



What You Will Learn About in this Legal Update:

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- Board Bylaws Seem Old and Outdated? If you Think they Need a “Tune Up” we have an Updated Bylaws Template that can Help!
- May 2020 Regular Elections – Deadlines and Tasks
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Successful November 2019 Elections

Congratulations to the following local government clients for successful elections held this past November:

- Aspen Valley Hospital District (extended existing property tax levy)
- Arrowhead Metropolitan District (new sales tax)
- Beaver Creek Metropolitan District (extended existing property tax levy and authorized long-term agreements for fire protection and emergency services)
- Centennial Water and Sanitation District (variety, including de-brucing)
- Eagle County Health Service District (Gallagher Adjustment)
- East Grand County Fire Protection District No. 4 (tax increase and Gallagher Adjustment)
- City of Grand Junction Dos Rios General Improvement District (organization)
- Grand Lake Fire Protection District (tax increase and Gallagher Adjustment)
- Lakehurst Water and Sanitation District (inclusion)
- City of Lakeside (increased sales tax)
- Lochmoor Water and Sanitation District (dissolution)
- Town of Nederland (mill levy extension for Nederland Downtown Development Authority)
- Pueblo City-County Library District (tax increase)
- South Suburban Park and Recreation District (Gallagher Adjustment)
- West Douglas County Fire Protection District (mill levy increase and Gallagher Adjustment)

Questions on Posting Notice of Board Meetings? We have Answers!



Recent changes by the State Legislature altered the way local governments can provide notice of public meetings. Notice may now be provided by posting the meeting agenda on a local government's website at least 24 hours in advance of a meeting. Physical posting is no longer required if notice is provided electronically.

If a local government takes advantage of the online notice process, the website designated for online posting must be accessible at no charge to the public, and the notice must be searchable, to the extent feasible, by type, date and time of meeting, agenda contents and any other category deemed appropriate by the local government. The Division of Local Government ("DOLA") must also have a link to the local government's website on DOLA's website.

What if you don't have a website?

The Open Meetings Law still allows physical posting at the local government's single designated posting location to satisfy the legal notice requirements, which posting must be completed at least 24 hours in advance of a meeting. Special districts are no longer required to post 72-hours in advance at three locations within the special district or at the County Clerk and Recorder's office.

If your special district covers a development with a coextensive homeowner's association ("HOA") that has a website through which residents already obtain neighborhood information, it may be an option to post meeting notices/agendas on the HOA website.

If you do not have a website, but are interested in developing one, a good, no or low-cost option is the State Internet Portal Authority ("SIPA"), an independent entity created by the State of Colorado for the purpose of facilitating online presence of local governments in Colorado.

SIPA has constructed and hosts approximately 500 websites for local governments in Colorado. SIPA provides certain services, such as construction of websites for local governments, free of charge, but charges for additional services available at the option of the local government, such as online payment processing.

If you are interested in working with SIPA to develop your website, you can visit SIPA's website at [Colorado.gov/SIPA](https://colorado.gov/SIPA), or feel free to contact us, and we can assist you.

New Federal Requirements for Water Utilities to Assess Risk and Resilience and Emergency Response

With the passage of [America's Water Infrastructure Act](#) (AWIA), community

water systems serving more than 3,300 people are required to complete a Risk and Resilience Assessment and Develop an Emergency Response Plan. This addition to the Federal Safe Drinking Water Act phases in compliance and requires that drinking water utilities conduct a Risk and Resilience Assessment and prepare or update an Emergency Response plan no later than six months after certification of the Risk and Resilience Assessment by the U.S. EPA. For utilities serving more than 100,000 people, the Risk and Resilience Assessment must be submitted to the EPA for certification by March 31, 2020, for utilities serving 50,000 to 99,999 people, by December 31, 2020, and for utilities serving 3,301 to 49,999 people, by June 30, 2021 with the corresponding Emergency Response Plan due no later than six months after the Risk and Resilience Assessment certification.

The EPA does not require any specific standards, methods, or tools for either the Risk and Resilience Assessment or the Emergency Response Plan; however, the EPA has provided a significant amount of guidance documents, a [vulnerability self-assessment tool](#) for completion of a Risk and Resilience Assessment, and a [template and instructions](#) for development of an Emergency Response Plan. The Assessment and Plan simply must meet the minimum requirements addressed in the AWIA.

In addition to the initial compliance deadlines mentioned above, the AWIA requires updating both the Risk and Resilience Assessment and the Emergency Response plan in five-year cycles. We are available to assist and answer any questions regarding this new Federal legislation or conducting your Risk and Resilience Assessment and developing an Emergency Response Plan.

Board Bylaws Seem Old and Outdated? If you Think they Need a “Tune Up” we have an Updated Bylaws Template that can Help!

