TOWN OF GRAND LAKE
BOARD OF TRUSTEES - WORKSHOP/SPECIAL MEETING
MONDAY, OCTOBER 8, 2018  5:00 - 7:00 P.M. - TOWN HALL

Statement of Purpose: Workshops are held in the afternoon prior to each regular Board of Trustees meeting. Workshops are conducted:
1. To insure that the Board members have adequate information and background to make informed decisions on various agenda items.
2. To provide the Trustees with a forum to frame emerging issues and to discuss potential alternatives to address these issues.
3. To learn about important events affecting the Town and to provide a chance for citizens to bring "for your information" items to the Trustees.
4. To make efficient and effective use of citizens' time at Board meetings but allow citizens time to make their comments known in a recorded evening meeting.

AGENDA

CALL TO ORDER

ROLL CALL

CONFLICTS OF INTEREST

DELEGATIONS-
1.) Lindsey Dalton- Mobile Thrift Store (Page A1)
2.) John & Kathy Bevins- Rocky Mountain Amphicar Adventures, LLC.
3.) Lane Wyatt- NWCCOG Update
4.) Diane Butler- Space to Create Update
5.) Ken Fucik- Use of Pitkin Annex for Non-Profit Organizations
6.) Tom Weydert, Grand Lake Citizen- Town Fees

DISCUSSION
1.) Town Manager Update (Page A2)
2.) Code Admin Update- Constitution Week Wrap Up (Page A8)
3.) Town Clerk- Business Licenses (Page A9)
4.) Quarterly Town Planner Update (Page A21)
5.) Meeting Updates

BOARD ACTION ITEMS FOR EVENING MEETING

OLD BUSINESS-
# 1.) Consideration to adopt Ordinance No. XX-2018, an Ordinance amending Chapter 12, Article 1 [Planning and Zoning Commission] Section 12-1-2 and 12-1-4 of the Grand Lake Town Code regarding Membership, Organization, Rules, and Terms of the Town's Planning and Zoning Commission. (Page E16)
# 2.) Consideration to adopt Resolution No. XX-2018, a Resolution for the Adoption of Revised Local Liquor License Fees. (Page E19)

NEW BUSINESS
# 1.) Consideration to adopt Resolution No. XX-2018, a Resolution Superseding and Replacing Resolution No. 13-2017, a Resolution Enacting Rules and Regulations for the Operation of the Grand Lake Area Cemetery. (Page E28)

LOCAL LIQUOR LICENSING AUTHORITy- QUASI JUDICIAL-  NONE

FOR YOUR INFORMATION
* 1.) Rocky Mountain National Park (Page A24)
* 2.) Keith Kratz, Grand Lake Citizen- Thank You Letter (Page A25)
* 3.) Rocky Mountain National Park August Public Use Report (Page A26)
* 4.) Nick Rhone Spaghetti Dinner (Page A28)
* 5.) Request from NWCCOG (Page A29)
* 6.) F.I.R.E. (Page A31)
* 7.) Water Quality Control Division (Page A34)

*items attached to workshop agenda  #items attached to evening agenda
To: Grand Lake Board of Trustees
From: Erin O’Rourke – Code Administrator
Date: October 8, 2018
Re: Mobile Vendors

In recent weeks, the Town has received a number of inquiries from mobile vendors regarding operating their businesses in the Town of Grand Lake. The inquiries have come from both local and front range business owners.

The Town Code does not prohibit mobile vendors. The Special Use Permits (SUP) section of the Code (12-2-31) grants businesses the right to operate within Town limits for 6 months or less. The process includes submitting a complete application, review by the Planning Commission, Public Hearing, and if appropriate, final review by the Board of Trustees. Previous GL boards have both approved and denied mobile vendor’s SUP in the past – the most recent approval was in 2010.

Staff has confirmed that the Towns of Winter Park, Fraser and Granby all allow mobile vendors within their town limits. In Staff’s opinion, Granby has the best permitting process which includes a permit fee structure of $25 per day up to $500 for an annual license.

Considering the number of inquires and the fact that the Board recently approved the Kansas City BBQ Society event, which included food trucks, Staff recommends that the Board revisit the Town’s procedure for reviewing requests from mobile business.

Two business owners are on the October 8th workshop agenda to introduce their businesses to the Board. Once the Board has heard from these businesses, Staff would like direction from the BOT on what direction to go with these types of requests:

1. Continue to use the SUP application and review process.
2. Create a new, more efficient permitting process to include specific restrictions and fees.

Staff would be happy to provide additional information at the Board’s request.
Date: Monday, October 8, 2018

To: Mayor Peterson and Town Trustees
From: Jim White, Town Manager

RE: Items from the Town Manager

1. **Streetsecape Project**
   
   The boardwalk at the Hub is the last work to be done on the boardwalks this construction season. It has been a very productive summer of work for Axis Construction, the subcontractor who has done all our boardwalk work the past two years. All the work on Park Avenue and Vine Street has been completed. New street lighting was installed the last week of September and the first week of October.

2. **West Portal Bridge Project**
   
   Work has moved along more deliberately the past two weeks on this project. Coatings, Inc., a sub-contractor for Structures, Inc., is working on scraping, vacuuming, and applying primer to the bridge. This is being done prior to applying the final coat to mitigate concerns about lead paint. This process was approved by CDOT under our agreement. Safety issues have been established and are investigated weekly by Brandi Battseveen of Benesch Engineering. I will be addressing some concerns I have had related to me about parking along North Inlet as an additional safety precaution.

3. **Space to Create Designation**
   
   Margaret Hunt from the Colorado Creative District informed DiAnn Butler this week that the Town of Grand Lake was unanimously voted by its Board to be the next Space to Create town. The other town in contention was Steamboat Springs. A formal announcement and press release will be forthcoming (SEE ATTACHMENT).

4. **Town Board 2019 Budget Meeting**
   
   The next 2019 budget workshop will be on Wednesday, October 3, 2018 from 1 to approximately 4:30pm. Staff representatives from the Grand Lake Center, Public Works and the Water Department will also participate in the discussions.
5. **Resource Management Plan**

Traci Robb, BUREC, Nate Shull, Town Planner and me have continued to work on the Resource Management Plan for the nine-acre area at the East Inlet. Public comments were accepted from August 14, 2018 through September 13, 2018.

Comments were mailed to Traci Robb or Nate Shull. Our next meeting is October 5, 2018.

6. **DOLA Grant Presentation**

Last week, I met with the Town's Department of Local Affairs (DOLA) representative, Greg Winkler, at the conference we both attended. We discussed our grant proposal and agreed to complete the process for a pro/con for the project, prior to our November presentation. He has several recommendations to improve our chances to receive the $1 million dollars we requested.

7. **Fishing is Fun Grant Opportunity**

Each year, Colorado Parks and Wildlife sends out information regarding grant opportunities. One that may have relevance to the Town of Grand Lake in the next year or two is the Fishing is Fun grant. Some projects supported by Fishing is Fun include public access easements to angling waters, parking areas and trails, and needed amenities such as benches, shade shelters, and restrooms. This may prove to be a supplemental source for the improvements needed at the East Inlet through our work with the Bureau of Reclamation (SEE ATTACHMENT).

