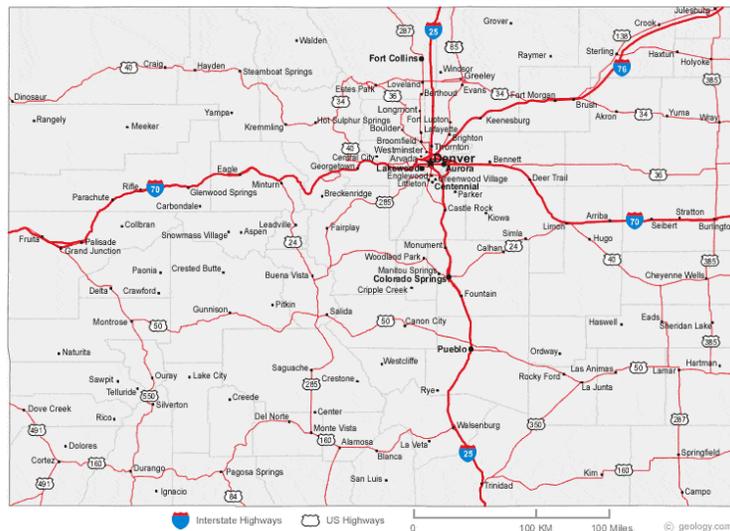


What You Will Learn About in this Legal Update:

- It's Almost SDA Regional Workshop Season
- It's Right Around the Corner, May 5th Board of Director Elections
- ADA Accessible Websites: What You Need to Know
- Have You Heard of the Equal Pay for Equal Work Act?
- Colorado's Minimum Wage Law and How it Applies to Local Governments
- Utilities, Are You Prepared for a Water Damage or Sewer Backup Claim?

It's Almost SDA Regional Workshop Season

Mark your calendars for the upcoming Regional Workshops held by our firm and the Special District Association. Jim Collins, Bob Cole, Tim Flynn, Linda Glesne, Kathryn Winn, and Allison Ulmer of our firm will be presenting alongside Ann Terry and Michael Valdez of the SDA and all attendees can expect an engaging



and informative session to learn about special districts. The workshops are expected to take place from 8:00 am to 12:00 pm at the following dates and registration will open through the SDA soon.

- Friday, June 5 - Parker
- Monday, June 8 - Fountain
- Tuesday, June 9 - La Junta
- Wednesday, June 10 - Alamosa
- Thursday, June 11 - Salida
- Thursday, June 18 - Evergreen
- Friday, June 19 - Greeley
- Tuesday, June 23 - Durango
- Wednesday, June 24 - Grand Junction
- Friday, June 26 - Granby

It's Right Around the Corner, May 5th Board of Directors Elections

By now all districts know if they are able to cancel their May 5th Board of Director election or will be moving forward with conducting an election. For those of you that have cancelled your election, notify the candidates and ensure that the Notice of cancellation of the election is:



- Published one time prior to the election (the sooner the better);
- Posted at each polling place designated by the Board;
- Posted in the office of the Designated Election Official (“DEO”);
- Posted in the office of the County Clerk of each county in which the district is located; and
- Filed with the Division of Local Government, together with the district’s Election Resolution authorizing the cancellation of the election.

For those of you that will be conducting an election, following are some of the upcoming deadlines:

March 20th: Mail/transmit ballots to UOCAVA voters (for polling place elections only, UOCAVA ballots must also be issued to the non-resident property owner electors).

For TABOR elections, written comments for or against the TABOR ballot issue are due to the DEO by noon.

March 26th: Last day to order the voter registration list from the County Clerk and property owners list from the County Assessor.

For TABOR elections, DEOs of overlapping districts conducting TABOR elections must discuss the preparation and mailing of the TABOR Notice to electors in the overlapping area.

April 3rd: Ballots must be printed.

For TABOR elections, mail TABOR Notice to each household where an active registered elector of the district resides.

April 6th: For polling place election, mail absentee ballots to eligible electors who have requested an absentee ballot and who are on the district’s permanent absentee voter’s list.

April 13th: For mail ballot elections, the DEO may begin mailing ballots to district’s eligible electors. Ballots must be made available at location designated in Mail Ballot Plan.

April 15th: Last day to publish Notice of Election, post Notice in the office of the DEO and mail or email to the County Clerk.

For polling place elections, post Polling Place sign at each polling place locations.

April 20th: Last day to appoint Election Judges and Canvass Board.

For mail ballot elections, last day to mail ballots to eligible electors.

April 28th: For polling place elections, last day to request an absentee ballot.

May 5th: Election Day.

Micki Mills will be taping separate Election Judge Training webinars for the Special District Association (“SDA”). Those webinars will be ready to download from the SDA website in mid-April for your election judge training.

ADA Accessible Websites: What You Need to Know



Federal and state anti-discrimination laws require that websites be accessible to persons with disabilities. On a practical level, what does this mean for your organization? If your organization uses a website to inform the public about the activities of your governmental unit and how to make use of services offered, a

disabled person must be able to navigate through your organization’s website and be able to utilize services offered through the website in the same way as a person without a disability.

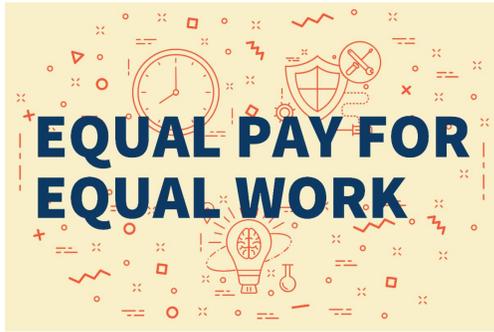
How does this work? People with disabilities are able to use computer software products that enable them to navigate and interact with websites. For example, if a person is sight-impaired, the individual can utilize a screen reader computer program that will read the contents of a website aloud. Likewise, a person with an impairment that does not allow the use of hands to use a computer keyboard or mouse can use voice-activated software to navigate a website.

