7.2 percent. The rate is expected to fall further to 6.1 percent in 2019, based on projections published by Legislative Council Staff in December 2017.

For school district property taxes only, beginning in 2019, this amendment reduces the nonresidential assessment rate from 29 percent to 24 percent, thereby reducing taxes for nonresidential property. The measure reduces the residential assessment rate from 7.2 percent to 7.0 percent, and sets it at this lower rate, keeping it from falling further. Relative to the projected 6.1 percent residential assessment rate, the rate under the measure will result in a tax increase for residential property taxpayers. The measure does not impact the assessment rates for mines and lands producing oil and gas, nor does it impact property taxes levied by other local governments.

#### Arguments For:

- The state needs a sustainable source of revenue to adequately and equitably fund public education. Colorado significantly cut P-12 public education funding during the Great Recession, and funding levels have not recovered, even though Colorado has one of the

healthiest economies in the nation. Since the 2010-11 budget year, the budget stabilization factor has cut education funding by a total of \$7.2 billion. As a result, school districts have had to make difficult choices, such as limiting teacher salaries, increasing class sizes, limiting mental health and counseling services for students, and narrowing course offerings. Further, approximately half of Colorado school districts are currently operating on four-day weeks. The measure alleviates the impact of these historical cuts by providing a dedicated income tax increase to fund public education.

- The measure provides property tax relief for business property owners, farmers, and ranchers who have paid an increasingly higher proportion of property taxes compared to residential property owners. Since 1983, the nonresidential assessment rate has been set at 29 percent, while the residential assessment rate has fallen from 21 percent to the current 7.2 percent. The measure lessens these inequities between residential and nonresidential property owners by both stabilizing the residential assessment rate and lowering the nonresidential assessment rate for school district property taxes.
- One of the government's most important functions is to provide children with a high-quality public education. Local school districts will prioritize how to spend the new revenue in ways that best fit their community, such as recruiting and retaining highly qualified teachers, improving access to early childhood education programs, strengthening science and math, vocational, and literacy programs, and providing a safe learning environment for all students. These are key investments in a successful public education system, which could help ensure a strong Colorado economy that is capable of competing in today's global market.
- Constitutional constraints have suppressed local property tax revenue in many areas and led to greater pressure on the state general operating budget to meet required education funding levels. Stabilizing the local share of required school formula funding and creating a dedicated source of state revenue for education provide additional flexibility for the state to use more of its general operating budget on other core programs, such as transportation, public safety, and health care.

#### Arguments Against:

- The measure imposes a tax increase without any guarantee of increased academic achievement. A focus on education reform rather than new revenue is more likely to improve student outcomes. Policymakers should be encouraged to find efficiencies within the current system and to reprioritize existing revenue in order to meet current education funding requirements. Since the 2012-13 budget year, total formula funding has increased by between 1.3 percent and 7.4 percent annually, and just this year, the legislature increased school formula funding by over \$150 million without a tax increase. Increasing the state income tax rate could negatively impact the state's economy.

- Businesses will have less money to invest in their workers and individuals will less money to spend, save, and invest. Colorado may also have a harder time attracting or retaining businesses, as the top income tax rate under the measure would be 8.25 percent, the ninth highest state income tax rate in the country. This puts Colorado at a competitive disadvantage compared to other states.
- The measure complicates an already complicated property tax system. By creating one assessed value for school districts and another assessed value for all other local taxing entities, the measure will lead to confusion among taxpayers and further complicate tax administration for state and local governments. Further, this complicated system ultimately represents an additional burden on homeowners, providing a tax cut for businesses at the expense of homeowners.
- The measure does not allow the state legislature to adjust the income tax thresholds to account for inflation. As a result, over time, more taxpayers will end up in the higher tax brackets as their incomes are adjusted for inflation, resulting in additional revenue that must be spent only on education. To the extent that more revenue is raised than is needed to sufficiently fund education, the state will not be able to use this money to address other critical needs such as transportation and health care. Finally, the additional revenue generated by the measure is exempt from the state's constitutional spending limit, thereby removing an important protection for taxpayers.

### **Proposition 109 Authorize Bonds for Transportation Projects (Fix Our Damn Roads)**

This initiative proposes amending the Colorado statutes to:

- Require the state to borrow up to \$3.5 billion in 2019 to fund up to 66 specific highway projects;
- Direct the state to identify a source of funds to repay the borrowed amount 4 without raising taxes or fees; and
- Limit the total repayment amount, including principal and interest, to \$5.2 billion over 20 years.

Under this initiative CDOT would be allowed to borrow up to \$3.5 billion by selling transportation revenue bonds. The total repayment amount, including principal and interest, is limited to \$5.2 billion. The bonds must be repaid in 20 years, and the state must reserve the right to repay the bonds ahead of schedule without penalty. Assuming the repayment schedule is for the full \$5.2 billion over 20 years, the average annual repayment cost will be \$260 million. Actual repayment amounts will vary depending on the terms of the revenue bonds.

Borrowed money under this proposition may only be used for road and bridge expansion, construction, maintenance, and repair on the 66 transportation projects identified in the measure. These projects are located throughout the state. The funding provided through the measure is not enough to pay for all the projects identified in the measure; the estimated cost of the projects is \$5.6 billion. The final selection and order of construction will be determined by CDOT and the Transportation Commission, an 11-member body appointed by the Governor to prioritize statewide transportation needs.

CCAT voted to Oppose this measure.

#### Arguments For:

- This proposition accelerates the construction of essential highway projects without raising taxes or fees. Building and maintaining a highway system are core functions of government. The state has failed to invest sufficient funds to maintain and expand the highway system. The measure corrects this by directing the state to prioritize highway projects ahead of other programs.
- The lack of highway capacity is the most significant contributor to traffic congestion in the state and causes delays, increases business costs, and reduces driver and passenger safety. The measure requires the state to invest more money in transportation, improving the state's economy and quality of life.

#### Arguments Against:

- This proposition commits up to \$5.2 billion to repay borrowing without creating a new source of revenue. This commitment diverts money from other programs, which may include education, health care, and routine transportation maintenance. Furthermore, the measure would pay for only a portion of the projects and fails to address the cost of ongoing maintenance of these projects.
- In 2018, the state demonstrated its commitment to transportation funding by pledging \$1.0 billion from existing revenue sources. If this proposition it replaces this commitment with borrowed money. Borrowing is expensive. Under this measure, approximately \$1.7 billion in taxpayer money will be spent on interest payments.

### **Proposition 110 Transportation Funding (Bonding and Sales Tax Increase)**

On August 23<sup>rd</sup>, 2018, Colorado Secretary of State Wayne Williams announced that this proposed transportation measure has made the ballot. The measure would increase the states' sales and use tax rate by 0.62 percent from 2.9 percent to 3.52 percent. Backers of Initiative 153 submitted their petitions on Aug. 6.

A 5-percent random sample of the submitted signatures projected the number of valid signatures to be greater than 110 percent of the total number of signatures required for placement on the ballot.

This initiative proposes amending the Colorado statutes to:

- Increase the state's sales and use tax rate from 2.9 percent to 3.52 percent for 20 years;
- Distribute the new tax revenue for transportation as follows: 45 percent to the state; 40 percent to local governments; and 15 percent for multimodal transportation projects; and
- Permit the state to borrow up to \$6.0 billion for transportation projects and limit the total repayment amount, including principal and interest, to \$9.4 billion over 20 years.

Note, the measure increases state distributions to local governments for transportation projects by \$146.4 million (half-year impact) in state budget year 2018-19, and by \$306.7 million in state budget year 2019-20. These increases continue for 20 years.

The state sales tax is paid on the purchase price of most items. Some items are exempt, such as food bought at grocery stores, prescription drugs, household utilities, and gasoline. The tax applies to some services, including telephone service, food and drink service at restaurants and bars, and short-term lodging. The state use tax is paid when sales tax was due but not collected. In addition to the state's 2.9 percent rate, most cities and counties also have sales and use taxes. Combined state and local sales tax rates in Colorado range from 2.9 percent to 11.2 percent, depending on where a purchase is made.