8. **Thomasson Lease Purchase Agreement**

Recently, I have contacted the attorney for Thomas Thomasson, son of former owners, recently deceased, Sam and Betty Thomasson. I called in reference to the amortization schedule currently in place. We anticipate a balloon payment in several years. I have inquired about continuing annual payments over a period of time instead of the balloon payment. All this would be predicated on his (Thomasson's) willingness to consider it and also on the benefit it may have to the Town of Grand Lake.
ANNOUNCEMENTS

- **Fire Restrictions**
  Grand County Commissioners and the Grand County Sheriff continue to have fire restrictions set at Stage 1, still effective since Tuesday, July 24, 2018. The Town of Grand Lake adheres to the same level of restriction as stipulated by Grand County. As of September 1, 2018, the restrictions remain the same.

- **Grand Lake Lodge Development**
  The next Planning and Zoning Commission meeting to discuss the development of the Grand Lake Lodge property was held on Wednesday, December 5, 2018. Legal questions pending from the last hearing have been referred to our Town Attorney and the development team has secured legal representation as well. Subsequently, no further review is currently being done by Town staff or by RG Engineering and Planning, our consultant.

As always, please let me know if you have any questions or concerns.

**Quotable Quote(s):**

“To go from good to great requires transcending the curse of competence. It requires the discipline to say ‘Just because we are good at it—just because we are generating money and generating growth—doesn’t necessarily mean we can become the best at it’. Good to great companies understand that doing what you are good at will only make you good; focusing solely on what you can potentially do better than any other organization is the only path to greatness”.

Jim Collins, Author "Good to Great"
Good Afternoon,

I have heard from Margaret Hunt with Colorado Creative District and it is with great pleasure that I can announce that Grand Lake was unanimously voted to be the next Space To Create Town! Although we haven't officially received the press release and announcement yet, she did say I can now share it with the team! I want to thank each of you for your support and help in making this happen for our town. I will keep you posted on the "official announcement" for the paper and such, but I wanted to share it with all of you and thank you for your support, WE DID IT!

Warm Regards,

DiAnn Butler

Grand County Economic Development Director

Entrepreneur Spirit, together Collectively Grand!

970-531-1343

http://www.grandforbusiness.com
The Fishing Is Fun program provides up to $400,000 annually in matching grants to local and county governments, park and recreation departments, angling organizations, water districts and others for projects to improve angling opportunities in Colorado.

Over more than 30 years, the Fishing Is Fun program has supported nearly 300 angling projects, bringing new and improved angling opportunities to Coloradans, from small towns on the eastern plains and West Slope to every major metro area along the Front Range. In just the last few years, Fishing Is Fun grants have been awarded to projects in Holyoke, Trinidad, Rio Blanco County, Lamar, Lyons, Salida and more than two dozen other locations.

Projects supported through Fishing Is Fun include stream and river habitat improvements, public access easements to angling waters, pond and lake habitat improvements, new fishing pond development, parking areas and trails, and needed amenities such as benches, shade shelters and restrooms.

Project sponsors must provide non-federal matching funds or in-kind contributions equal to at least 25 percent of the total project cost. Additional match will help make a proposal more competitive in the review and ranking process; historically project partners have provided roughly 40 percent of project costs. Grants have ranged in size from $2,500 to $400,000, with an overall average of $85,000.

The application period typically opens in November, with applications due by early March. Potential applicants are strongly encouraged to contact their local District Wildlife Manager or Aquatic Biologist for input into the proposed project prior to submittal. An independent review panel meets in early May for project presentations and a develop funding recommendations. The Colorado Parks and Wildlife Director gives final approval of the list of projects by mid-June.

Fishing Is Fun funding comes from Colorado’s allocation of federal Sport Fish Restoration Program funds, and projects are subject to federal reporting, compliance and accounting requirements. Grant funds are provided on a reimbursement basis, no “up-front” funding is provided.

A recent economic study found that fishing recreation contributes more than $1.9 billion annually to the Colorado economy through direct and secondary expenditures, and supports 16,000 jobs statewide. More than 1,000,000 daily, multiday and annual fishing licenses are sold in Colorado each year.

Additional information on the Fishing Is Fun program is available on the Colorado Parks and Wildlife website at cpw.state.co.us. Potential applicants can also contact the Fishing Is Fun program coordinator, Jim Guthrie, at 303-866-3203 x4689, or by email at jim.guthrie@state.co.us
To: Board of Trustees  
From: Erin ORourke - Code Administrator  
Date: October 8, 2018  
Re: Code Admin Update — Constitution Week Wrap Up

Constitution Week was held in Grand Lake September 17th through 22nd this year. Annual events included speakers at various venues around Town throughout the week, a parade on Grand Ave, keynote speaker in Town Park on Saturday and fireworks Saturday night. New additions this year included a BBQ competition put on by Kansas City BBQ Society and a music festival on Saturday, September 22nd.

The Special Event Application for Constitution Week was submitted 30 days in advance of the event, as required by the Code. The Kansas City BBQ Society competition was added after the fact (less than 30 days prior to the event and details were not set as this would be a new event and some lee-way would be required for planning. The BBQ event was approved by the BOT with direction to Staff to work with organizers to make it happen. Staff and the organizers (mainly Tom Goodfellow) worked together to accommodate changes to both Constitution Week and the BBQ competition.

General feedback from local business owners and residents was that this was a good event that can be made better with more time to plan, should the event return to Grand Lake. Staff strongly recommends for this and ALL new events, that completed applications be submitted a minimum of 30 days (per Code) before any future events are approved either administratively or by the BOT. The 30 days allow staff to review the event and what is being requested.

With the understanding that this was a first-time event, here are Staff comments and recommendations should this event return in 2019:

- A completed application (including a detailed signage plan) with an attached list of all requests for use of Town equipment, submitted 30 days prior to event date, per Code.
- Liquor license applications submitted and fees paid 90 days prior to the event date, Per Code.
- All vendor/peddler’s license application must be submitted to the Town for processing a minimum of five (5) days prior to the event, per Code.
- A number of BBQ competitors were seen to be camping in their trailers, on Grand Ave. for two nights – camping is prohibited within Town limits, per Code. Staff would not recommend a variance for this event or any event (Ride the Rockies being perhaps the only exception, BOT decision).
- Staff would recommend that this event take place on side streets (Pitkin and Garfield) vs. Grand Ave. to limit traffic flow/congestion.
- Event organizers should reserve all Town facilities it may require as early a possible to avoid conflicts with other events. Town Hall will begin accepting 2019 reservations for Town facilities in January. Payment must be made at time of reservation.
October 8, 2018

To: Mayor Peterson & Grand Lake Board of Trustees
From: Alayna Carrell, Town Clerk

RE: Business Licenses

Good evening,

In response to Mr. Tompkins concerns raised at the Workshop meeting on September 24th, 2018 regarding the topic of business licenses. Please review the following literature (attached):


- Ordinance No. 01-2017, Fines for Municipal Violations

Town Attorney Krob and I are able to answer any questions the Board may have.
October 8, 2018

To: Mayor Peterson and Trustees  
From: Nate Shull, Town Planner  
RE: Town Planner: Update

**Purpose**
Town Planner is providing the Board an update of planning-related activities that have been completed or are currently in progress.

**Development Projects**

**Grand Lake Lodge PD Amendment/Site Plan**
- Red Tail Acquisitions (RTA) submitted 3rd application on August 30th to the Town. Planning Commission reviewed application at September 5th Public Hearing. Motion was to continue review until December 5th, 2018 to address outstanding agency concerns and answer legal claims brought up during the meeting. Awaiting attorneys’ responses to the two documents presented at meeting (*Memorandum of Agreement, Architectural Design Covenants, Conditions, and Restrictions for the Grand Lake Lodge*).
- Preliminary grading work began on the Grand Lake Lodge property on August 17th to upgrade an existing sewer line and install three-phase underground electrical to service the Main Lodge.

