



# Commerce City

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## Council Communication File Number: Res 2023-037

**Agenda Date:** 3/20/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** City Council

**File Type:** Resolution

### A RESOLUTION ADOPTING CERTAIN ADVOCACY POSITIONS ON LEGISLATION PENDING AT THE COLORADO GENERAL ASSEMBLY

#### **Summary and Background Information:**

Pursuant to Council Policy #2, the Legislative Committee is responsible for reviewing pending legislation at the Colorado General Assembly and making recommendations on positions to the full Council. Action on these positions providing direction to Staff and the City's contracted advocates requires a vote from the full Council. Based on a thorough review of certain pending legislation, the Legislative Committee has made the following recommendations:

HB23-1132: Support  
HB23-1143: Support  
HB23-1062: Oppose  
HB23-1090: Support  
SB23-110: Support  
HB23-1017: Support  
HB23-1115: Support

Additional information on each of these pieces of legislation are available below:

#### *HB 23-1132, Court data-sharing task force (Rep. Snyder/Sen. Fields)*

The bill creates a data-sharing task force to evaluate data-sharing practices between state and municipal courts and report the evaluation to the judiciary committees of the general assembly. The task force shall:

- Investigate current data sharing and access to court data systems;
- Consider processes for sharing data and providing access to court data systems statewide; and
- Consider safety measures or integration of systems in order to protect sensitive data in court systems.

The task force shall report its findings and recommendations to the judiciary committees of the house or representatives and the senate, or any successor committees, on or before January 8, 2024.

#### *HB 23-1143, Federal authorize firearms for DACA peace officers (Reps. Kipp, Armagost/Sen. Gonzales)*

The bill requires the POST Board to seek authorization from the United States attorney general for persons who have deferred action status from the federal immigration and naturalization service to possess a firearm in order to be a certified peace officer or reserve peace officer. If the authorization is granted by the United States attorney general, every law enforcement agency is required to amend its written firearms policy to implement the provided authorization.

*HB 23-1062, Metropolitan district tax for parks & rec (Rep. Mauro)*

There are currently 13 metropolitan districts that have a sales tax. Metropolitan district sales taxes are collected and administered by the Department of Revenue. Under current law, metropolitan district sales taxes may only be used to fund safety protection, street improvements, transportation services, and fire protection. A metropolitan district sales tax must be approved by voters. The bill allows a metropolitan district to levy a sales tax to provide parks or recreational facilities or programs, alongside other allowable uses.

*HB 23-1090, Limit metropolitan district director conflicts (Rep. Weissman)*

For any proposed metropolitan district that has any property within its boundaries that is zoned or valued for assessment as residential, the bill prohibits a local government from approving a service plan that permits the purchase of district debt by any entity with respect to which any director of the district has a conflict of interest. The bill further prohibits a member of the board of a metropolitan district that approved the issuance of any debt while the member was serving on the board from acquiring any interest in the debt individually or on behalf of any organization or entity for which the board member is engaged as an employee, counsel, consultant, representative, or agent unless the debt is acquired indirectly through an investment fund and the member has no input into or control over the individual securities that the fund purchases. Finally, the bill states that proof of a violation of the prohibition set forth above is proof that the violator has breached the actor's fiduciary duty and the public trust.

*SB 23-110, Transparency for metropolitan districts (Sens. Zenzinger, Marchman/Reps. Kipp, Taggart)*

Under current law, prior to filing a petition for the organization of a special district in a district court, the people proposing the organization of the special district are required to submit a service plan to the board of county commissioners of each county that has unincorporated territory included within the boundaries of the proposed special district. If the boundaries of the proposed special district are wholly contained within the boundaries of one or more municipalities, the service plan is submitted to the governing body of the municipality or municipalities. For a proposed metropolitan district that submits a service plan to one or more boards of county commissioners or one or more governing bodies of a municipality on or after January 1, 2024, the bill requires the service plan to include:

- The maximum mill levy that may be imposed for the payment of general obligation indebtedness, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the service plan, as applicable; and
- The maximum debt that may be issued by the metropolitan district, as determined by the board of county commissioners of each county that is approving the service plan or the governing body of each municipality that is approving the

service plan, as applicable.

In addition to any other meetings held by the board of directors of a metropolitan district (board), beginning in the 2023 calendar year, the bill requires the board to hold an annual meeting if the metropolitan district was organized after January 1, 2020, has residential units within its boundaries, and is not in inactive status. The board is prohibited from taking any official action at the annual meeting and must ensure that the annual meeting includes a presentation from the metropolitan district regarding the status of any of the district's projects and outstanding bonds, if any, and an opportunity for members of the public to ask questions about the metropolitan district.

The bill specifies that prior to issuing debt to a director of a metropolitan district or to an entity with respect to which a director of a metropolitan district must make a disclosure pursuant to current law, the board is required to receive a statement of a registered municipal advisor certifying specified criteria regarding the interest rate of the debt. Sellers of real property are currently required to make various disclosures regarding the property. On and after a specified date, the bill requires the seller of residential real property that is located within a metropolitan district to provide the purchaser of the property with the official website established by the metropolitan district. The seller is required to provide the information on the Colorado real estate commission approved seller's property disclosure.

*HB 23-1017, Electronic sales & use tax simplification system (Reps. Kipp, Bockenfeld/Sens. Bridges, Van Winkle)*

The bill requires the Department of Revenue (DOR) to undertake modifications to the electronic sales and use tax simplification system (SUTS). The modifications include various simplifications, notifications, improvements, data accessibility, and additional filing options and features to assist both retailers and local jurisdictions that use SUTS. In addition, the bill permits the DOR to require retailers using SUTS to register with local taxing jurisdictions and prohibits them from filing returns unless they use a correct local number on the account. The bill also prohibits the DOR from imposing a convenience fee or other charge for payments through SUTS, except for credit cards, and from passing the charges on to local taxing jurisdictions. Lastly, the bill requires that the DOR create a campaign to promote SUTS and to solicit feedback from stakeholders to enhance SUTS.

*HB 23-1115, Repeal prohibition local residential rent control (Rep. Mabrey, Velasco/Sen. Rodriguez)*

The bill repeals the existing state statute prohibiting a local government from enacting laws that control rent on private residential real property, or private residential housing. HB 1115 was amended by the House Transportation, Housing & Local Government committee to limit local rent control laws to apply to existing housing (not new development) and to require at least a 3% annual increase.

**Staff Responsible (Department Head):** Jason Rogers, City Manager

**Staff Member Presenting:** John Bourjaily, Management Analyst II

**Financial Impact:** N/A

**Funding Source:** N/A

**Staff Recommendation:** Approve the recommendations of the Legislative Committee

**Suggested Motion:** Approve the resolution