



Keystone Town Council Work Session Agenda

The Keystone Town Council will have a Work Session on July 23, 2024, at 4:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

- I. CALL TO ORDER, ROLL CALL
- II. DISCUSSION WITH SCOTT PRICE, EXECUTIVE DIRECTOR, OF SNAKE RIVER WATER DISTRICT
- III. DISCUSSION OF TOWN FINANCIALS
- IV. DISCUSSION OF 2024 LEGISLATIVE UPDATE
- V. DISCUSSION ON BALLOT QUESTIONS
- VI. DISCUSSION OF 2024 MODEL TRAFFIC CODE
- VII. DISCUSSION OF NUISANCE ORDINANCES
- VIII. DISCUSSION OF ORDINANCE ON FORMATION OF BOARDS AND COMMISSIONS
- IX. DISCUSSION OF SUMMIT COUNTY HOUSING AUTHORITY INTERGOVERNMENTAL AGREEMENT
- X. DISCUSSION OF MANAGER/COUNCIL ISSUES
- XI. ADJOURNMENT

	F	G	H	I	J	K	L	M
1		Town of Keystone						
2		Statement of Financial Position						Printed: 7/18/24
3		As of Date Indicated						
4								<i>Preliminary - Subject to Change</i>
5								
6		June 30, 2024						
7			General	Capital	Housing	Conserv	All Funds	
8			Fund	Fund	Fund	Trust Fund	Combined	
9		ASSETS						
10		Investment Acct - Colotrust	0					0
11		Operating - FirstBank	992,063					992,063
12		Pooled Cash	0	0	0	0		0
13								
14		Total Cash in Bank	992,063	0	0	0		992,063
15								
16		Sales Tax Receivable	(22,385)					(22,385)
17		Other Tax Receivable	590					590
18		Accounts Receivable	0	0	0	0		0
19		Interfund & Other Receivables	0					0
20		Prepaid Expenses	0					0
21		Office Space Security Deposit	4,900					4,900
22								
23		TOTAL ASSETS	975,168	0	0	0		975,168
24								
25		LIABILITIES, DEFERRED INFLOWS AND FUND EQUITY						
26		Accounts Payable	92,725	0	0	0		92,725
27		Payroll Liabilities	16,217	0	0	0		16,217
28		Wages Payable	0					0
29		Due to Summit County (Sales Tax Advance)	200,000					200,000
30		Misc Liabilities	0					0
31								
32		TOTAL LIABILITIES	308,942	0	0	0		308,942
33								
34		DEFERRED INFLOWS						
35		Deferred Revenue	0					0
36								
37		TOTAL DEFERRED INFLOWS	0	0	0	0		0
38								
39		FUND EQUITY						
40		Invested in Capital Assets, Net	0					0
41		Amount to be Provided for Debt Repayment	(200,000)					(200,000)
42		Beg Fund Balance - General Fund	0					0
43		Beg Fund Balance - Capital Improv Fund		0				0
44		Beg Fund Balance - Workforce Housing			0			0
45		Beg Fund Balance - Conservation Trust				0		0
46		Current Surplus (Deficit)	866,226	0	0	0		866,226
47								
48		TOTAL FUND EQUITY	666,226	0	0	0		666,226
49								
50		TOTAL LIABILITIES, DEFERRED INFLOWS						
51		AND FUND EQUITY						
52			975,168	0	0	0		975,168
53								
54		No assurance provided on these financial statements;	=	=	=	=		=
55		substantially all disclosures required by GAAP omitted.						

	E	F	H	I	J	K	L	M	N
2	Town of Keystone								Printed: 7/18/24
3	Statement of Revenues, Expenses and Changes in Fund Balance								Preliminary
4	Actual, Budget and Forecast for the Periods Indicated								
5	Modified Accrual Basis		2024 ANNUAL			2024 From Inception (2/8/2024)		2025	
6		Approved		Variance	5 Months	5 Months	Variance	Placeholder	
7		2024	2024	Favorable	Ended	Ended	Favorable	2025	
8		Budget	Forecast	(Unfavor)	6/30/24	6/30/24	(Unfavor)	Budget	
9					Actual	Budget		Budget	
10	GENERAL FUND								
11	Revenues								
12	Sales Tax (1 mo estimate)		2,614,224	2,614,224	0	1,242,249	1,207,261	34,988	3,323,383
13	Other Tax Revenue								
14	Highway Users Tax Fund		48,627	48,627	0	0	0	0	66,612
15	Cigarette Tax		5,092	5,092	(0)	1,594	1,004	590	7,115
16	Nicotine Tax		59,628	59,628	0	0	0	0	83,315
17	Road and Bridges Tax		91,684	91,684	(0)	35,324	35,324	(0)	103,774
18	Specific Ownership Tax		25,348	25,348	0	0	0	0	34,723
19	Auto Ownership Tax		9,970	9,970	0	0	0	0	13,657
20	Other Tax Revenue		0	0	0	0	0	0	
21	Total Other Tax Revenue		240,348	240,349	1	36,918	36,328	590	309,196
22	Fees								
24	Building Permits		203,203	203,203	0	2,530	50,800	(48,270)	362,282
25	Franchise Fees		0	0	0	0	0	0	
26									
27			203,203	203,203	0	2,530	50,800	(48,270)	362,282
28	Licenses								
29	Business Licenses				0	0	0	0	34,723
30	Short Term Rentals		541,732	541,732	(0)	0	0	0	547,150
31	Liquor Licenses			350	350	350	0	350	0
32									
33			541,732	542,082	350	350	0	350	581,873
34	Fines								
35	Municipal Court Fines				0	0	0	0	0
36	Code Enforcement Fines				0	0	0	0	
37									
38			0	0	0	0	0	0	0
39	Other Income								
40	Grants				0	0	0	0	
41	Interest on Taxes				0	0	0	0	
42	Interest on Investments				0	1	0	1	
43	Admin Miscellaneous Income				0	0	0	0	
44									
45			0	0	0	1	0	1	0
46									
47	Total Revenue		3,599,507	3,599,858	351	1,282,047	1,294,389	(12,342)	4,576,734
48									
49	Expenditures								
50	Employee Benefits & Taxes								
51	401 A Match		44,414	44,414	0	10,312	20,188	9,876	60,000
52	457 Match		16,655	16,655	0	727	7,570	6,844	130,000
53	Flexible Spending Account (FSA)		5,774	5,774	0	825	2,625	1,800	6,500
54	Wellness Reimbursement		12,158	12,158	0	0	5,526	5,526	9,600
55	Health Insurance Premiums		79,834	79,834	0	16,628	36,288	19,660	0
56	Health Ins Employee Contributions			(1,572)	1,572	(2,914)	0	2,914	0
57	Workers Comp Insurance Premiums		11,381	11,381	0	6,144	5,173	(971)	0
58	Payroll Taxes		18,543	18,543	0	4,625	8,429	3,804	900
59									
60									
61									
62									
63	Total Employee Benefits & Taxes		188,759	187,187	1,572	36,347	85,800	49,453	207,000

	E	F	H	I	J	K	L	M	N
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4	Actual, Budget and Forecast for the Periods Indicated								
5	Modified Accrual Basis		2024 ANNUAL			2024 From Inception (2/8/2024)		2025	
6						5 Months	5 Months		
7		Approved		Variance		Ended	Ended	Variance	Placeholder
8		2024	2024	Favorable		6/30/24	6/30/24	Favorable	2025
9		Budget	Forecast	(Unfavor)		Actual	Budget	(Unfavor)	Budget
64	General Expenditures All Departments								
65	Telephone	2,830	2,830	0		1,280	1,630	350	3,168
66	Office Lease	50,700	50,700	0		21,500	21,300	(200)	196,158
67	Office Building Maintenance	3,700	3,700	0		1,350	2,200	850	3,504
68	Office Supplies	3,754	3,754	0		2,594	1,504	(1,090)	4,203
69	Prof Services/Membership Fees	10,429	10,429	0		11,729	10,429	(1,300)	10,742
70	Dues and Subscriptions	6,802	6,802	0		0	2,720	2,720	7,006
71	Training	6,802	6,802	0		1,998	0	(1,998)	14,011
72	Travel/Meals/Ldging	6,802	6,802	0		3,752	0	(3,752)	14,011
73	Uniforms/Clothing	1,700	1,700	0		110	0	(110)	1,751
74	Insurance	5,000	5,000	0		1,552	5,000	3,448	70,056
75	Bank and Misc Fees	0	0	0		695	0	(695)	0
76	IT/Technology	68,016	68,016	0		21,001	19,548	(1,453)	93,409
77	Website	6,802	6,802	0		542	2,722	2,180	7,006
78	Equipment Repairs/Leases	5,526	5,526	0		0	2,212	2,212	7,589
79									
80	Total Gen Exp All Departments	178,862	178,862	0		68,105	69,265	1,160	432,616
81									
82	Mayor and Town Council								
83	Mayor Wages	11,000	11,000	0		4,477	5,000	523	12,000
84	Council Wages	33,000	33,000	0		13,337	15,000	1,663	36,000
85	Cell Phone AllowTown Council	5,775	5,775	0		2,325	2,625	300	6,300
86									
87		49,775	49,775	0		20,139	22,625	2,486	54,300
88									
89	Misc Expense Town Council	1,251	1,251	0		1,315	573	(742)	1,401
90	Total Mayor and Town Council	51,026	51,026	0		21,454	23,198	1,744	55,701
91									
92	Administration Services								
93	Town Manager Wages	127,530	127,530	0		19,039	42,510	23,471	175,141
94	Town Clerk Wages	95,047	95,047	0		39,708	42,049	2,341	106,411
95	Office Clerk Wages	58,333	58,333	0		11,538	23,335	11,797	65,308
96	Cell Phone Administration	2,250	2,250	0		508	900	392	0
97	Keystone Housing Administration	15,000	15,000	0		3,500	6,000	2,500	0
98									
99		298,160	298,160	0		74,293	114,794	40,501	346,860
100	Postage	2,607	2,607	0		0	1,044	1,044	2,919
101	Printing	7,300	7,300	0		312	2,920	2,608	8,173
102	Community Engagement	8,502	8,502	0		0	1,000	1,000	8,757
103	Local Travel	2,607	2,607	0		102	1,185	1,083	2,919
104	Elections	12,000	12,000	0		0	0	0	0
105	Town Attorney Contract	90,688	90,688	0		79,507	40,000	(39,507)	93,409
106	Smoking Cessation (from Nicotine Tax)	59,628	59,628	0		0	19,875	19,875	83,315
108	Payroll Contract (Paylocity)	4,950	4,950	0		2,103	2,250	147	5,099
109	Accounting Contract (M&W)	63,494	63,494	0		25,635	25,000	(635)	64,958
110	Annual Audit Contract	0	0	0		0	0	0	19,266
111	Short Term Rental Contract Support	116,761	116,761	0		0	116,761	116,761	120,264
112	Miscellaneous Adminstrative Expense	0	0	0		10	0	(10)	
113									
114	Total Administrative Services	666,697	666,697	1		181,962	324,829	142,867	755,938
115									
116	Community Development								
117	Comm Dev Director Wages	124,431	124,431	0		45,223	52,431	7,208	148,320
118	Planner2 Wages	60,489	60,489	0		0	15,122	15,122	93,409
119	Cell Phone Comm Dev	1,350	1,350	0		213	450	237	1,800
120	Keystone Housing Incentive Comm	9,500	9,500	0		1,750	3,500	1,750	6,300
121									
122		195,770	195,770	0		47,186	71,503	24,317	249,829
123	Building Permit/Inspections	162,562	162,562	0		0	40,640	40,640	289,826
124	GIS	9,069	9,069	0		0	3,628	3,628	9,341
125	Professional Services (Contracted)	11,336	11,336	0		0	4,536	4,536	11,676
126	Planning Supplies/Printing	5,668	5,668	0		0	2,095	2,095	5,838
127	Communications	2,721	2,721	0		0	906	906	2,802
128	Miscellaneous Comm Dev Expense	0	0	0		0	0	0	
129									
130	Total Community Develop	387,126	387,126	0		47,186	123,309	76,123	569,311

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6		Approved		Variance	5 Months	5 Months		Placeholder	
7		2024	2024	Favorable	Ended	Ended	Variance	2025	
8		Budget	Forecast	(Unfavor)	6/30/24	6/30/24	Favorable	2025	
9					Actual	Budget	(Unfavor)	Budget	
131	Public Works								
132	Public Works Director Wages								
133		45,344	45,344	0	0	0	0	93,409	
134		450	450	0	0	0	0	900	
135		3,000	3,000	0	0	0	0	6,000	
136									
137		48,794	48,794	0	0	0	0	100,309	
138		2,721	2,721	0	0	0	0	2,802	
139		5,668	5,668	0	0	0	0	11,676	
140		2,834	2,834	0	0	0	0	5,838	
141	Road Maint/Snow Plowing Contracts								
142		0	0	0	0	0	0	35,028	
143		0	0	0	0	0	0	81,733	
144		0	66	(66)	66	0	(66)	166,968	
145		0	0	0	0	0	0	16,697	
146		0	0	0	0	0	0	17,514	
147		0	0	0	302	0	(302)	40,866	
148		0	66	(66)	368	0	(368)	358,806	
149									
150		0	0	0	0	0	0	11,676	
151		5,668	5,668	0	0	0	0	21,855	
152		0	0	0	0	0	0		
153									
154		65,685	65,751	(66)	368	0	(368)	512,962	
155	Public Safety								
156	Miscellaneous Public Safety Exp								
157		0	85,708	(85,708)	23,209	0	(23,209)		
158									
159		0	85,708	(85,708)	23,209	0	(23,209)	686,974	
160	Municipal Court								
161	Judge								
162		0	0	0	0	0	0	7,589	
163		0	0	0	0	0	0	11,209	
164		0	0	0	0	0	0	584	
165									
166		0	0	0	0	0	0	19,382	
167	Total Court Expenses								
168		0	0	0	0	0	0	19,382	
169	Total Operating Expenditures								
170		1,538,155	1,622,356	(84,201)	378,631	626,400	247,769	3,239,884	
171	Operating Surplus (Deficit)								
172		2,061,353	1,977,502	(83,850)	903,416	667,989	235,427	1,336,850	
173	Other Sources (Uses)								
174	Transfer to Capital Improvement								
175		(900,000)	(888,900)	11,100	(237,190)	(382,600)	145,410	(200,000)	
176	Transfer fr Workforce Housing								
177		0	27,500	27,500	0	0	0		
178	Transfer fr Conservation Trust								
179		0	0	0	0	0	0		
180	Summit County Adv - Sales Tax								
181		0	1,400,000	1,400,000	1,000,000	1,000,000	0		
182	Summit County Adv - Repayment								
183		0	(1,400,000)	(1,400,000)	(800,000)	(800,000)	0		
184									
185		(900,000)	(861,400)	38,600	(37,190)	(182,600)	145,410	(200,000)	
186	Total Other Sources (Uses)								
187		(900,000)	(861,400)	38,600	(37,190)	(182,600)	145,410	(200,000)	
188	Beginning Fund Balance - General								
189		0	0	0	0	0	0	1,116,102	
190	Ending Fund Balance - General								
191		1,161,353	1,116,102	(45,250)	866,226	485,389	380,837	2,252,952	
192		=	=	=	=	=	=		

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6			Approved		Variance	5 Months	5 Months		Placeholder
7			2024	2024	Favorable	Ended	Ended	Variance	2025
8			Budget	Forecast	(Unfavor)	6/30/24	6/30/24	Favorable	Budget
9						Actual	Budget	(Unfavor)	
199	RESTRICTED FUNDS								
200	CAPITAL IMPROVEMENTS								
201	Revenue and Other Financing Sources								
202	Contribution from General Fund		900,000	888,900	11,100	237,190	382,600	(145,410)	200,000
203									
204	Total Revenues		900,000	888,900	11,100	237,190	382,600	(145,410)	200,000
205									
206	Capital and Non-Routine Projects								
207	Repayment for Incorporation Costs		180,000	180,000	0	148,013	228,750	80,737	
208	Summit County fee for Cash advance		5,000	5,000	0	5,000	5,000	0	
209	Office Set Up-Furniture, Supplies and		41,500	41,500	0	0	17,000	17,000	10,500
210	Facility Modifications		50,000	50,000	0	0	0	0	
211	Staff Hiring Expense		5,000	5,000	0	0	5,000	5,000	
212	Start Up Consultant Support (Clerk/Co		32,500	32,500	0	0	27,500	27,500	
213	IT-Infrastructure/Software/Computers/		119,900	119,900	0	16,288	48,100	31,812	
214	Website		15,000	15,000	0	0	15,000	15,000	
215	Town Signage		30,000	30,000	0	0	30,000	30,000	
216	Interim Town Manager (\$150/hr, 10 we		60,000	60,000	0	67,890	60,000	(7,890)	
217	Engineering Assessment Town Mainta		40,000	40,000	0	0	0	0	
218	Flood Plain Plan		20,000	20,000	0	0	0	0	
219	Trails and Open Space Master Plan		30,000	30,000	0	0	0	0	
220	Comprehensive Use Plan				0	0	0	0	100,000
221	2 Police Vehicles and equipment		260,000	260,000	0	0	0	0	
222									
223	Total Capital and Non-Routine Exp		888,900	888,900	0	237,190	436,350	199,160	110,500
224									
225	Surplus after other sources / uses		11,100	0	11,100	0	(53,750)	53,750	89,500
226									
227	FUND BALANCE - Beginning Capital		0	0	0	0	0	0	11,100
228	FUND BALANCE - Ending Capital		11,100	0	11,100	0	(53,750)	53,750	100,600
229			=	=	=	=	=	=	
230	Workforce Housing Fund								
231	Revenue and Other Financing Sources								
232	Revenue		947,656	947,656	0	0	0	0	1,246,269
233	Interest Income								
234	Total Revenues		947,656	947,656	0	0	0	0	1,246,269
235									
236	Expenditures								
237	Housing Authority Fees		52,064	52,064	(0)	0	0	0	58,929
238	Transfer to General Fund		0	27,500	(27,500)	0	0	0	
239									
240	Total Expenditures		52,064	79,564	(27,500)	0	0	0	58,929
241									
242	Surplus after other sources (uses)		895,592	868,092	(27,500)	0	0	0	1,187,339
243									
244	Fund bal - Beginning Housing Fund		0	0	0	0	0	0	895,592
245	Fund bal - Ending Housing Fund		895,592	868,092	(27,500)	0	0	0	2,082,932
246			=	=	=	=	=	=	
247	Conservation Trust Fund								
248	Revenue and Other Financing Sources								
249	Conservation Trust Revenue		12,920	12,920	0	0	0	0	12,920
250	Interest Income								
251	Total Revenues		12,920	12,920	0	0	0	0	12,920
252									
253	Expenditures								
254	Conservation Trust Expenses		0	0	0	0	0	0	
255	Transfer to General Fund		0	0	0	0	0	0	
256									
257	Total Expenditures		0	0	0	0	0	0	0
258									
259	Surplus after other sources / uses		12,920	12,920	0	0	0	0	12,920
260									
261	Fund bal - Begin Cons Trust Fnd		0	0	0	0	0	0	12,920
262	Fund bal - Ending Cons Trust Fnd		12,920	12,920	0	0	0	0	25,840
263			=	=	=	=	=	=	

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Jennifer Madsen, Town Attorney
DATE: July 23, 2024
SUBJECT: [Work Session] 2024 Legislative Update

Executive Summary:

The following is a recap of the 2024 Colorado state legislative session and the notable bills passed in the session.

Background:

Below is a summary of some notable bills that were passed in the 2024 Legislative Session from the CML Enacted Laws publication, which is included in Council's packet.

More specific information related to the impact to Keystone, including potential Code amendments and/or process requirements, will be discussed during the July 23rd presentation.

HB24-1007 Prohibit Residential Occupancy Limits

The act prohibits counties and municipalities from limiting the number of people who may live together in a single dwelling based on familial relationship. The act expressly protects residential occupancy limits based only on either demonstrated health and safety standards (like international building code standards) or affordable housing program guidelines. The act is silent as to occupancy limits not otherwise based on familial relationships. The act purports to apply to statutory and home rule municipalities and

counties. Effective: July 1, 2024.

HB24-1107 Judicial Review of Local Land Use Decision

The act requires an award of attorney fees to a prevailing local government in an action for judicial review of a land use decision brought pursuant to C.R.S. §§ 13-51.5-101 et seq. or Rule 106(a)(4). The land use decision must involve residential use with density of five dwelling units per acre or more. The act does not apply to legal actions brought by the applicant. The act provides that an action for judicial review of a land use decision does not affect the validity of the decision and that the decision may be relied on “in good faith for all purposes” until the action is resolved. Effective: May 30, 2024.

HB24-1175 Local Governments Rights to Property for Affordable Housing

The act grants local governments a “right of first refusal” and a “right of first offer” with respect to certain types of multifamily rental properties for local governments through 2029. The right of first refusal applies to a multifamily residential or mixed-use rental property consisting of not less than five units of existing affordable housing. This right allows a local government to provide a “matched offer” on such properties. The act also establishes a right of first offer for multifamily residential or mixed-use rental property consisting of no more than 100 units and not less than 15 units. This right allows a local government to make an offer to purchase such qualifying properties before the property is listed for sale to third parties. The act includes procedural and substantive requirements for local governments (including a requirement to record a certificate of compliance when a property seller sends a notice) and an option to opt out of the rights. Local governments can partner with other entities to finance, lease, or manage the property or assign its right to governmental entities related to housing. Properties acquired through the statute must maintain certain levels of affordability and rent stability for at least 40 years. Local governments can waive either right, either generally or

for a specific property. Effective: Aug. 7, 2024.

HB24-1266 Local Government Utility Relocation in Right-of-Way

The act establishes procedures for utility relocation in public rights-of-way, emphasizing mutual agreement, timely notification, and dispute resolution. The act mandates the use of clearance letters to specify relocation details like scope, schedule, assignment of responsibilities, prompt performance requirements, delay damages in some circumstances, and dispute resolution procedures. Local governments must inform utility companies of road projects, providing project details and assistance eligibility. The act includes statutory or home rule municipalities except where a franchise has been granted franchises pursuant to constitutional or statutory authority. The act preserves local government authority over police powers and upholds property agreements and franchise agreements, allowing for cost recovery related to hazards or conflicts. Flexibility is retained for local governments to explore alternative project arrangements, exempting some provisions of the act. Effective: Aug. 7, 2024.

HB24-1283 Secretary of State Review of Municipal Campaign Finance Complaints

The act establishes minimum procedures for filing municipal campaign finance complaints with a municipal clerk, unless modified by local law. The complaint must be in writing and signed and identify one or more respondents. The municipal clerk must review the complaint within 10 business days to determine if it meets the requirements of the law; if it does not, the clerk must dismiss the complaint.

The act allows a municipal campaign finance complaint from both a home rule and statutory municipality to be filed with the Colorado secretary of state (SOS) if, after conducting an initial review of the campaign finance complaint, a municipal clerk determines that investigating or ruling on the

complaint presents an actual or potential conflict of interest for the clerk or their staff. In addition, the act allows a statutory municipality to refer a complaint to the SOS if the municipality does not have a campaign finance complaint and hearing process. To send complaints to the SOS, a municipality must have adopted an ordinance authorizing the referral, among other requirements, and provided the SOS with a copy of the ordinance. The complaint must be filed with the SOS within 14 days of receiving the complaint. Municipalities must cooperate with the SOS and must waive any interest in fines collected by the SOS. The SOS is required to apply the substantive provisions of a home rule municipality's local law when processing, investigating, and resolving a complaint, but will follow the statutory provisions regarding processing and investigating complaints. Effective: Aug. 7, 2024.

HB24-1371 More Uniform Local Massage Facilities Regulation

The act mandates that all counties and municipalities adopt a process to ensure that every current and prospective operator, owner, and employee of a massage facility submits to a fingerprint background check by Oct. 1, 2025, as a condition of remaining or becoming an owner, operator, or employee (unless no massage facility operates in the jurisdiction). The act purports to apply to statutory and home rule municipalities. Municipalities and counties can agree that the county's ordinance or resolution applies. The act grants counties and municipalities authority to adopt massage facility business licensing laws. The act does not appear to require that such a local licensing law be adopted, but requires that, if such a law is adopted, the local law be limited to specific regulatory and penalty provisions that previously only applied to counties. Persons with particular criminal backgrounds or who fail to submit to a background check are prohibited from being owners or employees of a massage facility. Effective: Aug. 7, 2024.

HB24-1454 Grace Period Noncompliance Digital Accessibility

The act provides a temporary “good faith” defense from liability for violation of state technology accessibility standards adopted pursuant to HB21-1110. The public entity must demonstrate good faith efforts toward compliance or toward resolution of a complaint of noncompliance. In addition, by July 1, 2024, the entity must create a “progress-to-date report” showing efforts toward compliance, update that report quarterly, and create a “clear, easy-to-find process” for seeking redress of inaccessible digital products that must also be posted on all front-facing web pages. A court must dismiss an action if the public entity proves that it has made good faith efforts. The defense expires July 1, 2025. Effective: May 24, 2024.

SB24-002 Local Government Property Tax Credits Rebates

The act authorizes counties and municipalities to offer property tax credits or rebates as part of an incentive program to encourage improvements in areas of specific local concern related to the use of real property. County programs may only allow credits or rebates that apply to the county’s property tax, and municipal programs may only allow credits or rebates that apply to the municipality’s property tax. Municipalities and counties must notify each other of the intent to offer a property tax credit or rebate. Any program established under the act must be annually evaluated for effectiveness and may be renewed for up to one year only if the program is found to be effective. In addition, the incentive must not harm disproportionately impacted community or climate goals. Effective: Aug. 7, 2024.

SB24-005 Prohibit Landscaping Practices for Water Conservation

Beginning Jan. 1, 2026, the act prohibits a local government and special district from installing, planting, or placing “nonfunctional turf”, artificial turf, or invasive plant species on industrial, institutional, or commercial property, common interest community property, street right-of-way, parking lots, medians, state facilities, and “transportation corridors.” The act directs local

governments to enact or amend ordinances, resolutions, regulations to prohibit the same actions in the development or redevelopment (i.e., permitted work with disturbance of more than 50% of landscaped area) of these properties. “Non-functional turf” is turf located in a street right-of-way, parking lot, median, or transportation corridor, but does not include turf that is designated to be part of a water quality treatment solution. “Functional turf” is turf located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds; sports fields; picnic grounds; amphitheatres; portions of parks; and the playing areas of golf courses. The maintenance of turf planted before Jan. 1, 2026, and native or hybridized turf are exempted. Artificial turf may be installed on athletic fields. Effective: Aug. 7, 2024.

SB24-111 Senior Primary Residence Prop Tax Reduction

For the 2025 and 2026 property tax years, the act creates a new subclass of residential property called qualified-senior primary residence real property. The act allows seniors to obtain an exemption that reduces the assessed value, or taxable value, of owner-occupied senior primary residences if they previously qualified for the existing senior homestead exemption but are currently ineligible. Under the act, assessed value is reduced by subtracting 50% of the first \$200,000 from the actual value of the property before the assessment rate is applied, but the assessed value cannot be less than \$1,000. The act establishes a process for owner-occupiers to apply to county assessors for the new subclassification; requires county assessors to report the properties within each county that qualify for the new subclassification to the Division of Property Taxation by Sept. 10 each year; and requires the state to reimburse local governments for the lost revenue under the measure and establishes these reimbursements as a state TABOR refund mechanism in years in which the state refunds a TABOR surplus. Effective: Aug. 7, 2024.

SB24-131 Prohibiting Carrying Firearms in Sensitive Spaces

The act prohibits carrying loaded or unloaded firearms in designated public places and adjacent parking areas, including buildings of the General Assembly; unless permitted locally, certain spaces used by a local government's governing body for meetings and offices of local elected officials or the chief executive; and courthouses. The act exempts peace officers carrying firearms pursuant to their authority, among others. Violation of the act is a class 1 misdemeanor. The act does not change existing law allowing local governments to prohibit firearms in specified places or to permit carrying firearms in the local government spaces covered by the act. The act prohibits carrying firearms, concealed or openly, near polling places and restricts carrying firearms at schools, universities, and child care centers. Effective: July 1, 2024.

SB24-174 Sustainable Affordable Housing Assistance

The act prioritizes counties and municipalities for grant funding relating the planning and land use (excluding Proposition 123 funding) from state agencies based on compliance with requirements of the act. First, the act requires local governments with populations of at least 1,000 to conduct "housing needs assessments" (HNAs) by Dec. 31, 2026 (and then at least every six years), following standard methodologies, with the option to participate in a regional assessment. Second, by Jan. 1, 2028, a local government with a population of at least 5,000 or that has a population of 1,000 or more and either participated in a regional HNA or is a "rural resort community" must complete a "housing action plan" in response to the housing needs demonstrated in the HNAs. Plans must be conducted as required in the act and must contain specified elements, including selections of affordability and anti-displacement strategies and a plan for their implementation. A status report must be submitted within three years. HNAs, housing action plans, and status reports must be submitted to the Department of Local Affairs (DOLA). DOLA cannot accept submissions that

fail to meet statutory requirements. Local governments that have experienced a negative population change of at least 1% as of the last census are exempt from HNA and housing action plan requirements. Previously completed assessments or plans may qualify, in some circumstances.

Third, the act modifies county and municipal master plan requirements. For municipalities, master plans adopted after Jan. 1, 2026, must consider HNAs, a statewide strategic growth report and natural land and agricultural interjurisdictional opportunities report created by DOLA, and the Colorado Water Plan. Master plans must include a narrative description of the adoption process, the most recent housing action plan, and, for any amendment of the master plan after Jan. 1, 2026, and, by no later than Dec. 31, 2026, a water supply element (formerly an optional element) and a strategic growth element seeking to discourage sprawl and promote the use of vacant and underutilized parcels. The latter two elements must be updated at least every five years. The strategic growth element is not required for local governments that are not funded to create the element and that either have a population of 20,000 or less with a negative population change of at least 1% as of the last census or that are counties with a population 5,000 or less in unincorporated areas or municipalities with a population of 2,000 or less. Fourth, although not required, local governments may create “neighborhood centers” that may qualify for prioritized future grant funding from various state agencies.

DOLA will develop baseline methodologies for the housing needs assessments, directories of strategies for housing affordability (standard and long-term) and displacement mitigation strategies, and guidance for housing action plans and displacement risk assessments. DOLA must conduct a statewide housing needs assessment by Nov. 30, 2027, with updates every six years, and publish a report based on all housing needs assessments. The Division of Local Government must provide technical assistance to local governments in implementing the act through the Housing Needs Planning

Technical Assistance Fund (\$15 million). The division must prioritize requests for regional HNAs, conducting HNAs and housing action plans at the same time, and creating laws or policies to support regulated affordable housing, displacement mitigation, and multifamily residential near transit. DOLA may attempt to mediate disputes between local governments related to the act's implementation, residential development, and water or sewer service. The act prohibits associations from prohibiting or restricting, through declarations or rules recorded, adopted or amended after July 1, 2024, accessory dwelling units or "middle housing" if local zoning laws permit such uses. Effective: May 30, 2024

SB24-194 Special District Emergency Services Funding

The act replaces existing law regarding fire and emergency services impact fees imposed through cooperation of fire protection districts and local governments with similar provisions in Title 32 that permit fire protection districts and ambulance districts to impose impact fees according to a legislatively adopted fee schedule. The act does not address impact fees or intergovernmental agreements adopted following the repealed statutory provisions. The act also grants fire protection districts and ambulance districts the authority to levy sales taxes within their jurisdiction, subject to voter approval. Effective: Aug. 7, 2024.

SB24-233 Property Tax

This act makes several changes related to local property tax. First, starting with the 2025 property tax year (PTY), the act creates a local government qualified property tax revenue growth limit of 5.5% annually. There is a list of exclusions from the revenue limit including new construction, annexed property, revenue attributable to the expiration of a TIF, previously omitted property, revenue from producing mines or lands or leaseholds producing oil or gas, revenue for the payment of bonds or other contractual obligations, and revenue attributable to new mills approved by voters after Jan. 1, 2025.

Schools and home rule jurisdictions, as well as local governments that are still subject to TABOR or the 5.5% limit in C.R.S. § 29-1-301, are not subject to this limit. Local governments may ask voters to waive the limit on a single year or multi-year basis. Local governments may also ask voters to approve a floating mill levy to allow their mills to float as needed to maximize the 5.5% limit.

Next, the act reduces assessment rates for nonresidential property as follows: 27.9% for the 2024 PTY including a \$30,000 value reduction, and then drops to 25% by the 2026 PTY. The act reduces the residential assessment rate to 6.7% for the 2024 PTY and includes a \$55,000 value reduction. For the 2025 PTY, the residential assessment rate for schools will be 7.15% and for all other local governments will be 6.4%. For the 2026 PTY and beyond, the residential assessment rate for schools will be 7.15% and for all other local governments will be 6.95% plus actual values are subject to a homestead exemption of 10% of the actual value up to a reduction of \$70,000. Starting in the 2026 PTY, the residential assessment rate for schools must be temporarily reduced if the local share of the total program funding for K-12 exceeds 60%.

Finally, the act provides limited backfill for non-school local governments for only the 2024 PTY. To qualify, the entity's change in assessed value from the 2022 PTY to the 2024 PTY must be negative; the state will reimburse those entities for the negative assessed value. The act also expands the property tax deferral program.

Effective: The act will not go into effect if an initiative passes in November 2024, that (1) reduces valuation for assessment, or (2) requires voter approval for retaining property tax revenue that exceeds a limit. If no such initiative passes, the act takes effect upon the date of the official declaration of the vote for the Nov. 4, 2024, general election.

Attachment:

- CML Laws Enacted

2024 | COLORADO



LAWS ENACTED

AFFECTING MUNICIPAL
GOVERNMENTS



COLORADO
MUNICIPAL
LEAGUE



The Colorado Municipal League is continuing its commitment to members by providing the information they need as inexpensively and easily as possible.



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CML ADVOCACY TEAM



LEGISLATIVE ADVOCACY MANAGER

HEATHER STAUFFER

Heather is responsible for advocating municipal interests before the state legislature. Her issues include building codes; natural resources and environment; elections; governmental immunity; oil and gas; open meetings/open records; severance tax/FML/energy impact; water and wastewater/water quality; and wildfire. She also assists in training and answering inquiries for other municipal officials on various topics. Heather joined CML in July 2019.



LEGISLATIVE & POLICY ADVOCATE

ELIZABETH HASKELL

Elizabeth is responsible for advocating municipal interests before the state legislature. Her issues include beer & liquor; employment & labor; retirement/pensions; taxation & fiscal policy; lottery & gaming; historic preservation; municipal debt & finance; and purchasing. She also assists in training and answering inquiries for other municipal officials on various topics. Elizabeth joined CML in October 2023.



LEGISLATIVE & POLICY ADVOCATE

JEREMY SCHUPBACH

Jeremy is responsible for advocating municipal interests before the state legislature. His issues include regulated substances; hemp; criminal justice; special districts; immigration; public safety; municipal courts; telecom/broadband/IT; utilities; and state departments/offices. He also assists in training and answering inquiries for other municipal officials on various topics. Jeremy joined CML in October 2023.