**(Former) Grand Camp Subdivision**
- Property on market for past few years, recently attracting attention of potential buyers. Discussion with Town attorney and property owners (Mutual Bank of Omaha) regarding potential land development modifications and scenarios.

**Meandering Moose Miniature Golf**
- Brian Reynolds, project developer, will complete public improvements (parking, pathways, stairs and retaining walls) for the project by summer 2019.

**Building Permits (Commercial)**

**Gateway Inn**
- Zoning inspection by Town conducted on 07/20/18. Foundation walls and flooring currently being built (14 additional hotel units).

**Grand Adventures Snowmobile Facility**
HUB/Stalk Market Remodel
- Progress continuing on Phase I of project (remove second level, fortify structural wall, elevator shaft, footings for new deck piers/awning). Parking fee-in-lieu and water taps to be paid prior to phase II commencement.

Meandering Moose Miniature Golf
- Project staked out in August. Grading Permit issued on 09/25/18.

Park Ave Lofts
- Final inspection by Town conducted on 09/16/18. Permit closed shortly after County signed off. Certificate of Occupancy to be issued this month.

Planning Projects
E. Inlet Recreation Area Resource Management Plan (RMP)
- Internal scoping process completed by Nate Shull, Jim White of Grand Lake, Traci Robb of BOR and stakeholders (federal employees, local business owners). Included:
  - Inventory of existing conditions and resources
  - Identifying management concerns/issues
  - SWOC Analysis

- Public Scoping Open House held at Town hall on August 14th, 2018. Around ten (10) were in attendance. Public comment period opened from August 14th to September 13th Six (6) comments received.

- Public scoping report to be drafted and published by early November

Affordable Housing Working Group
- Final draft of the Grand County Housing Plan (Needs Assessment) issued on September 30th, 2018. Strategies and Actions for Grand Lake contributed by working group members Bonnie Severson, Cindi Cunningham, Nate Shull, Jim White, Tom Bruton. Top priorities for Grand Lake include:
  - Partner with Space to Create (Artspace) to provide workforce and artist housing (affirmative given recent award!!!)
  - Promote and support efforts to guide potential buyers and/or renters to Sun Communities project in Granby

- Grand County Housing Authority working on developing website and resources (down payment assistance, deed restrictions, voucher management, etc.) for buyers and renters

Grand Lake Heart & Soul
- Completed Phase I (Lay the Groundwork).
  - Developed Community Network Analysis (CNA)
  - Created marketing and promotional material
- Assigned individual responsibilities
- Drafted engagement strategy

- Began Phase II (Explore Your Community)
  - Hosted potluck kickoff event in June
  - Collected thin data at multiple summer events
  - Starting personal interview process

**Grand Lake Creative District/Space to Create**
- Received notice of Creative District award on July 26th, celebration at Squeaky Bs
- Received notice of Space to Create award on Oct 1st, celebration to come!
- Creative District Strategic Plan completed. Working to adopt plan by resolution
- Upcoming creative projects/events with Town
  - Town and Creatives Potluck (November, 2019)
  - Winter Chautauqua (February 2019)

**Grand Lake Trail Projects**
- East Shore Bike Trail Reroute – 25 volunteers removed 57 tree stumps and expanded over ¼ miles of trail segment. Headwaters Trails Alliance, through an MOU with the National Park Service, is to complete the 2-mile bicycle reroute by year 2021.

- Continental Divide Trail
  - Town received Gateway Community Designation in May, 2018. Held celebration on July 22nd, 2018 and signed proclamation. Working with Dan Roper, Gateway Community Coordinator, and other CDTC staff on fulfilling criteria (CDT projects, adopting regulation, business strategy, etc.)
  - Seven (7) new sign posts were installed along the Grand Lake CDT segment on Sept 22nd with the help of three (3) volunteers and four (4) staff members. Additional work will include branding downtown boardwalks, removing old CDT signs, and updating trail kiosk.

- Grand Lake Trails Hub/Center
  - Will soon partner with CDTC to build out new facilities for trails hub at parking lot at corner of Park and Hancock. Seeking funding through various sources (GOCO Connect Initiative Grant, Grand Foundation)

**Grand Lake Water Shuttle**
- Presented concept to Board on August 27th, 2018. Directed to continue research on financial and operational models for shuttle service.
- Drafted formal letter to NPS explaining outcomes from meeting and requesting future internal stakeholder meetings w/ agencies to resolve critical issues.
- Projected opening in Summer 2020.
Dear Reader:

The Director of the Intermountain Region, National Park Service (NPS), has signed a decision document that will enable Rocky Mountain National Park (park) to implement improvements to the Fall River Entrance Station, including the addition of a fast-pass lane for use by pass-holding visitors as well as employees and emergency vehicles. The Fall River Entrance is one of two major entrance stations on the east side of the park and is located on U.S. Highway 34, just inside the park boundary.

An Environmental Assessment (EA) with a no-action alternative and three action alternatives was prepared to examine alternative actions and environmental impacts associated with improving the entrance station area. The EA was made available for public review and comment from June 18 through July 20, 2018, and the NPS hosted a public meeting for the project on June 27, 2018 in Estes Park. The NPS received comments from the public and tribal governments in response.

The NPS selected Alternative 3 for implementation – Retain Fall River Entrance at Current Location and Replace Existing Buildings with New Construction. The current station was constructed in the 1960s as part of the NPS Mission 66 construction program and is within the Fall River Entrance Historic District. Keeping the current configuration of existing buildings will minimize impacts on the Fall River Entrance Historic District.

In addition to the new fast-pass lane, the selected alternative reconfigures the existing entrance and exit lanes, replaces all existing buildings with newly constructed ones having updated equipment and systems for ventilation and technology, improves the accessibility of all entrance facilities, and adds new parking spaces and pedestrian paths. The park will also develop an interpretive wayside exhibit at Sheep Lakes Overlook to depict the developmental history of the Fall River Entrance Station Area.

The signed decision document, which is a Finding of No Significant Impact (FONSI), is available electronically at the website for the NPS’s Planning Environment and Public Comment (PEPC) system: http://parkplanning.nps.gov/romo In the list of park projects, click on “Fall River Entrance.”

The FONSI is available for public review, but there is no formal public comment process associated with an NPS FONSI. If you have questions or concerns about the decision, please contact Cheri Yost, Branch Chief of Planning and Project Stewardship. She can be reached at cheria_yost@nps.gov or (970) 586-1320.

Sincerely,

Darla Sidles
Superintendent
To the Board of Trustees.

Thank you for addressing the trash dumpster problem in town. I have all summer dealt with the one located behind the Lariat Saloon!

Apparently early this summer the key to the lock was lost and therefore the lids are free to be open.

This past Labor Day weekend I unfortunately observed countless Grand Lake visitors trudge through the trash on the ground walking from the public parking to the park.

Crows pick through this during the day and bears at night. What a cycle!

I have picked this up many times without any connection to it and when approaching individuals that are am given the shrug off.

I would like to reach out to the Trustees requesting a formalized plan that would ticket owners of these dumpsters and fine those that throw trash and caution to the wind with their no care attitude!

Maybe hitting their pocketbook would get better attention!!

