

## CML PROVIDES ESTIMATES ON TRANSPORTATION FUNDING

CML HAS PREPARED HIGHWAY USER Tax Fund (HUTF) estimates to help municipalities modify 2011 budgets and develop 2012 budgets. The legislature in 2011 again nibbled at HUTF by diverting driver's license fees and motorist insurance identification fees from HUTF to the state General Fund. CML was successful in making these transfers temporary and in blocking several attempts to repeal or reduce the vehicle registration fees collected through the road safety surcharge commonly known as FASTER, the revenue of which makes up 20 percent of the HUTF dollars reflected in this estimate.

In 1953, the General Assembly created the Highway Users Tax Fund, a statutorily defined, state-collected, locally shared revenue that is distributed monthly among the state, counties, and municipalities on different formulas, and earmarked generally for streets, roads, and highways. HUTF revenues are derived primarily from:

- Basic Fund — the first seven cents of motor fuel tax and various motor vehicle registration, title, and license fees and taxes;
- Motor Fuel Tax Increases — the 1981 two-cent gasoline and special fuel, 1983 three-cent gasoline/four-cent special fuel, and 1986 six-cent gasoline/seven-and-one-half cents special fuel tax increases;
- 1989 HUTF Increase — a two-cents-per-gallon gasoline tax increase/two-and-one-half-cent special fuels tax decrease; driver's license and motor vehicle registration fee increase; an increase of certain truck registration fees to offset the reduced special fuel tax effective in 1989; and the additional two-cents-per-gallon gasoline tax increase effective Jan. 1, 1991;
- 1995 HUTF Increase — SB 95-47 phased in over three years an increasing reduction in the allowable purposes for which HUTF revenues can be allocated, ultimately resulting in \$39 million a year more in HUTF receipts being available for streets and roads; and

- FASTER surcharges — SB 09-108 imposed a road safety surcharge to vehicle registration fees for deposit in HUTF with an 18 percent municipal share, as well as shared daily rental car fee, an oversize vehicle permit surcharge, and an increase in the penalties for late vehicle registration.

Each municipality receives a share of the HUTF based on a formula that takes into account the number of vehicles registered and the center line miles of streets in each municipality relative to the same data in other municipalities. Generally, 80 percent of the distribution is based on the number of vehicles registered and 20 percent on the center line miles of streets in a community. Each municipality's percentage share is recalculated annually in July and is based on its previous year's vehicle registration figure as certified by the Department of Revenue to the state treasurer, and its previous year's miles of open, used, and maintained streets as certified to the treasurer by the Colorado Department of Transportation (CDOT), which uses data from each entity's Annual Certification of Condition and Mileage Report.

Revenue Estimate #1 in the chart below is an estimate of July through December 2011 municipal HUTF revenues and is provided to help municipalities revise current year HUTF estimate. CML recommends adding the first six months of actual revenues to the revenue Estimate #1 for a revised 2011 HUTF revenue estimate.

Revenue Estimate #2 is the aggregate municipal HUTF revenue estimate for January

through December 2012. Note that a municipality's HUTF revenue may not track the growth of the total fund as shares are based on the number of vehicles and center lines miles in each community relative to the same statistics in other municipalities and are recalculated annually. Consequently, a municipality's percentage share may change whether or not its own statistics change.

Estimates for each municipality are available at [www.cml.org](http://www.cml.org) under Information > Resources for municipalities > Background on municipal issues > Transportation. Please keep in mind that these are only estimates and are based on CDOT's revenue estimates.

As a condition of continuing to receive monthly HUTF payments, state law requires that municipalities annually submit two reports: Certification of Condition and Mileage Report (due March 1) and the Annual Receipts and Expenditures Report (due June 30). If these reports are not provided to the state in a timely manner, by statute (C.R.S. 43-4-209), the jurisdiction's HUTF payments will be withheld for up to six months or until the reports have been provided to the state. After six months, if the reports have not been provided, your municipality's withheld HUTF payments will be paid to that municipality's county.