LEGISLATIVE & POLICY ADVOCATE

BEVERLY STABLES

Beverly is responsible for advocating municipal interests before the state legislature. Her issues include public health; substance abuse; affordable housing; land use and annexation; air quality; transportation and transit; and sustainability. She also assists in training and answering inquiries for other municipal officials on various topics. Beverly joined CML in October 2023.

2024 Colorado Laws Enacted Affecting Municipal GOVERNMENTS

ACCESSIBILITY

HB24-1318

Modify Rental Premises Person with Disability

<https://leg.colorado.gov/bills/hb24-1318>

The act modifies current housing discrimination law that required landlords to permit modifications to rental premises to afford an individual with disability with full enjoyment of the premises. The act removes the qualification that such permission must be granted at the expense of the renter. The act deletes authorization for a landlord to require the renter to restore the premises after a modification to accommodate a disability. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

HB24-1342

Test Accommodations for Persons with Disabilities

<https://leg.colorado.gov/bills/hb24-1342>

The act requires that a testing entity, including a local government, provide testing accommodations for persons with a disability taking exams related to licensing or certification for professional or trade purposes exams. The act establishes requirements for requesting accommodation and creates a civil action for violations. The act includes a specific waiver of sovereign immunity for a violation of the act. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

HB24-1454

Grace Period Noncompliance Digital Accessibility

<https://leg.colorado.gov/bills/HB24-1454>

The act provides a temporary “good faith” defense from liability for violation of state technology accessibility standards adopted pursuant to HB21-1110. The public entity must demonstrate good faith efforts toward compliance or toward resolution of a complaint of noncompliance. In addition, by July 1, 2024, the entity must create a “progress-to-date report” showing efforts toward compliance, update that report quarterly, and create a “clear, easy-to-find process” for seeking redress of inaccessible digital products that must also be posted on all front-facing web pages. A court must dismiss an action if the public entity proves that it has made good faith efforts. The defense expires July 1, 2025. **Effective: May 24, 2024.** Lobbyist: Heather Stauffer

See also: **BUILDING CODES** (HB24-1161: Motor Vehicle Access Individuals with Disabilities); **ELECTIONS** (HB24-1067: Ballot Access for Candidate with Disabilities); **TRANSPORTATION** (HB24-1452: Airport Accessibility Requirements)

Air QUALITY

HB24-1341

State Vehicle Idling Standard

<https://leg.colorado.gov/bills/hb24-1341>

The act allows a local government to enforce an idling standard for commercial diesel vehicles that is at least as strict as the current state standard of five minutes. The state’s exemptions would also apply. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

SB24-229

Ozone Mitigation Measures

<https://leg.colorado.gov/bills/SB24-229>

The act instructs the Air Pollution Control Division (APCD) to propose rules to reduce nitrogen oxide emissions from upstream oil and gas operations between May 1 and Sept. 30, annually, in the eight-hour ozone control area by 50% by 2030. The act outlines enforcement mechanisms that may be utilized to meet the emission reduction targets. APCD will prepare an annual air quality enforcement report and post the report on its website. APCD may collect increased penalties and seek injunctions for violations under this law; the attorney general and district attorneys also can seek injunctions. The director of the Energy and Carbon Management Commission must appoint two community liaisons to advocate for disproportionately impacted communities. The commission can require operators to act between May 1 and Sept. 30 each year to reduce nitrogen oxide emissions from their operations. **Effective: May 16, 2024.** Lobbyist: Bev Stables

Beer & LIQUOR

HB24-1156

Chamber of Commerce Alcohol Special Event Permit

<https://leg.colorado.gov/bills/hb24-1156>

The act adds chambers of commerce to the list of organizations eligible to obtain a special event liquor permit, which allows an organization to sell liquor, wine, and beer during an event that they host. Certain chamber of commerce members, such as those who sell cars, marijuana, gas, or firearms; teachers or child care providers; other liquor licensees; and convenience store owners may not participate in the special event. The act also establishes a tobacco festival permit authorizing a state tobacco licensee to hold an off-site tobacco event. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

SB24-020

Alcohol Beverage Delivery and Takeout

<https://leg.colorado.gov/bills/sb24-020>

The act continues indefinitely the alcoholic beverage takeout and delivery permit, which is set to expire July 1, 2025. The act also establishes that on Jan. 1, 2025, hotel and restaurant licensees or tavern licensees cannot sell alcohol beverages for takeout and delivery in a sealed manufacturer's container without the assistance of an employee of the licensee. Hotels and restaurants licensees operating lodging establishments are exempt from this provision. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

SB24-231

Alcohol Beverage Liquor Advisory Group Recommendations

<https://leg.colorado.gov/bills/sb24-231>

The act reflects the recommendations of the Liquor Advisory Group that met during 2023 to develop recommendations to modernize Colorado's Liquor Code while ensuring consumer protection and public safety. Provisions of the act that are of high interest to local licensing authorities are listed below; this list is not comprehensive of all changes in the act.

- Authorizes the state licensing authority to study the feasibility of adopting an online application and renewal system for licenses
- Allows catering companies to obtain a state license and a temporary permit from the state, as well as a temporary permit from the local licensing authority for events with over 600 guests, to sell and serve alcohol in an unlicensed location
- Creates separate licenses for lodging facilities and entertainment facilities
- Allows breweries, limited wineries, and distilleries to manufacture alcohol beverages at up to two noncontiguous locations
- Allows tasting for authorized retailers to begin at 10 a.m. instead of 11 a.m.
- Expands the marketing allowances for the existing performing arts license
- Allows state and local licensing authorities to establish a two-year renewal cycle for licensees in good standing
- Removes the requirement that a local licensing authority schedule a public hearing on an application for a new retail liquor license
- Allows a retail liquor store going out of business to sell its inventory to another retail liquor store
- Increases the processing timeline for retail establishment permits to 30 days
- Allows sale of alcoholic beverages on Christmas Day
- Prohibits liquor licensees from selling marijuana products
- Allows distillers that have a sales room to purchase and

use common beverages to combine with their products to produce cocktails for consumption on or off the premises

- Increases the limit of allowable sales from retail liquor stores to other license types to \$7,000 annually

Effective: Aug. 7, 2024. Lobbyist: Elizabeth Haskell

See also: **LAND USE** (SB24-048: Substance Use Disorders Recovery)

BROADBAND & TELECOM

HB24-1334

Broadband Service for Multiunit Buildings

<https://leg.colorado.gov/bills/hb24-1334>

The act allows broadband internet service providers to access multiunit buildings and mobile home parks to install facilities to provide high-speed broadband internet. The act specifies procedures for providers to access properties, including notice requirements, access agreements, and conditions for installation, ownership, and maintenance of broadband facilities. The act requires just and reasonable compensation for property owners and reserves management rights to the property owner. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

HB24-1336

Sunset Broadband Deployment

<https://leg.colorado.gov/bills/hb24-1336>

This act reorganizes the administration of broadband deployment in Colorado by transferring duties from the Broadband Deployment Board to the Colorado Broadband Office (CBO) and establishes a framework for funding and managing broadband grants. The act allows the CBO to create rules and details the administration of the Broadband Deployment Grant Program. The act includes definitions related to broadband, specifies the administration and disbursement of grants for unserved and underserved areas, allocates funds with specific project percentages, establishes grant criteria and guidelines, and mandates annual reporting requirements. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

Building CODES

HB24-1161

Motor Vehicle Access Individuals with Disabilities

<https://leg.colorado.gov/bills/hb24-1161>

The act requires that the model electric ready and solar code by the energy code board include accessibility requirements for electric vehicle (EV) capable, EV ready, and EV supply equipment. The act amends C.R.S. § 31-23-315 to require that, for EV charging stations constructed or replaced after 2025, no fewer than 5% or 1 vehicle charging space incorporate U.S. Access Board standards until federal standards are created. The act prohibits blocking reasonable access to access aisles and reserved parking, curb ramps, and accessible routes and requires peace officers to investigate complaints of violations within a reasonable time. **Effective: June 3, 2024.** Lobbyist: Bev Stables

See also: **LAND USE** (HB24-1007: Prohibit Residential Occupancy Limits; HB24-1152: Accessory Dwelling Units; HB24-1173: Electric Vehicle Charging System Permits); **SUSTAINABILITY** (SB24-214: Implement State Climate Goals); **WILDFIRE** (HB24-1091: Fire-Hardened Building Materials in Real Property)

Criminal JUSTICE

CRIMINAL OFFENSES

HB24-1074

Aggravated Cruelty to Law Enforcement Animals

<https://leg.colorado.gov/bills/HB24-1074>

The act amends the offense of aggravated cruelty to animals (C.R.S. § 18-9-902(1.5)(b)), a class 4 felony, to include knowingly killing, or causing serious bodily injury resulting in death to, a law enforcement animal. The act provides immunity for licensed veterinarians and others caring for the animal and provides a defense for the use of physical force against the animal if the person reasonably believes the use of the animal is an application of unreasonable or excessive force. In addition, the act specifically includes a peace officer who is the handler of a law enforcement animal in statutory requirements relating to reporting a use of force or preventing an unlawful use of force. **Effective: April 17, 2024.** Lobbyist: Jeremy Schupbach

HB24-1135

Offenses Related to Operating a Vehicle

<https://leg.colorado.gov/bills/HB24-1135>

As of Aug. 1, 2024, the act reclassifies violations related to commercial driving as a class 1 misdemeanor traffic offense,

unless a valid commercial driver's license is presented within 30 days, reducing the charge to a class A traffic infraction. The act prohibits employers from allowing unqualified employees to operate commercial vehicles, penalizing such actions as a class 1 misdemeanor traffic offense. The act directs the Transportation Legislation Review Committee to study enforcement of impaired driving offenses, careless driving resulting in death, and penalties for failing to maintain vehicle insurance and make recommendations by July 1, 2025. **Effective: May 20, 2024.** Lobbyist: Jeremy Schupbach

HB24-1348

Secure Firearm Storage in a Vehicle

<https://leg.colorado.gov/bills/HB24-1348>

The act prohibits knowingly leaving a handgun in an unattended vehicle unless in a locked, hard-sided container (including a glove box or center console) placed out of sight in either a locked vehicle, locked trunk, or locked recreational vehicle. Other firearms must be placed similarly in a locked hard-sided or soft-sided container (if a locking device is installed on the firearm). The act does not apply to peace officers, on-duty military personnel, antique firearms, firearms other than handguns in work vehicles on private farms or ranches, persons who live in recreational vehicles, or hunters engaged in lawful hunting or hunting education. A person with a disability can use a soft-sided container in all circumstances. A person reporting a lost or stolen firearm is immune from prosecution. The act supersedes local ordinances enacted pursuant to C.R.S. § 18-12-105.6. Violation of the act is a civil infraction. **Effective: Jan. 1, 2025.** Lobbyist: Jeremy Schupbach

SB24-011

Online-Facilitated Misconduct and Remote Tracking

<https://leg.colorado.gov/bills/sb24-011>

The act mandates that online dating services implement and publicly display comprehensive safety policies and requires these services to report information about member safety and the service's compliance with the act. The act creates a private cause of action for tracking a person without consent but exempts law enforcement for actions taken as part of a criminal investigation. The act clarifies that it is not a defense to an alleged criminal violation of posting a private image that the image was digitally altered. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

SB24-035

Strengthening Enforcement of Human Trafficking

<https://leg.colorado.gov/bills/SB24-035>

The act includes human trafficking for involuntary servitude or sexual servitude as "crimes of violence" eligible for enhanced sentencing. The act changes the statute of limitations for trafficking of an adult or minor for involuntary servitude and for trafficking of an adult for sexual servitude to 20 years. The act provides a defense to a charge of human trafficking for a person

who was forced to engage in human trafficking at the time of the offense. **Effective: April 11, 2024.** Lobbyist: Jeremy Schupbach

SB24-065

Mobile Electronic Devices & Motor Vehicle Driving

<https://leg.colorado.gov/bills/SB24-065>

The act extends the current prohibition on individuals under 18 using a mobile electronic device while driving to individuals over the age of 18. Drivers may use a hands-free accessory. Certain uses of a mobile device while driving are exempted, such as to report an emergency, for an employee responding to a utility emergency, for a first responder, for an employee of a city or county acting within the scope of their duties as a code enforcement officer or animal protection officer, and for an individual in a parked car. No citation can be issued unless an officer saw the driver using a mobile electronic device in a manner that caused careless or imprudent driving. The prohibition does not apply to a person with a commercial driver's license operating a commercial vehicle. **Effective: Jan. 1, 2025.** Lobbyist: Bev Stables

SB24-108

Prohibit Unauthorized Use Public Safety Radio

<https://leg.colorado.gov/bills/sb24-108>

The act prohibits a person from knowingly transmitting or receiving a signal on a public safety radio network without authorization, which must come from a state or local department or agency. A violation of the act is a class 2 misdemeanor. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

SB24-131

Prohibiting Carrying Firearms in Sensitive Spaces

<https://leg.colorado.gov/bills/SB24-131>

The act prohibits carrying loaded or unloaded firearms in designated public places and adjacent parking areas, including buildings of the General Assembly; unless permitted locally, certain spaces used by a local government's governing body for meetings and offices of local elected officials or the chief executive; and courthouses. The act exempts peace officers carrying firearms pursuant to their authority, among others. Violation of the act is a class 1 misdemeanor. The act does not change existing law allowing local governments to prohibit firearms in specified places or to permit carrying firearms in the local government spaces covered by the act. The act prohibits carrying firearms, concealed or openly, near polling places and restricts carrying firearms at schools, universities, and child care centers. **Effective: July 1, 2024.** Lobbyist: Heather Stauffer

SB24-189

Gender-Related Bias-Motivated Crimes

<https://leg.colorado.gov/bills/sb24-189>

The act adds transgender identity to the classes identified in C.R.S. § 18-9-121, for bias-motivated crimes and harassment.

"Transgender identity" is defined as an identity based on gender identity or expression that differs from that typically associated with one's sex at birth. The act also updates the definition of "sexual orientation" to a person's orientation toward sexual or emotional attractions and the behavior or social affiliation that may result from the attraction. **Effective: July 1, 2024.** Lobbyist: Jeremy Schupbach

See also: **BUILDING CODES** (HB24-1161: Motor Vehicle Access Individuals with Disabilities); **PUBLIC & BEHAVIORAL HEALTH** (HB24-1037: Substance Use Disorders Harm Reduction); **TRANSPORTATION** (SB24-079: Motorcycle Lane Filtering & Passing)

LAW ENFORCEMENT GRANT FUNDING

HB24-1349

Firearms & Ammunition Excise Tax

<https://leg.colorado.gov/bills/hb24-1349>

Subject to voter approval at the November 2024 general election, this act levies a state excise tax of 6.5% on retail sales of firearms, firearm precursor parts, and ammunition. Peace officers, law enforcement agencies, and active-duty members of the armed forces are exempt from the excise tax. The revenue from this tax will provide additional grant funding for the Colorado crime victim services fund, mental health services for military veterans and at-risk youth, school safety, and gun violence prevention. **Effective: If voters approve ballot issue.** Lobbyist: Elizabeth Haskell

HB24-1421

Modifying Public Safety Program Funding

<https://leg.colorado.gov/bills/hb24-1421>

This act changes the funding and administration for several grant programs managed by the Division of Criminal Justice in the Department of Public Safety in Colorado. The changes include a \$3 million transfer from the General Fund to the Multidisciplinary Crime Prevention and Crisis Intervention Grant fund on July 1, 2024. The act also proposes that grants be allocated annually instead of continuously and extends the expiration date of the grant program from Jan. 1, 2025, to July 1, 2027. The act also makes it so that the law enforcement workforce recruitment, retention, and tuition grant fund and the State's Mission for Assistance in Recruiting and Training (SMART) policing grant fund are appropriated annually rather than continuously. Lastly, this act provides that a local law enforcement agency that fails to meet its reporting requirements under C.R.S. § 24-31-903 is not eligible for these grants. **Effective: April 29, 2024.** Lobbyist: Jeremy Schupbach

LAW ENFORCEMENT OPERATIONS

HB24-1079

Persons Detained in Jail on Emergency Commitment

<https://leg.colorado.gov/bills/hb24-1079>

The act adds a definition for “emergency medical services facility.” The act prohibits law enforcement from taking juveniles who are in protective custody due to substance influence to jail. Starting July 1, 2024, the act also establishes annual reporting requirements for law enforcement agencies that take a person into protective custody. **Effective: May 17, 2024.** Lobbyist: Jeremy Schupbach

HB24-1093

Peace Officer Provisional Certification Requirements

<https://leg.colorado.gov/bills/hb24-1093>

The act amends standards for provisional certification as a peace officer to include persons who served as a peace officer in the armed forces. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

HB24-1103

Prohibiting Term Excited Delirium

<https://leg.colorado.gov/bills/hb24-1103>

The act prohibits the use of the term “excited delirium” in training programs for peace officers and other first responders, as well as in incident reports and death certificates. Training programs for these professionals can cover safe and effective interaction with individuals exhibiting an altered mental state, including symptoms like agitation and extreme aggression. The act sets forth a definition for “excited delirium.” **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

HB24-1216

Supports for Youth in Juvenile Justice System

<https://leg.colorado.gov/bills/hb24-1216>

As it relates to law enforcement, the act requires law enforcement to provide information about the newly created statewide hotline for justice-engaged students to each justice-engaged student after ticketing or arrest. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

HB24-1372

Regulating Law Enforcement Use of Prone Restraint

<https://leg.colorado.gov/bills/hb24-1372>

The act requires law enforcement agencies to adopt written policies and procedures regarding the use of the prone position and prone restraint by law enforcement officers by July 1, 2025, and to post them on a publicly accessible website. These policies must include guidelines for requesting medical aid, obtaining medical clearance, providing appropriate medical aid during restraint, and safely transitioning individuals out of the

prone position. The act requires review of these policies at least every five years and requires implementation and training for law enforcement officers by July 1, 2026. Additionally, the Peace Officer Standards and Training Board will provide training on the use of the prone position to all law enforcement agencies in the state. **Effective: June 3, 2024.** Lobbyist: Jeremy Schupbach

SB24-003

CBI Authority to Investigate Firearms Crimes

<https://leg.colorado.gov/bills/sb24-003>

The act authorizes the Colorado Bureau of Investigation (CBI) to investigate certain criminal activity involving firearms, including illegal firearm transfers and attempts to illegally obtain a firearm. CBI must communicate with the local law enforcement agency and collaborate with the local district attorney at the start of the investigation. The act does not authorize CBI to investigate other criminal activity encountered during the investigation. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

SB24-047

Prevention of Substance Use Disorders

<https://leg.colorado.gov/bills/sb24-047>

The act changes prescription regulations and creates overdose fatality review teams which include local governments to review drug overdose deaths. These teams, which may be formed by local or district public health agencies, are tasked with identifying system gaps, recommending preventative strategies, and reporting findings to relevant agencies. **Effective: June 6, 2024.** Lobbyist: Jeremy Schupbach

SB24-074

Concurrent Jurisdiction Over US Military Property

<https://leg.colorado.gov/bills/sb24-074>

The act establishes concurrent legislative jurisdiction over U.S. military installations in Colorado. Jurisdiction is effective once the governor accepts a formal request from a U.S. military representative, which includes detailed information about the property and the nature of the jurisdiction being sought. The act allows state agencies, local governments, and districts to enter into reciprocal agreements with U.S. agencies to manage duties related to the concurrent jurisdiction, without incurring additional liabilities. **Effective: April 4, 2024.** Lobbyist: Jeremy Schupbach

OTHER

SB24-007

Behavioral Health First Aid Training Program

<https://leg.colorado.gov/bills/sb24-007>

The act establishes the behavioral health first aid training program in the Office of Suicide Prevention to train educators, law enforcement and first responders, and other individuals

to recognize warning signs of mental illness and substance use. The program will also provide education on crisis intervention and best practices, among other education related to behavioral health. A Colorado-based nonprofit will be contracted to administer training programs and report on evaluation data from the training program. **Effective: June 5, 2024.** Lobbyist: Bev Stables

See also: **MUNICIPAL COURTS** (HB24-1241: Alignment of Petty Property Crime Threshold; HB24-134: Sunset Human Trafficking Council)

Economic DEVELOPMENT

HB24-1001

Reauthorization of Rural Jump-Start Program

<https://leg.colorado.gov/bills/hb24-1001>

This act extends the income tax credits and grants available to businesses and their employees that participate in the Colorado Rural Jump-Start Zone Program. The program is a collaborative effort by the state, local governments, institutes of higher education, and economic development organizations to incentivize new businesses to start in or move to rural, economically distressed counties in Colorado and hire new employees. The program provides tax benefits to approved new businesses that locate inside a rural jump-start zone and establish a relationship with a sponsoring entity. Thirty-two counties are currently designated as Rural Jump-Start zones: Alamosa, Archuleta, Clear Creek, Costilla, Conejos, Delta, Dolores, Fremont, Garfield, Huerfano, Kiowa, Kit Carson, La Plata, Lake, Las Animas, Lincoln, Logan, Mesa, Moffat, Montezuma, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Rio Blanco, Rio Grande, Routt, San Juan, Sedgwick, and Yuma. Ten more counties are designated as economically distressed and are eligible to be Rural Jump-Start zones, but they have not yet applied to the program: Baca, Bent, Cheyenne, Crowley, Custer, Hinsdale, Jackson, Mineral, Saguache, and Washington. **Effective: May 29, 2024.** Lobbyist: Elizabeth Haskell

HB24-1172

County Revitalization Authorities

<https://leg.colorado.gov/bills/hb24-1172>

The act allows counties to create county revitalization authorities (CRA) to promote economic revitalization, sound growth, and improve economic and social conditions in unincorporated areas. Similar in purpose and authority to urban renewal authorities, CRAs may use tax increment financing, with the agreement of each taxing entity, and private financing to conduct revitalization projects according to approved plans. CRA plans must be reviewed by county planning commissions

and provide recommendations as to a plan's conformity with municipal growth plans. Counties must also submit a county revitalization impact report detailing impacts on municipal infrastructure and services as well as a copy of the revitalization plan to surrounding municipalities for review 30 days prior to a hearing to approve a plan. All plans are subject to a public hearing and must be approved by the board of county commissioners. The act outlines additional requirements for counties choosing to create and administer a CRA.

The act specifies that no municipality is required to provide services within the boundaries of the county revitalization area or to provide or expand infrastructure or facilities to serve a county revitalization project; except that the authority or county and a municipality may enter into an intergovernmental agreement regarding the provision of services within the boundaries of the county revitalization area or to provide or expand infrastructure or facilities to service a county revitalization project. The creation of a CRA does not affect the authority of a municipality to regulate and plan for the use of land or affect any agreement between a municipality and a landowner or public body relating to the use or development of land. The CRA must not overlap with an urban renewal authority, and the boundaries of the CRS must not overlap with a municipality, except where the property is subsequently annexed into the municipality. Taxing entities that overlap a CRA, other than the county itself, may request to join the authority and can join through a public hearing held by the authority. The act permits a county and municipality to form a joint CRA including both incorporated and unincorporated territory. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

HB24-1295

Creative Industry Community Revitalization Incentives

<https://leg.colorado.gov/bills/hb24-1295>

The act expands eligible grant recipients in the Community Revitalization Grant Program to include projects that are qualified for funding under the Space to Create Colorado Program, which assists rural communities with the development of affordable live-work and commercial spaces. The act creates a state income tax credit for tax years 2026 through 2032 for expenses for capital improvement projects that support creative industries and mixed-use and creative-use spaces for the public. The credit is equal to 25% of the project's eligible expenses, with a maximum credit of \$3 million per project. The Community Revitalization Program provides funding through grants for projects in historic, main street, and creative districts to further community economic development. This grant supports creative projects that combine creative industry workforce housing, commercial spaces, performance space, community gathering spaces, child care centers, and retail partnerships for the purpose of economic recovery and diversification by supporting creative sector entrepreneurs, artisans, and community nonprofit organizations. The act authorizes the Colorado Educational and Cultural Facilities Authority to contract for the operation of its facilities. **Effective: May 28, 2024.** Lobbyist: Elizabeth Haskell

HB24-1314

Modification Tax Credit Preservation Historic Structures

<https://leg.colorado.gov/bills/hb24-1314>

The act makes modifications to the existing preservation of historic structures tax credit for both commercial and residential structures, including reducing the minimum age of the structure, and increases the maximum award available to owners of these structures. The preservation of historic structures tax credit is available to property owners who rehabilitate or preserve a residential or commercial certified historic structure. **Effective:**

Aug. 7, 2024. Lobbyist: Elizabeth Haskell

SB24-190

Rail & Coal Transition Community Economic Measures

<https://leg.colorado.gov/bills/sb24-190>

The act expands the duties of the Rural Opportunity Office in relation to coal transition communities by requiring the office to pursue opportunities for new, early state, and existing businesses to support business and industry development, in coordination with local governments and others. The act also creates two tax credits that incentivize taxpayers to incur costs in the use of freight rail transportation that begins or ends at a business in a coal transition community and railroad operators to maintain rail line access to coal transition communities. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

ELECTIONS

HB24-1067

Ballot Access for Candidate with Disabilities

<https://leg.colorado.gov/bills/hb24-1067>

The act requires that, by February 2025, any person, upon request, must be allowed to participate in a precinct caucus or party assembly with the use of a video conference platform without explanation of the need for the use of the platform. The video conferencing system must be accessible for persons with disabilities. Each political party will establish policies around the procedure and timeline for a person to request virtual participation but cannot require requests more than 30 days ahead of the event. A precinct caucus or party assembly that occurs in a geographic location that is considered a broadband “unserved” area of the state, as defined in C.R.S. § 40-15-102(32), is exempt from the requirements of the act but must allow participation with an alternative platform that is accessible to persons with a disability, like a telephone conference call. Failure to make a reasonable effort to comply constitutes discrimination on the basis of disability for which the victim is entitled to seek relief. The act also changes the deadline for party petitions to between the first business day in January until the third Tuesday in March or the 75th day after the first business day in January, whichever is later. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

HB24-1283

Secretary of State Review of Municipal Campaign Finance Complaints

<https://leg.colorado.gov/bills/hb24-1283>

The act establishes minimum procedures for filing municipal campaign finance complaints with a municipal clerk, unless modified by local law. The complaint must be in writing and signed and identify one or more respondents. The municipal clerk must review the complaint within 10 business days to determine if it meets the requirements of the law; if it does not, the clerk must dismiss the complaint.

The act allows a municipal campaign finance complaint from both a home rule and statutory municipality to be filed with the Colorado secretary of state (SOS) if, after conducting an initial review of the campaign finance complaint, a municipal clerk determines that investigating or ruling on the complaint presents an actual or potential conflict of interest for the clerk or their staff. In addition, the act allows a statutory municipality to refer a complaint to the SOS if the municipality does not have a campaign finance complaint and hearing process.

To send complaints to the SOS, a municipality must have adopted an ordinance authorizing the referral, among other requirements, and provided the SOS with a copy of the ordinance. The complaint must be filed with the SOS within 14 days of receiving the complaint. Municipalities must cooperate with the SOS and must waive any interest in fines collected by the SOS. The SOS is required to apply the substantive provisions of a home rule municipality’s local law when processing, investigating, and resolving a complaint, but will follow the statutory provisions regarding processing and investigating complaints. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-210

Modifications to Laws Regarding Elections

<https://leg.colorado.gov/bills/SB24-210>

The act primarily amends Title 1 of the Colorado Revised Statutes regarding elections, concerning partisan, statewide, and coordinated elections, but does not modify provisions of the Municipal Election Code. Among other changes, the act reduces the age for voter preregistration from 16 to 15 and makes corresponding changes to the voter registration affirmation. The act delays rules for tabulation, reporting, and canvassing of results of instant runoff election in a coordinated election by multiple counties to Jan. 1, 2026. The act creates a path to permit instant runoff voting for state and federal offices. The act creates provisions for obtaining an emergency ballot from a county clerk or designated election official. The act amends the Colorado Open Records Act to allow a county clerk and recorder additional time to respond to a request for election-related records, unless made by a member of the media, during a period around an election. **Effective: June 6, 2024.** Lobbyist: Heather Stauffer

EMPLOYMENT

HB24-1095

Increasing Protections for Minor Workers

<https://leg.colorado.gov/bills/HB24-1095>

The act increases the remedies and penalties for violations of the “Colorado Youth Employment Opportunity Act of 1971.” The act allows a reduction or elimination of fines if a minor worker intentionally misleads an employer with regard to the minor’s age and the employer contacted a third party to attempt to verify the minor’s age. The act prohibits retaliation against a person for the exercise of rights under the act. Final orders issued for violations of the act are designated as public records, except for trade secrets and identifying information of a minor employee. **Effective: Jan. 1, 2025.** Lobbyist: Elizabeth Haskell

HB24-1132

Support for Living Organ Donors

<https://leg.colorado.gov/bills/hb24-1132>

Among other provisions, the act prohibits employers from demoting or otherwise taking adverse action against an employee 30 days before or 90 days after the employee becomes a living organ donor unless the employer has clear and convincing evidence that the action would apply to similar employees and was otherwise lawful. An employer is not required to allow a living organ donor to take any unpaid leave that the donor has not already accrued under existing employer policies applicable to similar situated employees or not required under any other applicable law. Violations may be addressed through civil action. **Effective: June 3, 2024.** Lobbyist: Elizabeth Haskell

HB24-1219

First Responder Employer Health Benefit Trusts

<https://leg.colorado.gov/bills/hb24-1219>

The act requires employers to extend access to existing heart and circulatory malfunction benefits to part-time and volunteer firefighters with five years of continuous employment and expands state funding to cover these employees. The act also:

- Removes the voluntary option for participation in the cancer trust for firefighter benefits and requires an employer of an eligible firefighter to participate in the cancer trust
- Provides state funding for the firefighter cancer benefits program for eligible firefighters
- Requires an employer to participate in a newly created state funded trust to provide cardiovascular screenings, at a minimum, and other health screenings and prevention, as practicable, to peace officers

If state funding is insufficient for any of the above programs, then the requirement for employers to provide the specified

program is optional. **Effective: May 29, 2024.** Lobbyist: Elizabeth Haskell

HB24-1220

Workers’ Compensation Disability Benefits

<https://leg.colorado.gov/bills/hb24-1220>

The act makes several changes related to benefits paid under workers’ compensation, including allowing a claimant to refuse an offer of modified employment under certain circumstances and adding the ear to the list of body parts for which a claimant can receive permanent impairment benefits. The act also increases the combined temporary disability and permanent partial disability payment cap. Effective Jan. 1, 2025, for a claimant with an impairment rating of 19% or less, the cap is increased to \$185,000 and the cap for a claimant with an impairment rating greater than 19%, the cap is increased to \$300,000. The act authorizes direct deposit of benefits. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

HB24-1324

Attorney General Restrictive Employment Agreements

<https://leg.colorado.gov/bills/hb24-1324>

This act gives the Department of Law rulemaking authority over restrictive employment agreements and makes related changes in definitions to make the recovery of education and training expenses from an employee by an employer subject to existing consumer protection laws. The act also exempts public employers from existing law that limits an employer’s ability to recover the reasonable costs of the training to a prorated amount to be collected over two years and allows public employers to recover the costs of the training over a period longer than two years. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

HB24-1451

Include Hair Length in CROWN Act

<https://leg.colorado.gov/bills/hb24-1451>

The act amends the CROWN Act of 2020 to include hair length in the list of traits commonly associated with race for purposes of Colorado’s anti-discrimination laws. **Effective: June 3, 2024.** Lobbyist: Elizabeth Haskell

SB24-089

Firefighter Heart Benefits Trust

<https://leg.colorado.gov/bills/SB24-089>

The act requires that government employers of firefighters participate in a multiple employer health trust that provides benefits for a heart or circulatory health issue and removes the option for the employer to provide these benefits through accident insurance or self-insurance. The act provides an exception that allows a city and county or a municipality with a population of 400,000 or more people that has an existing

ordinance to provide the benefits specified in the act through accident insurance or self-insurance to continue to do so as long as the ordinance remains in effect. **Effective: May 24, 2024.**
Lobbyist: Elizabeth Haskell

SB24-232

Public Employees' Workplace Protections

<https://leg.colorado.gov/bills/sb24-232>

The act modifies C.R.S. §§ 29-33-103 and -104, enacted through SB23-111, to define “protected, concerted activity for the purpose of mutual aid and protection” to include rights protected by the National Labor Relations Act, excluding activities of managerial or confidential employees (defined in the act) and collective bargaining. The act clarifies limits on rights to maintain a nonpartisan role and activities that result in a “material disruption” of the employee’s duties, the employer’s operations, or the delivery of public services. The act expressly protects the “content or viewpoint expressed” through an “activity or a strike.” **Effective: June 7, 2024.** Lobbyist: Elizabeth Haskell

See also: **LAND USE** (SB24-048: Substance Use Disorders Recovery); **RETIREMENT & PENSION** (HB24-1042: Fire & Police Pension Law Technical Corrections; SB24-169: State Firefighter Public Employees' Retirement Association Job Classification)

Environment & NATURAL RESOURCES

HB24-1116

Extend Contaminated Land Income Tax Credit

<https://leg.colorado.gov/bills/hb24-1116>

The act extends the state income tax credit for the environmental remediation of contaminated land through 2029. Local governments are authorized to apply for this tax credit and can transfer the amount allowable as a credit to one or more taxpayers for application against the taxpayer’s income tax liability. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

HB24-1338

Cumulative Impacts & Environmental Justice

<https://leg.colorado.gov/bills/HB24-1338>

The act requires the Colorado Department of Public Health and Environment (CDPHE) to establish a rapid response inspection team to quickly respond to air quality complaints received.

The act formalizes the recommendations from the Environmental Justice Action Task Force developed under HB21-1266, including the creation of the Office of Environmental Justice within CDPHE. The office is tasked with, among other things,

coordinating environmental justice work with local and federal government partners. The office will oversee a process to develop at least two environmental equity and cumulative impact analyses (EECIA) for specific geographic locations in the state that are considered disproportionately impacted communities. These analyses will, among other things, empower agencies and local governments to score, evaluate, or compare alternative mitigation options for proposed future energy projects. Within nine months of completing the EECIA, CDPHE will prepare a report identifying recommendations or resources needed to implement the findings of the EECIA and submit it to the legislature. A local government may request the office to select a location for an EECIA.

