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Legislative Review Committee Agenda

January 22, 2013, 4:00 p.m.
City Manager's Conference Room

1. Approval of minutes from October 23, 2012 meeting
2. Discussion of LRC review process and procedure
3. Consider New Bills – State Legislature (*recommended position in italics*)
 - HB13-1044 Authorize Graywater Use – *Support*
 - SB13-023 Increase damages caps under Colorado Government Immunity Act (CGIA) – *Oppose*
 - SB12-025 Collective bargaining firefighters – *Oppose*
 - SB13-035 Prohibit red light camera vehicle identification – *Oppose*
 - SB13-048 Authorize local government use of HUTF for transit – *Support*
 - SB13-068 Modify Late Vehicle Registration Fee – *Oppose*
4. Federal Bills of Interest
 - High Park Fire Recovery update
5. Other business



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Legislative Review Committee Meeting Minutes

October 23, 2012, 4:00 p.m.
City Manager's Conference Room

Present: Kelly Ohlson, Mayor Pro Tem; Lisa Poppaw, Councilmember; Darin Atteberry, City Manager; Wendy Williams, Assistant City Manager; Steve Roy, City Attorney; Dan Weinheimer, Legislative Policy Manager

Absent: Wade Troxell, Councilmember

Guest: None

Mayor Pro Tem Ohlson called the meeting to order at 4:10 pm.

Adoption of the minutes from the August 6th and September 11th meetings were moved for approval by Councilmember Poppaw and seconded by Mayor Pro Tem Ohlson. Minutes were adopted without amendment.

Dan Weinheimer discussed several topics listed in the agenda as "issues to consider" for the Legislative Policy Agenda discussion.

The first item was an update of research done on taxi service in Fort Collins. Councilmember Troxell had raised the issue at the September meeting and Dan briefly summarized the conversations that he had with Bob Flynn of Green Ride. Bob informed Dan about the PUC process and how a new service provider could enter a community market like Fort Collins. Dan said that based on his research that the issue did not seem like one for the City to engage in a legislative solution at the PUC. Councilmember Poppaw raised concerns that had been brought up about availability of service and the cost for a ride across the City – she noted that \$20-25 seemed high to her. Mayor Pro Tem Ohlson agreed and noted that he did not feel that the City should ignore this issue given the impact it could have on residents. City Manager Atteberry also mentioned having conversations with Councilmember Troxell and discussions from the recent Net Zero Cities Symposium – saying that an electric cab company had expressed interest in operating in Fort Collins. City Manager Atteberry also asked whether the City might promote an RFP where the cost to enter the market could be augmented by the City in order to have improved service. Staff will continue to investigate the issue and develop a proposal for LRC to consider.

Dan then discussed the Emerald Ash Borer and the concern expressed by the City Foresters related to this pest. He mentioned that there is a significant risk to the urban forest presented by a pest that could kill ash trees because of the large

number of ash trees represented within the community. Dan said that the state has the legislative tools to address this issue but the concern is that there is neither the awareness nor funding available to promote a quarantine or educate communities about the risk of firewood importation. Mayor Pro Tem Ohlson asked what the Foresters want on the issue. Dan stated that they and the state want the City to take a leadership role in educating other cities through CML and to seek ways to fund the needed educational program. Staff will continue to work on this issue.

Mayor Pro Tem Ohlson brought up the Legislative Breakfast planning and asked about the proposed program. He asked who will present the City's legislative issues and what issues will be brought forward to legislators. The recommendation was for the Mayor to welcome attendees and open the event and that the Mayor Pro Tem, as chair of the LRC, present some thank you remarks on projects and successes from 2012. Dan was directed to develop a list of "top five" topics and talking points for discussion and that both Dan and Mayor Pro Tem Ohlson will present the City's 2013 priorities. Councilmember Poppaw also recommended that the City have a white paper of its priorities as a handout to legislators.