Thank you!
Keith A. Kratz
FYI
Jim

Sent from my iPhone

Begin forwarded message:

From: "Sykes, Katy" <katy_sykes@nps.gov>
Date: September 13, 2018 at 9:58:26 AM MDT
To: undisclosed-recipients:;
Subject: RMNP August Public Use Report

Here is the August visitation for Rocky Mountain National Park

**Rocky Mountain NP**

**Report Date: Aug 2018**

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<th>Entrance</th>
<th>This Month</th>
<th>Same Month Last Year</th>
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<th>This Year YTD</th>
<th>Last Year YTD</th>
<th>% Change YTD</th>
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<td>Beaver Meadows Entrance</td>
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<td>788,306</td>
<td>782,625</td>
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<td>3,261,125</td>
<td>3,170,476</td>
<td>2.8</td>
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Recreational Visitation compared to the same month in previous years

**August**
+2% from 2017
+3.3% from 2016
+4.3% from 2015
+29.4% from 2014
+28.38% from 2013

Katy

Katy Sykes
Manager, Information Office
Rocky Mountain National Park
Phone 970/586-1368 Fax 970/586-1256
1000 US Hwy. 36
Estes Park, CO 80517-8397

NPS.gov/ROMO
Twitter: RockyNPS
Like us on Facebook at RockyNPS

The National Park Service cares for special places saved by the American people so that all may experience our heritage.
EXPERIENCE YOUR AMERICA
Brenda invited you to her fundraiser

Nick Rhone Spaghetti Dinner, Oct 7th 5-8pm Sagerbush BBQ & Grill
Fundraiser by Brenda Lynn Freeman

About the Fundraiser

Please join us for dinner on Sunday, Oct 7th at the Sagebrush BBQ & Grill. Dinner by donation. If you can’t make it: https://www.gofundme.com/57fyvfc Nick Rhone's toughest competition From a very young age, Nick has been a competitor in a wide variety of sports, especially snowboarding. He's unleashed a competitive, fighting spirit in all that he does. Now, Nick is facing the toughest competition of his 16 year life - fighting High Risk B Acute Lymphoblastic Leukemia. Nick lives in the Colorado Mountain town of Granby, located approximately 2 hours west of Denver. It's a great place to live for a young man who loves the outdoors; snowboarding, snowmobiling, hunting, fishing and dirt biking. It's not the best place to live when you have to fight cancer. Nick has begun treatment at The Rocky Mountain Hospital for Children in Denver. His aggressive treatments are expected to last for 3 years. This will require weekly trips to Denver for him and his parents, who both work full time. Your thoughtful donation will help with out of pocket insurance costs, transportation to and from Denver, meals, and to offset the lost time from work that his parents will encounter. We appreciate everyone's loving thoughts and prayers as Nick continues to fight every single day, never giving up.

How much would you like to donate?

$20  $50  $100  $250  Other
Managers,

Please reply this week.

NWCCOG is developing a Disaster Preparedness Workshop for local officials on December 7th, 2018 at the Eagle County Building. Please mark your calendars for this all day event. Our intent is to gather electeds, managers and department directors to increase awareness of how to prepare an organization for a disaster that exceeds local capabilities. Cne focus will be on what to expect if you find yourself on a policy group during an incident, and second, what key planning documents and work should be done by officials, the organization and citizens before an incident. This summer provided many teachable moments with wildfires at many a doorstep - what are communities doing to increase their preparedness?

The day is not intended as a substitute for NIMS or other formal training, but to help officials, especially those in municipalities, be better aware that they have a role in preparing themselves and their organizations, and to get them oriented toward why pre-incident planning is so important.

We will likely have speakers from state and federal agencies -- emergency management "professionals," but I believe that messaging is best received from peers in peer jurisdictions, I am requesting your input and assistance as I develop the agenda to recommend personnel from your organization who could speak and share their experience on topics such as:

1. Continuity of Operations Planning for your organization
2. Emergency Operations Ordinances, fiscal planning, interagency agreements and other preparations
3. Using an Incident Management framework for managing events
4. Communicating with and preparing citizens for incidents
5. Other topics

Thank you in advance
FROM THE FIRE CHIEF'S DESK

First and foremost, thank you for taking the time to read our annual newsletter. We generate it at the request of the community we so proudly serve and try to address specific issues as directed by you. 2018 has been a busy wildland fire season for the state of Colorado and the entire west. Less than a week after GLFPD hosted a Wildfire Awareness Community Meeting, we experienced a fire locally with our greatest potential ever for large property loss - the Golf Course Fire. Many circumstances fell into place that day to include a lot of help from a lot of agencies which led to an extremely fortunate outcome. Nobody got hurt and no structures were lost. Since that time, we’ve had a tremendous uptick in requests for defensible space site surveys and the annual chipping day sponsored by Grand County Wildfire Council doubled its volume compared to last year. Unfortunately, we still have folks burning illegally and sometimes recklessly, but more on that inside.

This summer has been busy for GLFPD specifically with increased call volume, increased complexity on those calls and getting experience around the state helping neighboring communities with their large incidents. The appreciation the community of Grand Lake has shown our organization after the Golf Course Fire has been nothing short of remarkable. Know that we are very proud to serve this community now, and into the future.

Thank you for letting us serve...

Mike Long
Fire Chief
Fire District News

Community Wildfire Awareness

Our community meeting on June 22 was very well attended by both interested community members and agency presenters. We heard about evacuation planning from the Sheriff, emergency preparedness from the Red Cross, how to stay informed from the Grand County Office of Emergency Management and mitigation from the Grand County Wildfire Council. Thank you to all who attended. If anyone wants more on any of these topics, please stop by the firehouse and let our staff share their knowledge.

Illegal burns

Grand County has reinstated their burn ordinance and we’re working with the Sheriff’s Office to enforce this restriction. Please remember that it is never OK to burn trash or treated wood / construction materials. Burning a demolished building requires asbestos testing and permits from the county. All fires must be attended until they are out, cold out. Details of the county burn ordinance can be found on the Grand County website. Please help us all stay safe.

Grand County and Grand Lake Adopt the fire code

After 13 years of effort Grand County fire districts have partnered with the county and successfully adopted the International Fire Code, after which the Town of Grand Lake quickly followed suit. GLFPD will continue to conduct our commercial occupancy visits for life safety. Adopting the code gives us a national standard and a tremendous amount of experience-based data to help us do our job of keeping the community safe.

Homeowners Insurance – Our two cents

Many of you know Chief Long’s prior career was in the insurance industry and he’s been able to put that experience to use here in Grand Lake. Back in 2003 GLFPD successfully earned an ISO Class 4 rating. While not all insurance carriers use this system, those who do are surprised to hear what a favorable rating we have, especially for a rural community. And that rating applies to every property in our fire district, hydrants or not because we also earned the “Rural Water Supply Exemption”. Because GLFPD volunteers were able to show proficiency at water shuttling, it essentially gives you all credit as though you had a hydrant nearby. The homeowner’s insurance industry with all the large losses due to hurricanes, hail storms and wildfires, combined with lower investment income opportunities of the last decade push premiums higher. More companies are pulling out of mountain areas altogether and some are requiring far stricter defensible space. If you are facing any type of challenges with your carrier, please contact Chief Long at the station, he’s been very effective at helping community with insurance issues. PS You can confirm your home is in our fire district by looking at your property tax statement. If it shows a fee for Grand Lake Fire Protection district, you’re in!
The Golf Course Fire

On June 28, 2018 GLFPD received notification of smoke near the Golf Course. It was a "red flag day" meaning that it was hot, dry and windy and had the potential for extreme fire growth. By the time our first engine arrived the fire had grown from ¼ to ½ acre and was starting to crawl up into the trees, running towards Columbine Lakes subdivision. Within an hour or so evacuations had been started, shelters were being set up, firefighting helicopters and fire engines from around the region were on scene and heavy air tankers had been ordered. 3 of 4 aircraft utilized on our fire were diverted from other fires. Hundreds of homes were in imminent threat had we not been able to stop the fire on Golf Course Rd. Sound tactical decisions were made early on by several experienced wildland firefighters and officers. Appropriate resources were ordered and arrived within hours. In short, we couldn't have had a better response, which in turn lead to the extremely favorable outcome we experienced.

