COUNCIL COMMUNICATION

Meeting Date: January 10, 2017
Agenda Item: Action Item
Agenda Location: Work Plan #
Legal Review: ___ 1st Reading
___ 2nd Reading

Subject: A resolution approving the City of Thornton 2017 State Legislative Agenda.

Recommended by: Robb Kolstad
Approved by: Jack Ethredge
Ordinance previously introduced by:
Presenter(s): Kevin Forgett, Management Analyst

SYNOPSIS:

The 2017 Legislative Agenda identifies the legislative issues of interest to the City within broad public policy areas. The Agenda sets forth the City Council’s policy position in these areas in order to provide guidance in reviewing and analyzing bills that have an impact on the City’s interests. The 2017 Session starts on January 11, 2017.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the 2017 Legislative Agenda as it provides general direction to the City’s Lobbyist, City staff and legislators representing the City of Thornton during the 2017 legislative session.

BUDGET/STAFF IMPLICATIONS:

The budget includes funds in the General and Water Funds ($18,000 for the general session; $12,000 for the interim session) to contract with the City Lobbyist.

ALTERNATIVES

1. Approve the 2017 Legislative Agenda.
2. Do not approve the 2017 Legislative Agenda and rely on the Colorado Municipal League to represent the City’s legislative interests as it relates to municipal issues and to rely on the Water Congress to represent the City’s legislative interests as it relates to water-related issues (water rights, water quality, etc.).

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

Council reviewed the 2017 draft State Legislative Agenda at the January 3, 2017 Planning Session. The City has prepared and adopted a legislative agenda since 1988. Ruben Valdez has been the City lobbyist since 1988 when the City acquired water rights and developed the Northern Project in Weld and Larimer counties.
A RESOLUTION APPROVING THE CITY OF THORNTON 2017 STATE LEGISLATIVE AGENDA.

WHEREAS, during the 2017 Colorado Legislative Session, the City Council desires to provide input to the Senators and Representatives who represent Thornton constituents pertaining to the development of laws that will have a significant effect on the City’s ability to provide a wide variety of services to its constituents as authorized through its Charter; and

WHEREAS, the 2017 Legislative Agenda is the document that sets forth the City Council’s policy position on broad public policy areas of concern to the City and as proposed legislation in these policy areas are brought forward, such proposals will be reviewed in concert with the positions identified in the 2017 Legislative Agenda; and

WHEREAS, during the 2017 Legislative Session, proposed legislation in other areas of concern to the City will be monitored and brought forward for further consideration and/or action by City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

That the City of Thornton 2017 Legislative Agenda as set forth in Exhibit A attached hereto and incorporated herein is hereby approved.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on __________________________, 2017.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Nancy A. Vincent, City Clerk
Transportation

The continued economic success of the State of Colorado in general, and the Denver metro-area in particular, can, in part, be attributed to its transportation network. However, the budgetary challenges over the past several years have impacted the State’s ability to make much needed significant transportation investments to maintain and improve this network. The State Legislature must take steps to make significant investments in the transportation infrastructure as the economy continues to recover in order to further economic success. A comprehensive system of roads and bridges, FasTracks commuter and light rail, buses, on demand call-and-ride programs, and trails provide the critical connections that allow residents to access employment, health, recreation, and other elements that enrich the quality of life in the region.

Policy Guidelines

Oppose any legislative attempt to repeal FASTER.

Support state maintenance of state roads and highways; don’t shift the burden of maintaining the roads to local governments without an appropriate level of compensation; when the state replaces bridges, don’t shift the burden to construct additional capacity in compliance with the MPO’s (DRCOG) Regional Transportation Plan or federal and state requirements to local governments.

Encourage the Executive Branch, Transportation Commission, CDOT, and RTD to join with local governments to lobby Congress to support federal appropriations for the FAST transportation bill that funds the transportation program; encourage the Executive Branch, Transportation Commission, and CDOT to leverage loans and grants to improve transportation corridors such as I-25 North of US 36 and North Metro Rail.

Support any federal highway spending packages to provide for transit and transportation projects in the North Metro corridor.

Support an appropriate Statewide transportation funding and financing plan that not only funds repair and maintenance needs, but also commits to network and multi-modal mobility improvements and expansions, including actions that address congestion relief, safety improvements, and implementing next generation technologies and methods such as ROAD X, autonomous vehicles, and bus rapid transit in the Denver metropolitan area and specifically the North Metro Area.
Support the concept that all residents and businesses currently shouldering taxation for FasTracks commuter and light rail receive the full, promised benefit of the completion of the entire system.

Support the concept that all residents and businesses currently shouldering taxation for the Regional Transportation District (RTD) receive bus transit service such as express bus, bus rapid transit, local bus, call-n-ride, and access-a-ride.

**Water Supply**

Thornton has been responsible and proactive in developing its water supply over many decades, including the investment of over $100 million in the Cache la Poudre Basin. The City has carefully followed and met all the State-mandated requirements to date to transfer water rights and protect the rights of existing water rights holders. The City faces significant costs to use the water it has acquired. The City opposes additional requirements that would limit its ability to develop and use the water it already owns, or make development of the water rights more expensive. To do so would penalize the customers we serve and would be grossly unfair. The region faces significant water supply challenges now and in the future, and water suppliers need more tools, not more hurdles, to help meet those challenges.