Contact CML Legislative & Policy Advocate Mark Radtke, [mrادتke@cml.org](mailto:mrادتke@cml.org), with any questions.

CML thanks CDOT and the state treasurer's office for their assistance in preparing data for these estimates.

	Estimate #1 — 2011 (last six months)	Estimate #2 — 2012
Basic fund	\$10.1 million	\$20.4 million
Additional revenues (1981, 83, 86, 89, SB 95-47, SB 09-108)	\$54.0 million	\$111.1 million
<b>TOTAL</b>	<b>\$64.1 million</b>	<b>\$131.5 million</b>

## CLASSIFIED CORNER

### Wanted

The Julesburg Fire Department is in need of **500 to 600 feet of 4- or 5-inch usable supply line**. Please contact Town Hall at 970-474-3344 or [jbsbg@pctelcom.coop](mailto:jbsbg@pctelcom.coop) if you think you can be of assistance.

Town of Pierce is interested in **used skate park equipment**. Please contact Pat Larson, town clerk/treasurer, at 970-834-2851 or [plarson@townofpierce.org](mailto:plarson@townofpierce.org), if you think you can be of assistance.

### For sale

The Town of Walden has for sale a **new main tubular broom attachment** for a 1981 Elgin Pelican Model S Street Sweeper. Asking \$300. Contact Windy Van Valkenburg at 970-723-4344 for more information.

City of Gunnison has for sale 258 feet of **portable baseball field fencing**. Each panel is welded 1-5/8" OD pipe frame with nine-gauge chain link and 16" fence legs that fit into two-foot sleeves buried in the ground (sleeves not included). Package also includes 1,100 feet of 4'-tall wind screen. Asking \$3,500. Contact Gunnison Recreation at 970-641-8421.

The Town of Hayden has for sale a **1999 Plymouth Voyager FWD** with a 3.0-liter V6 engine with approximately 64,011 miles. Asking \$4,000 or best offer. Sealed bids will be accepted at the Hayden Town Hall, P.O. Box 190, Hayden, CO 81639 until 4 p.m., **Aug. 22**. For details, contact Nathan Archuleta at 970-276-3741 or [narchuleta@hayden-co.gov](mailto:narchuleta@hayden-co.gov).

The Town of Silverthorne has for sale a **2006 Chevrolet Impala** outfitted for police use. Approximately 72,000 miles. Priced at \$5,000. For more information, call 970-485-9299.

### To place an ad ...

Contact Traci Stoffel, publications specialist, by email at [tstoffel@cml.org](mailto:tstoffel@cml.org).

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COLORADO MUNICIPAL LEAGUE

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Subscriptions to *CML Newsletter* are offered as a portion of member dues. Cost to nonmembers is \$300 a year.

## COURSE NOTEBOOK

### Transportation

Downtown Colorado Inc. offers regular Development & Improvement District forums to allow its members to network, discuss current events, and participate or listen to discussions on targeted topics. On **Sept. 14**, the forum focuses on transportation and mobility options. For more information, visit [www.downtowncoloradoinc.org](http://www.downtowncoloradoinc.org).

### Downtowns

Downtown Colorado Inc.'s annual conference, *Cultivate, Collaborate & Celebrate: Growing the Economy from the Bottom Up*, takes place in Durango **Sept. 21–23**. The conference provides practical strategies on relevant topics for managing downtown issues, including economic development, collaboration strategies, planning issues, business attraction and incubation, special districts, youth engagement, tourism niches, and more. Tracks are available for rural and urban attendees. For more information or to register, visit [www.downtowncoloradoinc.org](http://www.downtowncoloradoinc.org).

### GSA and purchasing

Use the buying power of the federal government to stretch your municipal dollar. The U.S. General Services Administration invites municipal officials to a free training seminar on acquisition programs, including cooperative purchasing, disaster recovery products, personal property overview, and more. All-day sessions take place **Sept. 22** in Fort Collins, **Sept. 27** in Colorado Springs, and **Sept. 29** in Denver. For details or to register, visit [www.gsa.gov/events](http://www.gsa.gov/events) and "filter by location." For more information, contact Garrett Pride at 303-236-2382 or email [garrett.pride@gsa.gov](mailto:garrett.pride@gsa.gov).