The act requires CDPHE to hire a petroleum refinery regulation expert to examine whether a specific petroleum refinery rule should be adopted. The act requires petroleum refineries to provide real-time emissions monitoring data with CDPHE. **Effective: May 28, 2024.** Lobbyist: Heather Stauffer

HB24-1346

Energy & Carbon Management Regulation

<https://leg.colorado.gov/bills/hb24-1346>

The act expands the authority of the Energy and Carbon Management Commission (ECMC) to include the injection and underground sequestration of injection carbon dioxide in pore space (geologic storage operations). The act incorporates the broader concept of “energy and carbon management operations” into local government’s existing authority to regulate oil and gas operations as expressed through SB19-181 (C.R.S. § 29-20-104(1)(h)); as a result, nothing in the act alters, impairs or negates the authority of a local government to regulate geologic storage operations, and local governments retain their authority to regulate siting as they currently do with oil and gas operations. A local government’s regulations may be more protective or strict than state requirements. The act allows a local government to request technical assistance regarding the development of land use and siting regulations for geologic storage operations from the ECMC. **Effective: May 21, 2024.** Lobbyist: Heather Stauffer

HB24-1457

Asbestos & Lead Paint Abatement Grant Program

<https://leg.colorado.gov/bills/hb24-1457>

The act creates the Rural Housing and Development Asbestos and Lead Paint Abatement pilot grant program in the Colorado Department of Public Health and Environment (CDPHE) to award grants, beginning July 1, 2025, to local governments in rural areas to offset costs associated with the abatement of asbestos and lead paint in housing, commercial buildings, and other development projects. To qualify, a local government must submit an application to CDPHE that includes either an inspection report (for asbestos) or a description of eligibility of the facility (for lead paint), documentation that the applicant has acquired the necessary permits from the air pollution control

division, and an assessment of the needs of rural communities specific to cost, availability of qualified personnel, and health impacts. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-081

Perfluoroalkyl & Polyfluoroalkyl Chemicals

<https://leg.colorado.gov/bills/sb24-081>

At the end of 2025, the act repeals current limits on the sale of cookware containing PFAS and replaces the limitation with broader restrictions. From 2025 through 2027, the act prohibits the sale or distribution (including internet listings) of outdoor apparel for severe weather conditions if the apparel contains intentionally added PFAS chemicals unless labeled. In 2028, the prohibition becomes complete for all cleaning products for medical settings, outdoor apparel for severe weather conditions, textile articles, and food equipment in commercial settings. In 2026, the act prohibits the installation of artificial turf containing PFAS. **Effective: May 1, 2024.** Lobbyist: Heather Stauffer

SB24-126

Conservation Easement Income Tax Credit

<https://leg.colorado.gov/bills/sb24-126>

The act extends the Conservation Easement Oversight Commission and the program for certifying conservation easement holders indefinitely. The act also extends the state conservation easement tax credit and increases the maximum amount that may be certified beginning in tax year 2025 to \$50 million (from \$45 million) in tax credit certifications. The value of the credit is 90% of the value of the donated easement, as in current law. For tax years 2027 and each year thereafter, the amount decreases to 80% of the value of the donated easement. Beginning in tax year 2027, the act removes the requirement that state revenues exceed certain thresholds for taxpayers to claim a refundable tax credit and increases the amount the tax may claim to \$200,000 (from \$50,000) per tax year. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-185

Protections Mineral Interest Owners Forced Pooling

<https://leg.colorado.gov/bills/sb24-185>

Among other provisions, the act prohibits the Energy and Carbon Management Commission (ECMC) from entering a pooling order that pools the mineral interests of a local government that has rejected an offer to lease the minerals. The act specifies that if a pooling order application proposes to pool a local government unleased interest and the local government has rejected an offer to lease, the ECMC is required to deny the application unless the applicant amends the application to no longer pool the local government's unleased interest. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-230

Oil & Gas Production Fees

<https://leg.colorado.gov/bills/sb24-230>

The act directs the Clean Transit Enterprise within the Colorado Department of Transportation (CDOT) to impose a production fee for clean transit which will be paid quarterly by producers of oil and gas beginning July 1, 2025. Seventy percent of the fee will go to the Local Transit Operations Cash Fund for expansion of local transit service and transit improvements. Ten percent will go to the Local Transit Grant Program Cash Fund to be used for providing competitive grants to eligible entities (including local governments) for expenses associated with providing public transportation. Twenty percent will go to the Rail Funding Program Cash Fund to be used for passenger rail projects and service. The act also requires the Regional Transportation District (RTD) to prioritize completion of the northwest rail line to Longmont and submit a report to the governor and General Assembly by July 1, 2025, that demonstrates how they will fulfill certain commitments made in the plan to complete the rail line. **Effective: May 16, 2024.** Lobbyist: Heather Stauffer

Government Liability & IMMUNITY

HB24-1124

Discrimination in Places of Public Accommodation

<https://leg.colorado.gov/bills/hb24-1124>

The act increases the penalty for violation of C.R.S. § 24-34-601, regarding discrimination in places of public accommodation, from a range of \$50-\$500 to a standard \$3,500. The act also authorizes courts to order compliance in addition to awarding a penalty. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-058

Landowner Liability Recreational Use Warning Signs

<https://leg.colorado.gov/bills/sb24-058>

The act amends the Colorado Recreational Use Statute to specify that a landowner that makes their land available to the public does not commit a willful or malicious failure to guard or warn against a dangerous condition if the owner posts a warning sign that conforms to the specifications described in statute at the primary access point where the land is entered; the owner maintains photographic or other evidence of the sign; and the dangerous condition, use, structure, or activity that caused the injury or death is described on the sign. "Landowner," as described in current law, can include any public entity, as defined in the Colorado Governmental Immunity Act, that has an interest in the land. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-113

Safer Youth Sports

<https://leg.colorado.gov/bills/sb24-113>

The act requires that youth sports organizations and local governments sponsoring youth athletic activities develop and enforce a prohibited conduct policy, including a code of conduct for all coaches, participants, parents, and spectators. These entities must also perform pre-employment criminal background checks on coaches, disqualifying those with certain felony convictions. Youth sports organizations must require coaches to complete annual mandatory reporter and abuse prevention training. The state will provide a model code of conduct and the attorney general will draft a notice explaining these requirements for organizations to post or provide to parents.

Effective: Aug. 7, 2024. Lobbyist: Jeremy Schupbach

HOUSING

HB24-1098

Cause Required for Eviction of Residential Tenant

<https://leg.colorado.gov/bills/hb24-1098>

The act prohibits residential landlords from evicting a tenant without “cause,” including unlawful detention of the property or nuisances caused by the tenant. The act allows for “no-fault eviction” in limited circumstances, including demolition, substantial repairs or renovations, changes in use, removal from the rental market for the sale of the property, tenant refusal to sign a new lease, and history of non-payment of rent. The act modifies procedures relating to terminating tenancy and judicial relief for tenants. The act provides notice standards for mobile home park management to enter a mobile home space.

Effective: April 19, 2024. Lobbyist: Bev Stables

HB24-1175

Local Governments Rights to Property for Affordable Housing

<https://leg.colorado.gov/bills/HB24-1175>

The act grants local governments a “right of first refusal” and a “right of first offer” with respect to certain types of multifamily rental properties for local governments through 2029. The right of first refusal applies to a multifamily residential or mixed-use rental property consisting of not less than five units of existing affordable housing. This right allows a local government to provide a “matched offer” on such properties. The act also establishes a right of first offer for multifamily residential or mixed-use rental property consisting of no more than 100 units and not less than 15 units. This right allows a local government to make an offer to purchase such qualifying properties before the property is listed for sale to third parties. The act includes procedural and substantive requirements for local governments (including a requirement to record a certificate of compliance when a property seller sends a notice) and an option to opt-out

of the rights. Local governments can partner with other entities to finance, lease, or manage the property or assign its right to governmental entities related to housing. Properties acquired through the statute must maintain certain levels of affordability and rent stability for at least 40 years. Local governments can waive either right, either generally or for a specific property.

Effective: Aug. 7, 2024. Lobbyist: Bev Stables

HB24-1294

Mobile Homes in Mobile Home Parks

<https://leg.colorado.gov/bills/hb24-1294>

The act establishes various protections for mobile home tenants and homeowners. If a mobile home park is “condemned” for reasons that are the responsibility of the park owner and the condemnation would result in displacement of one or more mobile homes in the park, the landlord shall provide each impacted homeowner alternative housing options. A mobile home park landlord is prohibited from increasing rent if the park has not fully complied with any government order or has been found to have failed to comply with a landlord’s responsibilities as outline in current law. The act outlines the process by which a mobile home park resident may be evicted. Landlords must provide reasonable accommodations for residents who speak a language other than English or Spanish for the purposes of meetings hosted by the landlord for residents. Landlords may not charge a fee for refusing to sign a new lease or for residing under a month-to-month tenancy. The act clarifies a landlord’s responsibility regarding providing potable water, maintaining roads and sidewalks, and mailboxes. The act further clarifies language access requirements for mobile home parks and written communication from landlords to tenants.

Effective: June 4, 2024. Lobbyist: Bev Stables

HB24-1308

Effective Implementation of Affordable Housing Programs

<https://leg.colorado.gov/bills/hb24-1308>

The act modifies the functions of the Division of Housing within the Department of Local Affairs to include optimizing socioeconomic and housing stability outcomes of programs, addressing statewide needs, and serving populations with the greatest unmet need. The division’s State Measurement for Accountable, Responsive and Transparent Government (SMART) Act reports must include specific reporting on the use of funding for high-need, difficult-to-develop areas and the funding of affordable housing preservation and production. The division must include specifics on the uses of state and federal funds to subsidize unit production and to ensure that developments are not disqualified for funding support if the development has previously received money from funds established by Proposition 123. The act also requires the division to report on applications for affordable housing programs that it administers. The act establishes procedures and timelines for the division to follow for affordable housing programs.

Effective: Aug. 7, 2024. Lobbyist: Bev Stables

HB24-1316

Middle-Income Housing Tax Credit

<https://leg.colorado.gov/bills/HB24-1316>

The act creates a pilot program for an income tax credit for owners of housing developments focused on rental housing for middle-income households. The credit is allocated by the Colorado Housing and Finance Authority during tax years 2025 through 2029 and is awarded in amounts up to \$5 million per year in 2025 and 2026, and up to \$10 million per year in 2027 through 2029, for a credit period of five years. **Effective: May 30, 2024.** Lobbyist: Elizabeth Haskell

HB24-1434

Expand Affordable Housing Tax Credit

<https://leg.colorado.gov/bills/HB24-1434>

The act increases the amount of affordable housing tax credits that can be issued by the Colorado Housing and Finance Authority and creates a new state income tax credit for taxpayers that invest in qualified low-income housing project located in a transit-oriented community. **Effective: May 30, 2024.** Lobbyist: Bev Stables

See also: **ACCESSIBILITY** (HB24-1318: Modify Rental Premises Person with Disability); **LAND USE** (HB24-1152: Accessory Dwelling Units; HB24-1313: Housing in Transit-Oriented Communities; SB24-174: Sustainable Affordable Housing Assistance) HB24-1007

LAND USE

HB24-1007

Prohibit Residential Occupancy Limits

<https://leg.colorado.gov/bills/hb24-1007>

The act prohibits counties and municipalities from limiting the number of people who may live together in a single dwelling based on familial relationship. The act expressly protects residential occupancy limits based only on either demonstrated health and safety standards (like international building code standards) or affordable housing program guidelines. The act is silent as to occupancy limits not otherwise based on familial relationships. The act purports to apply to statutory and home rule municipalities and counties. **Effective: July 1, 2024.** Lobbyist: Bev Stables

HB24-1107

Judicial Review of Local Land Use Decision

<https://leg.colorado.gov/bills/hb24-1107>

The act requires an award of attorney fees to a prevailing local government in an action for judicial review of a land use

decision brought pursuant to C.R.S. §§ 13-51.5-101 et seq. or Rule 106(a)(4). The land use decision must involve a residential use with density of five dwelling units per acre or more. The act does not apply to legal actions brought by the applicant. The act provides that an action for judicial review of a land use decision does not affect the validity of the decision and that the decision may be relied on “in good faith for all purposes” until the action is resolved. **Effective: May 30, 2024.** Lobbyist: Bev Stables

HB24-1152

Accessory Dwelling Units

<https://leg.colorado.gov/bills/hb24-1152>

Beginning June 30, 2025, the act requires a municipality with a population of 1,000 or more that is within a metropolitan planning organization to allow one accessory dwelling unit (ADU) between 500 and 750 square feet as an accessory use to a single-unit detached dwelling anywhere the jurisdiction allows single-unit detached dwellings. The act requires that ADUs be approved by an “administrative approval process” and limits parking requirements, owner-occupancy limitations, and “restrictive design or dimension standards.” The act purports to apply to statutory and home rule municipalities. Municipalities that do not fall under the requirements of the act can opt in to be a “ADU supportive jurisdiction” by submitting a report to the Department of Local Affairs (DOLA) demonstrating that the jurisdiction has complied with the ADU requirements of the act and has implemented one or more strategies to encourage or facilitate construction or conversion of ADUs. Planned unit development ordinances (PUD) may not restrict permitting of ADUs more than local law as it applies to ADUs outside of the PUD. DOLA must create model public safety code requirements for geographic or climatic conditions for factory-built ADU structures.

The act creates the ADU Fee Reduction and Encouragement Grant Program to provide grants to supportive jurisdictions. The act allocates \$8 million for: an ADU credit enhancement program; a program to allow for buying down of interest rates on loans made to eligible low- and moderate-income borrowers for construction or conversion of ADUs; a program that offers down payment assistance for ADUs; and a program for the Colorado Housing and Finance Authority to offer loans, revolving lines of credit, or grants to eligible nonprofits, public housing authorities, and community development financial institutions to make direct loans or grants to support the construction or conversion of ADUs for low- and moderate-income borrowers or tenants. **Effective: May 13, 2024.** Lobbyist: Bev Stables

HB24-1173

Electric Vehicle Charging Systems Permits

<https://leg.colorado.gov/bills/HB24-1173>

The act requires the Colorado Energy Office to develop an electric vehicle (EV) charger permitting model code and provide technical assistance to municipalities. By Dec. 21, 2025, municipalities with a population of 10,000 or more, as of the

2020 census, must either adopt a standard and process that is no more restrictive than the model code, a local process using “objective standards” and an “administrative review process” that comply with the act’s provisions, or an ordinance or resolution establishing that the municipality does not intend to adopt an ordinance as required by the act and will continue to use its existing permitting review process. The act purports to apply to statutory and home rule municipalities. Regardless of the option chosen, municipalities with a population of 10,000 or more must report compliance by March 1, 2026, and submit a report by Jan. 31, 2027, describing the decision on each EV charger permit application and the review time for the prior year. Further, a municipality subject to the act must send notice of its determination on an EV charger permit within three business days. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

HB24-1304

Minimum Parking Requirements

<https://leg.colorado.gov/bills/hb24-1304>

As of June 30, 2025, the act prohibits certain local governments within a metropolitan planning organization (MPO) from enacting or enforcing minimum parking requirement for multifamily residential developments, “adaptive re-use” for residential purposes, and “adaptive re-use” for mixed-use purposes with at least 50% residential uses, if the project is within the local government, an MPO, and at least partially in an “applicable transit service area.” On or before Sept. 30, 2024, the Department of Local Affairs (DOLA) will publish an applicable transit service areas map based on existing and planned transit to determine the geographic applicability of the act. The act purports to apply to statutory and home rule municipalities.

Local governments may impose or enforce a minimum parking requirement of one parking space per dwelling unit for a housing development project that will contain 20 units or more or will contain regulated affordable housing. A local government also may impose a minimum parking requirement if the local government publishes written findings that not imposing or enforcing a minimum parking requirement would have a substantial negative impact, based on substantial evidence, to pedestrian, bicycle, or emergency access or existing parking within one-eighth of a mile. The findings must be reviewed and approved by a professional engineer and must also demonstrate that the negative impact could not be mitigated by parking demand management strategies. By Dec. 31, 2026, and every three years thereafter, local governments must report any parking minimums imposed or enforced. DOLA will provide technical assistance for optimizing parking supply and managing parking to increase the production of affordable housing and housing supply. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

HB24-1313

Housing in Transit-Oriented Communities

<https://leg.colorado.gov/bills/hb24-1313>

The act requires certain local governments to zone land to a certain potential density near existing and planned public

transit. The act applies to “transit-oriented communities” (TOCs), which include municipalities that are in a metropolitan planning organization, have a population of 4,000 or more (as determined by the state demographer), and at least 75 acres of “transit area” (as shown in a map to be created by the Department of Local Affairs (DOLA) by September 2024) as well as certain counties. The act purports to apply to statutory and home rule municipalities.

The act requires TOCs to calculate the jurisdiction’s “housing opportunity goal” (the total amount of transit area multiplied by a density of 40 units per acre) and submit a preliminary assessment report by June 30, 2025. The act sets a compliance date of Dec. 31, 2026, for TOCs to: designate “transit centers” that meet the act’s zoning standards; rezone land or change land use standards to ensure that the zoning capacity for transit centers meets the goal; and submit a report to DOLA that includes, among other things, a selection of standard and long-term affordability and displacement mitigation strategies with a related implementation plan. A status report must be submitted to DOLA every three years. The act provides a process for modifying the goal based on a lack of sufficient water.

By Feb. 8, 2025, DOLA will create models and guidance. By June 30, 2025, DOLA will create affordability and displacement mitigation menus, guidance for local displacement risk assessments, and a guide for implementing displacement mitigation strategies.

Unrelated to transit, the act amends C.R.S. § 29-20-203 to require that a local government provide an option for a fee in lieu of land dedication for parks, trails, or open space. The act restricts planned unit development ordinances from being enacted or interpreted as more restrictive than the act’s requirements. Covenants cannot restrict housing development more than the standards applicable to a transit center or neighborhood center.

A TOC must comply with the act’s requirements by Dec. 31, 2027, to be a “certified transit-oriented community” that is eligible for certain future state funding and for the Transit-Oriented Communities Grant Program (\$35 million). Program funds can also be expended for designated “neighborhood centers” that meet similar requirements. Certification also impacts eligibility for Colorado Affordable Housing in Transit-Oriented Communities Income Tax Credit. **Effective: May 13, 2024.** Lobbyist: Bev Stables

SB24-048

Substance Use Disorders Recovery

<https://leg.colorado.gov/bills/sb24-048>

The act declares that the use of recovery residences (also known as sober living homes) by persons in recovery from substance use disorders are a residential use of property for zoning purposes and subject to regulations of like dwellings in the same zone. The act also establishes a recovery-friendly workplace program to develop a process through which

employers may apply to become recovery-friendly workplace participants. The program will include development of an orientation process with training materials for employers and technical assistance to employers seeking to become certified recovery-friendly workplaces. Employers may participate in the program as a participant or as a certified recovery-friendly workplace. The act also establishes a recovery school grant program for schools that educate and support students in recovery from substance use disorders or co-occurring disorders. The Liquor Enforcement Division must convene a stakeholder group to develop rules related to the location of alcohol beverage displays. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

SB24-145

Uniform Unlawful Restrictions in Land Records

<https://leg.colorado.gov/bills/sb24-145>

The act enacts the Uniform Unlawful Restrictions in Land Records Act that establishes the process by which a landowner may remove unlawful restrictions, as to the landowner's property, from a title or other document related to real property. A process is also provided for an owner's association. An unlawful restriction interferes with or restricts the transfer, use, or occupancy of real property on the basis of race, color, religion, national origin, sex, familial status, disability, or other personal characteristics, in violation of any state law. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

SB24-174

Sustainable Affordable Housing Assistance

<https://leg.colorado.gov/bills/sb24-174>

The act prioritizes counties and municipalities for grant funding relating the planning and land use (excluding Proposition 123 funding) from state agencies based on compliance with requirements of the act. First, the act requires local governments with populations of at least 1,000 to conduct "housing needs assessments" (HNAs) by Dec. 31, 2026 (and then at least every six years), following standard methodologies, with the option to participate in a regional assessment.

Second, by Jan. 1, 2028, a local government with a population of at least 5,000 or that has a population of 1,000 or more and either participated in a regional HNA or is a "rural resort community" must complete a "housing action plan" in response to the housing needs demonstrated in the HNAs. Plans must be conducted as required in the act and must contain specified elements, including selections of affordability and anti-displacement strategies and a plan for their implementation. A status report must be submitted within three years.

HNAs, housing action plans, and status reports must be submitted to the Department of Local Affairs (DOLA). DOLA cannot accept submissions that fail to meet statutory requirements. Local governments that have experienced a

negative population change of at least 1% as of the last census are exempt from HNA and housing action plan requirements. Previously completed assessments or plans may qualify, in some circumstances.

Third, the act modifies county and municipal master plan requirements. For municipalities, master plans adopted after Jan. 1, 2026, must consider HNAs, a statewide strategic growth report and natural land and agricultural interjurisdictional opportunities report created by DOLA, and the Colorado Water Plan. Master plans must include a narrative description of the adoption process, the most recent housing action plan, and, for any amendment of the master plan after Jan. 1, 2026, and, by no later than Dec. 31, 2026, a water supply element (formerly an optional element) and a strategic growth element seeking to discourage sprawl and promote the use of vacant and underutilized parcels. The latter two elements must be updated at least every five years. The strategic growth element is not required for local governments that are not funded to create the element and that either have a population of 20,000 or less with a negative population change of at least 1% as of the last census or that are counties with a population 5,000 or less in unincorporated areas or municipalities with a population of 2,000 or less.

Fourth, although not required, local governments may create "neighborhood centers" that may qualify for prioritized future grant funding from various state agencies.

DOLA will develop baseline methodologies for the housing needs assessments, directories of strategies for housing affordability (standard and long-term) and displacement mitigation strategies, and guidance for housing action plans and displacement risk assessments. DOLA must conduct a statewide housing needs assessment by Nov. 30, 2027, with updates every six years, and publish a report based on all housing needs assessments.

The Division of Local Government must provide technical assistance to local governments in implementing the act through the Housing Needs Planning Technical Assistance Fund (\$15 million). The division must prioritize requests for regional HNAs, conducting HNAs and housing action plans at the same time, and creating laws or policies to support regulated affordable housing, displacement mitigation, and multifamily residential near transit. DOLA may attempt to mediate disputes between local governments related to the act's implementation, residential development, and water or sewer service.

The act prohibits associations from prohibiting or restricting, through declarations or rules recorded, adopted or amended after July 1, 2024, accessory dwelling units or "middle housing" if local zoning laws permit such uses. **Effective: May 30, 2024.** Lobbyist: Bev Stables

SB24-193

Protect Tribal Lands from Unauthorized Annexation

<https://leg.colorado.gov/bills/sb24-193>

The act amends the Municipal Annexation Act of 1965 to prohibit the annexation of any lands within the exterior boundaries of a reservation of a federally recognized Indian tribe without the formal consent of the tribal council or other governing body of the tribe. **Effective: June 6, 2024.** Lobbyist: Bev Stables

See also: **SUSTAINABILITY** (SB24-212: Local Governments Renewable Energy Projects; SB24-179: Floodplain Management Program); **WATER** (SB24-005: Prohibit Landscaping Practices for Water Conservation)

Miscellaneous Governmental OPERATIONS

HB24-1269

Modification of Recording Fees

<https://leg.colorado.gov/bills/hb24-1269>

Among other changes, the act changes clerk and recorder fees from a per page fee to a flat \$40 fee, including for plats. **Effective: July 1, 2025.** Lobbyist: Heather Stauffer

HB24-1368

Language Access Advisory Board

<https://leg.colorado.gov/bills/hb24-1368>

The act creates an advisory board to study and make recommendations to improve access to the legislative process for populations with limited English proficiency. The board includes a member of a local government that has implemented a language access plan or has a language access advisory entity. **Effective: May 26, 2024.** Lobbyist: Heather Stauffer

HB24-1371

More Uniform Local Massage Facilities Regulation

<https://leg.colorado.gov/bills/hb24-1371>

The act mandates that all counties and municipalities adopt a process to ensure that every current and prospective operator, owner, and employee of a massage facility submits to a fingerprint background check by Oct. 1, 2025, as a condition of remaining or becoming an owner, operator, or employee (unless no massage facility operates in the jurisdiction). The act purports to apply to statutory and home rule municipalities. Municipalities and counties can agree that the county's ordinance or resolution applies. The act grants counties and municipalities authority to adopt massage facility business licensing laws. The act does not appear to require that such a

local licensing law be adopted, but requires that, if such a law is adopted, the local law be limited to specific regulatory and penalty provisions that previously only applied to counties. Persons with particular criminal backgrounds or who fail to submit to a background check are prohibited from being owners or employees of a massage facility. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

HB24-1378

Consumer Protection in Event Ticket Sales

<https://leg.colorado.gov/bills/HB24-1378>

The act amends consumer protection laws regarding ticket sales and resales for events to require operators and resellers to guarantee refunds to purchasers of tickets if the event is canceled, the ticket does not in fact grant admission to the event (except due to act or omission by the purchaser), the ticket purchased from the reseller or operator is counterfeit, or if the ticket purchased fails to reasonably conform to its description as advertised or represented to the purchaser. The act also prohibits operators from denying an individual access to an event because they bought tickets through a reseller. The act applies to public or private entertainment facilities such as a stadium, arena, racetrack, museum, amusement park, or other place where performances, concert exhibits, athletic games, or contests are held that the public is invited to observe, and tickets are sold. The act also expands the actions that constitute a deceptive trade practice during the sale or resale of tickets. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-045

Modifications to Sterilization Requirements for Cats & Dogs

<https://leg.colorado.gov/bills/sb24-045>

This act permits delayed sterilization of ownerless dogs and cats born in Colorado if a licensed veterinarian determines the procedure could jeopardize the animal's health and authorizes a shelter to release the animal to a prospective owner in accordance with statutory requirements. The act requires shelters and animal rescues to provide information regarding animals exempted from sterilization requirements at the time of license renewal. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

SB24-216

Standards for Decisions Regarding Library Resources

<https://leg.colorado.gov/bills/sb24-216>

The act requires that public libraries established, operated, or maintained pursuant to C.R.S. § § 24-90-101 et seq. must establish written policies for the acquisition, retention, display, and use of library resources and facilities in compliance with new statutory standards. The standards include a public right to access a range of ideas and experience, a prohibition on excluding resources because of ethnic origin or gender identity of contributors or because of topics or opinions expressed, a

prohibition on circulation or procurement of resources because of partisan or doctrinal approval, and a requirement to consider perspectives of marginalized groups. Public libraries must make any publicly available facilities open on an equitable basis, regardless of users' beliefs or affiliations. Public libraries must prohibit discrimination based on certain categories in the selection, retention, display, use, or consideration of resources and public meeting spaces.

The act requires a public library to follow an established policy for reconsideration of resources, within statutory limits, and only permits persons residing in a service area for a library to request reconsideration. Written requests for reconsideration an "open record" under the Colorado Open Records Act. The act prohibits retaliation against a public library employee or volunteer who refuses to remove a resource before it has been reviewed pursuant to the library's policy or who makes decisions that they believe in good faith to be in accordance with the act. **Effective: May 31, 2024.** Lobbyist: Jeremy Schupbach

Municipal COURTS

HB24-1122

Protection Orders for Victims of Crimes

<https://leg.colorado.gov/bills/hb24-1122>

The act amends protection orders statutes by introducing new definitions, modifying existing definitions, and updating procedures and processes for issuing and managing civil protection orders. Additionally, the act modifies the grounds for filing and obtaining a civil protection order from being in "imminent danger" to having a "risk of threat of physical, psychological, or emotional harm." Previously, municipal courts had discretion to issue orders related to child custody and parental responsibilities; under the act, if authorized by the governing body to issue civil protection orders, the municipal court must, at the request of the petitioner or respondent, issue such orders for a period of up to one year unless the district court has exclusive original jurisdiction. The act authorizes courts to enter orders directing a wireless telephone service provider to transfer financial responsibility for and rights to a wireless phone number to the petitioner of a civil protection order if certain conditions are satisfied. Courts must issue protection orders in clear, plain language and are limited in the circumstances under which they can award costs or fees. **Effective: Jan. 1, 2025.** Lobbyist: Jeremy Schupbach

HB24-1241

Alignment of Petty Property Crime Threshold

<https://leg.colorado.gov/bills/hb24-1241>

Under current law, if a defendant is charged with a traffic offense, a petty offense, or a comparable municipal offense, a court cannot impose a monetary condition of release. The provision specified that it applies to a comparable municipal offense that is a property crime and reflects a value of less than \$50. The act removes the monetary threshold to align with the actual threshold for petty offense property crimes under state law, which is currently \$300. **Effective: April 11, 2024.** Lobbyist: Jeremy Schupbach

HB24-1250

Driving Improvement Course Driver's License Points

<https://leg.colorado.gov/bills/hb24-1250>

The act allows an individual convicted of a traffic infraction or misdemeanor traffic offense to obtain a points waiver after completing an approved driving improvement course. The Department of Revenue will promulgate rules addressing the number of points that may be waived, how to claim a waiver, the process for course approval, and fees. This act excludes those with commercial driver's licenses or offenses committed while operating commercial vehicles from obtaining points waivers. The waiver is available as of the earlier of Jan. 1, 2025, or when rules are promulgated. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

HB24-1345

Sunset Human Trafficking Council

<https://leg.colorado.gov/bills/hb24-1345>

The act provides a mechanism for an individual to file a motion to vacate their conviction if the offense was committed as a result of the person being a victim of human trafficking. Municipal convictions are included. The act extends the Colorado Human Trafficking Council through 2031 and extends the state's address confidentiality program to victims of human trafficking. **Effective: May 31, 2024.** Lobbyist: Jeremy Schupbach

HB24-1380

Regulation of Debt Related Services

<https://leg.colorado.gov/bills/hb24-1380>

The act prohibits debt collectors and collection agencies from being named plaintiffs in legal actions unless specific conditions are met, including naming the original creditor in the case caption of a complaint and having a complete and effective assignment, including settlement authority and the ability to resolve the litigation. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

HB24-1437

Prohibit Flat Fees for Defending Indigent Clients

<https://leg.colorado.gov/bills/hb24-1437>

The act prohibits municipalities that prosecute acts of domestic violence from using a fixed or flat-fee payment structure for indigent defense services and instead requires those municipalities to use the same payment structure and rates paid by the state to attorneys contracted by the Office of Alternate Defense Counsel and that are consistent with Chief Justice Directive 04-04. The term “fixed or flat-fee payment structure” does not include an amount paid on a salary basis. **Effective: July 1, 2025.** Lobbyist: Jeremy Schupbach

See also: **OPEN MEETINGS & RECORDS** (HB24-1090: Privacy Protections Criminal Justice Records)

Open Meetings & RECORDS

HB24-1090

Privacy Protections Criminal Justice Records

<https://leg.colorado.gov/bills/hb24-1090>

The act revises Colorado’s Criminal Justice Records Act to clarify that the mandated redaction of identifying information for child victims and witnesses applies to offenses committed on or after Jan. 1, 2024. The act permits the release of unredacted records to additional individuals including municipal attorneys, resulting in restored access to criminal case files in the Colorado Courts E-Filing system. The act requires the process for release to be operational no later than July 1, 2024. **Effective: Feb. 20, 2024.** Lobbyist: Jeremy Schupbach

HB24-1104

Prohibiting Firefighter Personal Information on Internet

<https://leg.colorado.gov/bills/hb24-1104>

The act adds firefighters to the list of protected persons for which a state or local government official shall not knowingly make available personal information about that person on the internet if a request is submitted as provided in C.R.S. § 18-9-313. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

HB24-1244

Minor Autopsy Report Release Requirements

<https://leg.colorado.gov/bills/hb24-1244>

The act makes autopsy reports for minors (individuals under 18) confidential and not public records. Specific individuals and entities can request these reports in writing, including parents or legal guardians, law enforcement or a criminal justice agency

investigating the death or prosecuting a criminal violation arising out of the death, a local or regional domestic violence fatality review team, and, if the minor died in the custody or under the supervision of a state or local government, the public. Coroners must release basic information about the minor’s death (cause, time, place, manner, age, gender, race or ethnicity, and name) within three business days, upon request. Individuals can petition a district court for access to an autopsy report, which the court may grant if public disclosure substantially outweighs harms to privacy interests. **Effective: Jan. 1, 2025.** Lobbyist: Jeremy Schupbach

SB24-129

Nonprofit Member Data Privacy & Public Agencies

<https://leg.colorado.gov/bills/sb24-129>

The act restricts access by public agencies to the “member-specific data” of nonprofit entities. The act prohibits public agencies from collecting or disclosing this data except under specific legal circumstances, such as lawful subpoenas, compliance with campaign finance laws, or during necessary regulatory actions. The act restricts public agencies from requiring nonprofits to provide member-specific data as a condition for grants or contracts. Nonprofits or affected members can sue for violations, with potential damages awarded for reckless or intentional breaches. “Member-specific data” includes documents or lists that identify individuals as members, volunteers, or donors. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

See also: **MUNICIPAL COURTS** (HB24-1345: Sunset Human Trafficking Council); **MISCELLANEOUS GOVERNMENT OPERATIONS** (SB24-216: Standards for Decisions Regarding Library Resources)

Public & Behavioral HEALTH

HB24-1037

Substance Use Disorders Harm Reduction

<https://leg.colorado.gov/bills/hb24-1037>

The act prohibits peace officers from using the presence of an opioid antagonist near a person or in their possession as the sole basis for probable cause to perform a warrantless search or seizure of the person. The act removes criminal penalties for possession of drug paraphernalia received from an approved syringe exchange program and grants immunity from civil or criminal liability for persons distributing opioid antagonists including law enforcement personnel. **Effective: June 6, 2024.** Lobbyist: Bev Stables

Public SAFETY

HB24-1016

Defined Personnel for Emergency Telephone Services

<https://leg.colorado.gov/bills/hb24-1016>

The act adds a definition for “Emergency Communications Specialist,” describing them as first responders who manage 911 calls and other emergency communications crucial for public safety. The act specifies that funds collected from emergency telephone charges can be used to cover costs related to emergency notification services, including training and support for emergency communications specialists and other essential personnel. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

HB24-1033

Emergency Management Plan Individuals with Animals

<https://leg.colorado.gov/bills/hb24-1033>

The act requires that locally defined or interjurisdictional emergency management plans created pursuant to C.R.S. § 24-33.5707(8), on or after Jan. 1, 2025, must address the needs of individuals with a domesticated animal. This includes provisions for evacuation, shelter, and transport of the individual with the animal and a designated shelter to accommodate an individual with an animal, if practicable. Plans created before then are strongly encouraged to address these issues. Beginning in 2025, local governments are encouraged to provide public information for animal emergency preparedness and disability etiquette and service animal training. **Effective: April 11, 2024.** Lobbyist: Jeremy Schupbach

SB24-139

Creation of 911 Services Enterprise

<https://leg.colorado.gov/bills/sb24-139>

The act establishes the 911 Services Enterprise within the Department of Regulatory Agencies and authorizes the enterprise to impose a new 911 enterprise fee alongside the existing 911 surcharge, which is imposed on service users. The revenue will fund expenses and costs related to the provision of 911 services including training and public education campaigns by local governing bodies and public safety answering points (PSAPs), cybersecurity support, GIS programs, grant programs for governing bodies and PSAPs, matching funds for other grant opportunities, and more. The act requires the enterprise to include information about the use of this revenue in its annual financial report. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

Regulated SUBSTANCES

SB24-076

Streamline Marijuana Regulation

<https://leg.colorado.gov/bills/SB24-076>

The act makes several changes to streamline marijuana industry related regulations. First, the act defines “genetic material” as cannabis material used to propagate cannabis plants, including immature plants, seeds, tissue culture, and small plant fragments with a THC concentration of no more than 0.3%. The act also allows for the transfer of genetic material between cultivation facilities and certain people, including those approved through rulemaking, while establishing requirements for age verification and permitting online payments; however, the act prohibits transfer directly to consumers present on the licensed premises of a cultivation facility. The act also revises criteria for social equity licensees as of Feb. 1, 2025, and addresses a variety of other topics such as contaminants and security/identification requirements. Finally, the act creates a two-year licensing period for state licenses and delivery permits while allowing local governments to decide whether to issue licenses annually or every two years and creates a unified state application process for licensees with multiple state licenses. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

SB24-198

Regulated Natural Medicine Implementation

<https://leg.colorado.gov/bills/sb24-198>

The act changes the definition of “healing center” to require facility licensing (as opposed to the location where a licensed entity practices). The act modifies state regulatory authority regarding educational programs and facilitatory education and training programs. The act moves regulatory authority for the Colorado Natural Medicine Code (C.R.S. § 44-50-101 et seq.) from the Division of Professions and Occupations to the Natural Medicine Division of the Department of Regulatory Agencies. The act modifies statutory provisions relating to testing of natural medicine and licensure of facilities. **Effective: June 6, 2024.** Lobbyist: Jeremy Schupbach

Retirement & PENSION

HB24-1042

Fire & Police Pension Law Technical Corrections

<https://leg.colorado.gov/bills/hb24-1042>

This act cleans up statutory references that were missed when HB22-1034 merged Fire and Police Pension Association plans

into the Statewide Retirement Plan. The act codifies current practices and removes erroneous references. **Effective March 6, 2024.** Lobbyist: Elizabeth Haskell

HB24-1043

State Contribution to FPPA Death & Disability Fund

<https://leg.colorado.gov/bills/hb24-1043>

This act requires that the state treasurer to transfer \$2.05 million from the General Fund to the Death and Disability Payment Cash Fund each July 1 from 2025 to 2059, and issue warrants in the same amount to the Fire and Police Pension Association (FPPA) for deposit into the FPPA's Statewide Death and Disability Trust Fund to cover a shortfall in funding for death and disability benefits for FPPA members hired before Jan. 1, 1997, caused by the discontinuation of funding for the benefits in 1997. **Effective: May 28, 2024.** Lobbyist: Elizabeth Haskell

Special DISTRICTS

HB24-1267

Metropolitan District Covenant Enforcement Policy

<https://leg.colorado.gov/bills/hb24-1267>

The act requires that, by Jan. 1, 2025, metropolitan districts must adopt written policies, meeting statutory requirements, governing the imposition of fines. The act restricts the authority of metropolitan districts that perform covenant enforcement and design review services. Such districts can fix fees, penalties, and charges for such services but cannot impose fines that are not in accordance with a written policy. Amounts owed become liens until paid and can be assessed through property taxes. Such districts cannot foreclose on a lien arising from amounts owed because of a covenant violation and cannot allocate certain attorney fees to a unit owner's account.