Beginning January 1, 2019, the measure increases the state sales tax rate from 2.9 percent to 3.52 percent for 20 years. The measure is estimated to raise about \$767 million in the first year that it applies. Under the measure, the average amount of sales tax paid by a Colorado family with an average income of \$74,374 is estimated to increase by \$131.

The state's share of the additional tax revenue will be spent by CDOT on state transportation projects that address safety, maintenance, and congestion and to repay borrowing under this measure for transportation projects. The Transportation Commission, an 11-member body appointed by the Governor to prioritize statewide transportation needs, will determine the use of these funds.

The local share of the additional revenue will be distributed to every city and county for transportation projects based on an existing formula in state law.

The additional tax revenue identified for multimodal transportation projects will mostly be spent by local governments. Multimodal transportation provides additional transportation

options and includes bike paths, sidewalks, and public transit, such as buses, rail, and rides for the elderly and disabled.

This proposition permits CDOT to borrow up to \$6.0 billion by selling transportation revenue bonds. The total repayment amount, including principal and interest, is limited to \$9.4 billion over 20 years, and the state must reserve the right to repay the bonds ahead of schedule without penalty. Assuming the repayment schedule is for the full \$9.4 billion over 20 years, the average annual repayment cost will be \$470 million. Actual repayment amounts will vary depending on the terms of the revenue bonds. The measure creates a citizen oversight commission to annually report on the use of the bond proceeds.

CCAT voted to Support this measure.

Arguments For:

- Colorado's highways are deteriorating, and the cost of improvements continues to increase. The state needs to invest immediately in its infrastructure and cannot afford to expand and modernize its transportation system without a new revenue source. Colorado needs a modern transportation system that includes road, bus, bike, pedestrian, and rail options to address its growing population. This measure creates a flexible statewide transportation solution, and it lets local communities identify their own transportation projects and prioritize their most urgent needs.
- This proposition creates a sustainable source of funding for Colorado's transportation needs. Colorado's highway costs outpace collections from the gas tax. This measure offers a way for the state to increase transportation funding and repay bonds. This new, dedicated revenue for transportation will allow the state to continue to meet its obligations to fund education, health programs, and public safety while also investing heavily in Colorado's roads.

Arguments Against:

- This proposition raises taxes for a fundamental government service that should be fully funded through the state budget. Any shortfall in transportation funding is a result of prioritizing state spending in other areas of government. The state can fund roads with the money it collects in taxes, rather than resorting to expensive borrowing. Additionally, this measure dedicates too much revenue to multimodal transportation, money that should be used exclusively for road repair and improvement. The majority of the workforce use their personal vehicles to commute daily and depend on quality road and highway maintenance.
- Sales taxes, which are already high, provide a poor method of funding transportation. The total sales tax rate exceeds 10 percent in some areas of Colorado. Raising the state

sales tax disproportionately affects low-income individuals because they must spend a larger share of their budget buying taxable necessities.

### **Proposition 112 Setback Requirements for Oil and Gas**

This amendment would require that new oil and natural gas development be located at least 2,500 feet (or about 450 surrounding acres) from occupied structures, water sources, and other areas designated as vulnerable.

Entering a previously plugged or abandoned oil or natural gas well is held to this same setback requirement. The measure also allows the state or a local government to require a setback distance greater than 2,500 feet. If two or more local governments with overlapping boundaries establish different setbacks, this amendment requires that the greater distance be used. The measure does not apply to federal land, which includes national forests and parks and comprises about 36 percent of the land in Colorado.

Under the measure, oil and natural gas development includes the exploration for, and the drilling, production, and processing of oil or natural gas. Oil and natural gas development also includes hydraulic fracturing, flowlines between oil and natural gas facilities, and the treatment of associated waste. Occupied structures include most buildings where people live or work. This amendment designates certain areas as vulnerable, including certain recreation areas and water sources, such as public and community drinking water sources, canals, reservoirs, lakes, rivers and streams (whether continuously flowing or not), and any other area designated by the state or a local government as vulnerable.

#### Arguments For:

- Oil and natural gas operations may adversely impact public health, safety, and the environment. Some people living near these operations have reported negative health effects to the CDPHE, including irritation of the eyes, nose, throat, lungs or skin, or other symptoms such as headaches, dizziness, nausea, and vomiting. Such development may also increase noise, traffic, dust, light, and odors. This amendment requires that new oil and natural gas development be located farther away from homes, schools, businesses, and other occupied buildings, thereby reducing nuisance impacts and potential exposure to air pollutants. This amendment also establishes a required setback for water sources and recreation areas.
- Over the past several years, Colorado's northern Front Range has seen both substantial urban development and increased oil and natural gas activity. This amendment provides property owners with greater certainty about the location of new oil and natural gas development in their communities. Keeping oil and natural gas development farther away from occupied structures reduces resident exposure to industrial activity and the potential hazards related to such activity. It may also improve the quality of life for

nearby residents. Some people are reluctant to purchase or rent a home or visit a business or recreation area located near oil or natural gas development.

#### Arguments Against:

- This proposal eliminates new oil and natural gas activity on most non-federal land in Colorado. According to the COGCC, about 85 percent of Colorado's non-federal land would be excluded from development with the required 2,500-foot setback. Oil and natural gas development is important to Colorado's economy, generating an estimated \$10.9 billion in production value in 2017. This amendment will reduce the economic benefits the oil and natural gas industry provides for the state and may result in the loss of jobs, lower payments to mineral owners, and reduced tax revenue that is used for local schools and other governmental services and programs.
- This amendment is unnecessary because the existing COGCC setback requirements provide a balanced approach to protecting public health, safety, and the environment. The state's existing setback requirements were developed through a collaborative rule-making process and guided by technical expertise. When adopting its setback rules, the COGCC considered the concerns of mineral owners, residents, schools, businesses, and others. Under current law, the COGCC has the authority to modify setback requirements in the future, if necessary.

### **Amendment 74 Just Compensation for Reduction in Fair Market Value by Government Law or Regulation**

This amendment would require the state or a local government to compensate a property owner if a law or regulation reduces the fair market value of his or her property.

Both the Colorado Constitution and state law specify that a government may not take or damage private property without providing compensation to the owner. Procedures in law exist to evaluate and challenge government decisions that lead to takings or cause damages, including asking for public and property owner input and establishing the amount of compensation owed.

There are three primary ways that the state or a local government can take or damage private property. Governments in Colorado are generally required to compensate a property owner in these cases. The first type of taking is called "eminent domain." A government may take land from a private property owner for a public use or benefit. For example, a government may take land from a property owner to expand a highway. The second type of taking occurs if a government causes damage to private property, whether intentional or accidental. For example, a government may build a road that limits access to an individual's property. The third type of taking is a "regulatory taking," which occurs when a government enacts a law or regulation that deprives a property owner of the use or value of his or her property, even

though he or she usually maintains ownership of the property. For example, a government may prohibit a property owner from constructing buildings on his or her property, leaving the property with almost no value.

If approved this amendment expands the circumstances under which the state or a local government is required to provide compensation to a property owner for a regulatory taking. Under this measure, a law or regulation that results in any decrease in the fair market value of a property, as opposed to the current standard of an almost total loss in value or use, becomes a regulatory taking. For example, if a government limits natural gas development, the owner of the mineral rights could file a claim for the reduced value of his or her property.

CCAT voted to Oppose this measure.

Argument For:

- This amendment ensures that when a property's value is harmed by government action, the owner of that property is fairly compensated for the loss. For many Coloradans, property is the most significant asset they own. If a law or regulation causes any loss of value, it is only right that the property owner be fairly compensated by the state or a local government. However, current law does not require a government to compensate an owner unless the loss in value to the property is near total.

Argument Against:

- This amendment has potentially far-reaching and costly consequences for taxpayers and governments. Under the measure, taxpayers will be responsible for payments to property owners for any loss in property value resulting from a change in law or regulation, regardless of whether the property retains a profitable use or the owner has been paid for prior claims of lost value. The potential liability for large payouts to private property owners may discourage governments from making decisions that benefit communities and protect vital public resources, such as water, air, and infrastructure.

### **Proposition 111 Limitations on Payday Loans**

This amendment proposes amending the Colorado statutes to reduce the total cost for a payday loan to a 36 percent annual percentage rate and expand what constitutes unfair or deceptive trade practices for payday lending.