Dan then briefly discussed the proposed Colorado Municipal League (CML) reporting program for Urban Renewal Authorities (URA) and that the appropriate City staff are reviewing the criteria. Dan mentioned the goal is that CML act as a clearinghouse for URA information to counter claims of some legislators that URA use is not adequately transparent. Dan also summarized that the redevelopment relocation issue is one that staff is working on and that Representative Kefalas has expressed interest in working on a bill related to the issue.

Mayor Pro Tem Ohlson asked whether staff was aware of the bills that either Representatives Fischer or Kefalas planned to introduce in 2013. Dan indicated that while he had conversations with both in the early summer he had not recently contacted them about specific bills. Councilmember Poppaw noted that it would also be beneficial for staff to contact U.S. Representative Jared Polis' office about bills and issues that he is working on. Staff will contact all three as directed.

Reviewing the draft Legislative Policy Agenda, Dan noted that there were minor additions and edits made to the document and that it will be on the November 20th City Council meeting agenda for consideration and adoption. On page 3, addition of a statement providing staff direction on interpreting policy statements was deemed confusing and Dan and City Attorney Roy will work to clean up the language before November 20th. The LRC supported the statement in concept. Dan noted that there were edits made on pages 5, 16, and 17. Councilmember Poppaw requested that the word "like" be changed on page 16. Dan will finalize the language and prepare an Agenda Summary for November 20th.



In reviewing the City's 2013 Priorities, Dan said that he thought that this document might serve as the basis for a discussion at the November 30th Breakfast. City Manager Atteberry noted that the list of priorities seemed to lack a sense of urgency and that perhaps it could be enhanced.

Mayor Pro Tem Ohlson noted that there was a recent story on NBC that highlighted a federal program designated to protect lands that in recent years had instead gone to balance the federal budget. He thought that full funding for a program like that would be a priority of the community and something that could improve the 2013 Priority document.

This moved discussion to the Breakfast and which priorities should be highlighted there. City Manager Atteberry mentioned several important projects that had federal or state funding as components of their success – Mason Corridor, North College, smart metering, and I-25 interchange. Mayor Pro Tem Ohlson added GOCO funding, highlighting that it is under seemingly annual siege to balance budgets elsewhere within the state.

Mayor Pro Tem Ohlson recommended that in preparing remarks for the Breakfast that the City highlight the involvement of federal and state funders – past or present – in completing these projects and any other appropriate projects. He said that it is important to thank the delegation and also use the occasion to highlight ways that the City has leveraged its legislative representation for assistance on transformative projects.

City Manager Atteberry described a presentation provided at CML Policy Committee on education funding. He said the presenter highlighted how inverse the relationship between state contributions to K-12 and college funding was – with the lion's share of current budget allocations going to K-12 schooling. He recommended that staff mention schools and school funding as a legislative topic and that included in the conversation be a discussion of the quality education received for the investment of these funds.

Finally, the LRC reviewed the agenda for the Breakfast and adjusted the times allocated to different aspects of the program. Dan was instructed to reach out to the various legislators that might attend in order to determine what they might talk about. Staff will prepare invitations and get those mailed by Friday, October 26th.

The meeting was adjourned 5:02 pm.

Legislative Review Committee Bill Report

HB13-1044

Authorize Graywater Use

Comment: **LPA pg. 14 - Water Supply/Quality #2 - "Support water quality legislation that results in reasonable water quality control regulations that are cost effective and can show identifiable benefits."**

Position:

Calendar Notification: Monday, January 28 2013
Agriculture, Livestock, & Natural Resources
1:30 p.m. Room 0107
(1) in house calendar.

Short Title: Authorize Graywater Use

Sponsors: FISCHER / SCHWARTZ

Summary: Would have WQCD promulgate state rules on use of graywater and then cities could opt in to develop local regulations on graywater use. Water conservation measure.