Districts must establish a written policy for addressing disputes between the district and unit owners regarding enforcement of an instrument. The act also restricts districts in prohibiting the display of flags or signs, driveway parking in some circumstances, the removal of vegetation to comply with a defensible space plan, modifications to a unit by a person with a disability, the use of low water landscape alternatives, the use of rain barrels, the operation of family child care homes, renewable energy generation devices, non-flammable roofing materials, or energy efficiency measures. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

SB24-194

Special District Emergency Services Funding

<https://leg.colorado.gov/bills/sb24-194>

The act replaces existing law regarding fire and emergency services impact fees imposed through cooperation of fire

protection districts and local governments with similar provisions in Title 32 that permit fire protection districts and ambulance districts to impose impact fees according to a legislatively adopted fee schedule. The act does not address impact fees or intergovernmental agreements adopted following the repealed statutory provisions. The act also grants fire protection districts and ambulance districts the authority to levy sales taxes within their jurisdiction, subject to voter approval. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

SUSTAINABILITY

HB24-1036

Adjusting Certain Tax Expenditures

<https://leg.colorado.gov/bills/hb24-1036>

Among the repeal of several infrequently used state tax expenditures, this act clarifies filing requirements for local governments and nonprofit organizations that claim the alternative transportation options tax credit; removes certain filing requirements for enterprise zone tax credits; and requires that local governments file an information-only tax return to claim the conservation easement tax credit and the credit for environmental remediation of contaminated land. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

HB24-1449

Environmental Sustainability Circular Economy

<https://leg.colorado.gov/bills/hb24-1449>

The act merges existing state programs (the Recycling Resources Economic Opportunity Program and the Front Range Waste Diversion Enterprise) into the new Colorado Circular Communities Enterprise to award grants and provide technical assistance to local governments, businesses, and schools to pursue a circular economy for waste management. The enterprise is funded through the solid waste user fee, which is increased by the act. The act requires the Colorado Department of Public Health and Environment to create a statewide, voluntary sustainability program to support businesses engaging in sustainability. **Effective: July 1, 2024.** Lobbyist: Bev Stables

SB24-179

Floodplain Management Program

<https://leg.colorado.gov/bills/sb24-179>

The act requires the Office of the State Architect to develop a floodplain management program for development on state-owned land in counties or municipalities that do not participate in the Federal Emergency Management Agency's National Flood Insurance Program or an equivalent. The program is intended to ensure that such development meets the criteria of the national program and the Colorado Water Conservation Board's standards for regulatory floodplains. State-leased properties

in such local government jurisdictions may also be included.
Effective: Aug. 7, 2024. Lobbyist: Heather Stauffer

SB24-212

Local Governments Renewable Energy Projects

<https://leg.colorado.gov/bills/sb24-212>

The act authorizes the Energy and Carbon Management Commission to provide technical assistance to a local government or tribal government concerning local codes for renewable energy projects and the review of renewable energy projects. The act authorizes the Division of Parks and Wildlife (division) in the Department of Natural Resources to provide best management practices regarding renewable energy projects at the request of a facility owner, local government, or tribal government. Such practices may be incorporated into project plans “at the discretion of the facility owner” and may be considered as conditions of approval by a local government or tribal government. The division will publish a list of high-priority habitats annually that can inform siting and development of renewable energy projects. The Colorado Energy Office must collect codes and ordinances that support renewable energy projects and commercial energy transmission facilities and submit a report to the General Assembly concerning local government processes relating to renewable energy projects and the impacts of such projects on wildlife. **Effective: May 21, 2024.** Lobbyist: Bev Stables

SB24-214

Implement State Climate Goals

<https://leg.colorado.gov/bills/sb24-214>

The act extends the deadline for the state Energy Code Board to develop the model low energy and carbon code by two months but does not extend the deadline for local governments to adopt said code. The act decreases the amount of money the Colorado Energy Office (CEO) may expend for grants to local governments to support adoption and enforcement of the 2021 international energy conservation code, electric ready and solar ready code, and low energy and carbon code in order for the CEO to pay a consultant to assist with development of the model low energy and carbon code. The act establishes the Office of Sustainability within the Department of Personnel, which is tasked with working with state agencies and institutions of higher education to implement environmentally sustainable practices. The act establishes the State Agency Sustainability Revolving Fund, with funds to be used for replacing state-owned gas- and diesel-powered equipment in ozone nonattainment areas. The allowable uses for the geothermal energy grant program are clarified to ensure at least 25% of the grant money must be awarded to projects in low-income, disproportionately impacted, or just transition communities. **Effective: May 17, 2024.** Lobbyist: Bev Stables

See also: **LAND USE** (HB24-1173: Electric Vehicle Charging System Permits)

TAXATION

HB24-1041

Streamline Filing Sales & Use Tax Returns

<https://leg.colorado.gov/bills/hb24-1041>

The act specifies that self-collecting home rule municipalities that do not use the state Sales and Use Tax System (SUTS) must not collect sales and use tax from a retailer that does not have a physical presence in the state unless the retailer elects to collect and remit tax or enters into a voluntary collection agreement with the municipality. The act also allows the Department of Revenue (DOR) to permit taxpayers who collect less than \$600 in tax per month to file no more than once every three months beginning Jan. 1, 2025. Currently, that threshold is \$300 per month. Beginning Jan. 1, 2026, DOR may increase this filing threshold by rule. **Effective: Aug. 7, 2024.** Lobbyist: Elizabeth Haskell

HB24-1050

Simplify Processes Regarding Certain Local Government Taxes

<https://leg.colorado.gov/bills/hb24-1050>

The act requires local taxing jurisdictions, including statutory and home rule municipalities, to report specified information about their local lodging tax and sales or use tax on building or construction materials. The act requires jurisdictions to file their ordinance or other documentation showing the required information with the Department of Revenue (DOR) and continue to provide any updates at least 45 days before the effective date of any change or additions. The DOR is required to publish the information twice each year. The act also requires the Sales and Use Tax Simplification Task Force to study the simplification of local lodging taxes and the feasibility and implementation of an electronic system for businesses to collect and remit local lodging taxes during the 2024 interim. **Effective: June 4, 2024.** Lobbyist: Elizabeth Haskell

HB24-1056

Issuance of Treasurer’s Deeds

<https://leg.colorado.gov/bills/hb24-1056>

The act aligns Colorado’s tax lien sale procedures with the U.S. Supreme Court’s decision in *Tyler v. Hennepin County*, 598 U.S. 631 (2023), which held that the government’s retention of the surplus value of a property after tax sale violated the Takings Clause of the Fifth Amendment. The act changes the requirements for county treasurers to issue treasurer’s deeds for properties on presentation of a certificate of purchase of a tax lien. The act modifies processes and standards for tax sales. **Effective: July 1, 2024.** Lobbyist: Elizabeth Haskell

HB24-1302

Tax Rate Information to Real Property Owners

<https://leg.colorado.gov/bills/hb24-1302>

The act requires taxing authorities to submit information about their mill levies with their annual certification of levies. The information must be available on request in 2025, and thereafter made publicly available. The required information for each levy imposed by the taxing jurisdiction includes:

- The rate of each levy
- The prior year levy and revenue collected from it
- The maximum levy that may be levied without further voter approval
- Allowable annual growth in revenue collected from the levy
- Actual growth in revenue collected from the levy over the prior year
- Whether revenue from the levy is subject to TABOR limitations
- Whether revenue from the levy is subject to the statutory 5.5% local revenue growth limit
- Whether revenue from the levy is subject to any other limit
- Whether the levy must be adjusted, or a credit allowed, to limit revenue collected for the tax year and the amount, if applicable
- Any other information deemed necessary by the Department of Local Affairs

The act also removes the requirement under current law that assessors include an estimate of taxes owed with the notice of valuation that is sent annually to each property owner in May.

Effective: June 3, 2024. Lobbyist: Elizabeth Haskell

HB24-1436

Sports Betting Tax Revenue Voter Approval

<https://leg.colorado.gov/bills/hb24-1436>

The act refers a ballot measure to the voters at the November 2024 election. If approved by voters, the act allows the state to retain and spend all sports betting tax revenue rather than refunding the amount in excess of \$29 million back to taxpayers. These funds will be used for, among other things, the water plan grant funds for which local governments are eligible. **Effective: May 28, 2024.** Lobbyist: Heather Stauffer

SB24-002

Local Government Property Tax Credits Rebates

<https://leg.colorado.gov/bills/sb24-002>

The act authorizes counties and municipalities to offer property tax credits or rebates as part of an incentive program to encourage improvements in areas of specific local concern related to the use of real property. County programs may only allow credits or rebates that apply to the county's property tax, and municipal programs may only allow credits or rebates that apply to the municipality's property tax. Municipalities and counties must notify

each other of the intent to offer a property tax credit or rebate. Any program established under the act must be annually evaluated for effectiveness and may be renewed for up to one year only if the program is found to be effective. In addition, the incentive must not harm disproportionately impacted community or climate goals.

Effective: Aug. 7, 2024. Lobbyist: Elizabeth Haskell

SB24-023

Hold Harmless for Error in GIS Database Data

<https://leg.colorado.gov/bills/sb24-023>

The act establishes that any vendor that uses the information in the Department of Revenue's (DOR) geographic information system (GIS) database to determine which local tax jurisdictions are owed sales and use tax and their general tax rate is held harmless in an audit by the local taxing jurisdiction for any underpayment of tax, charge, or fee liability that results solely from an error or omission in the GIS database data, but not from errors by DOR. Local taxing jurisdictions are not required to hold vendors harmless where the vendor used an incomplete or erroneous address when querying the database. To be held harmless vendors must collect and produce certain documentation if requested. The DOR must update the GIS database within 30 days of receiving updated data from local taxing jurisdictions and must conduct 95% accuracy testing on both the addresses and general local tax rates. **Effective: April 19, 2024.** Lobbyist: Elizabeth Haskell

SB24-024

Local Lodging Tax Reporting on Sales Return

<https://leg.colorado.gov/bills/SB24-024>

Declaring that standardized reporting requirements are a matter of statewide concern, the act requires all local taxing jurisdictions that impose a locally collected lodging tax, to apply the same standards and reporting requirements to an accommodation intermediary as are applied to a marketplace facilitator that is obligated to collect and remit locally administered taxes. Local taxing jurisdictions may request that accommodation intermediaries voluntarily share additional information or data. For purposes not related to the administration of local taxes, local taxing jurisdictions may adopt an ordinance governing the issuance of information or data by accommodation intermediaries or marketplace facilitators. The act provides that a local taxing jurisdiction can only audit whoever is responsible for remitting the lodging tax, whether it is the marketplace facilitator or marketplace seller. **Effective: Jan. 1, 2025.** Lobbyist: Elizabeth Haskell

SB24-025

Update Local Government Sales & Use Tax Collection

<https://leg.colorado.gov/bills/SB24-025>

The act modernizes and revises the state laws that govern state administration of local sales or use taxes, including:

- Making Department of Revenue (DOR) administration of local sales and use taxes consistent with the administration

of the state sales tax including consolidation of the various statutes in one location

- Specifying the timelines for local jurisdictions, including home rule municipalities, to notify DOR of any changes to sales or use taxes as well as changes to its geographical boundaries
- For state-collected local governments, permitting local jurisdictions to allow retailers to retain a percentage of the amount remitted to cover the retailer's expenses in collecting the fee but specifying that the local government may not impose a limit on the amount retained
- Aligning the dispute resolution process for local sales and use tax administration with state sales tax administration, and establishes procedures for if a local tax collected by the department is erroneously remitted to the wrong taxing entity
- Clarifying that vendors who use the state GIS database to determine the jurisdictions to which taxes are owed are held harmless for any tax or fee liability that would be due as a result of an error in the database
- Requiring local jurisdictions to identify liaisons to coordinate with DOR related to the collection of their sales and use tax

Effective: July 1, 2025. Lobbyist: Elizabeth Haskell

SB24-111

Senior Primary Residence Property Tax Reduction

<https://leg.colorado.gov/bills/sb24-111>

For the 2025 and 2026 property tax years, the act creates a new subclass of residential property called qualified-senior primary residence real property. The act allows seniors to obtain an exemption that reduces the assessed value, or taxable value, of owner-occupied senior primary residences if they previously qualified for the existing senior homestead exemption but are currently ineligible. Under the act, assessed value is reduced by subtracting 50% of the first \$200,000 from the actual value of the property before the assessment rate is applied, but the assessed value cannot be less than \$1,000. The act establishes a process for owner-occupiers to apply to county assessors for the new subclassification; requires county assessors to report the properties within each county that qualify for the new subclassification to the Division of Property Taxation by Sept. 10 each year; and requires the state to reimburse local governments for the lost revenue under the measure and establishes these reimbursements as a state TABOR refund mechanism in years in which the state refunds a TABOR surplus.

Effective: Aug. 7, 2024. Lobbyist: Elizabeth Haskell

SB24-233

Property Tax

<https://leg.colorado.gov/bills/sb24-233>

This act makes several changes related to local property tax. First, starting with the 2025 property tax year (PTY), the act creates a local government qualified property tax revenue

growth limit of 5.5% annually. There is a list of exclusions from the revenue limit including new construction, annexed property, revenue attributable to the expiration of a TIF, previously omitted property, revenue from producing mines or lands or leaseholds producing oil or gas, revenue for the payment of bonds or other contractual obligations, and revenue attributable to new mills approved by voters after Jan. 1, 2025. Schools and home rule jurisdictions, as well as local governments that are still subject to TABOR or the 5.5% limit in C.R.S. § 29-1-301, are not subject to this limit. Local governments may ask voters to waive the limit on a single year or multi-year basis. Local governments may also ask voters to approve a floating mill levy to allow their mills to float as needed to maximize the 5.5% limit.

Next, the act reduces assessment rates for nonresidential property as follows: 27.9% for the 2024 PTY including a \$30,000 value reduction, and then drops to 25% by the 2026 PTY. The act reduces the residential assessment rate to 6.7% for the 2024 PTY and includes a \$55,000 value reduction. For the 2025 PTY, the residential assessment rate for schools will be 7.15% and for all other local governments will be 6.4%. For the 2026 PTY and beyond, the residential assessment rate for schools will be 7.15% and for all other local governments will be 6.95% plus actual values are subject to a homestead exemption of 10% of the actual value up to a reduction of \$70,000. Starting in the 2026 PTY, the residential assessment rate for schools must be temporarily reduced if the local share of the total program funding for K-12 exceeds 60%.

Finally, the act provides limited backfill for non-school local governments for only the 2024 PTY. To qualify, the entity's change in assessed value from the 2022 PTY to the 2024 PTY must be negative; the state will reimburse those entities for the negative assessed value. The act also expands the property tax deferral program. **Effective: The act will not go into effect if an initiative passes in November 2024, that (1) reduces valuation for assessment, or (2) requires voter approval for retaining property tax revenue that exceeds a limit. If no such initiative passes, the act takes effect upon the date of the official declaration of the vote for the Nov. 4, 2024, general election.** Lobbyist: Elizabeth Haskell

See also: **CRIMINAL JUSTICE** (HB24-1349: Firearms & Ammunition Excise Tax); **SPECIAL DISTRICTS** (HB24-194: Special District Emergency Services Funding); **SUSTAINABILITY** (HB24-1036: Adjusting Certain Tax Expenditures)

TRANSPORTATION

HB24-1012

Front Range Passenger Rail District Efficiency

<https://leg.colorado.gov/bills/hb24-1012>

This act aims to improve the operational efficiency of the Front Range Passenger Rail District in several ways including a

requirement that the district's board provide an annual update at board meetings and allowing members to attend remotely. The act further clarifies the powers and terms of the board and authorizes the board to delegate its power to enter into contracts and agreements for public-private partnerships to the officers and employees of the district. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

HB24-1030

Railroad Safety Requirements

<https://leg.colorado.gov/bills/hb24-1030>

The act imposes a number of safety requirements on railroads, including requiring reporting to public utilities on wayside detectors, requiring trains to operate in such a manner as to minimize obstruction of emergency vehicles at highway-rail crossings, and requiring railroads to coordinate with the Department of Public Safety on emergency response and spill response capacity and planning. Railroads are required to notify the state's watch center within 30 minutes of discovery of an emergency involving a train. The act establishes the rail district maintenance and safety fund for safety planning and development; planning, design, construction, and operation of safety improvements at rail crossings; and completing capital development projects to improve the safety of a passenger rail system. **Effective: July 1, 2024.** Lobbyist: Bev Stables

HB24-1235

Reduce Aviation Impacts on Communities

<https://leg.colorado.gov/bills/hb24-1235>

The act creates an income tax credit for costs related to modifying aircraft powered by leaded fuel so that the aircraft can be powered by unleaded fuel. The act also modifies the makeup of the Colorado aeronautical board and adds new duties for the Division of Aeronautics, which supports the board, including increased education about transitioning to unleaded gasoline. Finally, the act expands grant opportunities for airports, with dedicated funding for aiding and accelerating the transition from leaded aviation gasoline to unleaded aviation gasoline; airports in densely populated residential areas or with significant flights over a densely populated residential area must make showings regarding a plan to phase out sales of leaded aviation gasoline and establishment of a voluntary noise abatement plan to be eligible for grant funding. **Effective: May 17, 2024.** Lobbyist: Bev Stables

HB24-1452

Airport Accessibility Requirements

<https://leg.colorado.gov/bills/hb24-1452>

The act requires each large hub airport in Colorado, as defined in 49 U.S.C. Sec. 47102 (11), on or before July 1, 2024, to establish an advisory committee for the cross-disabled community and to incorporate wayfinding technology to assist individuals who are blind or visually impaired to navigate the airport independently without auxiliary services. On or before Jan. 1,

2026, each large hub airport must create, maintain, and update an electronic dashboard to report and track basic access shortcomings and violations throughout the travel process. The dashboard must include a public inquiry form that allows an individual to directly report an accessibility experience at the airport. On or before Dec. 31, 2026, large hub airports must develop and provide ongoing, comprehensive training programs for airport staff on disability cultural competency. On or before June 30, 2030, large hub airports must install and maintain restrooms for individuals with disabilities that include companion care changing tables, including at least one accessible public restroom in every terminal. On or before Dec. 31, 2030, large hub airports must use elevators to transport power wheelchairs from the tarmac to the jetway and give priority usage of an elevator to power wheelchairs and other mobility devices that require the use of an elevator for transportation to and from the tarmac.

Effective: June 5, 2024. Lobbyist: Heather Stauffer

HB24-1464

Designation of Highway Zones

<https://leg.colorado.gov/bills/HB24-1464>

The act authorizes the Colorado Department of Transportation (CDOT) to designate a portion of state highway where maintenance or repair activities are occurring as a highway maintenance or repair zone. CDOT must place appropriate signage indicating where such a zone is located; the sign must notify the public that increased penalties for certain traffic violations are in effect in the zone. **Effective: Aug. 7, 2024.**

Lobbyist: Bev Stables

SB24-032

Methods to Increase the Use of Transit

<https://leg.colorado.gov/bills/sb24-032>

The act establishes a statewide transit pass exploratory committee, which must produce a proposal for a statewide transit pass by July 1, 2026. The act also makes permanent a grant program for the regional transportation district and eligible transit agencies to provide year-round fare free transit services for youth, and a grant program for eligible transit agencies to provide free transit during ozone season. The act clarifies that an eligible transit agency may not receive both an ozone season transit grant and youth fare free transit grant in any calendar year. **Effective: May 16, 2024.** Lobbyist: Bev Stables

SB24-079

Motorcycle Lane Filtering & Passing

<https://leg.colorado.gov/bills/sb24-079>

Through Sept. 1, 2027, the act allows motorcycle drivers to "lane split" (or pass another vehicle in the same lane) if the other vehicle and any vehicle in adjacent lanes going the same direction are stopped, the lanes are wide enough to allow safe passing, the motorcycle is going 15 miles per hour or less, and conditions permit prudent operation of the motorcycle. The motorcycle must stop passing when the passed or overtaken

vehicle begins moving. Motorcycles cannot pass in an opposite travel lane, on the shoulder, or to the right of a vehicle in the farthest right lane. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

SB24-100

Commercial Vehicle Highway Safety Measures

<https://leg.colorado.gov/bills/sb24-100>

The act allows the Colorado Department of Transportation (CDOT) to establish increased speed limit enforcement zones along portions of I-70. Commercial vehicles are prohibited from driving in the farthest left lane along portions of I-70 during all conditions, except to pass a vehicle driving under the speed limit. A commercial vehicle driver who commits a speeding violation in an enforcement zone will be subject to double fines and surcharges. The freight mobility and safety branch of CDOT will conduct a study on funding additional locations of chain-up and chain-down stations with input from municipalities.

Effective: Aug. 7, 2024. Lobbyist: Bev Stables

SB24-184

Support Surface Transportation Infrastructure Development

<https://leg.colorado.gov/bills/sb24-184>

The act clarifies the powers and duties of the High-Performance Transportation Enterprise (enterprise) to encourage cooperation between the Regional Transportation District (RTD), the Front Range Passenger Rail District (rail district), and the Colorado Department of Transportation (CDOT) for the development of surface transportation infrastructure. The act imposes a congestion impact fee of up to \$3 per day on all short-term vehicle rentals to create a funding source to be used as matching funds for federal investment opportunities for public transportation. So long as all capital and operating expenses outside the district are fully accounted for and already reimbursed to the district, RTD is authorized to extend construction and operations of the northwest fixed guideway corridor beyond its boundaries to draw down federal funding for passenger rail service. The rail district must issue a report containing an implementation plan for construction and operations of the corridor and a report containing a plan to begin providing Front Range passenger rail service by Jan. 1, 2029. RTD, the rail district, CDOT, and the enterprise are authorized to enter an intergovernmental agreement to complete RTD's northwest fixed guideway corridor. **Effective: May 16, 2024.** Lobbyist: Bev Stables

SB24-195

Protect Vulnerable Road Users

<https://leg.colorado.gov/bills/sb24-195>

The act amends the automated vehicle identification system (AVIS) statute as it relates to state highways to grant the Colorado Department of Transportation (CDOT) the authority to deploy AVIS on state highways, to require notification and coordination between the state and a local government for use of AVIS on state highways, and to direct CDOT to promulgate

rules regarding its use of AVIS on state highways and to address prioritization when both the state and a local government wish to implement AVIS on the same portion of a state highway. The entity with primary responsibility for regulation and enforcement of traffic restrictions shall have priority, but the state rulemaking does not apply to a local government that has implemented or designated an AVIS by ordinance or resolution before Jan. 1, 2025, or when the state adopts rules, whichever is later. CDOT must establish declining annual targets for vulnerable road user fatalities and must expend funds from the road safety surcharge and fees and fines for road safety projects to protect vulnerable road users. **Effective: June 5, 2024.** Lobbyist: Bev Stables

SB24-220

Overweight & Oversize Motor Vehicle Permits

<https://leg.colorado.gov/bills/sb24-220>

The act allows the Colorado Department of Transportation (CDOT) to issue a single use state or local oversize or overweight vehicle permit during a temporary emergency to mitigate the effects of the emergency or provide aid. Emergencies include threats to public safety or health, a loss of heat, power, or light to critical infrastructure or homes, a situation where people cannot secure adequate food, water, or fuel, and threats to agricultural operations or production. Applicants and CDOT must make a reasonable attempt to contact a local authority. CDOT must obtain approval from the chief of the Colorado State Patrol if an escort is needed. Fees collected by CDOT for a local permit must be remitted to the local authority. The act also requires drivers of overweight and oversize vehicles to carry third-party documentation of the load's gross weight for a permit application for a vehicle and load combination from 200,000 lbs. to less than 500,000 lbs. A penalty of \$1 per pound of excess weight is assessed for a violation of this provision, which is to be transferred to the state treasurer for the Statewide Bridge and Tunnel Enterprise Special Revenue Fund. **Effective: Aug. 7, 2024.** Lobbyist: Bev Stables

See also: **CRIMINAL JUSTICE** (HB24-1135: Offenses Related to Operating a Vehicle; SB24-065: Mobile Electronic Devices & Motor Vehicle Driving); **MUNICIPAL COURTS** (HB24-1250: Driving Improvement Course Driver's License Points)

UTILITIES

HB24-1266

Local Government Utility Relocation in Right-of-Way

<https://leg.colorado.gov/bills/hb24-1266>

The act establishes procedures for utility relocation in public rights-of-way, emphasizing mutual agreement, timely notification, and dispute resolution. The act mandates the use of clearance letters to specify relocation details like scope, schedule, assignment of responsibilities, prompt performance

requirements, delay damages in some circumstances, and dispute resolution procedures. Local governments must inform utility companies of road projects, providing project details and assistance eligibility. The act includes statutory or home rule municipalities except where a franchise has been granted franchises pursuant to constitutional or statutory authority. The act preserves local government authority over police powers and upholds property agreements and franchise agreements, allowing for cost recovery related to hazards or conflicts. Flexibility is retained for local governments to explore alternative project arrangements, exempting some provisions of the act. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

HB24-1370

Reduce Cost of Use of Natural Gas

<https://leg.colorado.gov/bills/hb24-1370>

This act establishes procedures for selecting and implementing neighborhood-scale alternative energy projects in gas planning pilot communities. By Dec. 1, 2024, the Colorado Energy Office will issue a request for information to identify local governments served by dual-fuel utilities interested in becoming gas planning pilot communities. By April 30, 2025, in collaboration with dual-fuel utilities, up to five proposed gas planning pilot communities will be identified based on specified criteria, including alignment with climate and energy goals. By Oct. 1, 2025, dual-fuel utilities must enter agreements with approved pilot communities, indicating mutual commitment to exploring and implementing neighborhood-scale alternative energy projects. The act outlines a process for evaluating and approving these projects, focusing on customer support, cost-effectiveness, and alignment with greenhouse gas reduction goals to ensure they meet community needs and environmental objectives. Additionally, the act allows dual-fuel utilities to recover costs associated with project development and implementation. **Effective: Aug. 7, 2024.** Lobbyist: Jeremy Schupbach

SB24-151

Telecommunications Security

<https://leg.colorado.gov/bills/sb24-151>

The act prohibits critical telecommunications infrastructure from including equipment manufactured by a federally banned entity or otherwise banned by the federal government. The act requires that all prohibited equipment be removed. The act authorizes removal without obtaining additional state or local permits for removal, discontinuance, or replacement if the telecommunications provider provides notice and the replacement equipment is substantially similar. However, the telecommunications provider must also provide at least seven days' notice and coordinate with a relevant public entity if the work is to be completed in the public right-of-way or on property owned or controlled by a public entity. The act authorizes rulemaking to implement the new law. **Effective: June 7, 2024.** Lobbyist: Jeremy Schupbach

SB24-207

Access to Distributed Generation

<https://leg.colorado.gov/bills/sb24-207>

The act requires large investor-owned electric utilities to provide at least 50 megawatts of inclusive community solar capacity annually, starting Jan. 1, 2026. Smaller utilities must allocate 3.5 megawatts annually within the same timeframe. The Public Utilities Commission will periodically reassess these allocations and report on the impacts by Jan. 1, 2029, including the number of income-qualified subscribers and their utility bill effects. **Effective: May 22, 2024.** Lobbyist: Jeremy Schupbach

WATER

HB24-1062

Warrants for Metro Sewage Disposal Districts

<https://leg.colorado.gov/bills/hb24-1062>

The act authorizes inspectors of metro sewage disposal districts, upon presentation of proper credentials, to enter and inspect at a reasonable time and manner, any property to investigate actual or suspected violations of the Environmental Protection Agency's industrial pretreatment program. If an owner or operator of the property denies entry or inspection, the district may obtain a warrant to enter the property from a district court or a county court. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

HB24-1362

Measures to Incentivize Graywater Use

<https://leg.colorado.gov/bills/hb24-1362>

The act allows, on or after Jan. 1, 2026, installation of graywater treatment works in new construction projects unless a municipality or county has adopted a resolution or ordinance prohibiting the installation of graywater treatment works or prohibiting one or more categories of graywater use. The municipality must inform the Colorado Department of Public Health and Environment that they have adopted a resolution or ordinance. Municipalities that have not prohibited the installation of graywater treatment works, prior to installation of any graywater treatment works, continue to be responsible for adopting building codes that prevent graywater from entering a potable water system and for reporting to the local water utility the planned installation of graywater systems that require backflow prevention cross-connection control devices under the commission's rules for the purpose of surveying and tracking such devices. For each location within a local government's jurisdiction at which graywater treatment works have been installed, the building department of the local government is responsible for providing the address of the location to each water utility serving that location. The act specifies that nothing in the act requires the public disclosure of confidential

information related to water rights, water supply, or water facilities. **Effective: Jan. 1, 2026.** Lobbyist: Heather Stauffer

HB24-1379

Regulate Dredge & Fill Activities in State Waters

<https://leg.colorado.gov/bills/hb24-1379>

Addressing the decision in *Sackett v. Environmental Protection Agency*, 598 U.S. 651 (2023), the act requires that, by Dec. 31, 2025, the Water Quality Control Commission (commission) promulgate rules to implement a state dredge and fill discharge authorization program. The new rules must be at least as protective as the guidelines used by the Environmental Protection Agency and the U.S. Army Corps of Engineers (USACE) in their existing regulatory program for discharge of dredge and fill materials into waters of the United States. The act specifies that new rules must include: procedures for the issuance, modification, and termination of individual and general authorizations, including public notice and participation requirements; the duration of authorizations; and establishment of authorization fees; details concerning the Water Quality Control Division's (division) consultation with federal, state, local, and tribal entities; and an exemption for voluntary stream restoration efforts in ephemeral streams that do not require compensatory mitigation and are designed solely to provide ecological lift where the activity is taking place.

The division is also directed to establish compensatory mitigation requirements in all individual authorizations and in general authorizations where the division determines that the proposed discharge of dredged or fill material will result in greater than one-tenth of an acre of unavoidable adverse impacts to wetlands; or greater than three-hundredths of an acre of unavoidable impacts to streams. Compensatory mitigation must compensate for all functions of state waters that will be lost because of the authorized activity. Compensatory mitigation may be accomplished through the purchase of mitigation bank credits, an in-lieu fee program, or permittee-responsible mitigation.

The act directs the commission to promulgate rules around individual authorizations and general authorizations. Until such time as rule are promulgated around general authorizations, the USACE permits apply to Colorado and constitute valid authorizations for discharge dredged and fill materials into state waters. The division is directed to utilize the existing structure of preconstruction notifications in the nationwide and regional permits issued by the USACE. The act allows the division to issue temporary authorizations for the discharge of dredged or fill material into state waters for activities that do not qualify for enforcement discretion under clean water policy 17 because the activities would require compensatory mitigation, and for activities that proceed under a federal nationwide or regional permit that require compensatory mitigation. **Effective: May 29, 2024.** Lobbyist: Heather Stauffer

HB24-1463

Restrictions on Tap Fees

<https://leg.colorado.gov/bills/hb24-1463>

The act requires that the board of a special district, within 30 days of receiving a written request from any local government within the boundaries of which the district operates or partly operates, provide the rate schedule for the district's tap fees, system development fees, or other fees and charges that contemplate future water or sanitation system usage, and, upon request of the local government, provide any professional analyses and a detailed written justification of the costs and methodologies used to calculate those fees. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-005

Prohibit Landscaping Practices for Water Conservation

<https://leg.colorado.gov/bills/sb24-005>

Beginning Jan. 1, 2026, the act prohibits a local government and special district from installing, planting, or placing "nonfunctional turf", artificial turf, or invasive plant species on industrial, institutional, or commercial property, common interest community property, street right-of-way, parking lots, medians, state facilities, and "transportation corridors." The act directs local governments to enact or amend ordinances, resolutions, regulations to prohibit the same actions in the development or redevelopment (i.e., permitted work with disturbance of more than 50% of landscaped area) of these properties. "Non-functional turf" is turf located in a street right-of-way, parking lot, median, or transportation corridor, but does not include turf that is designated to be part of a water quality treatment solution. "Functional turf" is turf located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds; sports fields; picnic grounds; amphitheatres; portions of parks; and the playing areas of golf courses. The maintenance of turf planted before Jan. 1, 2026, and native or hybridized turf are exempted. Artificial turf may be installed on athletic fields. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

SB24-148

Precipitation Harvesting Storm Water Detention

<https://leg.colorado.gov/bills/SB24-148>

The act allows a facility approved for use as a precipitation harvesting facility located within a storm water detention and infiltration facility to use detained water. The facility must be approved as a pilot project under a State Engineer-approved substitute water supply plan or as a permanent project operating under a water court-decreed augmentation plan. **Effective: Aug. 7, 2024.** Lobbyist: Heather Stauffer

See also: **TAXATION** (HB24-1436: Sports Betting Tax Revenue Voter Approval)

WILDFIRE

HB24-1006

Assist Rural Community Wildfire-Related Grant Application

<https://leg.colorado.gov/bills/hb24-1006>

By Feb. 28, 2025, the act requires the Colorado State Forest Service to establish a rural grant navigator program for nongovernmental organizations that provide outreach and technical assistance to rural communities applying for wildfire mitigation and preparedness grants. **Effective: Aug. 7, 2024.**

Lobbyist: Heather Stauffer

HB24-1091

Fire-Hardened Building Materials in Real Property

<https://leg.colorado.gov/bills/hb24-1091>

The act prohibits covenants and homeowners association standards from prohibiting the installation, use, or maintenance of fire-hardened building materials. The act applies to new and existing standards. The act exempts bona fide safety requirements required by a building code and permits some limited restrictions. **Effective: March 12, 2024.** Lobbyist: Heather Stauffer

HB24-1155

Management of Certain Public Safety Emergencies

https://leg.colorado.gov/sites/default/files/2024a_1155_signed.pdf

The act amends public safety emergency management statutes and outlines responsibilities for emergency response authorities while handling hazardous substance incidents and wildland fires, adding an emphasis on mutual aid and unified command. Key changes include defining “fire department” consistently, clarifying the sheriff’s role as fire warden, and establishing protocols for incident management. **Effective: Aug. 7, 2024.**

Lobbyist: Jeremy Schubach

the development of child care facilities and provide technical assistance to local governments, among others, by Nov. 1, 2024

- Child Care Facility Development Planning Grant Program: This program will provide grants specifically to local governments to make regulatory updates or improvements in processes that will support the development of child care facilities. By Nov. 1, 2024, DOLA will develop a menu of recommended policy or regulatory tools. Eligible recipients for the grant must implement one or more of such tools off the menu or another local policy or program that streamlines the regulatory environment for child care facilities

- Child Care Facility Development Capital Grant Program: This program will provide grants to local governments, among others, to construct, remodel, renovate, or retrofit a child care facility to meet a demonstrated need for child care in a local government’s community. Grant recipients are required to provide financial matches towards projects. DOLA must establish policies and procedures for the program by Nov. 1, 2024

Effective: Aug. 7, 2024. Lobbyist: Heather Stauffer

YOUTH

HB24-1237

Programs for the Development of Child Care Facilities

<https://leg.colorado.gov/bills/hb24-1237>

The act creates three programs within the Division of Housing in the Department of Local Affairs (DOLA) to assist local governments, child care providers, developers, employers, public schools, or institutions of higher education in the development of child care facilities in their communities.