Anti-discrimination laws require your website to be compatible with accessibility software. A good way to determine whether your website complies is to ask your contract or in-house IT specialist to make sure your website complies. If your IT specialist is not able to determine if your website is accessible to the disabled, there are consultants available who can make this determination and help you make any necessary changes. Websites that comply with the most recent versions of the Web Content Accessibility Guidelines, known as WCAG 2.0 and 2.1 generally comply with anti-discrimination laws.

If your website is hosted through the Colorado State Internet Portal Authority (“SIPA”) it should comply with accessibility requirements because SIPA has taken responsibility for making sure that its websites are accessible to the disabled.

Please let us know if you have any questions regarding website compliance with access requirements for the disabled.

Have You Heard of the Equal Pay for Equal Work Act?



During the 2019 legislative session, the Colorado Equal Pay for Equal Work Act, C.R.S. §§ 8-5-101 et seq. (the “Act”) was approved and signed into law. The Act effectively replaces Colorado’s prior equal pay statute (the “Wage Equality Regardless of Sex Act”) and significantly expands the definition of wage discrimination while altering many of the

procedures for handling wage discrimination claims.

Although the Act does not go into effect until January 1, 2021, it is applicable to all employers in the State of Colorado and all local governments should take the opportunity in the coming year to evaluate its payroll and employment practices, policies, and handbooks to ensure compliance with the Act before it takes effect. The main provisions of the Act include the following:

- Prohibit pay discrimination on the basis of sex or sex plus another protected status;
- Ban employers from requesting pay history from prospective employees;
- Ban employers from relying on pay history of prospective employees;
- Require employers to internally post job opportunities, including promotional opportunities;
- Require employers to post salary ranges in job listings;
- Protect from retaliation anyone discussing employee pay; and
- Require employer recordkeeping regarding job descriptions and wage rates.

Regarding pay disparity or discrimination, the Act narrowly defines an exclusive list of criteria that are the only legally justifiable reasons for pay disparity:

- A seniority system;
- A merit system;
- A system that measures earnings by quantity or quality or production;
- The geographic location where the work is performed;
- Education, training, or experience to the extent that they are reasonably related to the work in question; or
- Travel, if the travel is regular and necessary condition of the work performed.

The Act is both enforceable by a private right of action or an enforcement action by the Colorado Department of Labor and Employment. It is critical to note that the Act does not allow for grandfathering any current or existing pay disparities simply because they pre-dated the Act. Once again, the Act does not take effect until 2021, but we strongly encourage all local governments and employers of all kinds to seize the opportunity in the new year to evaluate and study the Act and its own pay and employment practices in light of this new law.

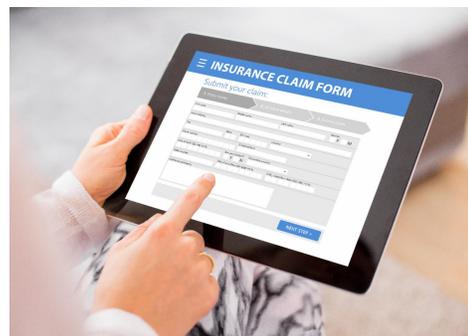
Colorado's Minimum Wage Law and How it Applies to Local Governments

Since the passage of Amendment 70 to the Colorado Constitution in 2016, we received a number of questions regarding the minimum wage laws and its applicability to local governments and their employees. As of January 1, 2020, the Colorado minimum wage for 2020 is \$12.00 per hour. Under Amendment 70, this hourly rate will increase annually after 2020 as adjusted by the Consumer Price Index for Colorado.

Although the Colorado minimum wage increase has received plenty of attention in the past several years, not all employers and employees are subject to Colorado's minimum wage law. Local governments specifically are not subject to the Colorado minimum wage laws and the most recent Minimum Wage Order from the Department of Labor and Employment confirms that the minimum wage laws "do not apply to the state or its agencies or entities, counties, cities, and counties, municipal corporations, quasi-municipal corporations, school districts, and irrigation, reservoir, or drainage conservation companies or districts organized and existing under the laws of Colorado."

Utilities, Are You Prepared for a Water Damage or Sewer Backup Claim?

Even the best managed water and sewer utility systems are not immune to water damage or sewer backups causing damage to a home or business. Although these situations are frequently caused by a damaged or blocked private service line, the property owner's first call is often to the utility. We recommend that you have a plan, procedure, or protocol in place before that customer call with staff trained in responding to water damage or sewer backup situations.



The Colorado Special District Property and Liability Pool (the "CSD Pool") has produced and made available a wealth of information on this topic for both customers and utilities at www.coveryourflush.com. The webpage provides information on what to do, prevention, insurance options, maintenance, and even a list of things not to flush or wash down the drain. The webpage also provides customer handouts and other resources for utilities, with an option for SDA Pool members to get customized versions of the documents printed and delivered. Finally, the SDA Pool has recently developed a set of model Standard Operating Procedures to help its member districts when responding to possible water damage or sewer backup claims.

We encourage you to contact us if you have questions and to reach out to your insurance provider to request more information on your utility's coverage for water intrusion and sewer backup damage claims.