Payday loans are small, easy-to-access short-term loans that do not require a credit check. In 2016, about 207,000 individuals in Colorado secured over 414,000 payday loans. These loans totaled over \$166 million, and consumers paid an estimated \$50 million in loan costs (any combination of fees and interest), with a default rate of 23 percent. The Department of Law

licenses and establishes rules for payday lenders and conducts compliance examinations of their loans. The department also investigates and litigates cases involving payday lenders.

The annual percentage rate (APR) is the total loan cost expressed as a yearly rate and includes the interest on the loan amount, origination fees, and monthly maintenance fees. The APR varies on a daily basis and, because of the way maintenance fees are structured in Colorado, tends to increase over the life of the loan. In 2016, the average APR on payday loans in Colorado was 129 percent.

Colorado law limits payday loans to \$500 with a minimum repayment term of six months and no maximum repayment term. The law allows lenders to charge an origination fee of up to 20 percent of the first \$300 loaned, plus 7.5 percent of any amount in excess of \$300. In addition, lenders may charge an interest rate of 45 percent per year per loan and a monthly maintenance fee of \$7.50 per \$100 loaned, up to a total of \$30 per month. If the borrower repays the loan early, the lender must refund a prorated portion of the fees. Current law defines unfair and deceptive trade practices as making loans disguised as personal property sale and leaseback agreements or as a cash rebate.

The measure reduces the loan costs on a payday loan to a maximum APR of 36 percent. In addition, regardless of whether payday lenders have a physical location in the state, they may not offer higher cost loans via electronic or U.S. mail, the internet, or telemarketing.

#### Argument For:

- Coloradans are paying too much to borrow small amounts of money from payday lenders. The APR for these loans can exceed 200 percent. Some consumers borrow money to pay off other payday loans, which leads to a cycle of debt. Because the measure reduces the high cost of payday loans, consumers may be better able to repay their loans and avoid further financial stress.

#### Argument Against:

- This measure is unnecessary because the state legislature passed reforms in 2010 that led to reduced loan costs and fewer defaults, while ensuring that consumers have access to a well-regulated source of emergency loans. Payday loans provide options for consumers who may not qualify for other types of loans. With limited or no access to payday loans for emergencies, consumers may pay higher costs to other creditors from late payment fees, bounced check and overdraft fees, or utility disconnect fees.

### **Amendment 75 Campaign Contributions**

On September 4, 2018, the Colorado Secretary of State's office announced that the measure qualified for the ballot. Proponents of the measure submitted 212,332 signatures, of which,

136,328 were found to be valid. A total of 98,492 valid signatures were required to qualify. This initiative proposes amending the Colorado Constitution to increase campaign contribution limits when a candidate loans or contributes at least \$1.0 million to his or her own campaign, by allowing all candidates in the same election to collect five times the level of individual contributions currently authorized in the state constitution.

While campaign finance is regulated by federal law for candidates in federal races, Colorado law regulates campaign finance for state and local candidates. Federal and state courts have determined that limits on the amount of money that candidates can collect from individuals are a permissible restriction of free speech to prevent corruption or the appearance of corruption. Under this proposal candidates in a race may accept contributions from individuals that are five times the rate authorized in the state constitution if at least one candidate in the race:

- Contributes or loans funds totaling more than \$1.0 million to his/her own campaign.
- Contributes or loans funds totaling more than \$1.0 million to a committee to support or oppose any candidate in the same election.
- Coordinates third-party contributions totaling more than \$1.0 million to any committee to influence the candidate's own election.

Argument For:

- Wealthy candidates have an unfair advantage in elections because current campaign finance laws allow them to contribute vast sums of their personal resources to their own campaigns. Colorado's current limits on individual contributions are among the lowest in the country, and candidates who rely on individual contributions are at a significant disadvantage in communicating their message to voters. This proposal offers an effective way to encourage competitive elections.

Argument Against:

- Colorado's campaign finance system is broken, and this measure further complicates the system without truly addressing financial disparities among candidates. This increase in campaign contribution limits will allow all candidates, including wealthy candidates, to collect more money, further inflating election spending. Opening the door to more money is not the way to fix Colorado's campaign finance system.

### **Land and Water Conservation Fund (LWCF) (Resolution Approved)**

The Land and Water Conservation Fund (LWCF) was established by Congress in 1965. The Act designated that a portion of receipts from offshore oil and gas leases be placed into a fund

annually for state and local conservation, as well as for the protection of parks, forest and wildlife areas.

LWCF plays a key role with state and local governments to provide resources for local recreation facilities such as parks, playgrounds and sports fields, but also critical preemptive programs including wildfire and flood mitigation. For example, LWCF matching funds enabled the town of Lyons, Colorado, to rebuild and extend its St. Vrain Corridor Trail, which suffered nearly \$50 million in damages in the devastating floods of 2013. The restoration efforts were significant, not only to quality of life for residents, but in supporting the community's recreation economy, as Lyons' parks can draw some 2,000 people on a typical summer weekend.

LWCF has invested more than \$268 million to protect Colorado's outdoor places, public access to trails, climbing spots, sportsmen access, and to build close to home parks. From national forests, to Colorado's breathtaking national parks and wildlife refuges, LWCF has protected places like Mesa Verde National Park, Canyons of the Ancients National Monument, Arapaho National Forest, Two Ponds National Wildlife Refuge, a nature education park in Denver's Montbello neighborhood, and Denver Urban Gardens.

Colorado's booming \$28 billion outdoor recreation industry is an economic powerhouse – supporting 229,000 jobs which generate \$9.7 billion in wages and salaries and produces \$2 billion annually in state and local tax revenue.

LWCF authorization expires in September, not November. Maria De Cambra has requested we sign a letter of support to reauthorize LWCF.

### **Urban Drainage and Flood Control District (Resolution Approved)**

The Flood Control District partners with metro cities and counties to design and construct flood control and warning measures, open space, regional paths, and remove trash and debris in our streams. The District runs on a \$30 million annual budget with only 32 employees. Contracting out the work keeps overhead low, costs down, and ensures all the jobs stay local.

Since 1992, as a result of TABOR, the District has experienced a steady decrease in tax revenue. In 2018 the gap between project needs and the funds available is \$24 million dollars. This funding gap has also reduced the District's ability to assist local governments in funding the construction of projects, increasing the financial burden cities and counties in completing these drainage and flood control projects.

The Board of the District has voted unanimously to place a ballot issue before the voters in the election being held on November 6, 2018 for voter approval to close the funding gap. The proposed ballot issue, if passed, would cost the average homeowner \$1.97 (or less than 17 cents/month) per \$100,000 of actual home value in 2019. If pass, the ballot issue will provide the District with approximately \$14.9 million dollars in 2019 to carry out its mission of keeping people and property safe from flood damage.

## Anythink Library Bond Initiative

The Anythink Board of Trustees considered a ballot measure for additional funding that would expand opportunities for children and families in Adams County. This would take the form of additional programming for kids and teens, expanded access to technology and computer help for those who need it, expanded service hours, and new facilities to help keep up with the tremendous growth happening in Adams County. On Aug. 15, 2018, the Anythink Board of Trustees unanimously voted to approve this ballot measure.

As the county experiences increasing population growth and development, the library system needs additional funding to expand its capacity and keep pace with growth. The additional funding would allow Anythink (also known as Rangeview Library District) to expand service hours and provide more programs in order for people to not be turned away or waitlisted due to lack of capacity. The funding would also provide additional computers, internet access, technology and skills training materials, books, ebooks, DVDs and CDs to keep up with customer demand. In addition, the funds would be used to build at least two additional branches in Adams County.

Based on a home with the assessed valuation of \$325,000, the additional 2.2 mills in the ballot proposal would cost a homeowner \$51.48 per year – approximately \$4.29 a month. The library system's service area population in 2007 was 311,290 and in 2017 was 416,083.

The library system is currently funded through a 3.659 mill levy on the property tax of homeowners that was approved by voters in 2006. If funding is increased, all locations would receive funding for expanded programs and collections. Some locations would expand open hours.