### Boards and commissions

Appointed municipal officials will not want to miss CML's Boards & Commissions Workshop, which helps you define your role in the policy process, provides a better understanding of meeting procedures, explains ethics laws, and more. The workshop takes place **Sept. 23** at CML. To register, visit [www.cml.org](http://www.cml.org) and look under Training > Calendar.

### Water

Register early for the Colorado WaterWise Conservation Workshop and save! Discounts for the **Oct. 14** event in Denver are available until Sept. 14. Be sure to attend to learn about "Making Dollars and Sense of Water Conservation." For more information, visit [coloradowaterwise.onefireplace.org](http://coloradowaterwise.onefireplace.org).

### Congress of Cities

The National League of Cities' annual Congress of Cities and Exposition takes place in Phoenix, Ariz., **Nov. 9-12**. This is your chance to catch up on national developments, gain new skills and knowledge, and get great new ideas to implement in your municipality. For more information, visit [www.nlc.org](http://www.nlc.org).

### Climate action

The Colorado Climate Network will hosts its second annual conference, "Communicating the case for local climate action: A how-to conference for local officials, staff, and others" on **Dec. 8** in Aurora. Plan to attend and learn more about meeting the challenges of effectively incorporating the needs of climate action into public policy making and program marketing. For more information, visit [www.coclimatenetwork.org](http://www.coclimatenetwork.org).

## COLORADO INDEPENDENT ETHICS COMMISSION OFFERS TAILORED TRAINING PROGRAMS

THE COLORADO INDEPENDENT ETHICS Commission (IEC) was created to "hear complaints, issue findings, and assess penalties, and also to issue advisory opinions on ethics issues arising under this article (XXIX), and under any other standards of conduct and reporting requirements as provided by law." Since its creation in 2007, the IEC has issued more than 40 opinions interpreting Article XXIX as well as other ethics laws and regulations. It also has conducted two complaint hearings.

The commission has jurisdiction over state executive and legislative branch public employees and officials as well as municipal and county public officials and employees, provided that the municipality or county is not

a home-rule county or municipality that has adopted its own ethics code. That means that many of CML's member municipalities are under the IEC's jurisdiction. The IEC's goal is to encourage compliance with Article XXIX and other ethics laws, and encourages covered individuals and groups to ask for advice and be familiar with the restrictions imposed by Article XXIX.

To that end, IEC staff is available to do a training presentation to municipal governments. If you think your jurisdiction would benefit from a presentation, contact Jane T. Feldman, IEC executive director, at 303-837-2339 or [jane.feldman@state.co.us](mailto:jane.feldman@state.co.us). Presentations can be tailored to your specific audience, be it elected officials or staff, or both.

# PROMOTING COMPLIANCE WITH THE STATE LANDSCAPE ARCHITECTS PROFESSIONAL LICENSING ACT

ON JAN. 1, 2008, THE STATE OF COLORADO enacted a statute requiring all landscape architects practicing within the state to hold a valid license from the state and established a Board of Landscape Architects that works under the jurisdiction of the Department of Regulatory Affairs (DORA). The statute, C.R.S. 12-45, can be found at [www.dora.state.co.us/la/Statute.pdf](http://www.dora.state.co.us/la/Statute.pdf). A summary of the provisions of this licensure law is available on the ASLA website, [www.asla.org](http://www.asla.org) under Professional Practice > Licensure.

The act was passed at the state level, but, to be effective, it must also be administered through hundreds of the local government public works and planning agencies. A Colorado Chapter of the American Society of Landscape Architects (ASLA Colorado) survey revealed that, while many communities have updated their codes and procedures, some jurisdictions have yet to implement procedures requiring landscape architects to sign and seal drawings, and decisions are often made and actions are taken within local jurisdictions that clearly affect the functional and aesthetic use of public lands without input and guidance from licensed landscape architects. As a result of these findings, ASLA Colorado has begun an outreach program to promote the profession and educate local government agencies about the state law. The statute requires a landscape architect's

stamp on all final design drawings and specifications submitted to local government agencies and private clients. There are limited exceptions for residential landscape design (up to four units) and for plans prepared by government employees.