Some of the key players that I am continuously thanking include the US Forest Service, Rocky Mtn NP, Grand Co. Sheriff's office, Office of Emergency Mgt, Road and Bridge and EMS, Grand, East Grand, Hot Sulphur and Kremmling fire districts, American Red Cross, Town of Grand Lake and the fire districts in Summit, Eagle and Routt counties that participate in the Mountain Mutual Aid Agreement. To name but a few..........- Chief Mike Long

GLFPD hosted an after-action review for first responders, then another for community members. Things we learned would fill copy space in four or more newsletters by themselves. These "lessons learned" will be shared with all responders so we can improve our response, support and decision making, regardless of which agency is host to the next emerging incident.
Water Quality Control Division
Drinking Water Construction Completion as Approved Certification Form

Instructions:
1. Upon completion of construction and prior to commencing operations, please complete this form and submit online at wqcdcompliance.com/login (preferred), or by fax/mail (listed below).
2. A revised Monitoring Plan which includes all new facilities must be submitted to the Division within 30 days of construction completion. Please submit Monitoring Plans online at wqcdcompliance.com/login.
3. Any items requested in the design approval letter must also be addressed or submitted to the Division with this form.

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<th>A. Project and System Information</th>
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<tr>
<td>PWS ID</td>
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<td>System Name</td>
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<td>Project Title</td>
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<th>B. Project Approval Information</th>
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<td>Project Approval Date</td>
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<td>Division Reviewer</td>
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<th>C. Project Operational Dates</th>
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<tr>
<td>Actual Operational Date</td>
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<td>Anticipated Operational Date</td>
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D. Project comments (Include any changes made from the design approval letter)
The project went well. The site work was completed during the fall of 2017. The tank construction was constructed from June through August of 2018. There were no issues with the tank erection or concrete quality. The ORC, David Johnson, was on-site throughout the project and heavily involved during all phases. Diamondback was on-site for major concrete pours and observed rebar prior to pours. The project was completed ahead of schedule and on-budget.

E. Construction As Approved Certification Form
I certify that to the best of my knowledge, information and belief, based on limited site observation per the contract between John Enochs (Professional Engineer* / entity responsible for construction) and the Public Water System (listed above) and information furnished by others that the drinking water project(s) was constructed consistent with the design documents as approved by the Water Quality Control Division.

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<th>Role</th>
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<tr>
<td>Engineer</td>
<td>9/4/18</td>
<td>Diamondback Engineering &amp; Surveying, Inc.</td>
<td>Signature</td>
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*A Professional Engineer registered in the State of Colorado is required to design all treatment systems for a community system.

Submit Online (preferred): wqcdcompliance.com/login - Use "Requests and Other Certifications" Category
Fax: (303) 758-1398
WQCD - Drinking Water CAS
4300 Cherry Creek Drive South; Denver, CO 80246-1530

Revised January 2016
Hi Jim —

Thank you for returning my call about Proposition 110. As we discussed, I'm hoping Grand Lake Town Council might consider passing a resolution in support of our campaign.

I've attached a draft resolution template used by several counties and cities across the state.

Here are some of the main points to consider. Let me know if I can send more information your way.

- The .62 cent sales tax will sunset after 20 years, so it's not a "forever tax." Colorado's sales tax revenue is supported by 80 million out-of-state tourist visits each year.

- It's a statewide solution to an ongoing problem. Wear and tear on vehicles, traffic delays, public safety challenges and lost worker productivity are problems that just get worse as our population increases.

- 45% of the revenue will go to fund state projects; another 40% is divided among each county and municipality to use as they see fit for their specific transportation needs; the remaining 15% will go to transit and multi-modal projects like rural bus service, bike lanes, and pedestrian improvements.

- **Grand Lake is one of hundreds of local government entities who share in the revenue. Your estimated share is $994,000 over the twenty-year term of the tax.**

With an official act by Council similar to the attached we can add Grand Lake to the list of towns who have endorsed. Or if Town Council declines I am happy to add individual town board members. They just need to email me at this address to be added. For a full list of groups and individuals who have endorsed, have a look here [http://letsgocolorado.com/endorsements/](http://letsgocolorado.com/endorsements/)

If you have any questions, please call me. I want to make sure you have what you need for Council to decide.

Thank you, Jim, for inquiring among Council if there is interest in passing a resolution.

Sean Walsh
Let's Go Colorado
303-903-1749
Resolution of Support

WHEREAS... a modern, safe and efficient 21st century transportation system is essential to Colorado’s quality of life and the health of our economy; and

WHEREAS... Colorado’s population has grown nearly 60 percent since 1991, while state transportation spending per driver, adjusted for inflation, has been cut in half over that same time period; and

WHEREAS... increased demands on our roads and bridges have resulted in increased traffic congestion, lost worker productivity and deep frustration among local citizens; and

WHEREAS... the Colorado Department of Transportation has identified $9 billion in much-needed projects that lack funding; and

WHEREAS... there has been a significant lack of resources available to local communities to address traffic congestion, maintenance needs and safety concerns; and

WHEREAS... the failure to maintain roads and bridges adequately costs Coloradans on average of $468 per driver due to damage and unnecessary wear-and-tear to vehicles, and

WHEREAS... truly addressing Colorado’s transportation challenges requires a dedicated, sufficient and guaranteed stream of revenue; and

WHEREAS... a bipartisan, coalition of local elected officials, business leaders, labor unions, environmentalists, transit groups, and community activists have joined together to ask voters to raise the state sales tax by .62 percent, or about six cents on a ten-dollar purchase, for transportation needs; and

WHEREAS... this measure will raise $767 million in its first year and allow for bonding of $6 billion for state projects; and

WHEREAS... 40 percent of the new revenue will go to county and municipal governments to address local transportation needs and 15% will go to multi-model transit; and

WHEREAS... Colorado voters will be able to vote on this statewide transportation solution on the November 2018 ballot; be it therefore

Now Therefore... __________________________ (organization name) joins with leaders across the state in endorsing this transportation solution as the right answer to address years of neglect of our state’s transportation needs and to address the concerns we have heard from our local citizens.

________________________________________   ______________________________
Representative of Organization                             Date

Please sign and return to Let’s Go Colorado c/o Coloradans for Coloradans 1660 Lincoln St. Denver Co. 80203 or scan and email to cpriest@letsgocolorado.com.

Paid for by Let’s Go Colorado
EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO
114 Sherman Street, Denver, CO 80203 • (p) 303-831-6411 / 866-578-0936 • (f) 303-860-8175 • www.cml.org

To: Interested Municipal Officials
From: Sam Manet, Executive Director
Date: September 2018
Subject: Amendment 74 Introductory Memo

What follows is a brief summary of a significant statewide ballot measure on the November ballot, Amendment 74, “Just Compensation for Reduction in Fair Market Value by Government Law or Regulation.” Amendment 74 could have dramatic impacts on state and local governments. Your careful analysis of this measure is strongly encouraged, as well as communication with county commissioners, neighboring municipal leaders, business interests like your chamber, neighborhood groups, and the community at large. This packet contains several important documents and we urge careful review. Please go to www.cml.org for more information or contact me directly at smanet@cml.org. We need your help to defeat Amendment 74.