## Adams 12 Five Star Schools

On Wednesday, Aug. 22, 2018, the Adams 12 Five Star Schools Board of Education approved the placement of a \$27 million mill levy override on the November 2018 ballot. In addition to the local measure, the board passed a resolution in support of Amendment 73, the statewide education funding measure that would raise \$60 million for Adams 12 Five Star Schools.

The Five Star District will seek voter approval for both the local and state funding measures.

“Together, we have elevated success in the Five Star District,” Superintendent Chris Gdowski said. “We have the highest graduation rate ever while increasing academic rigor as evidenced by our three consecutive years of being rated a Performance District by the state. This funding proposal is a smart and sound investment in a prepared workforce, safe and healthy communities, a vibrant economy and the next generation of leaders, entrepreneurs and caretakers.”

The board's approval of the local measure, and resolution in support of the state measure, come after a successful year of engagement with parents, community members, students and staff to develop a new strategic plan that will continue to elevate student success in the Five Star District.

The local Mill Levy Override:

- Generates \$27 million to invest in ongoing expenses and needs such as high-quality teachers and staff, instructional programs and classroom resources.
- Voter-approved property tax increase.
- All funds stay local in Adams 12 Five Star Schools.
- The last override passed in 2008, before the recession and funding cuts from the state.

The tax impact is:

- \$6.48/month per \$100,000 in home value.
- \$24.87/month for the average home value (\$383,533) in the Five Star District.

New funds from the local mill levy override would be used to invest in the community's priorities as outlined in the district's new strategic plan - ELEVATE. Key investments include:

- Attracting and retaining high-quality teachers and staff by allowing the district to offer competitive, market-value wages.
- Improving student safety by securing school buildings, entryways and classrooms.
- Expanding vocational, job-training, and career-focused programs.
- Allowing the district to reduce class sizes and manage growth.
- Expanding course offerings in specialized programs like science, technology, engineering, and math, as well as Advanced Placement and other courses.
- Updating textbooks and learning materials that are outdated or don't meet current academic standards.

Arguments For:

- The mill levy override is a sound investment in a prepared workforce, safe and healthy communities and a vibrant economy. Adams 12 Five Star Schools has seen tremendous success over the past several years - the highest graduation rate since 2010, accredited as a Performance District and home to two Colorado Distinguished Principals of the Year.
- This investment plan comes from the community. Over 7,000 people participated in developing the district's new strategic plan and the investments needed to elevate student success to an even higher level.
- This measure will allow the district to address outdated instructional materials that do not support new standards and are lacking online interactive components; reduce class size averages that have grown up to 8 students in some high school subjects; and stay competitive in hiring high-quality teachers by increasing new teacher salaries which are currently in the bottom third compared to districts in the greater Denver area.

#### Arguments Against:

- The state has defunded education in the Five Star District and rather than put the burden on local communities to fund their schools, the state should pay its fair share.
- A property tax increase hurts those with a higher-valued home the most since property taxes are based on the value of a home.
- Colorado's booming economy has the value of homes going up and that means homeowners are paying more in property taxes. Any further increase in the tax rate means they'll pay even more.

### Westminster Public Schools

On Tuesday, Aug. 14, 2018, the Westminster Public Schools (WPS) Board of Education unanimously voted to place a mill levy override on the November 6 ballot to raise \$9.9 million a year to support the operations, program, construction and maintenance needs in WPS. The ballot language approved by the WPS Board of Education reads as follows:

“Shall Westminster Public Schools taxes be increased by \$9.9 million in 2018 for collection in 2019 and by such amounts as may be raised annually thereafter by the imposition of a property tax mill levy of up to 14.5 mills, to be used for general fund purposes including capital improvements and educational priorities which may include but are not limited to:

- Improving school safety and security by making priority capital improvements that enhance safe student environments;

- Providing funds for continuing and expanding existing vocational/career programs and to create partnerships with organizations like the boys and girls club to enable and enhance learning opportunities for community youth;
- Attracting and retaining highly effective teachers, mental health professionals, and counselors to be competitive with surrounding districts in Adams County;

And shall the district be authorized to collect annual revenues pursuant to the mill levy override approved by the voters in 2002 equal to the greater of \$5.95 million or the amount which is generated by a mill levy of up to 11.3 mills; and shall the district be authorized to collect, retain and spend all revenues from such taxes and the earnings from the investment of such revenues as a voter approved revenue change and an exception to the limits which would otherwise apply under article x, section 20 of the Colorado constitution or any other law.”

The Westminster school district has failed repeatedly to pass local tax hikes. Recognizing that, it is requesting only a \$9.9 million mill levy override, less than in previous years.

“We could have gone for twice this amount, but we asked members of the community where their comfort was,” said Dino Valente, Westminster school board member. “Does this do everything we want to do? No it doesn’t, but it’s a start. It’s been over 20 years since we passed a mill levy override in our district and that’s quite frankly pathetic.”

If Westminster’s measure is approved, homeowners there will pay an additional \$103 per year for every \$100,000 of a home’s value.

In addition, the board passed a resolution supporting the passage of Amendment 73, a statewide campaign to raise \$1.6 billion a year for education funding in Colorado. On Aug. 9, the Colorado Secretary of State’s office announced that the citizen-initiated ballot measure had gathered enough signatures to place the issue before voters. Read the details about the Initial Fiscal Impact Statement online here. It is estimated, that if passed, the Great Schools, Thriving Communities measure would bring an additional \$16.5 million a year to WPS.

#### Arguments For:

- The mill levy override is a sound investment in a prepared workforce, safe and healthy communities and a vibrant economy.
- This investment plan comes from the community.
- This measure will allow the district to support the operations, program, construction and maintenance needs in WPS.

#### Arguments Against:

- Rather than put the burden on local communities to fund their schools, the state should pay its fair share.
- A property tax increase hurts those with a higher-valued home the most since property taxes are based on the value of a home.
- Colorado’s booming economy has the value of homes going up and that means homeowners are paying more in property taxes. Any further increase in the tax rate means they’ll pay even more.

### Adams-Arapahoe School District 28J (Aurora Public Schools)

At its Aug. 21 meeting, the APS Board of Education authorized a mill levy override question to be placed on the November 2018 ballot. If approved, the mill levy would provide up to \$35 million annually to invest in areas that support student health, safety and learning such as:

- Expanding staff and training dedicated to student mental health.
- Increasing pay to recruit and retain high-quality teachers.
- Expanding after-school learning programs for K-5 elementary students.
- Adding seat belts on buses.

The mill levy (not to exceed 13.7 mills) is estimated to cost homeowners \$98.64 per year, or \$8.22 per month, for each \$100,000 of home value.

Aurora’s school district has enjoyed voter support for previous tax measures. The mill levy override request proposed this year will be the largest request that has been made in that district.

### Bennet School District 29J

Bennett School District has been working on a master plan for facilities for the last 3-years. Based on current construction of new housing developments, our district school facilities will likely be over capacity in 2019. Bennett School District anticipates significant enrollment growth due to new housing development within the District. The current enrollment is 1,059 with total current enrollment capacity of 1,220. The chart below highlights a potential “slow pace” enrollment growth. Their Board of Education is contemplating constructing additional elementary school classrooms to address the immediate capacity issues to allow for a few more years of growth.

Given growth in the District's tax base and current mill levy, the District can issue \$5.15 million in General Obligation Bonds with no tax increase to address the immediate term facility needs of the District.

Given the current assessed valuation of \$151.94 million, the District's bonding capacity is \$25.07 million which can be used to address capital facility needs. The District would like to address immediate term enrollment capacity issues with a \$5.15 million bond issue on the November 2018 ballot, which would allow for more time to study the growth patterns and to decide where and when new facilities will be needed to educate Bennett 29J students.

**No Tax Increase from New Bonds:** The District can issue new bonds without increasing taxes by keeping its current bond fund mill levy of 9.971 mills and by drawing down a portion of its existing bond fund balance annually to subsidize the new bond debt service payment.

**Bond Fund Balance Subsidy:** The District would levy its existing bond fund mill levy of 9.971 mills then draw down approximately \$69,000 annually of the existing \$2.68 million bond fund balance.