- Child Care Facility Development Toolkit and Technical Assistance Program: DOLA will develop a toolkit for

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TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
Jennifer Madsen, Town Attorney
DATE: July 23, 2024
SUBJECT: [Work Session] Discussion on Ballot Questions/deBrucing
and Lodging Tax (part 4)

Executive Summary:

This work session item is a continuation of the discussions from June 11, June 28, and July 9 related to consideration of ballot questions on the November 2024 ballot. This staff report provides draft ballot language for a DeBrucing question and for a lodging tax question. In addition, there is discussion of the proposed survey questions on the ballot questions.

Background:

Based on the discussion at the July 9, the draft ballot language is provided below. These ballot questions would need to be approved by Council and provided to the County Clerk no later than September 6. The last regular Town Council meeting before September 6 is the August 27 regular meeting.

DeBrucing Question:

The following is draft language for a DeBrucing ballot question for the November 2024 election.

WITHOUT CREATING ANY NEW TAX OR INCREASING ANY CURRENT TAXES,
SHALL THE TOWN OF KEYSTONE, COLORADO, BE AUTHORIZED TO RETAIN
AND SPEND THE FULL AMOUNT OF ALL REVENUE COLLECTED FROM ALL

SOURCES COMMENCING IN 2025 AND EACH SUBSEQUENT YEAR, WITHOUT REGARD TO ANY STATE REVENUE OR EXPENDITURE LIMITATION INCLUDING THE LIMITATION CONTAINED IN THE TAXPAYPAYER'S BILL OF RIGHTS, ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

YES

NO

Lodging Tax Question:

A lodging tax question is subject to the requirements of TABOR as it is a new tax.

SHALL TOWN OF KEYSTONE TAXES BE INCREASED BY \$1,600,000 ANNUALLY IN THE FIRST FULL FISCAL YEAR OF COLLECTION COMMENCING ON JANUARY 1, 2025, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED THEREAFTER, BY THE IMPOSITION OF A LODGING TAX AT THE RATE OF TWO PERCENT (2%) ON THE PURCHASE PRICE, OR OTHER CONSIDERATION PAID OR CHARGED FOR THE FURNISHING OF ANY ROOM OR OTHER ACCOMMODATION FOR A PERIOD OF LESS THAN THIRTY (30) CONSECUTIVE DAYS LOCATED WITHIN THE TOWN OF KEYSTONE, WITH THE REVENUES OF SUCH TAX TO BE SPENT ON

- CAPITAL ACQUISITIONS, PROJECTS, AND MAINTENANCE (SUCH AS IMPROVEMENTS TO STREETS); AND
- LAW ENFORCEMENT SERVICES

AND ANY LAWFUL MUNICIPAL PURPOSE, AND SHALL ALL REVENUES FROM SUCH TAXES AND ANY EARNINGS THEREON BE COLLECTED, RETAINED, AND SPENT AS A VOTER-APPROVED REVENUE CHANGE WITHOUT LIMITATION OR CONDITION CONTAINED IN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

YES

NO

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Jennifer Madsen, Town Attorney
DATE: July 23, 2024
SUBJECT: [Work Session] Discussion part 3 on 2024 Model Traffic Code

Executive Summary:

Council has previously discussed the model traffic code and other traffic regulations. At this work session, the Town Attorney will provide an overview of a draft ordinance adopting the 2024 edition of the Model Traffic Code.

Background:

Overview:

At the June 28, 2024, work session, Council was provided with information regarding the model traffic code and potential options for the adoption of these regulations in the Town of Keystone. At the July 9, 2024, work session, Staff presented additional information on noise regulations, automated vehicle identification systems, and parking regulations. Council provided direction to draft an ordinance adopting the model traffic code with the addition of an engine brake violation and parking violation.

Draft Ordinance adopting the 2024 Edition of the Model Traffic Code:

The draft ordinance adopting the 2024 edition of the Model Traffic Code is an adoption by reference. The draft ordinance includes amendments to the Model Traffic Code.

- Amendment (2) adds the new state law amendments related to the automated vehicle identification systems. These new requirements allow for the use of AVIS on state highways with coordination between CDOT and the local government.
- Amendment (3) to section 225 is the addition of a regulation prohibiting engine (Jake) brakes.
- Amendment (4) adds the new state law related to use of mobile electronic devices. This state law is effective on January 1, 2025, and should be added to the adoption of the model traffic code.
- Amendment (5) are the parking restrictions. These parking restrictions are mirror after the Town of Dillon's parking regulations. The regulations include parking violations on private property; street parking; public parking lots; and parking on vacant lots.
- Amendment (6) deletes reference to criminal violations for foreign matter on highway prohibited.
- Amendment (7) aligns the model traffic code with municipal enforcement. Section 1701 sets forth fine amounts and classifies traffic infractions as class A and class B. It is recommended that the Town Council sets its own fine amounts or gives the Municipal Court Judge the authority to set fines. This amendment also designates most offenses as civil offenses rather than criminal offenses.
- Amendment (8) deletes Section 1702 which is the schedule of fines.
- Amendment (9) replaces the process for arrests in Section 1705 with a process that will be consistent with a Town law enforcement process.
- Amendment (10) deletes subsection (3) of Section 1709 which provides that a penalty assessment must be issued 30 days before the court appearance date.
- Amendment (11) deletes Part 18 which is abandoned vehicles. These regulations are covered by the parking regulations and the Town's junk/abandoned vehicle nuisance ordinance.

The Model Traffic Code does include the Automated Vehicle Identification Systems (AVIS) regulations; however, Town Council would need to designate the street an automated vehicle identification corridor to be able to issue a notice of violation or civil

penalty assessment. The Town would need to work with CDOT to implement AVIS on highway 6. [Here is a link to the 2024 edition of the Model Traffic Code.](#)

Council will be asked to provide direction on the draft ordinance.

Attachment:

- Draft Ordinance Adopting Model Traffic Code

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-__**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, ADOPTING BY REFERENCE THE 2024 EDITION OF THE MODEL
TRAFFIC CODE OF COLORADO PROMULGATED BY THE COLORADO
DEPARTMENT OF TRANSPORTATION WITH AMENDMENTS, AND SETTING
FORTH IN FULL THE PENALTY PROVISIONS FOR VIOLATIONS THEREOF**

WHEREAS, Sections 42-4-110 and 42-4-111, C.R.S., authorize the Town of Keystone (“Town”) to regulate public streets, roads, alleys and other thoroughfares to protect the public health, safety, and welfare, and specifically to adopt by reference a model traffic code which embodies the rules of the road; and

WHEREAS, to protect and preserve the health, safety and welfare of its residents, the Town desires to adopt the 2024 edition of the Model Traffic Code for Colorado as promulgated by the Colorado Department of Transportation (the “2024 Model Traffic Code”) by reference with additions, deletions and modifications as specified below; and

WHEREAS, after due and proper notice in accordance with C.R.S. § 31-16-203, the Town Council conducted a public hearing on the adoption of this ordinance and the 2020 Model Traffic Code, on the date, time and place noticed and at which all interested parties were afforded an opportunity to be heard; and

WHEREAS, in accordance with C.R.S. § 31-16-206, at least three (3) copies of the 2020 Model Traffic Code are on file in the office of the Town Clerk and have been made available for public inspection at least fifteen (15) days prior to the public hearing for adoption of this ordinance; and

WHEREAS, the penalty provisions applicable to violations of the Model Traffic Code adopted hereby are set forth in full herein; and

WHEREAS, the Town Council finds that the adoption of this Ordinance is a proper exercise of the Town’s police power and that it is in the best interest of the public health, safety, and welfare of the citizens of the Town to regulate traffic and vehicles using the public rights-of-way and to prescribe the penalties for violations thereof.

**THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

Section 2. Adoption by Reference of the 2024 Model Traffic Code.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., there is hereby adopted by reference the 2024 edition of the Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation (hereinafter referred to as the "Model Traffic Code"). The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the code adopted herein is to provide a system of traffic regulations consistent with state law and conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours.

Section 3. Amendments to the 2024 Model Traffic Code.

The 2024 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections that shall be subject to the following amendments, deletions and additions:

- (1) All references to Class 1 and 2 and Class A and B in the Model Traffic Code are hereby deleted.
- (2) Amendment of Section 110.5. Section 110.5 of the Model Traffic Code, concerning automated vehicle identification systems is hereby repealed and replaced with a new Section 110.5 that is consistent with state law by the Colorado General Assembly in SB24-195 as follows:

110.5. Automated vehicle identification system.

- (1) The general assembly hereby finds and declares that the enforcement of traffic laws through the use of automated vehicle identification systems under this section is a matter of statewide concern and is an area in which uniform state standards are necessary.
 - (1.1) As used in this section, unless the context otherwise requires:
 - (a) (l) "Automated vehicle identification system" means a system whereby:
 - (A) A machine is used to automatically detect a violation of a traffic regulation and simultaneously record a photograph of the vehicle and the license plate of the vehicle; and

- (B) A notice of violation or civil penalty assessment notice may be issued to the registered owner of the motor vehicle.
- (II) “Automated vehicle identification system” includes a system used to detect a violation of part 11 of this article 4 or a local speed ordinance, a system used to detect violations of traffic restrictions imposed by traffic signals or traffic signs, and a system used to detect violations of bus lane or bicycle lane restrictions.
- (b) “State”, notwithstanding section 42-1-102(95), means the state of Colorado acting through the Colorado state patrol in the department of public safety or the department of transportation.
- (c) “State highway” means any highway that is owned by or maintained by the state. “State highway” does not include a public highway operated by a public highway authority in accordance with the “Public Highway Authority Law”, part 5 of article 4 of title 43.
- (1.4) Nothing in this section applies to the use of automated vehicle identification systems for the purpose of collecting tolls, fees, or civil penalties in accordance with part 5 of article 4 of title 43 and section 43-4-808.
- (1.5) Except for the authorization contained in subsection (1.7) of this section, nothing in this section applies to a violation detected by an automated vehicle identification system for driving twenty-five miles per hour or more in excess of the reasonable and prudent speed or twenty-five miles per hour or more in excess of the maximum speed limit of seventy-five miles per hour detected by the use of an automated vehicle identification system.
- (1.7) Repealed.
- (2) A county, city and county, or municipality may adopt an ordinance authorizing the use of an automated vehicle identification system to detect violations of traffic regulations adopted by the county, city and county, or municipality, or the state, a county, a city and county, or a municipality may utilize an automated vehicle identification system to detect traffic violations under state law, subject to the following conditions and limitations and, as applicable, the requirements for state highways set forth in and any rules adopted by the department of transportation pursuant to subsection (2.5) of this section:

- (a) (I) Deleted.
- (II) If the state, a county, a city and county, or a municipality detects any alleged violation of a county or municipal traffic regulation or a traffic violation under state law through the use of an automated vehicle identification system, then the state, county, city and county, or municipality shall issue, or cause its vendor to issue, to the registered owner of the motor vehicle involved in the alleged violation, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a notice of violation:
 - (A) Within thirty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered in the state; or
 - (B) Within sixty days after the alleged violation occurred if the motor vehicle involved in the alleged violation is registered outside of the state.
- (III) The notice of violation must contain:
 - (A) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (B) The license plate number of the motor vehicle involved in the alleged violation;
 - (C) The date, time, and location of the alleged violation;
 - (D) The amount of the civil penalty prescribed for the alleged violation;
 - (E) The deadline for payment of the prescribed civil penalty and for disputing the alleged violation; and
 - (F) Information on how the registered owner may either dispute the alleged violation in a hearing or pay the prescribed civil penalty.

- (IV) If the state, a county, a city and county, or a municipality does not receive the prescribed civil penalty or a written notice requesting a hearing to dispute the alleged violation by the deadline stated on the notice of violation, which deadline must not be less than forty-five days after the issuance date on the notice of violation, the state, county, city and county, or municipality shall issue, or cause its vendor to issue, by first-class mail, personal service, or by any mail delivery service offered by an entity other than the United States postal service that is equivalent to or superior to first-class mail with respect to delivery speed, reliability, and price, a civil penalty assessment notice for the alleged violation to the registered owner of the motor vehicle involved in the alleged violation no later than thirty days after the deadline on the notice of violation.
- (V) The civil penalty assessment notice must contain:
 - (A) The name and address of the registered owner of the motor vehicle involved in the alleged violation;
 - (B) The license plate of the motor vehicle involved in the alleged violation;
 - (C) The date, time, and location of the alleged violation;
 - (D) The amount of the civil penalty prescribed for the alleged violation;
 - (E) The deadline for payment of the prescribed civil penalty;
 - (F) Information on how to pay the prescribed civil penalty.
- (VI) If the registered owner of the motor vehicle fails to request a hearing to dispute the alleged violation by the deadline stated in the notice of violation, the registered owner waives any right to contest the violation or the amount of the prescribed civil penalty.
- (VII) If the registered owner of the motor vehicle fails to pay in full the prescribed civil penalty by the deadline stated in the civil

penalty assessment notice, a final order of liability shall be entered against the registered owner of the vehicle.

- (VIII) Final orders may be appealed as to matters of law and fact to the county court in the county where the alleged violation or the municipal court in the municipality where the alleged violation occurred. The registered owner of the motor vehicle may assert in an appeal that a notice of violation served by first-class mail or other mail delivery service was not actually delivered. The appeal shall be a de novo hearing.
- (IX) The state, a county, a city and county, or a municipality shall not initiate or pursue a collection action against a registered owner of a motor vehicle for a debt resulting from an unpaid penalty assessed pursuant to this section unless the registered owner is personally served the notice of violation or the final order of liability.
- (a) (X) If the registered owner of a motor vehicle involved in a traffic violation under state law or under traffic regulations adopted by a county, city and county, or municipality is engaged in the business of leasing or renting motor vehicles, the registered owner remains liable for payment of the civil penalty even if the registered owner was not driving the motor vehicle but may obtain payment from the lessor or renter of the motor vehicle and forward the payment to the state or the county, city and county, or municipality imposing the civil penalty.
- (b) Notwithstanding any other provision of the statutes to the contrary, the state, a county, a city and county, or a municipality shall not report to the department any conviction or entry of judgment against a defendant for violation of a county or municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system.
- (c) Repealed.
- (d) (I) The state, a county, a city and county, or a municipality shall not use an automated vehicle identification system to detect a violation of part 11 of this article 4 or a local speed ordinance unless there is posted an appropriate temporary

or permanent sign in a conspicuous place not fewer than three hundred feet before the area in which the automated vehicle identification system is to be used notifying the public that an automated vehicle identification system is in use immediately ahead. The requirement of this subsection (2)(d)(I) shall not be deemed satisfied by the posting of a permanent sign or signs at the borders of a county, city and county, or municipality, nor by the posting of a permanent sign in an area in which an automated vehicle identification system is to be used, but this subsection (2)(d)(I) shall not be deemed a prohibition against the posting of such permanent signs.

(II) Except as provided in subsection (2)(d)(I) of this section, an automated vehicle identification system designed to detect disobedience to a traffic control signal or another violation of this article 4 or a local traffic ordinance shall not be used unless the state, county, city and county, or municipality using such system conspicuously posts a sign notifying the public that an automated vehicle identification system is in use immediately ahead. The sign shall:

(A) Be placed in a conspicuous location not fewer than two hundred feet nor more than five hundred feet before the automated vehicle identification system; and

(B) Use lettering that is at least four inches high for upper case letters and two and nine-tenths inches high for lower case letters.

(e) (I) If the state, county, city and county, or municipality implements a new automated vehicle identification system after July 1, 2023, that is not a replacement of an automated vehicle identification system:

(A) The agency responsible for the automated vehicle identification system shall publicly announce the implementation of the system through its website for at least thirty days prior to the use of the system; and

(B) For the first thirty days after the system is installed or deployed, only warnings may be issued for violations

of a county or municipal traffic regulation or traffic violation under state law detected by the system.

- (II) A state, county, city and county, or municipality may conduct an extended public information campaign or warning period for systems installed or deployed either before or after July 1, 2023.

(f) Deleted by Laws 2023, Ch. 354 (S.B. 23-200), § 1, eff. June 5, 2023.

- (g) (I) The state, a county, a city and county, or a municipality shall not issue a notice of violation or civil penalty assessment notice for a violation detected using an automated vehicle identification system unless the violation occurred within a school zone, as defined in section 42-4-615; within a residential neighborhood; within a maintenance, construction, or repair zone designated pursuant to section 42-4-614; along a street that borders a municipal park; or along a street or portion of a street that a county, city and county, or municipality, by ordinance or by a resolution of its governing body, designates as an automated vehicle identification corridor, on which designated corridor the county, city and county, or municipality may locate an automated vehicle identification system to detect violations of a county, city and county, or municipal traffic regulation or a traffic violation under state law.

- (I.3) Before a county, a city and county, or a municipality designates an automated vehicle identification corridor on a state highway, the county, city and county, or municipality shall notify the department of transportation. If a county, city and county, or municipality designates an automated vehicle identification corridor on a state highway by ordinance or resolution before January 1, 2025, it may proceed without having provided this notification to the department of transportation.

- (I.4) After a county, city and county, or a municipality designates an automated vehicle identification corridor on a state highway, the county, city and county, or municipality shall coordinate with the department of transportation. Coordination must include demonstrating that the requirements set forth in subsection (2)(g)(I.7)(B) of this

section have been met and, if needed, applying for a special use permit to install any devices or signage on department of transportation right-of-way if the segment of highway in question is maintained by the state. A county, city and county, or municipality shall alert the department of transportation when the automated vehicle identification corridor begins operations or permanently ceases operations on a state highway. The department of transportation shall notify the Colorado state patrol when a county, city and county, or municipality coordinates with the department of transportation to establish an automated vehicle identification corridor on a state highway.

- (1.5) Before a county, city and county, or municipality begins the operation of an automated vehicle identification system in an automated vehicle identification corridor on a county road, the county, city and county, or municipality shall notify the Colorado state patrol.
- (1.6) Before the state designates an automated vehicle identification corridor on a state highway located within the boundaries of a county, a city and county, or a municipality, and before the state begins operation of an automated vehicle identification corridor on a state highway, the state shall coordinate with the respective county, city and county, or municipality.
- (1.7) Before the state, a county, city and county, or municipality begins operation of an automated vehicle identification system in an automated vehicle identification corridor, the state, county, city and county, or municipality must:
 - (A) Post a permanent sign in a conspicuous place not fewer than three hundred feet before the beginning of the corridor; and
 - (B) Post a permanent sign not fewer than three hundred feet before each static camera within the corridor thereafter or a temporary sign not fewer than three hundred feet before any mobile camera; except that, for an automated vehicle identification corridor on which an automated vehicle identification system is used on transit vehicles for the purpose of detecting

unauthorized use of a transit-only lane, post permanent signs at one-half mile or more frequent intervals; and

- (C) Illustrate, through data collected within the past five years, incidents of crashes, speeding, reckless driving, or community complaints on a street designated as an automated vehicle identification corridor unless the automated vehicle identification system will be used exclusively to detect unauthorized usage of one or more transit-only lanes.
- (II) As used in this subsection (2)(g), unless the context otherwise requires, “residential neighborhood” means any block on which a majority of the improvements along both sides of the street are residential dwellings and the speed limit is thirty-five miles per hour or less.
- (III) This subsection (2)(g) does not apply to an automated vehicle identification system designed to detect disobedience to a traffic control signal.
- (IV) The state, a county, a city and county, or a municipality implementing an automated vehicle identification corridor pursuant to subsection (2)(g)(I) of this section shall publish a report on its website disclosing the number of citations and revenue generated by the automated vehicle identification corridor.
- (V) (A) Notwithstanding the provisions of subsection (2)(g)(I) of this section, the state may locate an automated vehicle identification system on a highway that is a part of the federal interstate highway system and may issue a notice of violation or a civil penalty assessment notice for a traffic violation under state law detected using the automated vehicle identification system.
- (B) A county, a city and county, or a municipality shall not locate an automated vehicle identification system or create an automated vehicle identification corridor on any highway that is a part of the federal interstate highway system.

- (h) The state, a county, a city and county, or a municipality shall not require a registered owner of a vehicle to disclose the identity of a driver of the vehicle who is detected through the use of an automated vehicle identification system. However, the registered owner may be required to submit evidence that the owner was not the driver at the time of the alleged violation.

- (2.5) (a) The state may use an automated vehicle identification system on any portion of a state highway. The department of transportation may promulgate rules to implement the provisions of this section relating to the use of automated vehicle identification systems by the department of transportation on state highways and prioritization for the use of automated vehicle identification systems by other entities on state highways, including but not limited to rules that:
 - (I) Specify prioritization criteria that the department of transportation will use to determine which entity is authorized to use an automated vehicle identification system if multiple entities seek authorization to use an automated vehicle identification system on the same portion of a state highway. The criteria must specify that the department of transportation must give preference to an entity that has the primary responsibility for regulation and enforcement of traffic restrictions on the portion of a state highway on which an automated vehicle identification system is to be used.

 - (II) Specify, consistent with the requirements of subsection (2)(a) of this section, the process that the state will use to notify a county, city and county, or municipality that the state will be using an automated vehicle identification system within its jurisdiction and the administrative and enforcement process that the department of transportation will use to administer, hear, and resolve a traffic violation detected through the use by the department of transportation of an automated vehicle identification system;

 - (III) Establish, subject to the caps set forth in subsections (4)(b) and (4.5) of this section and any other provision of law, the amount of civil penalties imposed for traffic violations detected through the use by the department of transportation of an automated vehicle identification system;

- (IV) Establish an administrative hearing process that complies with subsections (2)(a)(IV) through (2)(a)(VIII) of this section, including the ability to retain and contract with impartial hearing officers and the ability for impartial hearing officers to issue final orders required by subsection (2)(a)(VII) of this section; and
 - (V) Provide, consistent with this section, any additional requirements, guidance, or clarification that the department of transportation deems necessary or appropriate to implement this section.
- (b) It is the intent of the general assembly that the department of transportation consult with the Colorado state patrol when promulgating rules relating to the use of automated vehicle identification systems and before authorizing the use of an automated vehicle identification system by the state or a county, a city and county, or a municipality on any portion of a state highway. It is also the intent of the general assembly that the department of transportation consult with counties, city and counties, and municipalities when promulgating rules relating to the use of automated vehicle identification systems.
- (c) The provisions of this subsection (2.5) do not apply to an automated vehicle identification system on a state highway that a county, city and county, or municipality has implemented or designated by ordinance or resolution before January 1, 2025, or before the department of transportation adopts rules pursuant to subsection (2.5)(a) of this section, whichever occurs later. This subsection (2.5) does not require a county, city and county, or municipality to remove or stop the implementation of an automated vehicle identification system that was placed on any portion of a state highway or designated by ordinance or resolution before January 1, 2025, or before the department of transportation adopts rules pursuant to subsection (2.5)(a) of this section, whichever occurs later.
- (3) The department has no authority to assess any points against a license under section 42-2-127 upon entry of a conviction or judgment for a violation of a county or municipal traffic regulation or a traffic violation under state law if the violation was detected through the use of an automated vehicle identification system. The department shall not keep

any record of such violation in the official records maintained by the department under section 42-2-121.

- (4) (a) If the state, a county, a city and county, or a municipality detects a speeding violation of less than ten miles per hour over the reasonable and prudent speed under a county or municipal traffic regulation or under state law through the use of an automated vehicle identification system and the violation is the first violation by the registered owner that the state, county, city and county, or municipality has detected using an automated vehicle identification system, then the state, county, city and county, or municipality may mail the registered owner a warning regarding the violation, but the state, county, city and county, or municipality shall not impose any penalty or surcharge for such first violation.
- (b) (I) If the state, a county, a city and county, or a municipality detects a second or subsequent speeding violation under a county or municipal traffic regulation or under state law by the registered owner, or a first such violation by the registered owner, if the provisions of subsection (4)(a) of this section do not apply, through the use of an automated vehicle identification system, then, except as may be permitted in subsection (4)(b)(II) of this section, the maximum penalty that the state, county, city and county, or municipality may impose for such violation, including any surcharge, is forty dollars.
- (II) If any violation described in subsection (4)(b)(I) of this section occurs within a school zone, as defined in section 42-4-615, the maximum penalty that may be imposed shall be doubled.
- (III) Subsection (4)(b)(I) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614 or a school zone, as defined in section 42-4-615(2).
- (4.5) (a) If the state, a county, a city and county, or a municipality detects a violation of a county, city and county, or municipal traffic regulation or traffic violation under state law for disobedience to a traffic control signal through the use of an automated vehicle identification system, the maximum civil penalty that the state, a county, a city

and county, or a municipality may impose for such violation, including any surcharge, is seventy-five dollars.

- (b) Subsection (4.5)(a) of this section does not apply within a maintenance, construction, or repair zone designated pursuant to section 42-4-614 or a school zone, as defined in section 42-4-615(2).
- (4.7) If a registered owner fails to pay a penalty imposed for a violation of a county or municipal traffic regulation or a traffic violation under state law detected using an automated vehicle identification system, the state, a county, a city and county, or a municipality shall not attempt to enforce such a penalty by immobilizing the registered owner's vehicle.
- (5) If the state, a county, a city and county, or a municipality has established an automated vehicle identification system for the enforcement of county or municipal traffic regulations or state traffic laws, then no portion of any fine collected through the use of such system may be paid to the manufacturer or vendor of the automated vehicle identification system equipment. The compensation paid by the state, county, city and county, or municipality for such equipment shall be based upon the value of such equipment and the value of any services provided to the state, county, city and county, or municipality and may not be based upon the number of traffic citations issued or the revenue generated by such equipment or services.
- (6) Repealed.
- (7) The state, county, city and county, or municipality and any vendor operating an automated vehicle identification system shall, unless otherwise provided in this section:
 - (a) Program the automated vehicle identification system to retain data only when a violation of a county or municipal traffic regulation or traffic violation under state law occurs;
 - (b) Treat all photographs and video collected by the automated motor vehicle identification system as confidential and exempt from disclosure and inspection pursuant to the "Colorado Open Records Act", part 2 of article 72 of title 24;
 - (c) Not use, disclose, sell, or permit access to photographs, video, or personal identifiable data collected by the automated motor vehicle

identification system except to the extent necessary to operate the program, including for purposes of processing violations, for other law enforcement purposes, for transferring data to a new vendor or operating system, or, pursuant to a court order, for use in unrelated legal proceedings; and

- (d) Destroy any photographs and video of a violation collected by the automated vehicle identification system within three years after the final disposition of the violation unless the photographs or video are maintained in a separate system for other purposes allowed by law.
- (8) Notwithstanding any other provision of law, the aggregate amount of revenue, exclusive of court and operations costs, collected by the state as civil penalties for violations detected by automated vehicle identification systems must be credited to the state highway fund and used by the department only to fund road safety projects, as defined in section 43-4-803(21), of the type described in section 43-4-803(21)(b). The department shall prioritize funding to those road safety projects with the highest potential to reduce vulnerable road user injuries and fatalities while taking into account the planning capacity of each region.
- (3) Amendment of Section 225. Section 225 of the Model Traffic Code, concerning mufflers and prevention of noise, is hereby amended by the addition of a new Subsection (5) to read in its entirety as follows:
- (5) It shall be unlawful for the operator of a vehicle driving on any public or private street within the Town to use or employ the use of 'Jake Brakes' or any other similarly designated auxiliary engine braking system.
 - (a) For purposes of this Section, a 'Jake Brake' means any device mounted on or adjacent to the engine of a commercial motor vehicle which, when employed, reduces engine speed and causes the vehicle to slow without use of the vehicle's braking system.
 - (b) This Subsection (5) shall not apply to authorized emergency vehicles employing a 'Jake Brake' in the course of performing emergency response functions.
 - (c) The Town will erect, or cause to be erected, street signage that identifies this Section's requirements.
 - (d) The first violation of this Subsection (5) by any individual operator shall be punishable by a fine of up to five hundred dollars (\$500.00). A second violation by any operator shall be punishable by a fine of up to seven hundred and fifty dollars (\$750.00). A third

or greater violation by any operator shall be punishable by a fine of up to the maximum fine amount authorized by Town Council.

- (4) Replacement of Section 239. Section 239 of the Model Traffic Code is hereby repealed and replaced with the following language:

239. Use of a mobile electronic device.

- (1) As used in this section, unless the context otherwise requires:
- (a) "Emergency" means a circumstance in which an individual:
 - (I) has reason to fear for the individual's life or safety or believes that a criminal act may be perpetrated against the individual or another individual, requiring the use of a mobile electronic device when the individual is driving a motor vehicle; or
 - (II) reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or an individual who is driving in a reckless, careless, or unsafe manner.
 - (b) "First responder" means:
 - (I) a peace officer, as described in section 16-2.5-101;
 - (II) a firefighter, as defined in section 29-5-203(10);
 - (III) a volunteer firefighter, as defined in section 31-30-1102 (9)(a);
 - (IV) an emergency medical service provider, as defined in section 25-3.5-103 (8); or
 - (V) any other individual who responds in a professional capacity to a public safety emergency.
 - (c) "Hands-free accessory" means an accessory with a feature or function that enables an individual to use a mobile electronic device without using either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe.
 - (d) (I) "Mobile electronic device" means a handheld or portable electronic device capable of providing voice communication between two or more persons, amusement, or the wireless transfer of data.
 - (II) "Mobile electronic device" does not include:

- (A) a radio, citizens band radio, or citizens band radio hybrid;
 - (B) a commercial two-way radio communication device or its functional equivalent;
 - (C) a subscription-based emergency communication device;
 - (D) a prescribed medical device;
 - (E) an amateur or ham radio device; or
 - (F) systems that are designed for and installed within the vehicle's electronics, such as an in-vehicle security, navigation, communications, or remote diagnostics system.
- (e) "Operating a motor vehicle" means driving a motor vehicle on a public highway. "operating a motor vehicle" does not include maintaining the instruments of control of a motor vehicle while the motor vehicle is at rest in a shoulder lane or lawfully parked.
- (f) "Use" or "using" means:
- (I) physically holding a mobile electronic device in the driver's hand or pinning a mobile electronic device to a driver's ear to conduct voice-based communication; except that an individual may use a speaker or other listening device that is built into protective headgear or a device or portion of a device that only covers all or a portion of one ear and that is connected to a wireless, handheld telephone as provided in section 42-4-1411;
 - (II) watching a video or movie on a mobile electronic device, other than watching data related to the navigation of the motor vehicle; or
 - (III) writing, sending, or reading text-based communication, including a text message, instant message, e-mail, or internet page 3-senate bill 24-065 data, on a mobile electronic device; except that text-based communication does not include:
 - (A) a voice-based communication that is automatically converted by the mobile electronic device to be sent as a message in written form; or

- (B) communication concerning the navigation of a motor vehicle.
- (2) Except as specified in subsection (3) of this section, an individual shall not use a mobile electronic device while operating a motor vehicle.
- (3) It is not a violation of subsection (2) of this section to use a mobile electronic device:
 - (a) to contact a public safety entity;
 - (b) during an emergency;
 - (c) when an employee or contractor of a utility is acting within the scope of the employee's or contractor's duties when responding to a utility emergency;
 - (d) when an employee or contractor of a city or county is acting within the scope of the employee's or contractor's duties as a code enforcement officer or animal protection officer; or
 - (e) during the performance of a first responder's official duties.
- (4) (a) Except as provided in subsection (4)(b) of this section, an individual who violates this section commits a class a traffic infraction, and the court shall assess a penalty as follows:
 - (I) a fine of seventy-five dollars and a surcharge of ten dollars for the first offense within the immediately preceding twenty-four months;
 - (II) a fine of one hundred fifty dollars and a surcharge of ten dollars for the second offense within the immediately preceding twenty-four months; or
 - (III) a fine of two hundred fifty dollars and a surcharge of ten dollars for the third or subsequent offense within the immediately preceding twenty-four months.
- (b) (I) An individual charged with violating subsection (2) of this section shall not be convicted if the individual:
 - (A) produces a hands-free accessory or proof of purchase of a hands-free accessory; and
 - (B) affirms under penalty of perjury that the individual has not previously had a charge dismissed under this subsection (4)(b).

- (II) The court clerk may dismiss the charge if the clerk verifies that the individual has complied with both subsections (4)(b)(I)(A) and (4)(b)(I)(B) of this Section.
 - (c) Reserved.
 - (d) Reserved.
- (5) This Section does not apply to an individual with a commercial driver's license who is operating a commercial vehicle.
- (6) An individual operating a motor vehicle shall not be cited for a violation of subsection (2) of this section unless a law enforcement officer saw the individual use a mobile electronic device in a manner that caused the individual to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by section 1402.
- (7) This section does not authorize the seizure and forfeiture of a mobile electronic device, unless otherwise provided by law.
- (5) Addition of Section 1214. The Model Traffic Code is further amended by the addition of a new Section 1214, entitled "Parking restrictions." to read as follows in its entirety:
 - 1214. Parking restrictions.**
 - (1) Definitions. As used in this Section:
 - (a) *Owner*, when applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.
 - (b) *Parking* means stopping, standing, parking, locating or leaving unattended in any other manner any vehicle or trailer under any circumstances.
 - (c) *Public parking area* means any parcel of property located in the Town, owned by the Town and designated by the Town for use by the public for the temporary storage of automobiles.
 - (d) *Street* or *streets* means any highway, alley, street, right-of-way, avenue, lane, court, place, square cover curb, bridge, viaduct, underpass, overpass, tunnel, causeway or other public way in the Town which has or may hereinafter be designated as open to public use, or such other properties so designated in any law of this State, including the entire width of every dedicated public right-of-way owned or controlled by the Town, it being determined that the entire

right-of-way and any such public way and any part thereof is open to the use of the public as a matter of right for the purpose of motor vehicle travel. Motor vehicle travel does not include parking as defined in this Section.