**Policy Guidelines:** Oppose changing the established rules or adding new restrictions pertaining to the development and transfer of water supplies, including the transfer of water between basins.

Support providing tools that allow water providers, including agricultural interests, to share water supplies.

**Legislative Positions:** Colorado State Water Plan Implementation:

Support the implementation of Colorado’s Water Plan while ensuring that water providers are not restricted in their ability to use their existing water supplies, particularly as it relates to transferring agricultural water rights to municipal use.

Oppose proposals that substantially add to the requirements for inter-basin transfers in order to reduce or limit the ability of water providers to transfer water from one basin to another.
CITY OF THORNTON
2017 STATE LEGISLATIVE AGENDA

**Water Quality**

The City’s water services provide drinking water for more than 130,000 people from the South Platte River and Clear Creek drainages. In order to continue to provide safe, high quality water to our customers, we need to protect the quality of our water supplies.

**Policy Guidelines:** Support measures that ensure water quality by requiring those who discharge into rivers and streams have the burden of keeping them clean.

Support measures that provide flexibility in the regulatory framework to allow for more cost effective water quality improvements using collaborative local approaches.

**Urban Renewal**

The City currently oversees three urban renewal project areas, two of which were created in 2012. The North Washington Street Corridor Urban Renewal Area was created in 2003 to aid in the redevelopment of properties located south of State Highway 7 along North Washington Street. The East 144th Avenue Urban Renewal Area was created in 2012 to aid in the redevelopment of properties located south of 144th Avenue near Washington Street which faced significant infrastructure costs. The South Thornton Urban Renewal Area was also created in 2012 to continue the redevelopment efforts that gave rise to the City’s first Urban Renewal Area – the Original Thornton Urban Renewal Area – which sunsetted in 2008. All of the tools provided in the Urban Renewal “tool box”, which includes property acquisition and assembly, assistance in financing infrastructure and utility improvements needed to adequately serve the property, preparing property for redevelopment, and providing relocation assistance within areas that meet specific criteria, are critical to the ultimate success of these three URAs. The responsible use of these tools is essential for Thornton to maximize quality development and redevelopment of properties throughout the City.

**Policy Guidelines:** Support efforts that create successful partnerships that utilize tax increment financing for the overall benefit of the community. As an example, the City entered into Intergovernmental Agreements with both Adams County and Adams 12 Five Star Schools establishing this partnership.

Oppose any legislation that reduces our ability to successfully develop or redevelop Thornton such as new restrictions on the use of tax increment financing.
Support cleanup legislation of HB 15-1348 to protect existing urban renewal projects.

**Home Rule -- Local Control -- Governmental Immunity**

The citizens of the City of Thornton adopted the Home Rule Charter in 1967 which establishes the power of local self-government to the city pursuant to the Constitution of the State of Colorado. As such, Thornton has the responsibility and authority to adopt rules and regulations that govern the operation of this community in the interest of its citizens.

**Policy Guidelines:** Oppose efforts to diminish municipal Home Rule powers.

- Oppose unfunded mandates to the local level.
- Actively track any proposed legislation related to oil and gas to measure the impact on the City’s Home Rule authority.

**Other 2017 Legislative Positions**

**Colorado Open Records Act (CORA)**

Support legislation that:

- Clarifies how to handle the production of digital information and provides a framework on how requestors and custodians can classify digital records; and
- Recognizes that electronic data in its original form can be manipulated and the integrity of the original documents need to be maintained; and
- Clarifies any ambiguities on how versioning/metadata is treated and if this data is considered working product or is subject to open records law; and
- Provides adequate recovery of costs to the entity to produce the information; and
- Addresses how to deal with confidential information that is mixed in with other governmental data.

**Costs for health care for individuals in custody**

Support legislation that amends statutory language regarding medical treatment of individuals while in custody to clarify that a municipality should not be responsible to pay for preexisting or self-inflicted injuries of individuals in municipal police custody. Note: Currently, state statute is clear that an individual is responsible to pay for these injuries if they are held in county jails, but that same language does not exist for municipal police departments.
Post-Traumatic Stress Disorder (PTSD) Workers Compensation Coverage
Support legislation that creates a clear path to workers compensation coverage for public safety officers experiencing PTSD.

Support the efforts being put forward by The Fraternal Order of Police (FOP) and Pinnacol in developing language to include this type of coverage.

Support a state-funded employee assistance program (EAP) for peace officers not covered by an employer-sponsored EAP.

Marijuana
Support legislation that clearly articulates the definition of “public” and “private” as it relates to marijuana consumption to assist law enforcement in determining where consumption is legal/illegal.

Construction Defects
Support legislation that addresses construction defects litigation at the state-wide level primarily for “common interest communities” in a fair and equitable manner in order to encourage more affordable housing options.

Support legislation that continues the protections for non-common interest communities property owners to address poor craftsmanship to ensure property owners have a recourse for substandard work.

Juvenile Justice
Monitor legislation related to juvenile justice to measure the impact on Thornton youth.