PROPOSED AMENDMENT 74

Amendment 74, drafted by out-of-state corporate interests seeks to amend Section 15 of Article II of the Colorado Constitution to require just compensation if private property has “reduced fair market value by government law or regulation”. Shrouded in simple language, Amendment 74 will have far reaching and potentially disastrous consequences.

Key Highlights (Not Comprehensive)

- Under the current Colorado Constitution, a property owner already has the right to seek compensation from state or local governments. Amendment 74 expands this well-established concept by requiring the government — i.e., the taxpayers — to compensate private property owners for virtually any decrease whatsoever in the fair market value of their property due to any government law or regulation.

- Just about any municipal action could result in a lawsuit. Any inaction could as well, if the effect is even the slightest drop in an individual property’s "fair market value."

- The obligation to compensate is triggered without regard to how long someone has owned the property or what the intentions or actions of the property owner are.

- There are no exceptions for health, safety, and general welfare regulations or those actions mandated by the federal or state governments.

- Once passed, there is no flexibility granted to the General Assembly to implement this measure; only the Colorado Supreme Court will be left to interpret the Amendment, including what “fair market value” and “reduced” means. This litigation will come at a high cost to state and local governments, paid for by taxpayers. Decisions on key matters will come to a halt while awaiting further clarification from the courts.

- The bottom line: Amendment 74 will require large pay outs from state and local governments, which means higher taxes for citizens and a reduction in essential government services such as parks, police, utilities, etc. We don’t yet know how far reaching this Amendment will be, only that there is potential to be disastrous for our state and local governments.

Municipal Impacts

- This measure will cripple local budgets through both increased legal costs and pay outs to individual property owners. Any decision by a government body would be vulnerable to lawsuits, with the cost borne by taxpayers.

- Municipal services under threat of being reduced include:
  - Parks, recreation centers, and neighborhood pools;
  - Police officers and police services;
  - Trash collection;
  - Maintenance of gas and water main lines;
  - Maintenance of streets and sidewalks;
  - Licensure of businesses; and
- Maintenance of land use codes to protect the structure and character of neighborhoods.

- The State of Oregon briefly enacted a similar statute, and in a few short years the measure led to thousands of individual claims, totaling in excess of several billion dollars. Three years after the statute passed, Oregon voters realized the extent of the statute on the economic vitality of the state and effectively repealed the statute. Our communities—and our state—simply cannot afford the impacts of this measure.

Examples of Potential Municipal Impacts

- **Infrastructure Improvements.** Colorado’s population is expected to nearly double by 2050. State and local governments will have to expand public roads to accommodate new residents. Under Amendment 74, governments could be sued by nearby property owners affected by any infrastructure improvements due to loss in the fair market value of their homes caused by construction, busier streets, noise, and general changes to the character of neighborhoods. This Amendment will make it extremely difficult for state and local governments to improve or replace all kinds of public improvements such as storm water, electric utilities, sewage, rights of ways, easements, and transportation infrastructure because of potential liability.

- **Regulation of Airbnb.** Airbnb is a way for homeowners to make income on their private property by renting their properties for a per night fee. However, utilizing Airbnb has caused neighboring homeowners to raise concerns about crime and safety; noise levels, especially when the short term rentals are used for large parties; and a general loss of community in their neighborhoods. Under Amendment 74, any action a city council or town board decides to take under this scenario could leave them vulnerable to lawsuits from individual property owners: either lawsuits over the loss in rental income if a municipality forbids short term rentals in a certain area or lawsuits over the loss in fair market value to individual property because of a decrease in the character, safety, and sound quality of a neighborhood.

- **Broadband.** Voters in over 100 counties and municipalities across Colorado have told their local leaders to explore public private partnerships for better broadband access. State law has allowed this process since 2005. An incumbent provider could sue the local government for reducing the business investment previously made, even though the service has been inferior, causing such a vote to occur in the first place. The efforts to improve rural broadband access may be threatened.

- **Adult Entertainment Establishments.** Municipalities use zoning to form the character of neighborhoods and ensure a well-balanced community. As part of this, many municipalities limit the location of adult entertainment establishments. If a municipality regulates where an adult entertainment establishment can be, an owner could sue for loss in fair market value as one particular location may attract more business than another. If the municipality moves to allow adult entertainment establishments to conduct business anywhere, then property owners adjacent to these establishments may sue for loss in fair market value of their property if, for example, the crime rate rises.

- **Economic Development.** Incentives to attract new industry or retain existing businesses are done as a matter of course in many jurisdictions across the state. It is a contributing factor to Colorado’s strong economy. If Amendment 74 passes, this practice may be stilted by an individual who sues a local government that is providing incentives, claiming their property’s fair market value is reduced. Local governments will have to weigh the benefit of bringing in businesses with the detriment of paying for individual lawsuits. Statewide economic development groups are rightly concerned about this aspect of the proposal. Urban renewal and redevelopment projects may similarly be impacted by the negative effects of Amendment 74.

- **Affordable Housing.** Municipal leaders continue to struggle with how to best address the affordable housing challenges many of our communities face. One way communities address the problem is through a rezoning to allow for affordable housing. However, under Amendment 74, an individual may sue because the policy reduces the fair market value of their neighboring property. Suddenly, a project that has wide support in a community has been thwarted, at the expense of all the taxpayers in that city or town.

- **Land Use.** The decision making around land use and zoning is complicated enough. An already complex process to approve a new development will now take even longer and will be more costly because municipal decision makers will have to ensure their decisions cause the least amount of liability. Every action may have a new consequence and inaction may result in legal exposure under Amendment 74.

Government actions affect every area of a citizen’s daily life from collecting trash, to employing police officers, to keeping communities safe. Requiring governments to pay for any reduction in fair market value will cripple state and local governments in Colorado, with the burden paid by taxpayers who must also contend with a reduction of government services.

*Vote "NO" on Amendment 74. Protect our neighborhoods. Urge your friends and associates to do the same.*
Talking Points for Local Elected Officials on Amendment 74

Amendment 74 - “Just Compensation for Reduction In Fair Market Value by Government Law or Regulation”

Amendment 74 seeks to amend Section 15 of Article II of the Colorado Constitution to require just compensation if private property has "reduced fair market value by government law or regulation". As this Amendment will have negative impacts on local governments if passed, CML encourages local elected officials to speak to their communities. Below are some suggested talking points.

- The ability of elected officials to act on behalf of the collective health, safety, and welfare of their community is a core function of government. Amendment 74 undermines the ability of state and local governments to effectively represent their constituents and protect their interests in vital areas such as clean water and air, zoning enforcement, and infrastructure improvements.

- Under the current Colorado Constitution, a property owner already has the right to seek compensation from state or local governments. Amendment 74 expands this well-established concept by requiring the government -- i.e., the taxpayers -- to pay private property owners for virtually any decrease in the "fair market value" of their property due to a government law or regulation.

- No one truly knows how this proposed expansion of Section 15 could impact Colorado or local governments... But adding this language to the Constitution will add new layers of ambiguity to the Constitution and place local governments and taxpayers with unprecedented levels of legal exposure.

- This ambiguity will result in taxpayer dollars going towards lawsuits, which either means a rise in taxes or a reduction in government services for neighborhoods, including parks, police, and utilities.

- Any change in law or regulation, even those broadly desired by a community or those in the interest of health, safety, and welfare, could be challenged by private land owners. Governments will be reluctant to address important policy issues.

- Amendment 74 will undoubtedly lead to increased legal exposure and costly litigation that will increase costs for government programs and services. These will be paid for at the taxpayers' expense.