Licensed landscape architects are, and should be, responsible for their professional services. The public, as well as planning and building officials, rely on their professional expertise. As a result, professional submissions such as planning and site planning documents that result in construction documents should clearly show the identity of the licensed landscape architect who prepared them or has taken responsible control for them, by having affixed a seal and signature and otherwise complying with the requirements of state law. Without proper identification, ultimate responsibility for any deficiencies may not be clear.

As a general rule, planning and building officials should require that all construction documents have the seal and signature of either a Colorado licensed landscape architect as appropriate, or have a notation on the construction documents stating that the plans are exempt from the statute requiring them to be prepared by a licensed landscape architect. Planning and building officials facing litigation or defending their actions in other arenas should not have to explain why they could have required construction documents to be prepared, signed and sealed by a landscape architect, but chose

instead to accept construction documents from an unlicensed individual, especially when state law or planning and building codes may not have allowed that unlicensed individual to prepare the construction documents in the first place.

ASLA Colorado is requesting the assistance of local government agencies in helping DORA and the Board of Landscape Architects enforce the licensed practice of landscape architecture. Individuals can check the current licensure status of any licensee online at [www.dora.state.co.us/registrations](http://www.dora.state.co.us/registrations) under "Licensee Database Request." At that site, you can also report license violations and unlicensed practices by submitting the form by under "File a Complaint."

ASLA Colorado has created an information package to promote local compliance with the state law that includes a letter from its president, a brochure, a copy of a letter from the Colorado State Board of Landscape Architects to local government officials encouraging compliance with the state law, a sample municipal ordinance, and a sample county administrative memo. These documents also are available at [www.aslacolorado.org/resources/advocacy](http://www.aslacolorado.org/resources/advocacy) under "Licensure Compliance Materials." For a print copy or additional information, contact Neil McLane, ASLA Colorado vice president of government affairs and advocacy, at [neil@mcclaneassoc.com](mailto:neil@mcclaneassoc.com) or 303-443-0388.

## GRANTS AVAILABLE FOR WEBSITES, APPLICATIONS

THE STATEWIDE INTERNET PORTAL Authority (SIPA), a self-funded organization, has been serving governments across Colorado since 2004 by supplying websites, application development, and other services. SIPA created a grant program in 2010 as a way to encourage local governments to put more services and information online. Recognizing the tight budgetary times and the ever increasing demands of highly mobile and connected citizens, SIPA wants to foster the use of the Internet as a tool for delivering services.

In 2010, the first year of the program, SIPA received 89 applications requesting a total of \$480,000 in equipment and/or services. SIPA was able to award 24 cash grants totaling \$100,000 and 40 service grants with a worth of

\$200,000. The grants helped the Town of Breckenridge place its town code online and the City of Greenwood Village to create an online recreation registration system. Services such as payment processing and website development and hosting were offered at no cost, as these are existing SIPA services.

In 2011, SIPA will again offer this grant program and encourages interested parties to watch its website ([www.colorado.gov/sipa](http://www.colorado.gov/sipa)) for more information. While subject to change, the grant application period is planned to start mid-October and close mid-December, with awards being announced in January. Questions should be directed to [sipa@cosipa.gov](mailto:sipa@cosipa.gov), but should be reserved until the process begins formally.

## DOLA, DEMOGRAPHY UPDATE WEBSITES

THE COLORADO DEPARTMENT OF LOCAL Affairs (DOLA) launched a new and improved website, [www.colorado.gov/dola](http://www.colorado.gov/dola), that is designed to be effective, efficient, and elegant.

The State Demography Office also updated its website to be easier to read and navigate, with improved organization of population estimates, as well as economic and labor force data. Check it out at [www.colorado.gov/demography](http://www.colorado.gov/demography).