The District can issue the new \$5.15 million bond with no tax increase due to the significant increase in the District's assessed valuation. The District's assessed valuation experienced significant growth in the past 10-years of 86.3% from \$81.6 million in collection year 2009 to \$151.9 million in collection year 2018.

The District's current total mill levy is 32.303 mills and is comprised of its general fund (22.285 mills), bond fund (9.971 mills), and abatement (0.047 mills). In comparison to peers, Bennett has one of the lower mill levies amongst growing and neighboring districts.

### **South Adams County Fire Protection District**

According to a letter released by SACFPD and the SACFPD Board, as a result of the residential assessment rate change, SACFPD lost \$300,000 from its 2018 operating budget. The letter goes on to state in 2020, that loss is expected to increase to \$530,000.

According to the SACFPD, the Gallagher Amendment to the Colorado Constitution requires the percentage of property taxes paid by residential property owners in the state to be 45 percent of the total taxes paid. That rate has been reduced from 7.96 percent to 7.2 percent.

According to District Chief Kevin Vincel, SACFPD serves 55,000 people and employs 55 people among four different stations.

Chief Vincel says the SACFPD and the board are contemplating applying a mill levy to its tax payers. A mill levy is the "tax rate" that is applied to the assessed value of a property. One mill is one dollar per \$1,000 dollars of assessed value. It consists of a local portion which is used to fund area services.

According to Chief Vincel, SACFPD did that in 2013 to reduce response times and hire necessary staff. "It's all about providing the citizens with the best customer service that we can provide. That's why it's important for us to get that funding to maintain that level of service."

The SACFPD Board voted on August 21<sup>st</sup> to place this item on the November ballot.

This initiative would increase the South Adams County Fire Protections Districts taxes by \$5,506,000 annually by increasing the district's property taxes by 4.85 mills.

### **Greater Brighton Fire Protection District**

The Fire District's population has increased 220% since 2000. Its call volume has increased 20% in the last 3 years. The Board has established a very specific plan for the next five years to address the significant increase in service demands and loss of tax revenue due to the effect of the Gallagher Amendment. This plan includes the hiring of 15 firefighters, improvement of firefighter safety, replacement of vital equipment, and the construction of an additional fire station.

During its meeting on August 22, 2018, the Fire District's Board of Directors adopted a Resolution calling for an election on November 6, 2018 to seek voter approval of a property tax increase through the following Ballot Issue, included on the ballot as Ballot Issue 7F.

This would increase the Greater Brighton Fire Protections District taxes by \$2,897,826 annually by increasing the district's existing property tax by 3.72 mills.

#### **Arguments For:**

- The Fire District must have a property tax increase in order to implement its 5-year strategic plan. Without the tax increase, the increasing costs and service demands, and the loss of revenue caused by the Gallagher Amendment, will make it difficult for the Fire District to keep up with increased population, emergency call volume, and inflation, and may adversely affect future staffing, overall firefighter safety, and construction and maintenance of fire trucks and stations. ISO ratings for the Fire District may increase and cause homeowners' and business owners' property insurance rates to increase.

#### **Arguments Against:**

- The property tax increase will increase the amount of taxes the Fire District assesses against taxable property within its boundaries. For voters who support less and smaller government, the Fire District's increase in tax revenues may be contrary to this objective. Based upon the Fire District's current assessed valuation, a property tax increase of 3.72 mills would result in the following projected increases in property taxes to homeowners:

- \$200,000 Residence = \$4.46 per month.
- \$300,000 Residence = \$6.70 per month.
- \$400,000 Residence = \$8.93 per month.

### **Southeast Weld Fire Protection District**

This proposal would increase Southeast Weld Fire Protection District taxes by \$625,000 annually, and by whatever amounts are annually raised thereafter, by imposing an additional 2.5 mills (for a total mill levy of 10.264) upon taxable property within the district.

This increase would go toward:

- Upgrading and increasing necessary fire and emergency medical equipment to provide for the public’s safety and welfare.
- Providing additional full-time staffing to account for increases in call volume.
- To permit the operation of an additional ambulance and to improve response times throughout the district.

Additionally, the district is requesting that they be permitted to adjust its property tax mill levy to offset any resulting decrease in revenue. Further, they list “Shall tax proceeds be collected and spent by the district as voter approved revenue and spending changes in each year, without regard to any constitutional or statutory spending or revenue limitations” currently in place.

### **Central Colorado Water Conservancy District**

The Central Colorado Water Conservancy District Board of Directors approved a Resolution calling an election on November 6, 2018 authorizing a ballot issuance bonds or other limited tax obligations and the levy of property taxes to pay the debt; setting the ballot title and content for the ballot issue; and providing other matters relating thereto.

The Ground Water Management Subdistrict (the “Subdistrict”) of the Central Colorado Water Conservancy District in Weld, Adams and Morgan Counties (the “Counties”), Colorado (the “State”), is a quasi-municipal corporation and political subdivision of the State acting pursuant to the provisions of Article 45 of Title 37, C.R.S. (the “Water Conservancy Act”), and established for the purpose of providing the beneficial use of water, conservation of water and construction of works within the Subdistrict.

The Ground Water Management Subdistrict of the Central Colorado Water Conservancy District is requesting that its debt be increased up to \$48.7 million, with a maximum repayment cost of up to \$91.9 million.

Subdistrict taxes would be increased up to \$4.4 million annually for the purpose of developing, acquiring, and managing reliable water resources through debt financing.

This would help:

- Increase water supplies necessary to support and maintain a viable farming and business community through development of water projects and capture water during times of high supply for use during times of need.
- Lessen drought impact through acquisition of senior water rights.
- Replace leased municipal water resources that are being consumed by growth in area municipalities.
- Construct and improve water storage reservoirs and other facilities to more efficiently use water available to the subdistrict.

The debt would consist of the issuance and payment of bonds or similar limited tax obligations, which debt shall bear interest at a maximum net effective interest rate not to exceed 5.5% per annum. Additionally, an ad valorem property tax is to be levied in any year at a limited mill levy rate of not to exceed 6 mills, except as permitted in section 37-45-126 CRS.

## Legislatively Referred Constitutional Amendments On Ballot

**Amendment A:** *Repeals a constitutional exception on the ban of slavery that allowed for slavery and involuntary servitude as punishment for a crime.*

Argument For:

- The section of the Colorado Constitution that allows slavery and involuntary servitude as punishment for a crime should be updated because it represents a time when not all people were seen as human beings or treated with dignity. Removing the language explicitly prohibits slavery and involuntary servitude in all circumstances, and reflects Colorado's commitment to equality and just treatment.

Argument Against:

- Slavery and involuntary servitude are already illegal in all instances. Therefore, the measure can be viewed as making a change to the Colorado Constitution that is merely

symbolic and unnecessary. Under another view, removing the language in the constitution could have the unintended consequence of raising legal uncertainty around current offender work requirements until legal precedent is established.

**Amendment V:** *Reduces age qualification for legislature from 25 to 21.*

Argument For:

- Excluding 21- to 24-year-olds from seeking election to the state legislature is an unnecessary restriction. A 21-year-old is considered an adult under the law. Voters can judge whether a candidate possesses the maturity, ability, and competence to hold political office. In addition, allowing younger candidates to run for office encourages the civic engagement of young people.

Argument Against:

- The current age requirement strikes an appropriate balance between youth and experience. Younger candidates may lack the maturity and expertise to be effective legislators. The policy decisions and political pressures that legislators face are best handled by people with more life experience. Lack of experience could hinder a young legislator's ability to represent his or her constituents effectively.

**Amendment W:** *Shortens language on the Colorado ballot regarding judicial retention by consolidating questions.*

Argument For:

- Amendment W helps make the ballot more concise and reader-friendly. A well-designed and shorter ballot will allow voters to complete it more efficiently, which may encourage voter participation. A more compact ballot may also save counties printing and mailing costs, particularly in more populous counties that elect multiple justices or judges and counties that are required to print ballots in both English and Spanish.

Argument Against:

- Amendment W is unnecessary and risks confusing voters. The changes proposed in Amendment W are inconsistent with previous sections of the ballot, and voters may be unclear whether they are casting votes in a multi-candidate election or for each individual justice or judge. This potential confusion may increase the likelihood that voters will skip judicial retention questions. The current ballot design is efficient and reader-friendly.