Status: 01/09/2013 Introduced In House - Assigned to Agriculture, Livestock, & Natural Resources

Fiscal Notes:

**Analyze This
Comments:**

SB13-023

Increase Damages Caps Under CGIA

Comment: **LPA pg 12 - Risk Management #4 "Support legislation that would check insurance claim litigation"**

Position:

Calendar Notification: Wednesday, January 30 2013
SENATE JUDICIARY COMMITTEE
1:30 PM SCR 356
(1) in senate calendar.

Short Title: Increase Damages Caps Under CGIA

Sponsors: CADMAN

Summary: Raises the cap on claims under Colorado Government Immunity Act (CGIA) against government personnel from \$600,000 to \$990,000.

Status: 01/09/2013 Introduced In Senate - Assigned to Judiciary

Fiscal Notes:

Analyze This Comments: **Oppose: Wed, January 16, 2013, by lmurray@fcgov.com**
(16-Jan-13) High

Oppose: Wed, January 16, 2013, by lmurray@fcgov.com
(16-Jan-13) An increase in tort caps will most likely negatively affect insurance premiums for City excess insurance policies as carriers look at individual State tort limits when underwriting policies. The City loss fund reserves may need to increase. Actual numbers are being looked at now by our actuary.

SB13-025

Collective Bargaining Firefighters

Comment: **LPA pg.11 - Human Resources #1 "Support legislation that enhances the City's ability to decide employment issues including collective bargaining, arbitration, compensation, benefits and leaves."**

Position:

Calendar Notification: Wednesday, January 23 2013
SENATE BUSINESS, LABOR, & TECHNOLOGY COMMITTEE
1:30 PM SCR 354
(2) in senate calendar.

Short Title: Collective Bargaining Firefighters

Sponsors: TOCHTROP

Summary: Bill mandates collective bargaining for firefighters statewide.

Status: 01/09/2013 Introduced In Senate - Assigned to Business, Labor, & Technology

Fiscal Notes:

Analyze This Comments:

SB13-035

Prohibit Red Light Camera Vehicle Identification

Comment: **LPA p17 Public Safety #3 "Support legislation that maintains or enhances the City's right to use camera enforcement of traffic laws, reduces operational restrictions on the use of camera enforcement and increases the fines associated with violations."**

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Prohibit Red Light Camera Vehicle Identification

Sponsors: RENFROE / HUMPHREY

Summary: Seeks to eliminate the use of camera radar and red light camera in traffic enforcement.

Status: 01/16/2013 Introduced In Senate - Assigned to State, Veterans, & Military Affairs

Fiscal Notes:

**Analyze This
Comments:**

SB13-048 Authorize Local Government Use Of HUTF For Transit

Comment: **LPA p19 Transportation #3 "Support exploration and analysis of alternative methods of funding transportation infrastructure needs."**

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Authorize Local Government Use Of HUTF For Transit

Sponsors: TODD / TYLER

Summary: Bill would authorize use of Highway Users Tax Fund (HUTF) for transit projects. Would include use of HUTF for transit operations and maintenance.

Status: 01/16/2013 Introduced In Senate - Assigned to Transportation

Fiscal Notes:

**Analyze This
Comments:**

SB13-068 Modify Late Vehicle Registration Fee

Comment: **LPA p.18 Transportation #1 "Support legislation that facilitates cooperative programs among government agencies in order to help the City meet its basic transportation needs, including transit, street, highway, road and bridge construction and maintenance, and safe corridors for bicyclists and pedestrians."**

Position:

Calendar Notification: NOT ON CALENDAR

Short Title: Modify Late Vehicle Registration Fee

Sponsors: BAUMGARDNER

Summary: Would change the late fee associated with vehicle registration from \$25/month to a lump sum \$20. Reduces incentive to register vehicle and the amount of funding available for transportation infrastructure projects.

Status: 01/16/2013 Introduced In Senate - Assigned to Transportation

Fiscal Notes:

**Analyze This
Comments:**