## GOCO SEEKS REVIEWERS

GREAT OUTDOORS COLORADO (GOCO) IS in need of peer reviewers for fall 2011 grant applications. Peer reviewers read and comment on up to nine grant applications, which will be mailed by Sept. 14, and must submit comments by the week of Oct. 10.

Reviewers must participate in a 20-minute orientation teleconference held during the week of Sept. 12. Reviewers also will need to be available for a two-hour teleconference/meeting during the week of Oct. 10 to go through comments on each application with other reviewers and GOCO staff members.

To volunteer, email your complete mailing address and phone number to Luke Bolinger at [lbolinger@goco.org](mailto:lbolinger@goco.org) and indicate whether you are submitting a GOCO grant application this fall and under which program you are applying.

GOCO is also in need of peer reviewers for fall 2011 open space applications. If you have real estate transaction experience and are interested in participating, contact Kathleen Staks at [kstaks@goco.org](mailto:kstaks@goco.org).

# 2011 ANNUAL SEMINAR ON MUNICIPAL LAW

FRIDAY–SATURDAY, OCTOBER 14–15, 2011 • SHERATON STEAMBOAT RESORT, 2220 VILLAGE INN COURT, STEAMBOAT SPRINGS

Moderated by Eugene Mei, Longmont city attorney, CML attorneys section chair and Metro City Attorneys Association president

## FRIDAY — AGENDA

- 8 a.m. Registration and breakfast
- 9 a.m. **Annual Survey of Municipal Law**  
*David Broadwell, Denver assistant city attorney*
- 10:45 a.m. **Now What? Disclosure Requirements After Citizens United and Sampson v. Buescher**  
*Scott Gessler, Colorado Secretary of State, and Eugene Mei, Longmont city attorney*
- 12 noon **Lunch: Elections Overview and Rulemakings Update**  
*Scott Gessler, Colorado Secretary of State*
- 1:30 p.m. **Public Officials and Private Lives: CORA and Denver Post v. Ritter**  
*Dan Domenico, Colorado solicitor general, and Trey Rogers, Rothergerber Johnson & Lyons LLP*
- 2:45 p.m. Break
- 3 p.m. **Innkeepers and Intangibles: Taxing Internet Transactions**  
*David Cooke, Denver assistant city attorney*
- 5 p.m. Social hour

## SATURDAY — AGENDA

- 8 a.m. Breakfast
- 8:30 a.m. **What Every Municipal Attorney Needs to Know about Bonds**  
*Dee Wisor and Kim Crawford, Sherman & Howard LLC*
- 9:45 a.m. **Financing Infrastructure: Bank Loans v. Bonds**  
*Erick Stowe, Peck Shaffer*
- 10:15 a.m. Break
- 10:45 a.m. **Ethics**  
*Amy DeVan, Colorado Supreme Court Office of Attorney Regulation*

## REGISTRATION OR QUESTIONS

For more information, special needs, or if you have any questions, call 303-831-6411 or 866-578-0936. Return the registration form below to CML by Friday, **Sept. 23**, or visit [www.cml.org](http://www.cml.org) to register online.

## ATTORNEYS CLE CREDITS

We have applied for CLE credits.

## LOCATION & LODGING: STEAMBOAT SPRINGS

### Sheraton Steamboat Resort,\* 2220 Village Inn Court

Village View one king or two queen beds for \$89/night; Valley View hotel rooms for \$109/night; studios, suites, and condos available at discount; contact resort for pricing. Room availability and/or discounted rates cannot be guaranteed after **Friday, Sept. 23**. Resort fees have been waived for CML. To make reservations, call 1-970-879-2220 or 1-800-325-3535.

\* Each year, CML contracts for a room block at the host hotel. To secure sleeping rooms at a lower rate, CML must guarantee that a certain percentage of those rooms are occupied by meeting attendees each night. To allow CML to continue to offer reduced hotel and seminar registration rates, and to enhance networking opportunities, we strongly request that participants stay at the Sheraton Steamboat Resort.