**Amendment X:** *Changes the definition of industrial hemp from a constitutional definition to a statutory definition.*

Argument For:

- Striking the definition of industrial hemp from the Colorado Constitution allows the state legislature to react to changes to the definition at the federal level. As a result, Colorado's industrial hemp growers will maintain compliance with federal policy and remain competitive with other states.

Argument Against:

- Voters approved Amendment 64 to the Colorado Constitution in 2012, which included the current definition of industrial hemp. This amendment allows the state legislature to make changes to the term's definition, which may cause uncertainty among industrial hemp growers who have relied on the constitutional definition in establishing their businesses.

**Amendment Y:** *Establishes an independent commission for congressional redistricting.*

Arguments For:

- Amendment Y limits the role of partisan politics in the congressional redistricting process by transferring the legislature's role to an independent commission. The measure creates a system of checks and balances to ensure that no one political party controls the commission. Republicans, Democrats, and unaffiliated voters must be appointed to the commission in equal numbers. Lobbyists and politicians are prohibited from serving on the new commission. Additionally, nonpartisan legislative staff draw the district maps, and a map's approval requires a supermajority vote of the commission, including at least two unaffiliated commissioners. These provisions encourage political compromise by keeping political parties and politicians with a vested interest in the outcome from controlling the redistricting process.
- The measure makes the redistricting process more transparent and provides greater opportunity for public participation. Congressional redistricting is conducted by an independent commission in public meetings, with safeguards against undue influence in the preparation and adoption of maps. All Coloradans will have the opportunity to engage in the process because the commission will conduct meetings throughout the state rather than only at the State Capitol. The commission is subject to state open records and open meetings laws, and anyone paid to lobby the commission has 72 hours to disclose their lobbying activities. By requiring that map-related communications occur in public, Coloradans will be able to see exactly how the districts are drawn.
- The measure brings structure to the redistricting process by using clear, ordered, and fair criteria in the drawing of districts. By prioritizing factors such as communities of

interest, city and county lines, and political competitiveness, it provides specific direction to the commission about how it should evaluate proposed maps. It also prevents the adoption of a map that protects incumbents, candidates, or political parties, or a map that dilutes the electoral influence of racial or ethnic minorities. Along with these prioritized criteria, the measure prescribes a structured court review process and provides more guidance regarding the court's role than has existed in prior redistricting cycles.

#### Arguments Against:

- Amendment Y takes accountability out of the redistricting process. Unlike state 33 legislators who are subject to election and campaign finance requirements, 34 unelected commissioners are not accountable to the voters of Colorado. The 35 selection process relies on unelected retired judges to screen applicants and select half of the commissioners. Further, the commission is staffed by government employees who are not accountable to the voters, and they may end up drawing the final map if the commission cannot reach an agreement.
- The commissioner selection process outlined in the measure is complex, and half of the members are determined by random chance. This complicated and random selection process may prevent individuals with important experience and knowledge from becoming commissioners. While the goal of the random selection may be to remove politics from redistricting, unaffiliated commissioners with partisan views could still be selected, and the selection process may not result in a commission that can be impartial and promote consensus.
- The measure outlines criteria that may be difficult to apply in an objective manner. For example, the broad definition of communities of interest is vague and open to interpretation. The measure also leaves the commission to determine what a competitive district is without specifying what factors to consider. Additionally, the four unaffiliated commissioners will have political leanings that may be difficult to discern, but that could sway how they apply the criteria and influence the final map, since many critical votes require their support. The resulting map may serve to protect certain segments of the population at the expense of others and could result in districts that make no sense to voters.

**Amendment Z:** *Establishes an independent commission for state legislative redistricting.*

#### Arguments For:

- Amendment Z limits the role of partisan politics in the redistricting process. Through the commissioner selection process, checks and balances are in place to ensure no one political party controls the commission. Applicants must be qualified to serve on the commission and, unlike the current reapportionment commission, lobbyists and

politicians are prohibited from serving. The selection process limits the appointment power of party leaders by relying on retired judges and random selection. Republicans, Democrats, and unaffiliated voters must be appointed to the commission in equal numbers. Additionally, nonpartisan legislative staff draw the district maps, and each map's approval requires a supermajority vote of the commission, including at least two unaffiliated commissioners. These provisions keep political parties and politicians with a vested interest in the outcome from controlling the redistricting process, encouraging political compromise.

- The measure makes the redistricting process more transparent and provides greater opportunity for public participation. Legislative redistricting is conducted by a more independent commission than currently exists, with safeguards against undue influence in the preparation and adoption of maps. The commission is subject to state open records and open meetings laws, and anyone paid to lobby the commission has 72 hours to disclose their lobbying activities. By requiring that map-related communications occur in public, Coloradans will be able to see exactly how the districts are drawn.
- The measure brings structure to the redistricting process by using clear, ordered, and fair criteria in the drawing of districts. By prioritizing factors such as communities of interest, city and county lines, and political competitiveness, it provides specific direction to the commission about how it should evaluate proposed maps. It also prevents the adoption of maps that protect incumbents, candidates, or political parties, or maps that dilute the electoral influence of racial or ethnic minorities.

#### Arguments Against:

- Amendment Z reduces accountability in the redistricting process. The selection process the measure proposes will result in a group of commissioners who are not only not elected, but are not even accountable to elected officials. This process relies on unelected retired judges to screen applicants and select half of the commissioners. Further, the commission is staffed by government employees who are not accountable to the voters, and they may end up drawing the final maps if the commission cannot agree. Legislative staff may have a vested interest in the outcome of legislative elections that could bias their work drawing district maps.
- The commissioner selection process outlined in the measure is complex, and half of the members are determined by random chance. This complicated and random selection process may prevent individuals with important experience and knowledge from becoming commissioners. While the goal of the random selection may be to remove politics from redistricting, unaffiliated commissioners with partisan views could still be selected, and the selection process may not result in a commission that can be impartial and promote consensus.

- The measure outlines criteria that may be difficult to apply in an objective manner. For example, the broad definition of communities of interest is vague and open to interpretation. The measure also leaves the commission to determine what a competitive district is without specifying what factors to consider. Additionally, the four unaffiliated commissioners will have political leanings that may be difficult to discern, but that could sway how they apply the criteria and influence the final maps, since many critical votes require their support. The resulting maps may serve to protect certain segments of the population at the expense of others and could result in districts that make no sense to voters.



## STUDY SESSION AGENDA ITEM

<b>DATE:</b> October 2, 2018
<b>SUBJECT:</b> Amendments to the Adams County Development Standards and Regulations
<b>FROM:</b> Kristin Sullivan, Director of Community and Economic Development
<b>AGENCY/DEPARTMENT:</b> Community and Economic Development
<b>ATTENDEES:</b> Doug Clark, Nana Appiah, Joelle Greenland, Libby Tart-Schoenfelder, Jennifer Woods, Matt Emmens, Justin Blair
<b>PURPOSE OF ITEM:</b> To provide an update and staff recommendation on amendments to the County's Development Standards and Regulations and seek direction from the Board of County Commissioners
<b>STAFF RECOMMENDATION:</b> Approval of the proposed work plan

### **BACKGROUND:**

In previous study sessions, the Board of County Commissioners (BoCC) has provided direction to staff to review the County's Development Standards and Regulations and make recommendations for amendments. Some of the specific policies that the BoCC directed staff to review include the keeping of chickens and bees, landscape requirements, agricultural support uses and regulations, regional traffic impact fees, and a legal review of potential conflicts within the Development Standards and Regulations.

Certain sections of the County's Development Standards and Regulations also need to be updated to fully achieve the purpose for which such regulations were enacted; this is due to ambiguity of certain requirements such as clearing and grading of land. In the past years, the County has reviewed a number of solar energy facilities and through the process, has identified the need to streamline the permitting process, including allowing administrative approval for certain categories of solar facilities in some zone districts. In addition, in 2016, the County obtained a grant from SolSmart, an internationally recognized organization funded by the Department of Energy, that helps local governments to streamline their permitting processes for solar facilities. This grant funded one temporary position for seven months to specifically review the County's regulations for solar facilities with the guidance of SolSmart. The proposed changes to the solar energy facilities regulations are a result of the recommendations from the review.