- (e) *Trailer* includes boat trailers, travel trailers, pickup campers (whether or not attached to a vehicle), coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers and the like.
 - (f) *Vehicle* means any device which is capable of moving itself, or being moved, from place to place upon wheels or endless tracks, with or without a motor. Such term includes bicycles and snowmobiles, but does not include wheelchairs.
 - (g) *Vessel* means every description of watercraft used or capable of being used as a means of transportation of persons and property on the water, other than single-chambered air-inflated devices or seaplanes.
- (2) Parking on private property.
- (a) It is unlawful for a person to park a vehicle on any private property which has been designated and marked as provided in this Section.
 - (b) The owner or lessee of any private property within the Town may file a request in writing with Town law enforcement that certain parking spaces be designated and marked as "HANDICAP PARKING" only. Upon approval of such request, at the determination of the Town law enforcement, the owner or lessee may install, at the owner's or lessee's expense and pursuant to Town direction and specification, "HANDICAP PARKING" signs on the property, and the Town may ticket and/or tow vehicles parked thereon in the same manner as applicable to handicap parking only areas on Town streets and property. Such marked handicap parking spaces shall comply with the requirements of subsection (6).
 - (c) The owner or lessee of any private property within the Town may file a request in writing with Town law enforcement that the designated fire lanes on that property be designated and marked as "NO PARKING." Upon approval of such request, at the determination of Town law enforcement, the owner or lessee may install, at the owner's or lessee's expense and pursuant to Town direction and specification, "NO PARKING" signs on the designated fire lanes on that property, and the Town may ticket and/or tow

vehicles parked thereon in the same manner as applicable to no-parking areas on Town streets and property.

- (d) Such property shall be and remain private property subject to enforcement for compliance with all Town ordinances, regulations and standards for private parking facilities.

(3) Street Parking.

- (a) It is unlawful for any person to occupy any trailer when located or parked on any street in the Town, for the purpose of using such trailer as a permanent or temporary residence on an overnight basis.
- (b) It is unlawful for any person to park or locate any vehicle or trailer on any street in the Town between the hours of 2:00 a.m. and 6:00 a.m. without a special parking permit issued by Town law enforcement.
- (c) It is unlawful to stop, stand, park, locate or leave unattended a vehicle within five (5) feet of a public or private driveway.
- (d) Angled parking is not allowed unless specifically marked and authorized by the Town through ordinance or resolution.
- (e) Vehicles parked on a two-way roadway shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb unless specifically marked and authorized by the Town through ordinance or resolution.
- (f) It is unlawful for any person to park or locate trailer not attached to a vehicle on any street, alley, or right-of-way within the Town.

(4) Public Parking Lots.

- (a) It is unlawful for any person to occupy any vehicle or trailer as a temporary residence on an overnight basis in any public parking area or public parking lot in the Town, except where specifically authorized by the Town Council, or where authorized by a special parking permit issued by Town law enforcement.
- (b) It is unlawful for any person to occupy any vehicle or trailer as a permanent residence on an overnight basis in any public parking area or public parking lot in the Town.
- (c) No vehicle or trailer may be parked or located on any public parking area or public parking lot in the Town between the hours of 2:00 a.m. and 6:00 a.m., except:

- (1) Parking is allowed in the marked and designated parking lots allowing for overnight parking; and
- (2) Parking is allowed pursuant to a special parking permit issued by Town law enforcement.
- (d) It is unlawful for any person to park or locate trailer not attached to a vehicle in any public parking area or lot.
- (5) Parking on vacant lots prohibited.
 - (a) It is unlawful for the owner of any vacant lot or parcel located in the Town to permit the parking or storage of trailers, whether for a fee or otherwise, at any time, upon such lot or parcel.
 - (b) This Section shall not be construed to prohibit the parking of construction trailers on vacant lots during the period of construction of a structure on such lot.
- (6) Marking of handicap parking spaces.

Handicap parking spaces shall be adequately and clearly marked, which shall require, at a minimum, the following:

- (a) An official upright sign, which may be stationary or portable, which sign is clearly visible to a person driving a motor vehicle considering parking in the space;
 - (b) A marking on the surface of the parking space designating the location, perimeters and restricted use of the space either by words, wheelchair symbol or color markings; and
 - (c) Removal of snow, ice and debris that interferes with the identification of the space as a handicap parking space.
- (7) Authority of Town law enforcement to prohibit parking.

The Town law enforcement is granted the authority to determine and designate certain streets and rights-of-way, or portions thereof, where it shall be illegal to park a vehicle of any type, and to further designate the hours and times such parking shall be prohibited. Such determination and designation shall be evidenced by a sign setting forth the parking prohibition, posted in accordance with this Code and the Model Traffic Code adopted by the Town. Once such sign is posted, it is unlawful for any person to park a vehicle of any type on the designated street or right-

of-way, or portions thereof, during the designated hours and times.

(8) Towing and storage; charges.

Any vehicle or trailer violating the prohibitions set forth in this Article may be towed and stored at the option of the Town, provided such towing and storage from private property shall comply with applicable provisions of state law. Town-owned parking areas and lots shall not be considered private property for purposes of this Section and state law. In the event a vehicle or trailer is towed, to the extent permitted by applicable state law, the owner of the vehicle or trailer shall be charged a fee for the cost of the towing and shall further be charged a fee for the cost of the storage of the vehicle or trailer. The towing and storage of a vehicle or trailer shall be a remedy available to the Town in addition to and separate from the Town's right to charge the owner or operator of the vehicle or trailer with a violation of this Article.

(9) Driver and owner liability for violations.

No driver shall stop or park a vehicle and no owner of a vehicle shall fail to prevent the stopping or parking of that vehicle in violation of any of the prohibitions or requirements of this Section 1214. It shall constitute prima facie evidence that the registered owner of the vehicle in violation was the person who stopped or parked the unattended vehicle. In any event, both the owner and the driver are jointly and severally liable for any such violation. Vehicles parked in violation of this Article may be ticketed, towed and impounded as provided by subsection (8) and applicable state law.

(6) Section 1406(5) of the *Model Traffic Code* is hereby deleted.

(7) Section 1701 of the *Model Traffic Code*, concerning the classification of traffic offenses and schedule of fines, is amended to read in its entirety as follows:

1701. Classification of Traffic Violations - Schedule of Fines.

(1) Except as set forth herein, it is a traffic infraction for any person to violate any of the provisions of the *Model Traffic Code*, 2024 edition, as adopted by the Town. Such a traffic infraction shall constitute a civil matter for which there is not a right to a trial by jury.

(2) All traffic violations for which six (6) or greater points are assessed against the driving license of a violator by the Department of Motor Vehicles for the State shall constitute criminal traffic offenses. Additionally, the offenses listed in subparagraphs (a) and (b) below for which fewer than six (6) points are assessed against the driving license of a violator by the

Department of Motor Vehicles for the State shall constitute criminal traffic offenses. The following violations are criminal traffic offenses:

- (a) Violations of *Model Traffic Code*) involving driving twenty-five (25) miles or more in excess of the lawful speed limit.
 - (b) Violations of *Model Traffic Code* Sections 1105 (Speed contests), 1401 (Reckless driving), 1402 (Careless driving), 1409 (Compulsory insurance), 1413 (Eluding or attempting to elude a police officer) or 1903 (School buses - stops - signs -passing).
- (3) Traffic infractions as provided in this Code shall be subject to a maximum penalty of a fine not to exceed the maximum fine amount authorized in Subsection 1-4-20(b) of this Code. Costs, surcharges and fees as authorized by law may be added to the fine.
 - (4) Criminal traffic offenses as provided in this Code shall be subject to a maximum penalty of one (1) year of imprisonment or the maximum fine amount authorized by Town Council, or both. Cost surcharges and fees as authorized by law may be added to the penalty.
 - (5) Notwithstanding the maximum penalties established by subsections (3) and (4) above, the Court is authorized to impose conditions and requirements other than fines and/or imprisonment, including by way of example and not limitation, required attendance of an organized class on traffic safety or defensive driving, as part of a sentence for a traffic infraction or traffic offense.
 - (6) Pursuant to CMCR 210(b)(4), the court may by order, which may from time to time be amended, supplemented, or repealed, designate the violations, the penalties for which may be paid at the office of the Municipal Court Clerk.
- (8) Section 1702 of the *Model Traffic Code* is deleted.
 - (9) Section 1705 of the *Model Traffic Code* is deleted and replaced with the following:
1705. Person arrested for violation.
Whenever any person is arrested by a police officer for any violation of this code, the Town law enforcement will follow its policies and procedures and this code as they pertain to summons and complaint and bond issues.
 - (10) Subsection (3) of Section 1709 is hereby deleted and references contained in Section 1709 to “county court” shall be amended to read “municipal court.”
 - (11) Part 18 of the *Model Traffic Code* is deleted.

Section 3. Penalties.

The following penalties shall apply to violations of the *Model Traffic Code* as adopted in this article:

- (1) It is unlawful for any person to violate any of the provisions of the *Model Traffic Code*.
- (2) Upon conviction of, or entry of a guilty plea or a plea of nolo contendere to, a violation of the provisions of the *Model Traffic Code* for which a fine only is established as a penalty for the violation thereof, the violation is deemed and shall constitute a civil matter and not a criminal violation. Penalties for traffic infractions shall be as set forth by order of the Municipal Court, as required by the Colorado Municipal Court Rules of Procedure.
- (3) Upon conviction of, or entry of a guilty plea or a plea of nolo contendere to any of the following violations of the provisions of the *Model Traffic Code*, the defendant may be incarcerated for a period not to exceed one (1) year or fined by an amount not to exceed the maximum fine amount authorized in Subsection 1-4-20(b) of this Code, or both, with the points to be assessed against such defendant's driver's license as set by state law.

Offense
Speeding violations 25 mph or more over limit
Speed contest
Reckless driving
Careless driving
Eluding or attempting to elude police
Absence of compulsory insurance
Failure to stop for school bus

- (4) As used in Sections 614, 615 and 616 of the *Model Traffic Code*, the term *increased penalties and surcharges* shall mean that whatever penalty is otherwise imposed for a violation, such penalty and surcharges applicable thereto shall be doubled.

Section 4. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 5. Effect of Conflict.

The *Model Traffic Code* adopted constitutes a comprehensive system of regulation and enforcement dealing with vehicles and traffic. In the event that any provision contained in this Ordinance is in conflict with applicable state statutes which are deemed to supersede any municipal ordinance, the provision of the applicable state statute shall be controlling. In the event of any conflict between the *Model Traffic Code* and other ordinances, the Town's ordinances shall control unless state law provides that the specific provision of the *Model Traffic Code* supersedes any municipal ordinance in conflict therewith.

Section 6. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 7. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 8. Effective Date. The Ordinance shall be effective thirty days after the date of publication.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON _____, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

I hereby certify that the above Ordinance was introduced to the Town Council of the Town of Keystone at its meeting of _____, 2024 and ordered published two times by _____ on _____, 2024, and on _____, 2024, and in full on the Town web site.

ATTEST:

SEAL

By: Town Clerk or Deputy Town Clerk

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ___ IN FAVOR AND ___ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone, Town Manager
DATE: July 23, 2024
SUBJECT: [Work Session] Discussion on Nuisance Ordinance part 2

Executive Summary:

The purpose of this work session item is to get Council input on the types of items that it desires in the Town's nuisance ordinance.

Background:

At the July 9, 2024 Town Council workshop, staff began a discussion with the Council about what types of actions should be proscribed in our nuisance ordinance. Due to lack of time, the Council did not review all of the actions introduced by staff. Council also asked staff to come back with sample ordinance language for storage of vehicles and animal control.

Types of Nuisances

Review of Previous Discussions (Sample Language)

- 1) Storage of Vehicles – This is separate from vehicles abandoned on public roads. This section usually addresses storage of RVs, inoperable vehicles, trailers, and boats on private property. Often communities require such vehicles to be screened from view.

Sample Language

No owner, lessee or occupant *of* any property within the limits *of* the Town *of* Keystone shall permit an inoperable or unlicensed *vehicle*, as defined herein, to

be maintained or stored on said property unless the inoperable or unlicensed *vehicle* is screened from any adjoining private lot or property or any public street, area or way by a solid wall or fence at least sixty (60) inches in height, or other hedges, plantings or trees that form a complete screen and that are maintained in good condition at all times, or by any other screening methods determined to be appropriate by the Town Manager. This section shall not apply to *vehicles* undergoing repairs at an automobile repair service station or shop located within a commercial zone, provided that any such *vehicle* shall not be maintained or stored in the view of adjoining private property or any public street, area or way for more than seventy-two (72) hours.

- 2) Animals – This section can contain a lot of items from dangerous animals and dog bites to backyard chickens. Towns even need to address the disposal of dead animals

Sample Language

Restraint - It shall be unlawful for any person owning a dog or other pet animal to permit such animal to run at large. It shall be unlawful for any person in possession of someone else's dog or other pet animal to permit said animal to run at large.

- this shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, assisting law enforcement officers, or while actually being trained for any of these pursuits.

- It shall be unlawful for any owner to harbor any dog or other pet animal which, by any sound or cry or other activity, shall disturb the peace, comfort or property of the inhabitants of the neighborhood. Such disturbance is hereby declared to be a public nuisance.

Vicious Animals - No person shall own or harbor a vicious animal within the Town. Such animal shall be impounded as a public nuisance. If the impoundment

of a vicious animal which is running at large cannot be made with safety to the Animal Control Officer, other designated official, or other persons, the animal may be destroyed without notice to the owner or harborer.

Continued Discussion

- 3) Camping – Many Towns outlaw camping on private property unless in a designated campground. This is intended to keep people from setting up in RVs or campers in someone's driveway
- 4) Noxious and Dangerous Liquids – This will allow the Town to regulate the storage of chemicals on private property.
- 5) Truck Air Brakes (Jake Brakes) – The Town of Dillon drafted the following in declaring Jake brakes to be a nuisance: Any noise created from the operation of any motor vehicle with an engine brake engaged. An *engine brake* is defined as an engine retarder or dynamic braking device used primarily on large trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.
- 6) Noxious Weeds and Rank Vegetation – This is the standard code enforcement nuisance item. Adopting noxious weeds and rank vegetation as identified nuisances will allow the Town to step in and compel people to maintain their properties.
- 7) Panhandling – Adding panhandling would allow the Town to control where panhandling can take place. The Town cannot completely ban panhandling due to First Amendment issues; however, it can be limited in certain places (i.e. medians on Hwy 6).
- 8) Firearms – So long as certain exceptions are permitted, the Town could ban the discharge of certain weapons within all or part of the Town's limits.
- 9) Discharge into Waterways – It may be possible to expand the prohibition against discharging pollutants into waterways. The Town may also expand its local definition of what constitutes a waterway.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
FROM: Jennifer Madsen, Town Attorney
DATE: July 23, 2024
SUBJECT: [Work Session] Discussion of an Ordinance on formation of boards and commissions

Executive Summary:

Article IX of the Keystone Home Rule Charter provides that Town Council has the authority to create and disband boards, commissions, and committees and confer powers and duties through Resolution or Ordinance.

In past work sessions, Town Council has discussed consideration of forming a citizen's advisory board. The purpose of this work session item is to discuss preparation of an ordinance for the establishment of certain boards, commissions, and committees.

Background:

Towns establish boards, commissions, task forces, and committees to advise the governing bodies and a wide range of policy issues.

Council can establish standing advisory boards and commissions and "ad hoc" advisory commissions and committees for limited periods to consider specific issues. These boards and commissions may provide many benefits to local government decision making processes by studying issues, plans, and policies. It can be a way to involve a greater number of individuals in the decision-making process and engage in community outreach.

For longer term boards and commissions, it is recommended that Town Council create

these boards and commissions through the adoption of an ordinance. The ordinance would include topics such as:

- Creation of a Board/Commission/Committee. The ordinance would include the purpose and the scope of the advisory. This section is key because it defines the body's authority and identifies specific expectations of the advisory body.
- Membership. This ordinance should define which individuals may participate on the Board/Commission/Committee. For example, is membership limited to registered electors of Keystone or are property owners permitted membership? The ordinance should define the appropriate size of the advisory body and that Town Council appoints the members.
- Term limits. Town Council may want to consider term limits for members of the advisory bodies.
- Vacancies. The process of filling vacancies should be defined.
- Removal. The ordinance should include a process for removal of members.
- Meetings, officers, bylaws. The ordinance may define requirements for meetings, officers, and bylaws of the advisory body.
- Staff liaison. Typically, an enabling ordinance would identify the staff liaison for the advisory body.

Included with this staff report are examples of ordinances creating advisory bodies from other municipalities. An important consideration in organizing advisory bodies is the administrative time needed to support the advisory body.

The goal with the work session is to begin the conversation of forming advisory bodies.

Attachments:

- Centennial Boards and Commissions
- Silverthorne Arts and Culture Advisory Board
- Steamboat Boards and Commissions

ARTICLE 4 Boards, Commissions and Committees

Division 1 Regulations of General Applicability

Sec. 2-4-10. Applicability and reference.

- (a) This Division shall apply to the Audit Committee, the Investment Committee, the Budget Committee, the Election Commission, the Open Space Advisory Board, the Planning and Zoning Commission, the Senior Commission, and any other board, commission or committee created by the City, except the Youth Commission and Fiber Commission, as and if in existence, and except to the extent provided by ordinance or resolution.
- (b) This Division shall not apply to Annual Appointment Committees except to the extent provided by Section 2-4-40 below or to other ad hoc committees or subcommittees of or formed from time to time by the City Council.
- (c) Codified regulations governing specific boards, commissions and committees may be found in the following locations:
 - (1) Audit Committee: Article 6 of Chapter 4 of this Code.
 - (2) Budget Committee: Article 7 of Chapter 4 of this Code.
 - (3) Election Commission: Division 1 of Article 6 of Chapter 2.
 - (4) Investment Committee: Article 5 of Chapter 4 of this Code.
 - (5) Open Space Advisory Board: Division 2 of this Article 4 of Chapter 2.
 - (6) Planning and Zoning Commission: Section 12-13-202 of the Centennial Municipal Code (Centennial Land Development Code).
 - (7) Senior Commission: Division 3 of Article 4 of Chapter 2.
 - (8) Youth Commission: Division 4 of this Article 4 of Chapter 2 (not subject to the regulations set forth in this Division as set forth in subsection (a)).

(Ord. 2012 O-21 §2; Ord. 2019-O-30 §2; Ord. 2023-O-12, §3)

Sec. 2-4-20. Definitions.

The following terms and phrases shall have the following meanings for the purposes of this Article:

Board or commission or committee means any board, commission, committee or authority to which this Article applies.

Opening means a position made available due to the expiration of a term of office or due to the creation of a new position on a board, commission or committee. An *opening* shall include regular member positions, alternate member positions and non-voting advisory member positions.

Vacancy shall mean a position made available prior to the expiration of the applicable term of office due to resignation, incapacitation, ineligibility, removal or other reason. A *vacancy* shall include regular member positions, alternate member positions and non-voting advisory member positions.

Sec. 2-4-30. Regular, alternate and non-voting positions and filling of vacancies.

- (a) Every board, commission or committee shall be comprised of the number of regular members, alternate members and non-voting advisory members as required by applicable state law, this Code or resolution.
- (b) Unless otherwise provided by ordinance or resolution, all regular and alternate members of boards, commissions or committees shall be residents of the City at all times throughout their terms of appointment.
- (c) Every board, commission and committee shall include two (2) alternate member positions, excluding the Audit Committee, the Budget Committee and the Investment Committee. The two (2) alternate member positions shall be designated as a first alternate and a second alternate. A person serving in a position as an alternate shall have the right to participate in all meetings of the board, commission or committee to the same extent as a regular member, except that a person serving in the position of alternate shall not be entitled to cast a vote on any matter.
- (d) An alternate member shall be:
 - (1) Temporarily assigned by the chair of the board, commission or committee to serve in the position of a regular member in the event of an absence of a regular member during all or any portion of a meeting of the board, commission or committee. When assigned to fill a regular position during a meeting, the alternate member shall assume all rights, duties and obligations of the regular member during the period of assignment and may cast a vote on any matter pending before the board, commission or committee. Upon the return of a regular member to a meeting prior to adjournment, the regular member shall replace the alternate member at the conclusion of the matter then under discussion.
 - (2) Named by the board, commission or committee chair as a regular member in the event of a vacancy in the position of a regular member with notice to follow to the City Clerk and City Council. If alternates are designated as first alternate and second alternate, the first alternate shall be named as the regular member to fill the vacancy first and the second alternate shall become the first alternate. Vacancies in alternate members created by such appointments shall not be filled until the time for annual appointment of citizen members by the Annual Appointment Committee as set forth in Section 2-4-40.
- (e) Boards, commissions and committees may have non-voting advisory members as established by ordinance or resolution.
- (f) City employees and current employees of City contractors, unless otherwise expressly provided by Charter or local law, shall not be eligible to serve as members of the City's boards, commissions or committees.

(Ord. 2012 O-21 §2; Ord. 2015-O-21 §1; Ord. 2019-O-30 §§3, 4)

Editor's note(s)—Ord. 2019-O-30, §3, adopted Nov. 4, 2019, changed the title of § 2-4-30 from "Regular, alternate and non-voting positions" to "Regular, alternate and non-voting positions and filling of vacancies."

Sec. 2-4-40. Annual Appointment Committee.

- (a) The City Council shall cause to be created annually at the beginning of each calendar year an ad hoc committee to be known as the Annual Appointment Committee. It shall be the duty of the Annual Appointment Committee to solicit, accept and review applications for citizen memberships to specific openings on City boards, commissions or committees and to interview and recommend appointment(s) of candidate(s) to fill all citizen openings on boards, commissions or committees.

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- (b) Membership on an Annual Appointment Committee will be comprised of five (5) persons. Unless otherwise determined by the City Council, two (2) members shall be Council Members selected by the City Council, two (2) members shall be regular or alternate members of any of the boards, commissions or committees of the City, and one (1) member shall be either an administrative staff person or a resident of the City, as selected by the City Manager.
 - (c) The City Clerk shall determine the appropriate process for the solicitation of candidate(s) to fill citizen opening(s) on boards, commissions or committees. At a minimum, such process shall include publication of a notice of openings, candidates' submission of an application and summary of qualifications, and an interview of qualified candidates. The Annual Appointment Committee shall make and submit to the City Council, by March 1 of each year, a written recommendation of citizen member appointment(s) in a form to be approved by the City Clerk. An Annual Appointment Committee's recommendation(s) for appointment shall identify one (1) candidate for each opening and, when possible, one (1) additional candidate as a secondary recommendation in the event a recommended candidate withdraws prior to appointment or is not selected for appointment by the City Council.
 - (d) The Annual Appointment Committee shall endeavor to recommend citizen member candidates possessing the skills, interests and experience that will best serve and complement the relevant board, commission or committee's existing membership and expertise. The diversity of representation upon a board, commission or committee based on the members' district residency shall not be a factor for selection, except that such diversity may be considered where two (2) or more candidates are otherwise equally qualified to fill an opening.
 - (e) The Annual Appointment Committee shall be automatically dissolved upon the City Council's appointment(s) of members to the openings on the boards, commissions or committees.

(Ord. 2019-O-30 §5)

Editor's note(s)—Ord. 2019-O-30, §5, adopted Nov. 4, 2019, repealed the former § 2-4-40, and enacted a new § 2-4-40 as set out herein. The former § 2-4-40 pertained to Appointment Committees and derived from Ord. 2012 O-21 §2.

Sec. 2-4-50. Length and commencement of terms.

- (a) The term of all appointments of citizen members to a board, commission or committee of the City subject to this Division shall be three (3) years.
- (b) The term of all appointments of citizen members to a board, commission or committee of the City subject to this Division shall always commence on April 1 of the relevant year.

(Ord. 2019-O-30 §6)

Editor's note(s)—Ord. 2019-O-30, §6, adopted Nov. 4, 2019, repealed the former § 2-4-50, and enacted a new § 2-4-50 as set out herein. The former § 2-4-50 pertained to the appointment to an opening on a board, commission or committee and derived from Ord. 2012 O-21 §2.

Sec. 2-4-60. Limits on appointments and number of terms.

- (a) No person may serve at any time as a citizen member on more than one (1) board, commission or committee of the City subject to this Division.
- (b) No citizen appointed member of a board, commission or committee of the City subject to this Division may serve more than two (2) consecutive terms on any one (1) board, commission or committee of the City, but

such person may serve on a different board, commission or committee of the City if appointed, subject to the limits set forth herein.

- (1) A person who has been limited from serving because such person has already served the number of terms allowed by this subsection may not serve on the same board, commission or committee of the City until an interim full three-year term has elapsed.
- (2) The term during which a person serves as an alternate citizen member on a board, commission or committee of the City and any term in which such alternate member is assigned to fill a regular member vacancy shall not count as a term for purposes of determining the limits on number of terms set forth herein.
- (3) City Council may by resolution waive the otherwise applicable limit on number of terms applicable to any person if it determines that an insufficient number of qualified applicants have applied for appointment to the board, commission or committee on which such person serves.

(Ord. 2019-O-30 §7)

Editor's note(s)—Ord. 2019-O-30, §7, adopted Nov. 4, 2019, repealed the former § 2-4-60, and enacted a new § 2-4-60 as set out herein. The former § 2-4-60 pertained to the appointment to a vacancy on a board, commission or committee and derived from Ord. 2012 O-21 §2.

Sec. 2-4-70. Reappointment.

Subject to the limitation on terms set forth in Section 2-4-60, an incumbent regular, alternate or non-voting advisory member previously appointed to an opening on a board, commission or committee may seek re-appointment to an opening on the same board, commission or committee. To apply for re-appointment, such incumbent member shall be required to submit an application and summary of qualifications as required of all other candidates by the Annual Appointment Committee pursuant to Section 2-4-40 above.

Sec. 2-4-80. Meeting stipend.

Board, commission and committee members may be entitled to a meeting stipend for meeting attendance in an amount established by resolution of the City Council. A member of any board, commission or committee may additionally receive reimbursement of reasonable expenses related to the functions of the board, commission or committee to the extent provided by resolution.

Sec. 2-4-90. Removal.

Board, commission and committee members serve at the pleasure of the City Council and may be removed by resolution of the City Council with or without cause and with or without notice and hearing, at the sole discretion of the City Council. Removal by the City Council shall customarily be imposed where the City Council finds a member engaged in any of the following:

- (1) Failure to comply with applicable statutes, ordinances, resolutions or laws;
- (2) Continuing obstructive, offensive, argumentative or disrespectful behavior that diminishes the effectiveness of the board, commission or committee's ability to conduct business and/or to make recommendations to the City Council;
- (3) Unexcused absences which, in the opinion of the majority of the board, commission or committee, render the member unable to be an effective participant on the board, commission or committee; or

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- (4) Disclosure of confidential information of the board, commission or committee, including disclosure of preliminary drafts of reports and work product, as defined in the Colorado Open Records Act, as may be amended from time to time.

Sec. 2-4-100. Bylaws.

Boards, commissions and committees may adopt and from time to time amend bylaws for their proper operation as the members deem expedient, which shall be consistent with the laws of the State and the City. A copy of the bylaws and any amendments shall be made available on the City's website and provided to the City Council promptly after adoption by the board, commission or committee. The City Council shall have the right to establish, amend, alter or modify the bylaws of any board, commission or committee.

Division 2 Open Space Advisory Board

Sec. 2-4-200. Open Space Advisory Board creation and composition.

There is hereby created an advisory board to be known as the Open Space Advisory Board ("Board") for the City. The Board shall be comprised of five (5) regular members and two (2) alternate members. All appointments shall be for three-year terms.

Sec. 2-4-210. Purpose.

The Board's purpose and function is to, upon referral from the City Council: (1) review and provide the City Council with advice on proposed park, open space, trail or recreation policies, projects, land acquisitions or dispositions and plans; and (2) advise the City Council on other matters as may be referred to the Board by the City Council. The City Council, as an elected body, shall continue to exercise, in its sole discretion, all authority on the priority of and allocation of City funds to proposed park, open space, trail or recreation projects and plans, and nothing contained herein shall restrict the City Council from taking any action related to parks, open space, trails or recreation projects, including but not limited to the expenditure of monies, acquisition or disposition of lands, approval of projects or the adoption of policies. Furthermore, the review and recommendation of parks, open space, trails and recreation projects by the Board shall not be a substantive or procedural requirement prior to any City Council or administrative action on any such matter.

Sec. 2-4-220. Criteria for appointment.

Regular and alternate members shall be appointed at-large from the Council Districts of the City. The following factors shall be considered, when possible, by the Annual Appointment Committee in making recommendations to the City Council for appointment of regular and alternate members to the Board:

- (1) When possible, representation to the Board shall be equally distributed from among residents of all Council Districts.
- (2) Appointees should demonstrate commitment and ability to attend meetings on a regular basis.
- (3) Appointees should be without conflicts or potential conflicts of interest. Without limitation, a conflict shall be presumed by an applicant's employment with, appointment to or affiliation with any governmental or quasi-governmental entity or other entity which has or may seek funding or special consideration from the City and which relates to any matter within the purview of the Board to consider and upon which to make recommendations.
- (4) Consideration should be given to the appointees' motivation for seeking appointment to the Board.

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- (5) Expertise in the field of parks, open space, trails or recreation planning, development or services shall be preferred.
 - (6) Past board, commission or committee experience and familiarity with rules and procedures for public meetings shall be preferred.

Division 3 Senior Commission

Sec. 2-4-300. Senior Commission creation and composition.

There is hereby created an advisory board to be known as the City of Centennial Senior Commission ("Commission"). The Commission shall be comprised of five (5) regular resident citizen members, two (2) alternate members and up to three (3) non-voting advisory members. Non-voting advisory members will be selected by the City Council from a list of interested organizations or agencies that serve the City senior community and non-voting advisory members will not be required to be residents of the City. The Mayor shall select one (1) member of the City Council to act as liaison with the Commission.

Sec. 2-4-310. Purpose.

- (a) The Senior Commission shall encourage senior citizen involvement in community issues by, among other things:
 - (1) Advising the City Council on matters affecting seniors;
 - (2) Serving as a forum for the expression of ideas, needs, concerns and goals relating to community issues, particularly as they may affect seniors;
 - (3) Offering hands-on experience and learning by and for seniors of our community;
 - (4) Enlisting community-wide participation in resolving senior concerns; and
 - (5) Providing seniors opportunities to participate with other citizens in activities and programs that benefit all of the citizens of the City.
- (b) The Senior Commission is an advisory board only, intended to provide recommendations and advice to the City Council. The Commission shall not have any express or implied power to act as the final decision making authority on any issue that impacts or binds the City.

(Ord. 2012 O-21 §2)

Division 4 Youth Commission

Sec. 2-4-400. Youth Commission creation and composition.

There is hereby created an advisory board to be known as the City of Centennial Youth Commission ("Commission"). The Commission shall be comprised of nine (9) regular members between the ages of thirteen (13) and eighteen (18) years, two (2) alternate members between the ages of thirteen (13) and eighteen (18) years and up to three (3) non-voting advisory members. All appointments shall be for two-year terms regardless of a change in membership status from alternate member to regular member. Terms of regular and alternate members shall automatically expire upon their nineteenth birthday. The non-voting advisory members shall provide advice and act as community and informational resources to the Commission. The Mayor shall select one (1) member of City Council to act as liaison with the Commission.

Sec. 2-4-410. Selection.

All Commission members shall be selected in accordance with the bylaws of the Commission.

Sec. 2-4-420. Purpose.

- (a) The Youth Commission shall encourage youth involvement in community issues by, among other things:
 - (1) Advising the City Council on matters affecting youth;
 - (2) Serving as a forum for the expression of ideas, needs, concerns and goals relating to community issues, particularly as they may affect youth;
 - (3) Offering hands-on experience and learning to the youth of the community; and
 - (4) Enlisting community-wide participation in resolving youth concerns.
- (b) The Youth Commission is an advisory board only, intended to provide recommendations and advice to the City Council. The Commission shall not have any express or implied power to act as the final decision making authority on any issue that impacts or binds the City.

(Ord. 2012 O-21 §2)

ARTICLE II Arts and Culture Advisory Board

Sec. 5-2-1. Creation.

Pursuant to the authority conferred by § 5.1 of the Silverthorne Town Charter, there is hereby created an Arts and Culture Advisory Board (the "Board"), with the powers set forth in this Article, for the general purpose of enhancing Town Council-community discussion and feedback, as well as providing advice and recommendations to the Town Council on matters related to arts and culture.

Sec. 5-2-2. Powers.

- (a) Review. The Board shall act as an advisory board to the Town Council and in that capacity, it may hold public meetings to solicit public input regarding arts and culture or investments in arts and culture opportunities. It shall review and make recommendations concerning matters related to arts and culture as may be referred to the Board by the Town Council or Town Manager.
- (b) Liaison. The Board shall act as a liaison between the community and Town Council to enhance community-Town Council relations and to promote public awareness of the Town's arts and culture programs. It shall, from time to time, initiate, prepare and submit recommendations concerning policy matters related to arts and culture to the Town Council, staff and other boards, committees, commissions or entities to apprise the Town Council of the community's needs for investments in arts and culture.
- (c) Working groups. The Board may at its discretion establish working groups to work on specific projects or tasks. Members of working groups are not members of the Board and need not be appointed by the Town Council.
- (d) Rules. The Board shall adopt rules for transaction of business.
- (e) Land use matters. The Board shall have no power or authority to investigate, review, or otherwise participate in land use matters.

(Ord. No. 2016-05, §1)

Sec. 5-2-3. Membership; terms.

- (a) Qualifications. A Board member shall be either a resident of the Town or registered elector in the State of Colorado. If any member ceases to reside in the Town or the State of Colorado, his or her membership shall immediately terminate.
- (b) Appointment. The Town Council shall appoint not less than (3) and no more than five (5) Board members. Two (2) of these members will be Town Council representatives, and a majority of the Board shall always be comprised of residents of the Town. Appointments for Board members filling expired terms shall be held at the last regular meeting of the Town Council of the year or at a special meeting called for that purpose. When a re-appointment or replacement is made, the reappointment or replacement shall be considered effective on the date that the prior term expired. A Board member whose term has expired may continue serving until he or she is either re-appointed or until their successor is chosen.