CML strives to provide a diverse program that responds directly to the interests and needs of municipal attorneys, whether they be generalists or specialists. CML would like to thank our sponsors who help with this effort.

### Supreme level

Kutak Rock LLP  
Widner Michow & Cox LLP

### Amicus level

Hayes Phillips Hoffmann & Carberry PC  
Murray Dahl Kuechenmeister & Renaud LLP

## REGISTRATION FORM — 2011 ANNUAL SEMINAR ON MUNICIPAL LAW — FRIDAY-SATURDAY, OCT. 14-15

Please submit a separate form for each participant. This form may be copied. Return by Friday, Sept. 23 — add a \$20 late fee if received after that date.

Name \_\_\_\_\_

Title \_\_\_\_\_ Representing \_\_\_\_\_

Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

Address \_\_\_\_\_

City, State, ZIP \_\_\_\_\_

Meals:  Vegetarian  Gluten-free

Nonrefundable registration fees:

- \$245 (CML member/associate members, if received by Sept. 23)  \$265 (CML members, if received after Sept. 23)  
 \$295 (all nonmembers, if received by Sept. 23)  \$315 (all nonmembers, if received after Sept. 23)

Check enclosed  Visa  MasterCard

Visa/MC # \_\_\_\_\_ Exp. Date \_\_\_\_\_

Name on card \_\_\_\_\_ Signature \_\_\_\_\_

**Mail or fax this form and send payment to:** CML, 1144 Sherman St., Denver, CO 80203-2207; fax 303-860-8175.

Make checks payable to Colorado Municipal League. Registration is also available online at [www.cml.org](http://www.cml.org).

Registrations may be canceled in writing on or before Sept. 23. After Sept. 23, canceled registrations will be subject to a \$50 per person processing fee. Substitutions can be made at any time. No refunds for no-shows. **Your registration will not be final until payment is received.**

## LESSONS ON LOCAL GOVERNMENT PRESENTED TO TEACHERS

# Lessons on Local Government

CML RECENTLY HOSTED TEACHERS from across the state for a training day to learn all about Lessons on Local Government (LOLG), the collaborative resource produced by CML, the Special District Association of Colorado, and Colorado Counties, Inc. The teachers found it to be a great resource and plan to use it in their classrooms to educate their students on local government.

Here's what they told us:

*Every lesson involved high levels of engagement from each learner.*

*I believe it is important for the students to know how their local governments work because they directly affect citizens.*

*I plan to share LOLG with my team at school and the district.*

*The lessons meet all different learning needs; they incorporate visuals, group work, reading skills, note taking, etc.*

*The lessons use themes kids connect with and are teacher-friendly — easy to use and easy to adapt for individual classroom or community needs.*

*I am excited about reaching out to local government representatives to come and visit with my students.*

*With great resources like this, I get to do what I do best — teach kids, instead of spending a lot of time writing curriculum.*

Help us get the word out about LOLG — share it with the educators in your city or town! Visit [www.lessonsonlocalgovernment.com](http://www.lessonsonlocalgovernment.com).

It's also a valuable resource for you, the municipal official. The site links to worldwide and local resources, provides tips for visiting schools in your community, and much more.

## CML SCRAPBOOK



Teachers from across the state gathered at CML to learn more about Lessons on Local Government (see story above). Photo by Lisa White.



A winner of the CML "If I were a mayor..." contest, Jodie Schumacher is honored as "Mayor for a Day" by the mayor of Peetz for the other 364 days of the year, Greg Nienhuser. The recognition for the Peetz Junior High School student took place at the Aug. 8 Peetz Town Board of Trustees meeting. Pictured from left are CML Legislative & Policy Advocate Mark Radtke, the winner's mother Christy Schumacher, the winner Jodie Schumacher, Peetz Mayor Greg Nienhuser, and teacher Evelyn Gardiner. Photo by Peetz Town Clerk Dawn Fiscus.