- Municipalities will become collateral damage in private property disputes between owners who feel their property rights have been diminished at the behest of another. Any action by a local government could require that these property owners be compensated.

- In sum, Amendment 74 has unintended consequences which will cost Colorado communities too much money, while at the same time putting Colorado citizens in danger. It is a very risky proposition for our communities, our families, and our Colorado.

- [Cite a positive project in your city or town which could be impacted under Amendment 74.]
RESOLUTION NUMBER _____

A RESOLUTION OPPOSING "AMENDMENT 74", AN ATTEMPT TO AMEND THE COLORADO CONSTITUTION TO DRASTICALLY LIMIT STATE AND LOCAL GOVERNMENT SERVICES AT A HIGH COSTS TO TAXPAYERS

WHEREAS, local government services are essential to the citizens of [name of municipality]; and

WHEREAS, Amendment 74 has been written by certain out-of-state corporate interests to change the text of the Colorado Constitution Article II, Section 15, which dates back to 1876 and threatens basic governmental services; and

WHEREAS, Amendment 74 declares that any state or local government law or regulation that "reduces" the "fair market value" of a private parcel is subject to "just compensation;" and

WHEREAS, while Amendment 74 is shrouded in simple language, it has far reaching and complicated impacts; and

WHEREAS, under the current Colorado Constitution, a property owner already has the right to seek compensation from state or local governments; and

WHEREAS, Amendment 74 would expand this well-established concept by requiring the government -- i.e., the taxpayers -- to compensate private property owners for virtually any decrease whatsoever in the fair market value of their property traceable to any government law or regulation; and

WHEREAS, Amendment 74 would create uncertainty because it is not clear what the language actually means or how it can be applied; and

WHEREAS, Amendment 74 would severely limit the ability of Colorado's state and local governments to do anything that might indirectly, unintentionally, or minimally affect the fair market value of any private property; and

WHEREAS, Amendment 74 would drastically diminish the ability of our state and local governments to adopt -- let alone attempt to enforce -- reasonable regulations, limitations, and restrictions upon private property; and

WHEREAS, Amendment 74 would place laws, ordinances, and regulations designed to protect public health and safety, the environment, our natural resources, public infrastructure, and other public resources in jeopardy; and

WHEREAS, Amendment 74 would directly impact zoning, density limitations, and planned development; and

WHEREAS, Amendment 74 would make inherently dangerous or environmentally damaging activities prohibitively costly to attempt to limit or regulate, even in the interest of the public; and

WHEREAS, any arguable impact upon fair market value -- however reasonable or justified or minimal or incidental or temporary -- resulting from state or local government action could trigger a claim for the taxpayers to pay; and

WHEREAS, governments would be vulnerable to lawsuits for almost every decision to regulate or not to regulate, making regular government function prohibitively expensive for the taxpayer; and

WHEREAS, similar efforts have been attempted and defeated in other states, such as the states of Washington and Oregon; and

WHEREAS, the fiscal impact for similar language in Washington was estimated at $2 billion dollars for state agencies and $1.5 billion for local governments over the first six years; and

WHEREAS, individuals filed billions of dollars in claims in Oregon before the residents repealed the takings initiative three years after its passage.
NOW, THEREFORE, [Name of Municipality] opposes Amendment 74 and strongly urges a vote of NO this November.

Resolved this ___ of 2018

______________________________
Mayor

Attest

______________________________
Municipal Clerk
Elected Official Opposition to Amendment 74

Purpose: A sample letter to the editor, a social media post, or speech remarks

I oppose Amendment 74 and respectfully request you to vote “no” on this ballot measure in November. If Amendment 74 passes, it will obstruct our ability to make local decisions, reduce government services, and increase taxes.

Under the current Colorado Constitution, a property owner has the right to seek compensation from state or local governments for any property taken. Amendment 74 expands this well-established concept by requiring the government—i.e., the taxpayers—to compensate private property owners. If a state or local government law or regulation reduces the “fair market value” of their property.

While this language may appear harmless, Amendment 74 would severely limit local governments from making regulatory or land use decisions without taxpayers bearing the burden of significant costs from individual property owners suing in response to those decisions. In such an environment, government would have difficulty accomplishing even its most basic functions. Unfortunately, Amendment 74 would lock the language into the Colorado Constitution, making it virtually impossible to change.

Amendment 74 is unnecessary. Court remedies already exist under established principles, when an individual believes government regulation has unreasonably impacted property values. Amendment 74 would expand those principles without any limitations or standards by which claims could be measured due to vague language. The result would be that every decision by government bodies will be vulnerable to lawsuits, with the cost borne by taxpayers. Every municipal policy decision which focuses on zoning, land use, liquor, marijuana, and other forms of licensing, ordinance enforcement to protect public safety, affordable housing initiatives, environmental protection (especially when mandated by state or federal regulation), urban renewal and redevelopment, and prohibitions of undesirable uses such as an adult entertainment business in a neighborhood, right to farm ordinances, governmental decision making moratoria on certain industrial uses all will be subject to attack when a plaintiff alleges such a governmental action or regulation reduces a property’s fair market value. This will have a chilling effect on the ability of local governments to exercise their authority, if passed.

Amendment 74 may also cripple our local budget through both increased legal costs and pay-outs to individual landowners. The State of Oregon briefly enacted a similar statute, and in just three years, thousands of claims were filed in state courts totaling billions of dollars in claims. Three years after the passage of the statute, once voters realized the extent of this economic calamity, they effectively repealed it. Our communities—our state—simply cannot afford the impacts of this measure. Now is a time when local governments need to be investing in police services, fighting wildfires, transportation infrastructure, and other critical government functions especially with the projected increase in our population.

If Amendment 74 passes, it would impede state and local government ability to provide critical services while increasing the cost of government at the taxpayers’ expense.

As a local official, my primary responsibility is to serve you and to protect your health, safety, and welfare. Our local government should be able to exercise this duty without the constant threat of costly litigation that undermines the quality of life and economic health of our communities. This Amendment has far too many unintended consequences.

I respectfully ask you to vote “No” on Amendment 74.
To: Interested Municipal Officials
From: Laurel Witt, Staff Attorney
       Sam Mamet, Executive Director
Date: September 20, 8
Subject: Examples: Oregon and Washington

In the early 2000s, several states considered ballot measures similar to Amendment 74 including Oregon, Washington, California, Idaho, and Arizona. This memorandum explains experiences in Oregon and Washington—one state who passed a ballot measure and one who did not—to provide examples for Colorado by highlighting the major theme of these ballot measures: more litigation and more payouts at the expense of taxpayers.

OREGON MEASURE 37
Under Measure 37, if a government action reduced a property’s fair market value, the owner could sue. If the individual won, Oregon courts required the government to either waive the land use regulation or compensate the individual for the drop in fair market value of their property. Oregon residents approved Measure 37 on the November 4, 2004 ballot.

• State and local governments were faced with carrying out a voter-approved mandate with no clear procedures, virtually no legislative guidance, and without the budgetary means to pay for the claims. The measure provided no new revenue source to pay for individual claims.
• Measure 37 had some exceptions such as historic public nuisances, public health and safety regulations, regulations to comply with federal law, and regulations surrounding pornography. Amendment 74 contains no such exemptions and therefore will have far greater negative impacts to Colorado.
• The consequences were enormous in terms of liability—the measure gave property owners the ability to collect monetary compensation unless government acted within 180 days of filing a lawsuit.
• Within three years, thousands of claims were filed with state and local governments with claims costing in excess of several billion dollars.

Three years after Measure 37 passed, Oregon voters repealed the majority of Measure 37.