The study session presentation will provide an update of findings from the BoCC direction and staff's recommended policy changes. The presentation will also include an on-going work plan for development regulation changes and policies.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Community and Economic Development Department, County Attorney's Office

**ATTACHED DOCUMENTS:**

Detailed Chicken and Bees Study  
Recommendation from review of the County's landscape regulations

**FISCAL IMPACT:**

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

**Fund:**

**Cost Center:**

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:			
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			

New FTEs requested:             YES             NO

Future Amendment Needed:     YES             NO

**Additional Note:**

**APPROVAL SIGNATURES:**

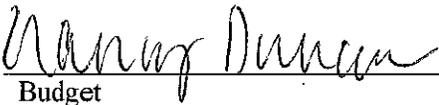
  
\_\_\_\_\_  
Raymond H. Gonzales, County Manager

\_\_\_\_\_  
Alisha Reis, Deputy County Manager

\_\_\_\_\_  
Bryan Ostler, Deputy County Manager

\_\_\_\_\_  
Patti Duncan, Deputy County Manager

**APPROVAL OF FISCAL IMPACT:**

  
\_\_\_\_\_  
Budget

# Development Code Amendments

Community and Economic Development

Director: Kristin Sullivan



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# Background

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## BoCC Directions and Identified Needs:

- Legal Review to Identify Potential Conflicts
  - Agricultural Uses
- Landscape Regulations
- General Traffic Impact Fees
- Solar Energy Regulations
- Bees and Chickens
- Clearing and Grading Permit Requirements
- Definitions

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# Legal Review and Agricultural Uses

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## **Purpose:**

- Review and identify potential conflicts in the County's Development Standards and Regulations with State and Federal Regulations
- Identify County's authority in regulating agriculture uses
- Make policy recommendation from identified conflicts or need for policy changes

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# Legal Review and Agricultural Uses (Findings)

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- No conflicts in the County's Code with State regulations
- Counties have authority through their master plan to designate locations and extent of agricultural uses
- Counties have authority to determine uses allowed in zoning districts
- History of Colorado zoning statutes confirm Counties authority to regulate agricultural uses
- Important to clearly define permitted and prohibited agriculture uses in various zone districts

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# Legal Review and Agricultural Uses Recommendation

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- County regulations cannot preempt state regulations:
  - Right to farm law limits the ability to declare agricultural operations as a nuisance
  - Right to farm law prohibits County's regulation of use of agricultural chemicals, but allows County regulation of:
    - sale or storage of any agricultural chemical,
    - designates sites for disposal,
    - discharge of chemicals into sanitary sewer systems,
    - management of storm water programs, and
    - surface or groundwater

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# Legal Review and Agricultural Uses Recommendation

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- Clearly defined agricultural uses and its allowed zone districts in the Development Standards
- Include additional definitions of agricultural uses in the Development Standards
- Revised use table and categories to reduce broad categorization of agricultural uses

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# Review of Landscaping Standards and Regulations

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## **Purpose:**

- Improve administration of the County's landscaping regulations
- Improve usability of the regulations
- Create context sensitive requirements
- Clearly define requirements for alternative proposals

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# Review of Landscaping Standards and Regulations

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## Analysis of:

- Long Range Plans
- Landscaping standards for individual districts
  - Clear Creek Valley TOD Plan
  - TOD Zone District
- Subdivision design landscaping standards
- Landscaping standards for individual uses
- Storm drainage design and stormwater quality regulations
-

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# Review of Landscaping Standards Recommendation

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- Consolidate landscaping standards into Section 4-16 of the Development Standards and Regulations
- Context Sensitive Alternatives
- Remove plant materials list from Development Standards and create a plant material manual
  - Expand list of xeric plant material
  - Include prohibited plant material
- Add graphics to complement text
  - Graphically depict streetscape requirements
  - Expanded bufferyard tables

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# Review of Landscaping Standards Recommendation

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## Administrative relief requirements:

- Create minimum requirements:
  - At minimum, reduced bufferyards should be compensated with planting of trees, shrubs, or other plants in other areas on the site
  - Relief shall not exceed 10% of the required landscaping
  - Reduced bufferyards should be compensated with improved building design and façade such as:
    - Building articulations
    - Changes in relief such as columns, cornices, bases, and fenestration
    - Nonresidential and mixed uses greater than 100 feet in length should include offsets, jogs, or other distinctive changes in building façade

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# Solar Energy Facilities

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## **Purpose:**

- Streamline County reviews and approval process
- Include standards from recent approvals
- Recommendation from SolSmart

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# Solar Energy Facilities Recommendation

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- **Two types of solar energy systems:**
  - Ground mounted
    - Structurally mounted to the ground
  - Roof mounted
    - Structurally mounted to the roof
  
- **Three categories of solar energy systems:**
  - Large Scale ( >40,000 sq.ft of surface area)
  - Medium Scale (>1,750 sq.ft <40,000 sq.ft)
  - Small Scale (<1,750)

# Solar Energy Facilities Use Table and Chart

Type of Solar System (Ground)	Zone District (Permitted Outright)	Zone District (Conditionally Permitted)
Large Scale	A-3, all industrial districts	A-2, C-4,C-5
Medium Scale	A-3, all industrial districts	A-2,C-4,C-5
Small Scale	All zone districts	-
Type of Solar System (Roof)	Zone District (permitted)	Zone District (conditionally Permitted)
Large Scale (Roof)	A-2, A-3, all commercial and industrial zone districts	-
Medium Scale (Roof)	A-1,A-2, A-3, RE, R-1-C,R-2,R-3,R-4,MH,all commercial and industrial districts	-
Small Scale (Roof)	All zone districts	-

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# Solar Energy Facilities Performance Standards

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## **Large Scale (Ground Mounted):**

- Conform to zone district setbacks
- Min of 50 feet from any dwelling
- 20 feet max height
- Six feet security fence, except in A-3
- Conform to all fire codes
- Safety Signage
- Removal no more than 150 days after decommissioning

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# Solar Energy Facilities Performance Standards

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## **Medium Scale (Ground Mounted):**

- Conform to accessory structure setbacks
- 20 feet max height for ground mounted systems
- Safety Signage
- Six feet security fence
- Lighting
- Decommissioning
  - Removal no more than 150 days after decommissioning

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# Solar Energy Facilities Performance Standards

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## **Small Scale (Ground Mounted):**

- Conform to accessory structure setbacks
  - Located behind the front building line
- 15 feet max height in residential districts
- 20 feet max height in all other zone districts
- Safety Signage
- Lighting control
- Decommissioning
  - Removal no more than 150 days after decommissioning

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# Solar Energy Facilities Performance Standards

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- **Roof Mounted:**
  - Panels shall not exceed 5 feet above the roof surface

# Solar Energy Facilities Performance Standards

Distance from Property Line	Bufferyard Name	Required Landscaping
0' and up to 50'	S-B*	Fifteen (15) foot minimum bufferyard width with one (1) ornamental tree and ten (10) shrubs per twenty (20) linear feet. *
More than 50' and up to 150'	S-A*	Ten (10) foot minimum bufferyard width with one (1) ornamental tree and 10 shrubs per forty (40) linear feet. *
More than 150'	None	None

\*The type of buffer classification shall be determined by the adjacent land use and follow the requirement of section 4-16 of the Development Standards

Where a property has an existing solid screen fence on the property line, a buffer may not be required as determined by the Director of Community and Economic Development

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# Chickens & Bees

## Analysis

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- *Purpose of allowing chickens and bees as an accessory use to single family detached uses is to promote urban agriculture for household purposes where adequate land is available for these purposes.*
- How do we currently regulate these uses for domestic/household purposes?
  - *Chickens*
    - Zones allowed: Agriculture (A-1, A-2, A-3) & Residential Estate (RE)
    - Applicable development standards:
      - 4-22-06 Non-Commercial Livestock and Poultry Operations
      - Manure, drainage, feed, pens, pest-free, fencing, state regulations
  - *Bees*
    - Single Family Residential (R-1-A & R-1-C), Residential Estate (RE) & Agriculture (A-1, A-2, A-3)
    - No applicable development standards

# Uncle Sam Expects You To Keep Hens and Raise Chickens



## Two Hens in the Back Yard for Each Person in the House Will Keep a Family In Fresh Eggs

**E**VEN the smallest back yard has room for a flock large enough to supply the house with eggs. The cost of maintaining such a flock is small. Table and kitchen waste provide much of the feed for the hens. They require little attention—only a few minutes a day.