We recently updated our Board Bylaws Template to incorporate new legal requirements and make general updates. Please contact us if you would like to utilize this resource to update your District’s Board Bylaws. The major changes include updates to:



- Notice provisions for Board meetings to account for 24-hour notice and online posting;
- Provisions regarding emergency Board meetings;
- Provisions on draft minutes not being available to the public until discussed by Board in open meeting;
- Provisions accounting for transition to odd-year elections beginning in 2023; and
- Provisions for the election of Board officers.

Please let us know if you would like to review the updated Board Bylaws Template, or have us assist you in creating new and improved Bylaws.

May 2020 Regular Elections – Deadlines and Tasks



As you may know, the next regular election for special districts will be May 5, 2020 (the “Election”). Offices for Directors whose elected terms of office expire in 2020 and any Director appointed since the 2018 regular special district election will be up for election at that time. Below are a couple of important deadlines to keep in mind related to

determining who will be on the ballot at the Election:

- 01/01/20 First day Self-Nomination and Acceptance Forms can be filed with the Designated Elected Official.
- 01/26/20 First day to be able to publish a Call for Nominations.
- 02/20/20 Last day to be able to publish a Call for Nominations.
- 02/28/20 Last day Self-Nomination and Acceptance Forms can be filed with the Designated Elected Official.
- 03/02/20 Last day to file Affidavits of Intent to be a Write-in Candidate with the Designated Election Official.
- 03/03/20 The Designated Election Official, if instructed by resolution of the Board of Directors, may cancel the Election if there are not more candidates, including write-in candidates, than positions to be filled, and there are no ballot issues or ballot questions, and declare the candidates elected.

If there are more candidates, including write-in candidates, than positions to be filled, or there are ballot issues or ballot questions to be considered, the ballot content must be certified no later than March 6, 2020 and a number of other deadlines will follow to get to the May 5, 2020 election, most of which will be handled by the Designated Election Official.

An added wrinkle this year is that the terms of office for those running of positions that expire in 2020 will be for a 3-year term instead of the typical 4-year term, as beginning in 2023, regular elections for special districts will be held on the Tuesday succeeding the first Monday of May in every odd-numbered year.

Congrats to Widefield Water & Sanitation District

Collins Cockrel & Cole congratulates our friends at Widefield Water & Sanitation District for winning the Colorado Special District’s Property and Liability Pool award for “Safest District of the Year.” To find out more about their training, community engagement, and dedication to a safe workplace and utility service to the public, see the Pool’s



announcement here: https://news.csdpool.org/2019/10/23/widefield-wins-safest-district-of-2019/?utm_source=CSD%20Newsletter&utm_campaign=4636900090-October%20Newsletter%20Blast&utm_medium=email&utm_term=0_4ca6beb59c-4636900090-7065613&mc_cid=4636900090&mc_eid=8ed4add2f4

Welcome New CC&C Attorney!

Collins Cockrel & Cole is pleased to announce that Ayshan Ibrahim has joined the firm as an associate. Ayshan specializes in representing special districts, municipalities, and local governments. Prior to joining Collins Cockrel & Cole, Ayshan represented railroad companies at a regional Denver-based law firm. Additionally, Ayshan clerked for Honorable Judge Devin Odell at the Colorado Eighth Judicial District Court and interned for Honorable Magistrate Judge Craig B. Shaffer in the United States District Court for the District of Colorado.



Ayshan received a Bachelor of Arts in Economics and a Bachelor of Arts in Political Science from Georgia State University. She went on to receive a Juris Doctor from the University of Colorado Law School, where she was on the Colorado Technology Law Journal Executive Board as the Digital Resources Editor, an appointee to the Honor Council, a mentor for the Women's Law Caucus, and on the Committee for Inclusiveness & Diversity.

CC&C Adds a New Shareholder!



Collins Cockrel & Cole is pleased to announce that Matt Ruhland will become a Shareholder at the Firm effective January 1, 2020. Please join us in congratulating Matt!

Matt joined the Firm in 2016 and has 12 years of experience providing general counsel representation to special districts, with a particular emphasis on assisting local governments, developers and property owners in organizing and utilizing special districts to finance, construct, manage and operate essential public services, utilities and infrastructure. In addition, Matt assists potential land purchasers with special district due diligence, including providing opinions on the standing of any related special district as well as the obligations and financial capacities of such special district as it relates to the development of the property.

Matt grew up in North Dakota and came to Denver in 2000 to enjoy the mountains and mild weather. Today, Matt lives with his wife and two young children (7 and 4) in Northwest Denver and enjoys playing hockey, volleyball and golf, while also dabbling in the kitchen.