WASHINGTON INITIATIVE 933
Initiative 933 ("I-933") was a ballot measure in the state of Washington in 2006 that was defeated by voters.

• The University of Washington conducted a study on the fiscal impacts of the measure to local and state governments. In the near term, the University concluded I-933 would cost taxpayers nearly $8 billion -- more than $1,000 per resident -- to pay compensation claims.
• The text of I-933 was similar to Amendment 74, except that the measure included any government action going back ten years. Amendment 74 is silent as to whether private property owners can sue based on government actions that occurred in the past.
• I-933 also included some exemptions including government actions that "apply equally to all property subject to the agency's jurisdiction" and actions aimed at preventing "an immediate threat to human health and safety." Amendment 74 contains no such exemptions, creating more liability than what was at stake in Washington.
Colorado's Fair Campaign Practices Act Restricts Use of Public Funds

Ballots in statewide or local elections often include issues of profound importance to Colorado municipalities. As community leaders, municipal officials can and should become actively involved in the public discussion of these issues. However, the state Fair Campaign Practices Act (FCPA) places significant restrictions on the use of public funds for advocacy purposes or for dispensing information in connection with local or statewide ballot issues (C.R.S. § 1-45-117).

The FCPA restrictions on the use of public funds apply:

- to statutory cities and towns or to those home rule municipalities that have not adopted provisions regarding campaign finance, and
- once a statewide petition has been submitted for title setting, or
- for local ballot issues, once an issue has been submitted for the purpose of having a title fixed or that has had a title fixed, upon final action of the governing body placing a referred measure on the ballot, or
- once the recall election of any officer has been certified to voters.

These guidelines are intended to provide municipal officials and employees with general guidance concerning what they may or may not do, consistent with the FCPA. However, your municipal attorney should be consulted, and any home rule provision(s) reviewed, before any action is taken that could be viewed as subject to the public-funds restrictions in the FCPA.

Permissible activities

It is permissible to do the following in campaigns in support of or in opposition to a proposed measure:

1. The local governing body may take a position of advocacy on the issue. The governing body may pass a resolution and take a public stand urging the electorate to vote for or against any matter. Local governments may report the passage of or distribute such resolutions "through established, customary means, other than paid advertising, by which information about other proceedings of [the governing body] is regularly provided to the public" (such as via a local government newsletter or cable television broadcast).

2. The Act provides that any public official who has "policy-making responsibility" may spend up to $50 of public money on phone calls, letters, or other activities "incidental" to expressing his or her opinion on any issue. It is advisable to consult with your municipal attorney before expending public funds in reliance on this provision.

3. Elected officials may speak out on the issues presented on the ballot. There is no limitation in the FCPA on the right of public officials to address any matter before the electorate; the limitations in the Act are on the expenditure of public funds.

4. Public employees and paid elected officials may work on a campaign and speak out on the issues on their own time. Any public employee who becomes involved in the campaign should be prepared to document that such work was done on his or her own time. If the public employee is on a recorded-hour system, make sure the record reflects that the public employee took time off from public duties to engage in campaign activities.

5. Public employees may respond to unsolicited questions or requests for information about a ballot issue; however, the local government should carefully avoid producing information for distribution that is designed to influence the passage or defeat the issue.

6. The local governing body may use public funds to develop and distribute a factual summary on any issue that will appear on a ballot in the jurisdiction. The summary must include arguments for or against the proposal, but the summary itself may not contain a conclusion or opinion in favor of or against the proposal.

Impermissible activities

It is impermissible under the FCPA, except as indicated above, to do the following in campaigns in support of or in opposition to a proposed measure:

1. Use or expend public funds or supplies;

2. Allow employees or paid officers to work on a campaign during their working hours or use any public facility or equipment for the purposes of a campaign;

3. Provide transportation or advertising using public property or funds to influence, directly or indirectly, the passage or defeat of any issue; or

4. Grant an employee or officer leave from his job or office with the local government, with pay, to work on a campaign.

For more information, contact Laurel Witt, CML Staff Attorney, at ljwitt@cml.org or 303-831-6411.
AMENDMENT 74?

Financed by certain out-of-state special interests as a state constitutional amendment to strengthen “private property rights,” Amendment 74 is a thinly veiled attempt to protect special-interest profits at the expense of everyday Coloradans.

Amendment 74 will diminish your city or town’s ability to provide basic services residents depend on at the taxpayers’ expense.

Amendment 74 will undermine the ability of local governments to protect their residents and communities in vital areas such as:

- public safety and crime reduction
- clean air and water
- preserving neighborhood integrity
- transportation, sewer maintenance, and other critical infrastructure
- trash collection
- parks, recreation centers, and other neighborhood amenities

If Amendment 74 passes, it will:

- hold your community liable simply for operating in the public interest
- increase lawsuits and costly litigation — all financed by you, the taxpayer
- increase the cost of government while simultaneously reducing essential municipal services
- decrease the quality of life for all Coloradans — for the benefit of out-of-state special interests
October XX, 2018

To Whom It May Concern,

The Colorado Association of Ski Towns (CAST) voted unanimously to oppose Amendment 74. Amendment 74 would have far-reaching, negative impact upon all local governments in Colorado.

Drafted by out-of-state interests, Amendment 74 seeks to amend Section 15 of Article 11 of the Colorado Constitution to require just compensation if private property is subject to “reduced fair market value by government law or regulation”. This section of the Colorado Constitution already enables property owners to seek compensation for property that is taken or damaged by the government. Amendment 74 greatly expands upon these well-established concepts by inserting vague language that will require governments (i.e., the taxpayers) to compensate private property owners for virtually any reduction in the fair market value of their property due to any government action or regulation.

The Colorado Constitution should not be amended with vague, open-ended language such as this. Sorting through the interpretation of this amendment will take years of costly litigation. This, coupled with the barrage of claims that will surely arise should the measure pass, will result in billions of taxpayer dollars being wasted. Just imagine the lawsuits that will be filed if any government action is deemed to have even a slight impact upon fair market value of a property. The maintenance of utilities, the operation of parks and open spaces, the maintenance of streets and sidewalks, police and code enforcement actions, and land use decisions and regulations, will all be fair game for costly litigation.

Consider a couple of current issues that have been prevalent in our mountain communities. The first example is that of affordable housing. In an effort to meet the workforce housing needs in our communities, many measures and programs are being pursued which almost always involve the rezoning and/or subdivision of land. If the development of workforce housing is claimed to have any reduction of value upon neighboring properties, Amendment 74 will now position those property owners to sue the local governments. What effect will this have? Efforts to build workforce housing in our communities will come to a halt if government is held liable for the underlying actions to approve them.

The second example would be that of short term rental regulations. Communities throughout Colorado have wrestled with issues resulting from the proliferation of online rental properties in recent years. Under Amendment 74 any action by a town or city council to address these issues could leave them vulnerable to lawsuits by individual property owners — those who may be impacted by the regulations, or those who may be impacted by inadequate regulations. It is a lose-lose proposition.
Amendment 74 is not about protecting property rights. It is about inserting ambiguous language into our State Constitution that will cost taxpayers billions of dollars. If there is any doubt of this, look to the State of Oregon which passed a similar initiative years ago that cost taxpayers several billions of dollars in claims before it was repealed three years after its passage.

CAST is joining many other public and private coalitions in opposing Amendment 74, including the Colorado Municipal League and the Colorado Association of Realtors. Local governments respond to community needs. Amendment 74 will prevent them from doing so.

Sincerely,

(CAST mayors & commissioners willing to sign on.)