An interested child, old enough to take a little responsibility, can care for a few fowls as well as a grown person.

Every back yard in the United States should contribute its share to a bumper crop of poultry and eggs in 1918.

**In Time of Peace a Profitable Recreation  
In Time of War a Patriotic Duty**

*For information about methods of Back-Yard Poultry Keeping suited to your location and conditions, write*

**Your State Agricultural College  
or  
The United States Department of Agriculture  
Washington, D. C.**

This Space Donated by the Publisher



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# Chickens & Bees

## Analysis

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- How do the municipalities within Adams County regulate these uses? The following are common themes from Adams County's municipalities:

- *Chickens*

- Permitting/Licensing
- Locations Allowed – Single Family Detached Uses
- Quantity Allowed – up to 6 hens
- Prohibitions – Roosters, slaughter
- Coop Requirements - <120 sf
- Coop Location & Setbacks
- Other Requirements - animal protection, maintenance, basic provisions

- *Bees*

- Permitting/Licensing
- Locations Allowed - Single Family Detached Uses
- Quantity Allowed – 2 hives
- Apiary Setbacks with flyway
- Prohibitions – aggressive bees
- Other Requirements – animal protection, maintenance, basic provisions

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# Chickens & Bees Recommendation

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## **Update the Development Standards to reflect:**

- Allowances for detached, single family residential uses,
- Proper placement of related structures and keeping areas,
- Required provisions (food and/or water access, weather and predator protection),
- Prohibitions (roosters, aggressive bees, nuisance),
- Other requirements (flyways, perimeter fencing)

*Note: The new requirements are not intended to change chicken and bee keeping allowances in agricultural zones.*

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# Clearing and Grading Permit

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## Background:

- No current regulations/procedure for permitting clearing and grading activities
- Drainage issues from unregulated clearing and grading activities
- Clearing and grading activities without the installation of erosion and sediment control measures
- Commencing construction of development before construction plan approval.



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# Clearing and Grading Permit

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## Purpose:

- Require permits for clearing of vegetation and grading of soils
- Ensure erosion and sediment control measures are being properly installed
- Ensure adherence to the County's MS4 permit area requirements



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# Clearing and Grading Permit

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## Requirements:

- Anyone clearing vegetation or performing earth moving activities where:
  - There is a total land disturbance of 3,000 sq.ft or more, except for agriculture purposes.
  - The earth moving activities have a cumulative fill or excavation that exceeds 50-cubic yards, except for agricultural purposes.

## Procedure

- Site plan administrative review.



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# Clearing and Grading Permit Recommendation

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## Permits:

- Require permits for clearing and grading in the County.
  - Site plan administrative review.
  - Follow administrative permit review process.



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# Recommendation

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Proceed with Code Amendments for:

- Chicken and Bees
- Solar energy facilities
- Changes to the landscaping regulations and organization
- Agriculture uses definitions and clarification
- Clearing and grading permit requirements



## STUDY SESSION AGENDA ITEM

<b>DATE:</b> October 2, 2018
<b>SUBJECT:</b> Proposed Paid Parental Leave Program
<b>FROM:</b> Terri Lutt, Director
<b>AGENCY/DEPARTMENT:</b> Human Resources/People & Culture
<b>ATTENDEES:</b> Cindy Bero, Terri Lutt, Patti Duncan
<b>PURPOSE OF ITEM:</b> To propose a new Paid Parental Leave Program to the BOCC, at their request
<b>STAFF RECOMMENDATION:</b> To approve the new program.

### **BACKGROUND:**

We met with the board on August 28 to present the Personal Accrued Leave (PAL) program and provided general information regarding a potential Paid Parental Leave program. The commissioners asked us to come back with a recommendation.

### **AGENCIES, DEPARTMENTS OR OTHER OFFICES INVOLVED:**

Human Resources/People & Culture  
County Manager's Office

### **ATTACHED DOCUMENTS:**

Proposed Paid Parental Leave

**FISCAL IMPACT:**

Please check if there is no fiscal impact . If there is fiscal impact, please fully complete the section below.

**Fund:** various

**Cost Center:** various

	Object Account	Subledger	Amount
Current Budgeted Revenue:			
Additional Revenue not included in Current Budget:			
<b>Total Revenues:</b>			

	Object Account	Subledger	Amount
Current Budgeted Operating Expenditure:	various		\$821,322
Add'l Operating Expenditure not included in Current Budget:			
Current Budgeted Capital Expenditure:			
Add'l Capital Expenditure not included in Current Budget:			
<b>Total Expenditures:</b>			\$821,322

**New FTEs requested:**  YES  NO

**Future Amendment Needed:**  YES  NO

**Additional Note:**

At this time, the cost of the program is unknown. The estimated cost of the salaries to pay employees while on parental leave is \$821,322. This estimate does not reflect cost to back-fill positions that require coverage.

**APPROVAL SIGNATURES:**

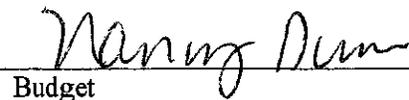
  
Raymond H. Gonzales, County Manager

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Alisha Reis, Deputy County Manager

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Bryan Ostler, Deputy County Manager

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Patti Duncan, Deputy County Manager

**APPROVAL OF FISCAL IMPACT:**

  
Budget



**PEOPLE  
&  
CULTURE  
SERVICES**

OCTOBER 2, 2018

**PROPOSED  
Paid Parental Leave Program**



# Agenda

- Purpose of Paid Parental Leave (PPL) Program
- P&C Recommendation
- Proposed Policy Provisions
- Estimated Cost of PPL
- Historical Review: 2016/2017
- Next Steps: BOCC Direction



# Purpose of PPL Program

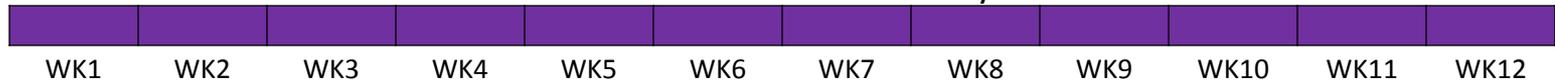
- To provide eligible employees with Paid Parental Leave for use after the birth, adoption or placement of a child.
- To support Adams County values of work-life balance and wellness.
- To remain an employer of choice and leader in the market.
- To attract and retain top talent.



# Recommendation: Six Weeks of PPL

- Estimated Cost: \$821,322 based on 2016/2017 data
- Cost Calculation: 113 employees X \$30.28/hour X 6 weeks

FMLA - Job Protection Only



Paid Parental Leave

Sick, Vacation and/or Leave Without Pay

Women



Paid Parental Leave

Sick, Vacation and/or Leave Without Pay

Men





## Proposed PPL Policy Provisions

- All regular full-time and regular benefitted part-time employees would be eligible for PPL
- PPL would be allotted in a rolling 12-month look-back period (consistent with FMLA)
- PPL would run concurrently with FMLA (if eligible)
- All combined leave taken (including PPL) would not extend beyond 12 weeks of time off



# Estimated Cost at 4/6/8 Weeks

**113 Employees X \$30.28/hour X Number of Weeks**

4 Weeks	6 Weeks	8 Weeks
\$547, 548	\$821,322	\$1,095,097

## **Further Potential Impact:**

- Estimates do not reflect cost to back-fill positions that require coverage such as: hiring of temps, overtime, adding employees to meet minimum staffing requirements.
- PPL will increase leave accrual liability as employees will use less or no accrued leave while on PPL.



## Historical Review: 2016/2017

- Annual average number of births in 2016/2017: **113**
- Of the employees who used leave for a new child:  
**57% female; 43% male**
- The average hourly wage for this group: **\$30.28**
- Average number of weeks of leave taken by employees;
  - **Females: 10 weeks**
  - **Males: 9 weeks**



## Next Steps

- Questions?
- Board Direction