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- (c) Compensation. Board members shall serve without compensation, but may receive reimbursement for necessary travel and other expenses incurred on official duty when such expenditures are required for the efficient dispatch of Board business.
 - (d) Conflicts of interest. Should any Board member represent a project being reviewed, or become affiliated with an owner, developer or builder of a project being reviewed, that Board member shall abstain from any voting and participation on any action or recommendation relating to that project. The reason for abstention should be stated prior to any action taken by the Board.
 - (e) Terms. Board members shall serve terms of three (3) years, and may only serve two consecutive terms. After serving two consecutive terms, a Board member must vacate his or her position for at least one year before seeking re-appointment to another term. There shall be staggered terms of office for Board members so that one third of the Board shall be up for re-appointment each year. The system for staggered terms of membership shall be implemented as follows: one Board member shall have an initial term of one (1) year, two (2) Board members shall have terms of two (2) years, and two (2) Board members shall have terms of three (3) years. Initial Board members serving less than a full three-year term as their initial term shall be considered to have served a full three-year term for purposes of the limits on more than two successive terms.
 - (f) Ex officio members. The Town Council may appoint any number of ex officio members to the Board who shall not have any voting rights and shall not count toward a quorum.

(Ord. No. 2016-05, §1)

Sec. 5-2-4. Removal.

- (a) Board members shall be subject to removal by a two-thirds vote of the entire Town Council, for inefficiency, neglect of duty, or malfeasance in office.
- (b) The Town Council may only remove a Board member after notice and a public hearing. The notice shall include a written statement of the reasons for removal. At the hearing, the Board member shall be provided with an opportunity to respond to the statement of reasons. If the Board member fails to appear at the public hearing, the Town Council may nonetheless proceed with the removal proceedings.
- (c) For purposes of this Section, inefficiency, neglect of duty, or malfeasance in office means:
 - (1) Failing to comply with applicable statutes, ordinances, resolutions or established rules of procedure;
 - (2) Failure to follow the policies adopted by the Town Council, including without limitation the Town's Arts and Culture Strategic Plan.
 - (3) Obstructive, offensive, argumentative or disrespectful behavior which diminishes the effectiveness of the Board or its ability to conduct business; or
 - (4) Excused or unexcused absences from Board meetings which, in the opinion of the Town Council, render the Board member unable to be an effective participant in Board business.
- (d) A decision by the Town Council to remove a Board member shall be final, subject only to review by the district court pursuant to C.R.C.P. 106(a)(4).

(Ord. No. 2016-05, §1)

Sec. 5-2-5. Vacancies.

- (a) A Board position shall become vacant when a Board member: fails to meet the qualifications for the Board; dies; resigns; is removed by the Town Council; or is absent from three (3) consecutive regular Board meetings without a leave of absence given by a majority vote of the entire Board.
- (b) A vacancy shall be declared by a vote of the Town Council.
- (c) A vacancy shall be filled by the Town Council for the unexpired term by appointment.

(Ord. No. 2016-05, §1)

Sec. 5-2-6. Officers.

- (a) By majority vote of those present, the Board shall elect a Chair and Vice-Chair and create and fill such other of its offices as it may determine. The election shall be conducted at the Board's first meeting of the calendar year.
- (b) Term. All officers shall serve terms for one (1) year, with eligibility for re-election. The Board shall consider the re-election of existing officers or the appointment of new officers at the first meeting of the calendar year and following the appointment of the new Board members filling expired terms, or as soon as practical thereafter. Officers shall remain in office until their successors have been selected, and may serve consecutive terms without limit.
- (c) Vacancies. If a vacancy occurs during the term of office for any officer, the Board shall elect a new officer to fill the remainder of the term as soon as practical.
- (d) Duties of Chair. The duties of the Chair include: presiding over Board meetings and exercising parliamentary control; determining whether member absences are excused; acting as a liaison between the Board and Town Staff, between the Board and Town Council, and between the Board and the community; attending Town Council meetings; and submitting reports as required to Council.
- (e) Duties of Vice-Chair. The Vice-Chair shall act in place of the Chair in the Chair's absence, inability, or refusal to act.

(Ord. No. 2016-05, §1)

Sec. 5-2-7. Meetings.

- (a) The Board shall hold at least one (1) regular meeting each month. The date, time and place of the regular meeting shall be designated by the Board. All meetings shall be open to the public.
- (b) Robert's Rules of Order are adopted and shall govern the conduct of meetings unless suspended by a majority vote of Board members present at a meeting.
- (c) A typed agenda shall be prepared for each Board meeting and copies shall be distributed by the Chair or designee, to all members of the Board, the Recreation and Culture Director, the Town Manager, and other appropriate persons, agencies and Town staff. The agenda should follow the following format: (1) Call to Order/Roll Call; (2) Approval of Minutes; (3) Public Comments; (4) Reports of Officers and Ad Hoc Work Groups; (5) Old Business; (6) New Business; (7) Adjournment. The agenda shall be posted at least 24 hours prior to each meeting.

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- (d) Minutes and records. The Board shall record or keep minutes of all meetings held and business transacted. All records of the Board shall be open for public inspection, except those that may be exempt from public disclosure under state law.
 - (e) Special meetings. The Chair may call special meetings to accommodate special projects and other important topics for review, discussion or recommendation, and as alternate meeting dates due to weather conditions or other scheduling difficulties. Notice of the time, place and date of the special meeting and an agenda of the special meeting to all Board members at least 24 hours prior to a special meeting.
 - (f) Quorum. No business of the Board shall be transacted except at a regular or special meeting at which a quorum of the Board is present. Three (3) Board members shall constitute a quorum. In the absence of a quorum, a convened meeting shall be continued to a date certain and adjourned.
 - (g) Vote. Approval of any measure or action brought before the Board requires a majority of those present. In the event of a dissenting vote by one (1) or more members of the Board, a roll call vote shall be recorded in the minutes of the meeting.
 - (h) Communication. All actions and recommendations to the Town Council, Town Departments, and other Town commissions or boards shall be communicated to the Town Council through the Town Manager by memorandum, formal report or through summary minutes signed by the Chair or designee.
 - (i) Executive Sessions. The Board is authorized to conduct executive sessions pursuant to the Colorado Open Meetings law, C.R.S. § 24-6-401, et seq.

(Ord. No. 2016-05, §1)

ARTICLE IV. BOARDS AND COMMISSIONS¹

DIVISION 1. GENERALLY

Sec. 2-201. Appointment, removal of members.

- (a) The city council shall appoint members to city boards, committees or commissions who are residents of the city and up to two (2) members only of all city boards, committees or commissions (unless otherwise specified and excluding the planning commission, whose membership is defined in the city home rule Charter and the board of adjustment) may reside outside of the city limits, but within the Routt County boundary. Terms for all board, committee and commission members shall remain effective until a replacement is ratified by city council, unless a member resigns, in which case the seat will remain vacant until filled.
- (b) The city council may remove any member by majority vote for conflict of interest violation, any other violation of applicable law, regulation, or policy, nonattendance to duty, failure to attend three (3) consecutive regularly scheduled meetings without a leave of absence approved by a majority of the board or commission, or any other cause.
- (c) The city council shall fill any vacancy for the remainder of the term.

(Ord. No. 1608, § 1, 6-16-98; Ord. No. 1911, § 1, 8-19-03; Ord. No. 2190, § 1, 6-17-08; Ord. No. 2253, § 1, 7-7-09; Ord. No. 2484, § 9, 1-7-14)

Sec. 2-202. Alternate members.

The city council may appoint alternate members as deemed appropriate. Alternate members shall attend meetings of the board or commissions to which they are appointed. An alternate member shall vote only if in the absence of a regular member of a board or commission; provided that an alternate member shall not vote on matters that are on the record unless:

- (1) The alternate was present at the hearings or meetings at which evidence on the matter was presented;
or
- (2) The alternate has listened to audio or video tapes of such hearings or meetings.

(Ord. No. 2484, § 10, 1-7-14)

Sec. 2-203. Meetings; officers.

Each city board or commission shall:

- (1) Hold regular monthly meetings;

¹Charter reference(s)—Election commission, § 2.9; boards and commissions, § 5.1 et seq.

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- (2) Keep minutes of its meetings and records of its transactions which are publicly available;
 - (3) Appoint a chair, vice-chair and secretary. The secretary may be a city employee;
 - (4) Conduct its meetings under the rules of conduct set forth in division 2 of this article;
 - (5) Hold all meetings open to the public, after notice of date, time, place and subject matter of the meeting, and provide an opportunity for public comment at the meeting; and
 - (6) Unless otherwise provided by law, conduct all quasi-judicial hearings under the procedures prescribed by article III, division 3.

Sec. 2-204. Quorum.

Unless otherwise provided by law, three (3) members of each board constitute a quorum, and each board or commission shall act only on an affirmative vote of at least three (3) members.

Sec. 2-205. Authority.

Unless otherwise provided by law, each city board or commission is authorized to:

- (1) Hold special meetings at any time upon the call of a quorum and after at least twenty-four (24) hours' notice to members and as much public notice as is practicable under the circumstances;
- (2) Administer oaths;
- (3) Request of the city council the issuance of subpoenas to require the presence of persons and the production of writings, papers, books, documents, records or tangible things necessary to its proceedings.
 - a. The secretary of the board or commission shall issue subpoenas upon written request therefor.
 - b. Subpoenas shall be served in accordance with the provisions of Colorado Rules of Civil Procedure, Rule 45(c), except that no witness fees or mileage shall be paid.
 - c. No person shall fail to obey a subpoena issued by a board or commission.

Sec. 2-206. Compensation of members; members not to hold other city office.

Except as otherwise provided by law, all members of city boards and commissions shall serve without pay, shall serve until their successors take office, and shall not be employed by the city, but the secretary of any board or commission may be a city employee.

(Ord. No. 2645, § 1, 5-1-18)

Sec. 2-207. Voting.

If a member of a city board or commission is present at a meeting and refuses to vote, the member's vote shall be recorded in the affirmative. No member is excused from voting except on approving minutes of a meeting that the member did not attend, on a matter creating a conflict of interest under article II, division 2 or on consideration of such member's conduct in the business of the board or commission.

Secs. 2-208—2-230. Reserved.

DIVISION 2. RULES OF PROCEDURE AND CONDUCT OF MEETINGS

Sec. 2-231. Procedure for boards and commissions of the city.

- (a) The procedures in this division are intended to govern the actions of all boards, commissions and committees of the city in the general conduct of their business and to serve as a reference in settling parliamentary disputes. In handling routine business, the board, commission or committee may by general consent use a more informal procedure than that set forth in this division.
- (b) The procedures in this division may be suspended at any time by vote of two-thirds of the members of the board, commission or committee present.

Sec. 2-232. Presiding officer; chair.

The chair of the board, commission or committee is responsible for conducting its meetings in an orderly and democratic manner and assuring that minority opinion may be expressed and that the majority is allowed to rule. At the same time, the chair retains all of the prerogatives of a duly appointed member; the chair may make and second motions and take part in discussions and must vote on all matters not involving the chair's personal financial interest or the chair's official conduct.

Sec. 2-233. Agenda.

- (a) The agenda is distributed to members no later than three (3) days preceding meetings, whether regular, special, or continued. Items generally shall not be added, but may be added or deleted with the consent of the chair. Notice shall be given as provided in the Charter by posting in three (3) locations within the city. However, failure to give such notice shall not invalidate any action taken by the board, commission or committee, and such provision shall not apply at all to items adopted by emergency. Items are placed on the agenda by the staff, with the approval of the city manager.
- (b) The order of the agenda shall be generally as follows:
 - (1) Call to order and roll call;
 - (2) Approval of minutes. Minutes of the previous meeting must either be read and approved or made available beforehand and approved. Opportunity must be given in either case for correction of the minutes;
 - (3) Public comments. An opportunity is provided for members of the public to speak to the board, commission or committee on matters not scheduled on the regular agenda. Comments should be limited to a three-minute time period. The board, commission or committee will make no decision or take any action, except to schedule the matter for discussion at a later date;
 - (4) Unfinished business;
 - (5) New business;
 - (6) Recess. At any point in the agenda, the chair may declare a recess until a specified time;
 - (7) Staff reports;

(8) Members' reports;

(9) Adjournment.

(Ord. No. 2484, § 11, 1-7-14)

Sec. 2-234. Rules of speaking.

- (a) To obtain the floor, a board, commission or committee member or staff member addresses the chair.
- (b) To assign the floor, the chair recognizes by calling out the person's name. Only one person may have the floor at a time. A person shall not speak while another has the floor. The chair will generally next recognize the person who first asks for the floor after it has been relinquished.
- (c) During citizen participation or public hearings, members of the public are recognized by the chair. Citizens will be asked to identify themselves for the record. No person shall make a presentation (not including questions) longer than three (3) minutes, unless given permission by the chair before beginning to speak.
- (d) All board, commission or committee members, staff members and members of the public are requested to direct their remarks to the action which they are requesting. Speakers engaging in personal attacks may be interrupted by the chair.

(Ord. No. 2484, § 12, 1-7-14)

Sec. 2-235. Procedure for handling motions.

- (a) A board, commission or committee member, after obtaining the floor, makes a motion. If long and involved it should be in writing. The member may state reasons briefly before making the motion; but may argue the motion only after it has been seconded; and having spoken once may not speak again until everyone who wishes to be heard has had the opportunity to speak, except to answer questions asked by other members. Having made a motion, a member may neither speak against it nor vote against it.
- (b) Another member seconds the motion. All motions require a second, to indicate that more than one member is interested in discussing the question. The seconder does not, however, have to favor the motion in order to second it; if there is no second, the chair shall not recognize the motion.
- (c) The chair states the motion and asks for discussion.
- (d) General debate and discussion follow, if desired. Board, commission or committee members, the city manager or the city attorney, when wishing to speak, shall follow the rules of speaking outlined above. The speaker's position on the motion should be stated directly: "I favor this motion because ...," "I am opposed to this because ...," etc. Remarks should be addressed to the chair.
- (e) The chair restates the motion and puts the question before the board, commission or committee by voice vote. The chair announces the result of the vote. If the chair is in doubt of the result of the voice vote, the president may call for raising of hands or a roll call vote. If any member is in doubt of the result of a voice vote, the councilmember may obtain a vote by raising of hands or by roll call by asking for it, without need to be recognized by the chair. In case of a tie vote, the motion fails.

Sec. 2-236. Procedure in handling public hearings.

The chair first announces the title or the general description of the matter coming before the board, commission or committee for public hearing and asks the staff to make a presentation, if there is any to be made, and then the members of the board, commission or committee have the opportunity to ask questions of the staff.

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(Supp. No. 51)

Thereafter the chair opens the public hearing and recognizes those members of the public who wish to speak on the matter, if any. If any member wishes, questions may be asked of persons testifying. The chair then requests an appropriate motion. The chair then states the question, followed by discussion by the board, commission or committee, and amendments, if any. After debate, the chair restates the motion and puts the question to a vote. After the conclusion of the vote, the chair declares the matter adopted or defeated.

Sec. 2-237. Voting.

Voting ultimately decides all questions. Boards, commissions or committees may use any one of the following ways of voting:

- (1) *Voice vote.* All in favor say "aye" and all opposed say "no." The chair rules on whether the "ayes" or "nos" predominate, and the question is so decided.
- (2) *Raising of hands.* All in favor raise their hands, and then all opposed raise their hands. The chair decides which side predominates and the question is so decided.
- (3) *Roll call.* The clerk calls the roll of the members, and each member present votes "aye" or "no" as each name is called. The clerk then announces the result of the roll call vote.

Sec. 2-238. Nominations and elections.

- (a) Nominations for chair and vice-chair are made orally. No second is required, but the consent of the nominee should have been obtained in advance. Any person so nominated may at this time withdraw his or her name from nomination. Silence by the nominee shall be interpreted as acceptance of candidacy.
- (b) A motion then is made and seconded to close nominations and acted on as any motion. The voting is accomplished by raising of hands unless there is only one nomination and a unanimous vote for the candidate. The names shall be called in alphabetical order.
- (c) If it is the desire of the board, commission or committee to use paper ballots, such a procedure is proper.
- (d) If any candidate nominated receives a majority of the votes of the members present on the first ballot, such person is declared elected. If none of the candidates receives a majority on the first ballot, the candidate (plus ties) receiving the lowest number of votes is dropped as a candidate unless this elimination would leave one candidate or less for the office. Then a second vote is taken. This process continues until one candidate receives a majority of the votes of the members present and is declared elected.

Sec. 2-239. Study sessions.

Materials for study sessions generally will be made available to members of the board, commission or committee three (3) days before the meeting. Notice will be given as for other meetings. Testimony of persons other than staff is not permitted at study sessions although questions may be asked by the members of the board, commission or committee of members of the general public present at such meetings. The board, commission or committee will give direction to staff at study sessions for the presentation of action items at future regular meetings.

Sec. 2-240. Parliamentary procedure.

Except as otherwise provided herein, all matters of procedure are governed by operating procedures established by rule.

(Ord. No. 2484, § 13, 1-7-14)

Secs. 2-241—2-270. Reserved.

DIVISION 3. RESERVED²

Secs. 2-271—2-310. Reserved.

DIVISION 4. BOARD OF ADJUSTMENT³

Sec. 2-311. Membership and organization.

- (a) The membership of the board of adjustment shall consist of five (5) members appointed by the council. Each member shall be appointed for a term of three (3) years in such a manner that the terms of no more than three (3) members expire in any one year. Appointments to fill vacancies are to be made only for the unexpired portion of the term. The council may remove any member of the board without cause.
- (b) The board shall elect from its membership its own officers, who shall serve annual terms and may succeed themselves. The board shall adopt such rules and regulations as it deems necessary for its procedure. The concurring vote of a majority of the members of the board shall be necessary in order to decide in favor of the petitioner any matter which comes before it pursuant to chapter 26 of this Code.

(Code 1975, § 16.394.010; Ord. No. 1610, § 1, 7-7-98; Ord. No. 2048, § 1, 5-2-06; Ord. No. 2484, § 15, 1-7-14)

Secs. 2-312—2-335. Reserved.

DIVISION 5. BOARD OF APPEALS⁴

Sec. 2-336. Reserved.

Editor's note(s)—Ord. No. 2484, § 16, adopted Jan. 7, 2014, deleted § 2-336, which pertained to the creation of the board of appeals and derived from Ord. No. 1912, § 1, adopted Sept. 9, 2003.

Sec. 2-337. Membership.

Uniform Building Code (includes Plumbing, Mechanical, Swimming Pool, Solar Energy, Abatement of Dangerous Buildings and National Electric Codes): The council accepts the membership of this board of appeals as appointed by the Routt County Board of Commissioners and pursuant to the terms in the joint city-county intergovernmental agreement for building department services.

²Editor's note(s)—Ord. No. 2776, § 16(Exh. M), adopted Nov. 17, 2020, repealed former Div. 3, §§ 2-271—2-273, in its entirety which pertained to the architectural review commission, and derived from Ord. No. 1807, § 1, 9-4-01, Ord. No. 2484, § 14, 1-7-14.

³Cross reference(s)—Community Development Code, ch. 26.

⁴Cross reference(s)—Buildings and building regulations, ch. 5.

Uniform Fire Code: The council may appoint one member to serve on this five- member board of appeals as the city's representative, and this member shall follow the membership terms provided by the Routt County Board of Commissioners.

(Ord. No. 1912, § 1, 9-9-03)

Secs. 2-338—2-360. Reserved.

DIVISION 6. HISTORIC PRESERVATION COMMISSION⁵

Sec. 2-361. Established.

There is hereby established a historic preservation commission ("HPC" or "commission") for the city.

(Ord. No. 2624, § 2, 11-14-17)

Sec. 2-362. Membership; appointment and term of members.

- (a) The commission shall be comprised of five (5) members and two (2) alternates, with no more than two (2) members residing outside the city boundaries, but within the Routt County boundary. The members shall have the responsibilities set forth in this section.
- (b) All members of the commission shall have demonstrated interest, knowledge, or formal training in historic preservation and related fields including history, architecture, landscape architecture, architectural history, archaeology, planning, building trades, cultural geography, cultural anthropology, real estate, or law and be supportive of historic preservation. At least two (2) regular members of the commission shall be professionals in preservation whose qualifications, to the extent possible, conform to the Secretary of the Interior's Professional Qualifications Standards [36 C.F.R. Part 61] regarding composition of the commission.
- (c) The five (5) members and one alternate of the commission shall be appointed by the city council. All terms shall be three (3) years in duration. Should a position become vacant, city council may appoint a new member who shall serve out the remainder of the unexpired term.
- (d) The commission shall annually elect from its membership a chairperson. The chairperson may serve successive terms.
- (e) In addition to the commission membership described above, the commission may invite representatives of the following organizations to participate in commission meetings as non-voting ex officio members. Their attendance shall be discretionary: Steamboat Springs Planning Commission, Steamboat Springs City Council and the Routt County Regional Building Department.

(Ord. No. 2624, § 2, 11-14-17)

⁵Editor's note(s)—Prior to inclusion of Ord. No. 2624, art. IV, div. 6 was entitled "Centennial Commission" which was deleted by Ord. No. 2445, adopted Jan. 8, 2013, and had derived from: Code 1975, §§ 2.37.010, 2.37.020; and Ord. No. 1629, § 1, adopted Nov. 3, 1998.

Sec. 2-363. Powers and duties; meetings.

- (a) The commission shall establish and publish administrative rules, regulations and procedures regarding its duties under this section and under the Community Development Code article 1, chapter 26.
- (b) The commission shall set a regular meeting time, day and place and cause same to be published to the community at least seventy-two (72) hours in advance of any such regular or special meeting of the commission. The commission shall report to city council on its activities annually.

(Ord. No. 2624, § 2, 11-14-17)

Secs. 2-364—2-385. Reserved.

DIVISION 7. RESERVED⁶

Secs. 2-386—2-410. Reserved.

DIVISION 8. RESERVED⁷

Secs. 2-411—2-435. Reserved.

DIVISION 9. PARKS AND RECREATION COMMISSION⁸

Sec. 2-436. Created.

There is created a parks and recreation commission for the city, which shall consist of seven (7) members.
(Code 1975, § 2.25.010; Ord. No. 2484, § 18, 1-7-14)

Sec. 2-437. Membership; appointment and term of members.

Members of the parks and recreation commission shall be appointed by the city council. The parks and recreation commission shall consist of seven (7) members, two (2) of whom may reside in the county outside of

⁶Editor's note(s)—Ord. No. 2484, § 17, adopted Jan. 7, 2014, deleted div. 7, §§ 2-386—2-388, entitled "Historic Preservation Advisory Commission", which derived from: Ord. No. 1672, § 1, adopted Apr. 6, 1999; Ord. No. 1784, § 1, adopted Feb. 20, 2001; Ord. No. 1793, § 1, adopted May 1, 2001; and Ord. No. 1999, § 1, adopted June 21, 2005. The historic preservation commission provisions are addressed in § 26-84(d) of this Code.

⁷Editor's note(s)—Ord. No. 2466, § 1, adopted Aug. 6, 2013, deleted div. 8, §§ 2-411—2-413, entitled "Urban Redevelopment Authority Advisory Committee", which derived from Ord. No. 2186, § 1, adopted June 3, 2008.

⁸Editor's note(s)—Formerly entitled "Parks and Recreation Advisory Commission". Renamed by Ord. No. 2484.

Cross reference(s)—Parks and recreation, ch. 16.

the corporate limits of the city but within school district RE-2. All commission members shall have resided within the county for a period of at least one year. The city council's selection process should ensure that the commission is made up of individuals who represent a wide cross section of the community to adequately represent the interests of all age groups served by the city parks and recreation department. Ex officio members, without vote, shall be as follows: the city manager and a representative designated by the city board of education. Members shall serve for a term of two (2) years or until their successors are appointed and qualified. The terms of the members shall be staggered so that the number of terms on the commission expiring in any year shall not differ by more than one from the number of terms expiring in any other year. Such terms shall expire on March 31 of the appropriate year. A vacancy occurring before the expiration of a term shall be filled by appointment of the city council for the remainder of the unexpired term.

(Code 1975, § 2.25.040; Ord. No. 1579, § 1, 11-18-97; Ord. No. 2484, § 18, 1-7-14)

Sec. 2-438. Powers and duties.

- (a) The parks and recreation advisory commission shall have the power and duty to:
- (1) Act in an advisory capacity to the city council in all matters pertaining to parks and recreation programs and services;
 - (2) Consider the annual budget for parks and recreation programs during the process of its preparation and make recommendations with respect thereto to the city council and the city manager;
 - (3) Advise in the planning of parks and recreation programs for the inhabitants of the city, promote and stimulate public interest therein, and, to that end, solicit to the fullest extent possible the cooperation of school authorities and other public and private agencies interested therein;
 - (4) Recommend policies for the acquisition, development and improvement of recreation, parks and playgrounds subject to the rights and powers of the city council;
 - (5) Inquire into all programs proposed by and be entitled to access to information from the parks and recreation department concerning programs and services affecting parks and recreation.
 - (6) The ice rink advisory committee shall advise the parks and recreation commission on issues related to the ice rink. The parks and recreation commission shall appoint members of the ice rink advisory committee. The ice rink advisory committee shall consist of seven (7) members with two-year terms. The members' terms shall be staggered, with three (3) expiring one year and four (4) expiring the next.
- (b) The following delineate some of the ways the commission can carry out its duties and responsibilities as outlined in this section:
- (1) Give due attention and study to recreation and park services as they affect the welfare of the people of the city;
 - (2) Interpret the recreation and park services of the department of parks and recreation to the community;
 - (3) Interpret community recreation and park needs to each of the public jurisdictions participating in leisure services through public input as deemed necessary by the commission;
 - (4) Take initiative in planning for future recreation and park areas and facilities as well as determining means of bringing present areas and facilities up to an acceptable standard;
 - (5) Serve as a sounding board against which the department of parks and recreation, the city council and the city staff may test their plans and ideas for the coordinated operation of an effective parks and recreation program;

-
- (6) Recommend legislative policy to the city council and the parks and recreation department, although adoption of policy will remain the prerogative of the city council;
 - (7) Encourage individuals and citizen groups to give funds, property and manpower for the development and operation of the parks and recreation program to serve the community.

(Code 1975, §§ 2.25.020, 2.25.030; Ord. No. 2603, § 1, 4-18-17)

Secs. 2-439—2-460. Reserved.

DIVISION 10. PLANNING COMMISSION⁹

Sec. 2-461. Planning policy.

The city council believes that planning should be made for the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the city and its environs which will, in accordance with future needs, best promote health, safety, morals, order, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other danger, the promotion of healthful and convenient distribution of population, wise and efficient expenditure of public funds and adequate provision of public utilities and other public requirements.

(Code 1975, § 2.25.020)

Sec. 2-462. Membership.

The city planning commission is composed of seven (7) members.

(Ord. No. 1792, § 1, 5-1-01; Ord. No. 2484, § 19, 1-7-14)

Sec. 2-463. Powers and duties.

- (a) The planning commission shall have the powers granted and shall perform all the duties imposed by article III of chapter 26 of this Code or other applicable ordinances of the city, as amended from time to time.
- (b) The planning commission shall review and recommend a comprehensive plan for the physical development of the city. The city council shall review the recommended comprehensive plan and consider it for approval.
- (c) The planning commission shall periodically recommend updates on the comprehensive plan, for approval by the city council.
- (d) The planning commission shall review the plans of all subdivisions for conformance with city ordinances and the comprehensive plan and shall recommend to the council to either approve, revise or reject such plans. The planning commission may from time to time advise the council as to the prescribed design criteria and the comprehensive plan.
- (e) The planning commission shall have all the powers granted and shall perform all the duties imposed by article III of chapter 26 of this Code, or other ordinances of the city, as amended from time to time.

⁹Cross reference(s)—Community Development Code, ch. 26.

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- (f) The planning commission shall recommend such changes to relevant ordinances and other regulations as it deems desirable to aid in accomplishing its assigned duties.
 - (g) The planning commission shall perform such other tasks as may be assigned by the city council.
 - (h) The commission shall have all the powers granted and shall perform all the duties imposed by C.R.S. tit. 31, art. 23, pt. 2 [§ 31-23-201 et seq.].

(Code 1975, §§ 2.28.030, 2.28.050)

Secs. 2-464—2-485. Reserved.

DIVISION 11. RESERVED¹⁰

Secs. 2-486—2-510. Reserved.

DIVISION 12. RESERVED¹¹

Secs. 2-511—2-515. Reserved.

DIVISION 13. RESERVED¹²

Secs. 2-516—2-519. Reserved.

DIVISION 14. RESERVED¹³

Secs. 2-520—2-530. Reserved.

¹⁰Editor's note(s)—Ord. No. 2265, § 1, adopted Aug. 4, 2009, repealed div. 11, §§ 2-486—2-488, which pertained to the Steamboat Springs Water Committee and derived from Ord. No. 2193, § 1, adopted July 1, 2008.

¹¹Editor's note(s)—Ord. No. 1586, § 1, adopted Dec. 16, 1997, repealed §§ 2-511, 2-512 in their entirety. Formerly, said sections pertained to the Yampa River Valley Film Board and derived from §§ 2.26.010, 2.26.020 of the 1975 Code.

¹²Editor's note(s)—Ord. No. 2484, § 20, adopted Jan. 7, 2014, deleted div. 13, § 516, entitled "Howelsen Hill Commission", which derived from Ord. No. 1281, adopted June 2, 1992; Ord. No. 1580, §§ 1 and 2, adopted Dec. 2, 1997; and Ord. No. 1785, § 1, adopted March 6, 2001.

¹³Editor's note(s)—Ord. No. 2305, § 1, adopted Feb. 2, 2010, repealed div. 14, which pertained to the tennis advisory commission and derived from Ord. No. 1922, § 1, adopted Nov. 18, 2003.

DIVISION 15. GOLF MANAGEMENT COMMITTEE¹⁴

Sec. 2-531. Purpose.

The purpose of this Division is to clarify the role of the Golf Management Committee which shall provide policy guidance and recommendations on all golf course operations, including but not limited to food and beverage operations, pro shop operations, maintenance operations and the marketing plan.

(Ord. No. 1567, § 1, 10-7-97; Ord. No. 2813, § 1, 7-6-21)

Sec. 2-532. Membership; terms of members; organization.

- (a) The golf management committee shall consist of five (5) members appointed by city council. The city manager and the finance director, or their designees shall be ex officio, nonvoting members of the committee.
- (b) One (1) of the five (5) city council appointed members shall be actively involved in the lodging community.
- (c) Each city council appointed member shall serve a term of three (3) years beginning November 1 of the appropriate year.
- (d) Appointments to fill vacancies shall be made only for the unexpired portion of the term.
- (e) The city council may remove any committee member at any time for any reason.
- (f) The committee shall meet at least monthly at such time and place to be determined by the committee.
- (g) The committee shall elect from its membership its own officers, who shall serve annual terms and may succeed themselves. The committee shall adopt such rules and procedures as it deems necessary for effective meetings.

(Ord. No. 1567, § 1, 10-7-97; Ord. No. 2813, § 1, 7-6-21)

Sec. 2-533. Compensation.

All members shall serve without compensation except for such amounts determined appropriate by the city manager to offset expenses incurred by committee members in the performance of their duties as committee members. All city council appointed committee members shall receive an individual golf course and Family Howelsen Hill ski privileges for the time period in which they serve on the committee.

(Ord. No. 1567, § 1, 10-7-97; Ord. No. 2813, § 1, 7-6-21)

¹⁴Cross reference(s)—Parks and recreation, ch. 16.

Sec. 2-534. Powers and responsibilities.

The committee shall report directly to the city manager or designee.

The golf management committee shall have the following powers and responsibilities:

- (a) Providing policy guidance to the parks and recreation director, the golf course superintendent, the food and beverage concessionaire and the golf professional at the golf course;
- (b) Making recommendations regarding the golf course to ensure the highest level of service and quality is maintained in all operations;
- (c) Making recommendations to the city manager relative to establishing policies concerning the golf course, including, but not limited to setting rates and fees and regulating access and use of the facilities;
- (d) Making recommendations to the city manager concerning the need to enter into, modify or terminate agreements affecting the operations of the golf course;
- (e) Making recommendations to the parks and recreation director concerning the annual performance of the golf course superintendent and the head golf pro.
- (f) Evaluating concessionaire agreements and performance of concessionaires relative to golf course operations and making appropriate recommendation to the city manager;
- (g) Subject to the availability of funds specifically provided therefor in the adopted operating budget for the golf course and approval by the city manager, attending training and golf course operations related seminars.
- (h) Making recommendations to the city manager as to the annual golf course budget;
- (i) Complying with all city ordinance, regulations and policies in the operation of the committee and the golf course.
- (j) Complying with all golf course policies expected of guests and being a positive representative of the course.

(Ord. No. 1567, § 1, 10-7-97; Ord. No. 2813, § 1, 7-6-21)

Sec. 2-535. Relationship to city council.

The committee may make policy recommendations to the city council regarding any proposals or opportunities to expand the city's involvement in public golf programs and/or facilities, expanding the golf course, issuing debt for capital improvements and purchasing property.

(Ord. No. 1567, § 1, 10-7-97; Ord. No. 2813, § 1, 7-6-21)

DIVISION 16. RESERVED¹⁵

¹⁵Editor's note(s)—Ord. No. 2484, § 21, adopted Jan. 7, 2014, deleted div. 16, § 2-536, entitled "Community Support Committee", which derived from: Ord. No. 2110, § 1, adopted May 22, 2007; and Ord. No. 2199, § 2, adopted Aug. 5, 2008.

Secs. 2-536—2-540. Reserved.

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
DATE: July 23, 2024
SUBJECT: [Workshop] Discussion of Summit County Housing
Authority Intergovernmental Agreement

Executive Summary:

The Summit Combined Housing Authority (SCHA) has approved the release of an intergovernmental agreement (IGA) amendment adding the Town of Keystone has been sent to the towns for approval.

Background:

The Summit Combined Housing Authority is a separate and distinct government entity that is controlled by a Board of Directors made up of a representative of the Summit County government and representatives of all the incorporated municipalities in Summit County except for Keystone. SCHA is organized through an IGA signed by all the members.

The SCHA is funded by a countywide .6% sales tax and a .125% sales and use tax. This tax brings in approximately \$16 million a year. After taking a proportional share from each jurisdiction for operating expenses, the remainder of the funds collected are distributed to the jurisdictions based upon the amount of tax collected in the jurisdiction. Keystone should receive approximately \$895,000 in distributions to be used for the development of workforce housing once the Town joins the IGA.

Since incorporation, the Town has been negotiating with the members of the SCHA Board to create an amendment to the IGA that would include the Town of Keystone as a

full member. At its June meeting, the SCHA Board asked its members to reach out to their respective elected boards and councils to get informal approval to move ahead with an amendment to the IGA. All of the elected boards and councils indicated that they would approve of the proposed change to the IGA.

At the July meeting of the SCHA, the SCHA Board distributed a draft of an amendment to the IGA. The members are all taking this draft to their elected officials and their attorneys. Staff has attached a clean version of the proposed amendment and a version that has been edited by our town attorney. In both versions, the material details remain the same.

Allocated Shares – The IGA determines, prior to the beginning of the next fiscal year, the annual operating contribution of each jurisdiction (paid in monthly installments) based upon the share of taxes raised in each jurisdiction over the period extending from September (previous fiscal year) through August of the current fiscal year. This allocation is determined annually. For FY 2025, the Town of Keystone's share of operation expenses will be \$5,000 per month. This money will be withheld from the monthly distribution of funds.