## DON'T MISS YOUR DISTRICT MEETING!

DON'T MISS YOUR OPPORTUNITY TO meet with your CML staff at the fall district meetings! This is your chance to hear about CML's policy process and provide your input as we prepare for the 2012 legislative session, as well as to share what new in your municipality. After the meetings are social hours and dinners. Meetings begin at 4 or 4:30 p.m.; details and registration information are available online at [www.cml.org](http://www.cml.org). Invitations should also be arriving in mailboxes soon, if they haven't arrived already.

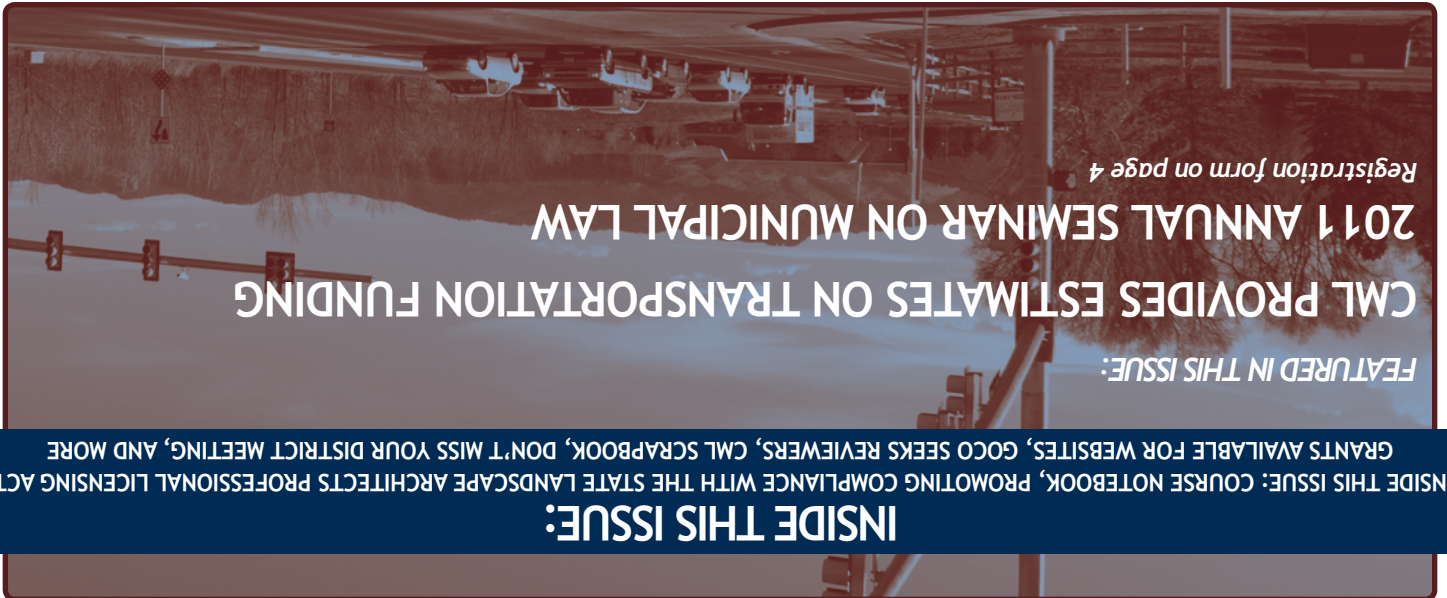
- Thursday, **Sept. 15**, District 6, Springfield
- Monday, **Sept. 19**, District 9, Pagosa Springs
- Tuesday, **Sept. 20**, District 8, La Jara
- Thursday, **Sept. 22**, District 1, Sterling
- Monday, **Sept. 26**, District 4, Green Mountain Falls
- Monday, **Oct. 3**, District 11, Meeker
- Thursday, **Oct. 6**, District 2, Greeley
- Thursday, **Oct. 13**, District 13, Florence
- Tuesday, **Oct. 18**, District 5, Burlington
- Wednesday, **Oct. 19**, District 10, Delta
- Thursday, **Oct. 20**, District 12, Minturn
- Tuesday, **Oct. 25**, Districts 7 & 14, Pueblo
- Thursday, **Nov. 17**, District 3, Parker



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