Distribution of Funds – The SCHA makes monthly distribution of taxes collected to the jurisdiction where the taxes were paid. The SCHA has been withholding these funds for the Town of Keystone since March of 2024. Once the amendment is adopted, those funds will be released to Keystone subject to the withholding of the Town's allocated share.

One-time Payment for SCHA Office Building – The SCHA just moved into a new facility in Frisco (the Summit Daily building). Each of the member jurisdictions contributed \$90,000 to the acquisition and furnishing of the office space. If the SCHA is dissolved, the current member jurisdictions determined that each of the member jurisdictions will receive an equal share in the assets. Rather than renegotiating the distribution, it was decided that the easiest solution would be to have Keystone pay an equal share.

Since the original contributions were based on jurisdiction, not on share of tax brought in, Keystone's contribution would not be in addition to moneys already paid by our residents through the county.

Since Keystone's capital contribution was not anticipated when the SCHA made the acquisition of the property, Keystone's contribution will largely remain in the SCHA's operating reserves.

Next Steps:

If the Council desires any material changes to the Amendment to the IGA, staff will communicate that to the SCHA members.

If the Council is comfortable with the material elements of the IGA and the Amendment, then the various member jurisdictions' attorneys will work out the necessary wordsmithing and staff will bring a resolution at the next meeting for adoption of the IGA.

**FIRST AMENDMENT TO THE
THIRD AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT
AMONG
SUMMIT COUNTY, COLORADO AND THE TOWNS OF BRECKENRIDGE, DILLON,
FRISCO, MONTEZUMA, SILVERTHORNE, AND KEYSTONE, COLORADO**

Providing for the establishment of the Summit Combined Housing Authority as a multijurisdictional housing authority pursuant to Section 29-1-204.5, Colorado Revised Statutes, as amended.

THIS FIRST AMENDMENT TO THE THIRD AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into this ___ day of July _____, among SUMMIT COUNTY, COLORADO (the "County"), a body corporate and politic and political subdivision of the State of Colorado (the "State"), and THE TOWNS OF BRECKENRIDGE, DILLON, FRISCO, MONTEZUMA, SILVERTHORNE, and KEYSTONE COLORADO (the "Towns"), home rule municipalities and political subdivisions of the State. The County and the Towns are referred to collectively herein as "the Members" or individually as "a Member."

WHEREAS, Section 29-1-204.5, Colorado Revised Statutes, as amended (the "Act"), authorizes any combination of home rule or statutory cities, towns, counties, and cities and counties of the State 10, by contract with each other, establish a separate governmental entity to be known as a multijurisdictional housing authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional plan in order to provide dwelling accommodations at rental prices or purchase prices within the means of families of low or moderate income and to provide affordable housing projects or programs for employees of employers located within the jurisdiction of the authority; and

WHEREAS, pursuant to title 29, article 1, part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and article XIV, section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, the County and towns have historically provided affordable housing services in the County pursuant to various authority including but not limited to the Act and Title 29, Article 4, Colorado Revised Statutes; and

WHEREAS, the County and the Town of Silverthorne previously entered into an Intergovernmental Agreement in 2002 ("Original IGA") in order to establish the Summit Combined Housing Authority ("Authority"); and

WHEREAS, the County and the Towns of Breckenridge, Dillon, Frisco and Silverthorne previously entered into a First Amended Intergovernmental Agreement ("First Amended IGA") in 2006; and

WHEREAS, the County, Towns of Breckenridge, Dillon, Frisco, Montezuma and Silverthorne previously entered into a Second Amended Intergovernmental Agreement ("Second Amended IGA") in 2007; and

WHEREAS, the County, Towns of Breckenridge, Dillon, Frisco, Montezuma and Silverthorne amended and restated the IGA by means of this Third Amended and Restated IGA ("Agreement") in 2017;

WHEREAS, the Town of Keystone was formed in February of 2024 and the County, Towns of Breckenridge, Dillon, Frisco, Montezuma, Silverthorne and Keystone wish to amend the Agreement (“Amendment”) to include Keystone in the governance and costs of the Authority.

NOW THEREFORE the Parties agree to amend the Third Amended and Restated Intergovernmental Agreement as follows:

Section 10.b is replaced in its entirety with:

10(b) Allocated Share. For calendar year 2024 each party shall pay its portion of the administrative budget of the Authority in the following amounts per month (such amounts being the “Allocated Share”):

- (i) Summit County \$12,000
- (ii) Breckenridge \$19,167
- (iii) Dillon \$9,250
- (iv) Frisco \$13,500
- (v) Keystone \$5,000
- (vi) Montezuma 0
- (vii) Silverthorne \$14,084

For the calendar year 2024 only the Town of Keystone shall pay a one-time contribution of \$90,000 as its contribution to the Authority’s office building and shall pay its Allocated Share commencing with the month of March. Summit County shall be credited for such amounts paid on behalf of Keystone between March and the effective date of this Amendment. Commencing with calendar year 2025, the Allocated Amount shall be determined based on the percentage of sales tax collection by each jurisdiction from September through August of the total sales tax collected in those months.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this Agreement has been executed by the Members effective as of the date set forth above.

SUMMIT COUNTY, COLORADO

By: _____
_____, Chair

ATTEST:

By: _____
_____, Clerk and Recorder

TOWN OF BRECKENRIDGE

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF DILLON

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF FRISCO

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF MONTEZUMA

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF SILVERTHORNE

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF KEYSTONE

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

**FIRST AMENDMENT TO THE
THIRD AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT
AMONG
SUMMIT COUNTY, COLORADO AND THE TOWNS OF BRECKENRIDGE, DILLON,
FRISCO, MONTEZUMA, SILVERTHORNE, AND KEYSTONE, COLORADO**

Providing for the establishment of the Summit Combined Housing Authority as a multijurisdictional housing authority pursuant to Section 29-1-204.5, Colorado Revised Statutes, as amended.

THIS FIRST AMENDMENT TO THE THIRD AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT (this "First Amendment") is made and entered into this ___ day of July _____, among SUMMIT COUNTY, COLORADO (the "County"), a body corporate and politic and political subdivision of the State of Colorado (the "State"), and THE TOWNS OF BRECKENRIDGE, DILLON, FRISCO, MONTEZUMA, SILVERTHORNE, and KEYSTONE, COLORADO (the "Towns"), home rule municipalities and political subdivisions of the State. The County and the Towns are referred to collectively herein as "the Members" or individually as "a Member."

WHEREAS, Section 29-1-204.5, Colorado Revised Statutes, as amended (the "Act"), authorizes any combination of home rule or statutory cities, towns, counties, and cities and counties of the State, by contract with each other, to establish a separate governmental entity to be known as a multijurisdictional housing authority. The purpose of such multijurisdictional housing authority is to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional plan in order to provide dwelling accommodations at rental prices or purchase prices within the means of families of low or moderate income. Another purpose of the multijurisdictional housing authority is to provide affordable housing projects or programs for employees of employers located within the jurisdiction of the authority; and

WHEREAS, pursuant to title 29, article 1, part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and article XIV, section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, the County and towns have historically provided affordable housing services in the County pursuant to various authority including but not limited to the Act and Title 29, Article 4, Colorado Revised Statutes; and

WHEREAS, the County and the Town of Silverthorne previously entered into an Intergovernmental Agreement in 2002 ("Original IGA") in order to establish the Summit Combined Housing Authority ("Authority"); and

WHEREAS, the County and the Towns of Breckenridge, Dillon, Frisco and Silverthorne previously entered into a First Amended Intergovernmental Agreement ("First Amended IGA") in 2006; and

WHEREAS, the County, Towns of Breckenridge, Dillon, Frisco, Montezuma and Silverthorne previously entered into a Second Amended Intergovernmental Agreement ("Second Amended IGA") in 2007; and

WHEREAS, the County, Towns of Breckenridge, Dillon, Frisco, Montezuma and Silverthorne amended and restated the IGA by means of this Third Amended and Restated IGA ("Agreement") in 2017;

WHEREAS, the Town of Keystone was incorporated in February of 2024 and the County, Towns of Breckenridge, Dillon, Frisco, Montezuma, Silverthorne and Keystone wish to amend the Agreement (“First Amendment”) to include Keystone in the governance and costs of the Authority.

NOW THEREFORE the Parties agree to amend the Third Amended and Restated Intergovernmental Agreement as follows:

Section 10.b is replaced in its entirety with:

10(b) Allocated Share. For the calendar year of 2024, each Member shall pay to the Authority its portion of the administrative budget of the Authority in the following amounts per month (such amounts being the “Allocated Share”):

- (i) Summit County \$12,000
- (ii) Breckenridge \$19,167
- (iii) Dillon \$9,250
- (iv) Frisco \$13,500
- (v) Keystone \$5,000
- (vi) Montezuma 0
- (vii) Silverthorne \$14,084

For the calendar year 2024 only the Town of Keystone shall pay a one-time contribution of \$90,000 to the Authority. This one-time contribution to the Authority is for Keystone’s contribution to the Authority’s office building. Because Keystone was incorporated in February 2024, Keystone agrees to pay its allocated share payments to the Authority starting with the March 2024 payment. The Authority will credit Summit County for such amounts paid on behalf of Keystone between March and the effective date of this Amendment.

Commencing with calendar year 2025, the Member’s Allocated Share amount shall be calculated based on the proportion of the Housing Sales/Use Tax (0.125%) and Housing Sales Tax (0.6%) revenue collected in each Member’s jurisdiction for the period of September through August [OF THE PRECEDING YEAR?] of the total Housing Sales/Use Tax (0.125%) and Housing Sales Tax (0.6%) revenue collected in those months. For example, if Summit County collects 12% of the Housing Sales/Use Tax and Housing Sales Tax for those months, then Summit County’s Allocated Share will be 12% of the Authority’s administrative budget.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment has been executed by the Members effective as of the date set forth above.

SUMMIT COUNTY, COLORADO

By: _____
_____, Chair

ATTEST:

By: _____
_____, Clerk and Recorder

TOWN OF BRECKENRIDGE

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF DILLON

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF FRISCO

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF MONTEZUMA

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF SILVERTHORNE

By: _____
_____, Chair

ATTEST:

By: _____
_____, Town Clerk

TOWN OF KEYSTONE

By: _____
_____, Mayor

ATTEST:

By: _____
_____, Town Clerk

**THIRD AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT**

Among

**SUMMIT COUNTY, COLORADO And
THE TOWNS OF BRECKENRIDGE, DILLON, FRISCO, MONTEZUMA AND
SILVERTHORNE, COLORADO**

**providing for the establishment of the "Summit Combined Housing Authority" as a
multijurisdictional housing authority pursuant to Section 29-1-204.5, Colorado Revised
Statutes, as amended**

THIS THIRD AMENDED INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into this 26th day of July 2016, among SUMMIT COUNTY, COLORADO (the "County"), a body corporate and politic and political subdivision of the State of Colorado (the "State"), and THE TOWNS OF BRECKENRIDGE, DILLON, FRISCO, MONTEZUMA AND SILVERTHORNE, COLORADO (the "Towns"), home rule municipalities and political subdivisions of the State. The County and the Towns are referred to collectively herein as "the Members" or individually as "a Member."

WHEREAS, Section 29-1-204.5, Colorado Revised Statutes, as amended (the "Act"), authorizes any combination of home rule or statutory cities, towns, counties, and cities and counties of the State to, by contract with each other, establish a separate governmental entity to be known as a multijurisdictional housing authority to effect the planning, financing, acquisition, construction, reconstruction or repair, maintenance, management, and operation of housing projects or programs pursuant to a multijurisdictional plan in order to provide dwelling accommodations at rental prices or purchase prices within the means of families of low or moderate income and to provide affordable housing projects or programs for employees of employers located within the jurisdiction of the authority; and

WHEREAS, pursuant to title 29, article 1, part 2, Colorado Revised Statutes, as amended (the "Intergovernmental Relations Statute"), and article XIV, section 18 of the State Constitution, governments may contract with one another to provide any function, service or facility lawfully authorized to each of the contracting units and any such contract may provide for the joint exercise of the function, service or facility, including the establishment of a separate legal entity to do so; and

WHEREAS, the County and towns have historically provided affordable housing services in the County pursuant to various authority including but not limited to the Act and Title 29, Article 4, Colorado Revised Statutes; and

WHEREAS, the County and the Town of Silverthorne previously entered into an Intergovernmental Agreement in 2002 ("Original IGA") in order to establish the Summit Combined Housing Authority ("Authority"); and

WHEREAS, the Towns of Breckenridge, Dillon and Frisco previously entered into a First Amended Intergovernmental Agreement ("First Amended IGA") in 2006 in order to participate in the governance of the Authority; and

WHEREAS, the Town of Montezuma participated in the governance of the Authority pursuant to and in accordance with the Act and a second amendment ("Second Amended IGA"); and

WHEREAS, the parties desire to further amend the Second Amended IGA by means of this Third Amended and Restated IGA ("Agreement").

NOW, THEREFORE, be it covenanted and agreed as follows:

Section 1. Authority and Members. The County and the Towns are hereby established as the Members of the Authority. The Authority shall continue to be a separate

governmental entity and a political subdivision and public corporation of the State pursuant to the Act, the Intergovernmental Relations Statute and the terms of this Agreement.

Section 2. Name. The name of the Authority shall be the "Summit Combined Housing Authority."

Section 3. Purpose. The purpose and function of the Authority shall be to: plan, finance, acquire, construct, reconstruct or repair, maintain, manage, and operate housing projects and programs pursuant to a multijurisdictional plan within the means of families of low or moderate income and to plan, finance, acquire, construct, reconstruct or repair, maintain, manage, and operate affordable housing projects or programs for employees of employers located within the jurisdiction of the Authority, as will be further set forth in the multijurisdictional plan to be adopted by the Authority pursuant to all authority provided by law including, but not limited to, the Act, Titles 29, 30 and 31, Colorado Revised Statutes, and Section 8 hereof.

Section 4. Boundaries. The boundaries of the Authority shall be coterminous with the boundaries of the County.

Section 5. Powers and Duties. The Authority shall have all power, privileges and duties vested in or imposed on it by the Act, by the Intergovernmental Relations Statute, this Agreement and by any other applicable law, subject to the provisions of the Act, the Intergovernmental Relations Statute and any other applicable law.

Section 6. Board of Directors.

(a) Powers and Duties. The Authority shall be governed by a Board of Directors (the "Board") as described in this Section. The Board shall exercise and perform all powers, privileges and duties vested in or imposed on the Authority, including, without limitation, any duties imposed on the Authority by Title 29, Article 1, Parts 1, 5 and 6; and Title 29, Article 4, Colorado Revised Statutes, as amended. Subject to the provisions of the Act and this Agreement, the Board may delegate any of its powers to any director, officer, employee or agent of the Authority.

(b) Directors. The Board shall be composed of one director for each Member. The governing body of each Member shall select and appoint the director for such Member. Each Member may also appoint an Alternate Director as its proxy to attend and represent it at a Board of Directors meeting whenever a Member's regular Director is unable to attend the Board meeting and such Alternate Director may vote in accordance with this Agreement on any matter which may come before the Board.

(c) Terms of Office. The term of office of each director shall commence with his or her appointment and shall continue until the date on which a successor is duly appointed.

(d) Resignation, Removal and Vacancies. Any director may resign at any time, effective upon receipt by the Secretary (described in Section 7, hereof) or the Chair (described in Section 7 hereof) of written notice signed by the person who is resigning; and may be removed at any time by the governing body of the Member that appointed him or her, in its sole and exclusive discretion, effective upon receipt by the Secretary or

the Chair of written notice signed by a duly authorized representative the governing body of the appointing Member. Vacancies in the office of any director shall be filled in the same manner in which the vacant office was originally filled pursuant to subsection (b) of this Section.

(e) Compensation. Directors shall serve without compensation, but may be reimbursed for expenses incurred in serving in such capacities upon such terms and pursuant to such procedures as may be established by the Board.

(f) Resolutions and Voting. All actions of the Board shall be by resolution, which may be written or oral. Resolutions of the Board shall be adopted upon the affirmative vote of at least a majority of a quorum of the directors eligible to vote thereon. A quorum shall consist of a majority of the directors then in office.

(g) Bylaws and Rules. The Board, acting by resolution adopted as provided in subsection (f) of this Section, may adopt bylaws or rules governing the activities of the Authority and the Board, including, but not limited to, bylaws or rules governing the conduct of Board meetings, voting procedures, and the type of resolutions that must be in writing. The bylaws shall be consistent with the Act and this Agreement.

Section 7. Officers.

(a) Generally. The Board shall annually select and appoint a Chair, a Vice Chair, a Secretary, a Treasurer and an Executive Director. The Board also may appoint one or more subordinate officers and agents, each of whom shall hold his or her office or agency for such term and shall have such authority, powers and duties as shall be determined from time to time by the Board. The Chair and the Vice Chair shall be directors. Other officers may, but need not, be directors. Any two or more of such offices may be held by the same person, except that the offices of Chair and Secretary may not be held by the same person and the person serving as Executive Director may not hold any other of such offices. All officers of the Authority shall be persons of the age of 18 years or older and shall meet the other qualifications, if any, stated for his or her office elsewhere in this Section.

(b) Chair. The Chair shall have the power to call meetings of the Board; the power to execute, deliver, acknowledge, file and record on behalf of the Authority such documents as may be required by this Agreement, the Act or other applicable law; and such other powers as may be prescribed from time to time by the Board. The Chair may execute and deliver contracts, deeds and other instruments and agreements on behalf of the Authority as are necessary or appropriate in the ordinary course of its activities or as are duly authorized or approved by the Board. The Chair shall have such additional authority, powers and duties as are appropriate and customary for the office of the Chair of the Board of Directors of entities such as the Authority, and as the Board may otherwise prescribe.

(c) Vice Chair. The Vice Chair shall be the officer next in seniority after the Chair and, upon the death, absence or disability of the Chair, shall have the authority, powers and duties of the Chair. The Vice Chair shall have such additional authority, powers and duties as are prescribed by the Board.

(d) Secretary. The Secretary shall give, or cause to be given, notice of all meetings (including special meetings) of the Board, keep written minutes of such meetings, have charge of the Authority's seal, be responsible for the maintenance of all records and files and the preparation and filing of reports to governmental agencies (other than tax returns), have authority to impress or affix the Authority's seal to any instrument requiring it (and, when so impressed or affixed, it may be attested by his or her signature), and have such other authority, powers and duties as are appropriate and customary for the office of Secretary of entities such as the Authority, and as the Board may otherwise prescribe. If a Treasurer has not been appointed, the Secretary shall also serve as Treasurer and may use the title of Treasurer in performing the functions of Treasurer.

(e) Treasurer. The Treasurer shall, subject to rules and procedures established by the Board, be responsible for the custody of the funds and all stocks, bonds and other securities owned by the Authority and shall be responsible for the preparation and filing of all tax returns, if any, required to be filed by the Authority. The Treasurer shall receive all moneys paid to the Authority and, subject to any limits imposed by the Board or the Chair, shall have authority to give receipts and vouchers, to sign and endorse checks and warrants in the Authority's name and on the Authority's behalf, and to give full discharge for the same. The Treasurer shall also have charge of disbursement of the funds of the Authority, shall keep full and accurate records of the receipts and disbursements, and shall deposit all moneys and other valuables in such depositories as shall be designated by the Board. The Treasurer shall deposit and invest all funds of the Authority in accordance with this Agreement and laws of the State applying to the deposit and investment of funds of multijurisdictional housing authorities formed under the Act. The Treasurer shall have such additional authority, powers and duties as are appropriate and customary for the office of Treasurer of entities such as the Authority, and as the Board may otherwise prescribe. If a Treasurer has not been appointed, the Secretary shall also serve as Treasurer and may use the title of Treasurer in performing the functions of Treasurer.

(f) Executive Director. The Executive Director shall be the chief executive officer of the Authority, shall supervise the activities of the Authority, shall see that all policies, directions and orders of the Board are carried out and shall, under the supervision of the Board, have such other authority, powers or duties as may be prescribed by the Board.

(g) Resignation and Removal. Any officer may resign at any time effective upon receipt by the Secretary or the Chair of written notice signed by the person who is resigning, and may be removed at any time by the Board.

(h) Changes to Authority, Powers and Duties. Notwithstanding any other provision of this Article, the Board at any time may expand, limit or modify the authority, powers and duties of any officer.

(i) Vacancies. Vacancies in the office of any officer shall be filled in the same manner in which such office was originally filled.

(j) Compensation. The Authority may compensate officers who are not directors for services performed, and may reimburse them for expenses incurred in serving in such

capacities upon such terms and pursuant to such procedures as may be established by the Board.

Section 8. Multijurisdictional Plan.

Pursuant to the Act, the Authority, by resolution of the Board, has adopted a multijurisdictional plan (the "Plan") for the accomplishment of its purpose (as described in Section 3 hereof). The Plan may be amended from time to time and include provision for the succession of the Authority to the rights, privileges, assets, liabilities, obligations and operations of the existing housing authority of the County. Subsequent to the adoption of this Agreement, the Members shall endeavor to amend the Plan to also provide a standard affordable housing restrictive covenant/deed restriction for use in conjunction with the development of future affordable housing projects. The restrictive covenant/deed restriction shall endeavor to ensure that the affordable housing revenues provided hereunder will be used by the Members to provide dwelling accommodations at rental prices or purchase prices within the means of families of low or moderate income and to provide affordable housing projects or programs for employees of employers located within the jurisdiction of the Authority.

Section 9. Sources of Revenue.

(a) Expected Sources of Revenue. Subject to the requirements of Article X, Section 20 of the State Constitution, the voting requirements and other provisions of the Act and the requirements hereof, the Members hereby declare the present expectation of the Authority to derive revenues from (i) a sales tax and use tax of 0.125% (hereinafter may be referred to as the "Housing Sales/Use Tax"), (ii) a development impact fee of \$2.00 or less per square foot of new residential, commercial and industrial construction (hereinafter referred to as the "Housing Impact Fee") imposed throughout the boundaries of the Authority pursuant to and in accordance with subsection (3)(f.1) of the Act, and (iii) a sales tax of up to 0.6 % (hereinafter may be referred to as the "Housing Sales Tax"); provided, that such declaration of expectation shall not be construed to obligate the Authority in any way.

(b) Consent for Additional Fees, Taxes. No additional tax or fee shall be imposed by the Authority in excess of the tax or fee described in subsection (a) of this Section without the express written consent of the Members' governing bodies.

(c) Fair Distribution of Revenues. Prior to and as a condition of levying any tax or fee described in subsection (a) of this Section, the Board shall adopt a resolution determining that the levying of such tax or fee will fairly distribute the costs of the Authority's activities among the persons and businesses benefited thereby and will not impose an undue burden on any particular group of persons or businesses.

(d) Coordination of Sales and Use Tax Collection with Department of Revenue. The Authority designates the County Finance Officer as the financial officer who shall coordinate with the State Department of Revenue regarding the collection of any sales and/or use taxes described in this Section. Such coordination shall include but not be limited to the financial officer identifying those businesses eligible to collect the sales and/or taxes and any other administrative details identified by the Department of Revenue.

Section 10. Revenue Distribution, Allocated Share of Administrative Expenses.

(a) **Administrative Expenses.** The annual administrative budget of the Authority, as such expenditures are described in the approved annual budget for the Authority, shall be funded from the Housing Sales/Use Tax levied by the Authority. Each month, the Authority shall retain from each Member's distribution of the Housing Sales/Use Tax revenues an amount equal to 1/12 of such Member's Allocated Share of the administrative expenses of the Authority (as defined in subsection (b), below) have been fully collected by the Authority. Notwithstanding Section 6(f) above, approval of the annual administrative budget of the Authority and any amendments thereto shall require the affirmative votes of the following number of directors:

<u>Number of Members of the Authority</u>	<u>Votes Required to Approve Budget</u>
2	2
3	2
4	3
5	4
6	4
7	5

(b) **Allocated Share.** The 2007 annual administrative budget for the Authority was \$151,536. Such expenditures were allocated among the Members as follows (such amounts being the "Allocated Share"):

- i. Summit County - \$35,367
- ii. Breckenridge - \$39,713
- iii. Dillon - \$19,364
- iv. Frisco - \$27,822
- v. Montezuma - \$0
- vi. Silverthorne - \$29,270

Total = \$151,536

Beginning in 2017, each Member's Allocated Share shall be determined based on the same allocation unless another formula is agreed upon by the Members and approved by the Board.

(c) The Authority shall maintain accurate records of the services it provides to the Members during each calendar year and shall report to the Board as directed regarding the quantity of such services provided to each Member. The Members intend to develop and agree upon a new Allocated Share schedule based on the amount of Authority services provided to each Member, which schedule shall supersede the Allocated Share percentages listed above upon approval by the Board.

(d) Notwithstanding subparagraphs (a) and (b) above, any tax revenues collected from an incorporated area of Summit County that is not within the jurisdiction of a Member shall be retained by the Authority. Furthermore, if for any reason any of the

above-listed Members are not a party to this Agreement, the remaining Members shall amend this Agreement for the purpose of adjusting the Allocated Share percentages as shall be mutually agreed to.

(e) Tax Distribution to Members. Each month the Authority shall distribute to each Member all tax revenues collected from within the jurisdiction of a Member, less the amount to be retained to pay the Authority's administrative expenses as provided in Section 10(a).

(f) Impact Fee Distribution to Members. Any Housing Impact Fee imposed by the Authority shall be administered and collected by each Member for all new residential, commercial and industrial construction within the jurisdiction of such Member. The Housing Impact Fee shall not be imposed by the Authority within an incorporated area of Summit County that is not within the jurisdiction of a Member. All Housing Impact Fee revenues collected by a Member shall be retained by such Member. A Member may develop and implement a system to (i) provide a credit or offset against a Housing Impact Fee in favor of a developer who provides affordable housing for its project pursuant to the Member's land use development laws, and (ii) provide a voluntary endowment restrictive covenant system or other mechanism authorizing a property owner to defer collection of the Housing Impact Fee.

(g) County Jurisdiction. For purposes of this Section 10 only, the jurisdiction of the County shall be deemed to be the unincorporated area of Summit County.

Section 11. Amendment of Agreement; Additional Members.

(a) Generally. Except as otherwise provided in this Section, this Agreement may be modified or amended only by the express approval of the governing bodies of all Members.

(b) Amendment to Provide for Additional Members. This Agreement may be amended to add one or more additional Members upon: (i) resolution of the Board providing for such amendment adopted as provided herein and (ii) approval of such amendment by the governing body of the prospective additional Member and each then existing Member.

Section 12. Term of Agreement and Distribution of Assets Upon Termination of Agreement.

(a) Effective Date. The term of this Agreement shall begin when the County and all other Members have executed this Agreement. Upon such execution, this Agreement shall supersede the Original IGA, the First Amended IGA, and the Second Amended IGA and the Authority shall continue in accordance with the terms of this Agreement.

(b) Termination. The term of this Agreement shall end when less than two Members are willing to remain as parties to this Agreement; provided, however, that this Agreement may not be terminated so long as the Authority has any bonds, notes or other obligations outstanding, unless provision for full payment of such obligations, by escrow or otherwise, has been made pursuant to the terms of such obligations.

(c) Distribution of Assets Upon Termination. Upon termination of this Agreement pursuant to subsection (b) of this Section, after payment of all bonds, notes and other obligations of the Authority, the net assets of the Authority shall be distributed to the parties who are Members at such time in such proportion as shall be agreed to by such Members at such time.

Section 13. Execution and Performance of Agreement in Accordance with Law. Each Member hereby represents to each other Member that it has adopted and executed this Agreement in accordance with applicable law. Each Member and the Authority shall perform their respective obligations and expend any revenues derived hereunder for housing projects or programs in accordance with all applicable laws, rules and regulations, including but not limited to (a) the Act, (b) the terms of any approved ballot measures referred by the Authority, (c) authorized resolutions of the Authority regarding any sales Tax, use Tax or impact fee, (d) the multijurisdictional housing plan adopted by the Authority, and (e) the provisions of title 29, article 1, part 8, Colorado Revised Statutes.

Section 14. Indemnification. All actions or omissions by any Member or the Authority (hereinafter referred to as a Party or collectively the Parties), including their respective representatives, employees, agents, volunteers or officials, shall be the sole responsibility of the respective Party. Accordingly, each Party shall fully indemnify, to the extent permissible under Colorado law, all other Parties for any damages, claims, costs, expenses, cause of action or liability of any manner, including without limit reasonable attorneys fees, arising out of or relating to the acts or omissions of such Party. The Parties hereto understand and agree that liability for claims for injuries to persons or property arising out of the actions or omissions of any Party is controlled and limited by the provisions of the Colorado Governmental Immunity Act (Immunity Act) title 24, article 10, Colorado Revised Statutes, as now or hereafter amended and that the Parties do not intend to waive by any provision of this Agreement the liability limitations or any other right, immunity or protection afforded by the Immunity Act or as may otherwise be afforded by law.

Section 15. Parties in Interest. Nothing expressed or implied herein is intended or shall be construed to confer upon any person other than the Members any right, remedy or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the Members.

Section 16. No Personal Liability. No covenant or agreement contained in this Agreement or any resolution or bylaw adopted by the Board shall be deemed to be the covenant or agreement of an elected or appointed official, officer, agent, servant or employee of any Member in his or her individual capacity.

Section 17. Notices. Except as otherwise provided in this Agreement, all notices or other communications by the Authority, any Member, any Director or any Officer shall be in writing or in person; shall be given in a reasonable time and shall be deemed given when actually received. Notice to the Members, any Director, the Authority or any Officers shall be given to the address listed on Exhibit A, attached and incorporated herein, or at the last address designated by the Authority for such purpose and, in the case of such other persons, at the last address specified by them in writing to the Secretary of the Authority. Notice may also be delivered in electronic form by facsimile or electronic mail

to the addresses listed on Exhibit A.

Section 18. Assignment. None of the rights or benefits of any Member may be assigned, nor may any of the duties or obligations of any Member be delegated, without the express written consent of all the Members.

Section 19. Severability. If any clause, provision, subsection, or Section of this Agreement shall be held to be invalid, illegal or unenforceable for any reason, the invalidity, illegality or enforceability of such clause, provision, subsection, or Section shall not affect any of the remaining provisions of this Agreement.

Section 20. Interpretation. Subject only to the express limitations set forth herein, this Agreement shall be liberally construed (a) to permit the Authority and the Members to exercise all powers that may be exercised by a multijurisdictional housing authority pursuant to the Act and by a separate legal entity created by a contract among the Members pursuant to the Intergovernmental Relations Statute; (b) to permit the Members to exercise all powers that may be exercised by them with respect to the subject matter of this Agreement pursuant to the Act, the Intergovernmental Relations Statute and other applicable law; and (c) to permit the Board to exercise all powers that may be exercised by the board of directors of a multijurisdictional housing authority pursuant to the Act and by the governing body of a separate legal entity created by a contract among the Members pursuant to the Intergovernmental Relations Statute. In the event of any conflict between the Act, the Intergovernmental Relations Statute or any other law with respect to the exercise of any such power, the provision that permits the broadest exercise of the power consistent with the limitations set forth in this Agreement shall control.

Section 21. Administrative Contract with Summit County Housing Authority or Summit County Government/Member. The Authority may enter into an agreement with the existing Summit County Housing Authority, Summit County Government, or other Member to allow the Summit County Housing Authority, Summit County Government, or other Member to perform, supervise or provide any of the duties, functions, facilities or services of the Authority. Such agreement may provide for (i) the Authority employees to be subject to all Summit County (or other Member) personnel policies and procedures and eligible for all Summit County (or other Member) benefits available to like employees, and (ii) the Authority's financial, operational and budgetary processes to be subject to all Summit County (or other Member) financial and budgetary processes.

Section 22. Governing Law. The laws of the State shall govern the construction and enforcement of this Agreement.

Section 23. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same Agreement.

IN WITNESS WHEREOF, this Agreement has been executed by the Members effective as of the date set forth above.

SUMMIT COUNTY, COLORADO



Thomas C. Davidson
Thomas C. Davidson, Chair

ATTEST:

By: Kathleen Neel
Kathleen Neel, Clerk and Recorder

TOWN OF BRECKENRIDGE

By: _____
Eric Mamula, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF DILLON

By: _____
Kevin Burns, Mayor

ATTEST:

By: _____
Town Clerk

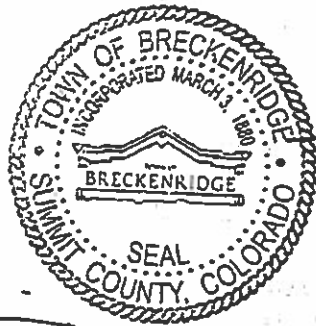
IN WITNESS WHEREOF, this Agreement has been executed by the Members effective as of the date set forth above.

SUMMIT COUNTY, COLORADO

By: _____
Thomas C. Davidson, Chair

ATTEST:

By: _____
Kathleen Neel, Clerk and Recorder



TOWN OF BRECKENRIDGE

By: _____
Eric Mannula, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF DILLON

By: _____
Kevin Burns, Mayor

ATTEST:

By: _____
Town Clerk

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SUMMIT COUNTY, COLORADO

By: _____
Thomas C. Davidson, Chair

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Kathleen Neel, Clerk and Recorder

TOWN OF BRECKENRIDGE

By: _____
Eric Mamula, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF DILLON

By: _____
Kevin Burns, Mayor

ATTEST:

By: _____
Town Clerk



TOWN OF FRISCO

By: ~~_____~~
~~Gary Wilkinson, Mayor~~

Hunter Mortensen Mayor Pro-Tem

ATTEST:

By: *Deirdre White*
Town Clerk

TOWN OF MONTEZUMA

By: _____
Leslie Davis, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF SILVERTHORNE

By: _____
Bruce Butler, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF FRISCO

By: _____
Gary Wilkinson, Mayor


ATTEST:

By: _____
Town Clerk

TOWN OF MONTEZUMA

By:  _____
Leslie Davis, Mayor

ATTEST:

By:  _____
Town Clerk
Sha Miklas

TOWN OF SILVERTHORNE

By: _____
Bruce Butler, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF FRISCO

By: _____
Gary Wilkinson, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF MONTEZUMA

By: _____
Leslie Davis, Mayor

ATTEST:

By: _____
Town Clerk

TOWN OF SILVERTHORNE

By: Bruce Butler
Bruce Butler, Mayor

ATTEST:

By: Michelle Miller
Town Clerk



APPENDIX A

THIRD AMENDED INTERGOVERNMENTAL AGREEMENT

HOUSING IMPACT FEE SCHEDULE

Commercial and Industrial Construction: \$2.00 per square foot

Residential Construction:

Single Family Homes

- 1499 square feet or less - \$.0
- 1500 to 2499 square feet - \$.50 per square foot
- 2500 to 3499 square feet - \$1.00 per square foot
- 3500 to 4999 square feet - \$1.50 per square foot
- 5000+ square feet - \$2.00 per square foot

Residential Other

- 999 square feet or less - \$.0
- 1000 to 1499 square feet - \$.50 per square foot
- 1500 to 2499 square feet - \$1.00 per square foot
- 2500+ square feet - \$2.00 per square foot