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TOWN MANAGER REPORT - Sept 4th TOWN COUNCIL MEETING

TOPICS

Ballot Initiatives

Meeting Updates

Ballot Measures

Council appended hereto is a position paper from the Colorado Municipal League, specific to four initiatives that are now making their way to the November ballot (contingent upon certification by the Secretary of State's Office). The CML Executive Board has taken positions on all four initiatives, and particular focus is lent to Initiative #108 regarding takings.

This suggested change to the Colorado Constitution, amending the Takings Clause which has existed throughout Colorado's history (and which arguably has worked just fine in terms of protecting private property interests) will add ambiguous language to address all government actions that would "reduce the fair market value" of private property. This could have far-reaching consequence upon all local governments.

The CML Board has taken a unanimous position of opposition to this initiative. As of last week, the Colorado Association of Ski Towns has likewise taken a unanimous position of opposition. Should the Council wish to weigh in on this matter, it could do so by resolution. Our Town Attorney can provide more guidance on this if there is a desire to move forward.

Also of interest is the Statewide Transportation Sales Tax initiative, the status of which has been reported to Council on an ongoing basis. To refresh, this measure, if approved, will increase statewide sales tax by 0.62 percent, with the resulting revenues going to statewide transportation, and shared back to local governments. There is also a multi-modal component.

The I-70 Coalition has taken a position of support on this initiative, as has the Colorado Municipal League.

These items are referenced as information update for the Town Council, as both measures will have impact upon local governments. Additionally, the Town of Vail is an active member of the three organizations mentioned above (CML, CAST, and the I-70 Coalition).

Meeting Updates



Colorado Association of Ski Towns

The quarterly meeting occurred in Mt. Crested Butte last Thursday and Friday. It was an excellent meeting and well attended. The Mayor and I represented the Town of Vail. The array of topics was very informative and timely. I am pasting the agenda below, but will call specific focus to the discussion led by Mr. Luis Benitez regarding the Outdoor Recreation Industry, and trending issues. Having ties to the Eagle Valley, it would be beneficial to have Mr. Benitez visit at the future Council meeting to discuss this topic in more detail.



AGENDA August 23-24, 2018 Mt. Crested Butte, Colorado

Thursday, August 23

6:00-9:00 p.m. Cocktails and Dinner: *Avalanche Bar & Grill. In the Mt. CB Village, slopeside.*

Friday, August 24, Lodge at Mountaineer Square, Elko Room

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| 7:45 a.m. | Breakfast |
| 8:10 | Call to Order and Introductions, Greg Clifton, CAST President |
| 8:14 | Approval of June 2018 Meeting Minutes |
| 8:15 | Welcome to Mt. Crested Butte
<i>Mayor Todd Barnes</i> |
| 8:25 | Luis Benitez, Director, Colorado Outdoor Recreation Industry Office |
| 9:10 | ICE Lab: Growing and attracting entrepreneurs in paradise
<i>Russell Forrest, Manager, City of Gunnison</i>
<i>Delaney Keating, Executive Director, ICE Lab</i>
<i>Luis Benitez, Director, Colorado Outdoor Recreation Industry Office</i> |
| 10:00 | Member Discussion: Ski Area Fee Retention Act
<i>John Whitney, Western Slope Regional Director, Sen. Bennet's Office</i> |
| 10:30 | Break |
| 10:45 | CAST Multi Modal Transportation Best Practices Study – Final Report
<i>Cady Dawson, Transportation Planner, Felsburg, Holt & Ullevig</i> |
| 11:30 | Member Dialogue: Local Impacts & Actions Around a Changing Climate
<i>Candace Vahlsing, Senior Advisor ,Energy, Climate, and Environment, Sen. Bennet's Office</i> |
| 12:10 | Innovators' Showcase
-Crested Butte Conservation Corps
-Sustainable Tourism and Outdoor Recreation, Gunnison County
-Dillon Amphitheater Improvement Project |
| 12:25 | Updates/Other Business
-Department Head Meetings
-Initiative 108 |
| 12:30 | Adjourn |

Also of interest is the CAST report re best practices for multi-modal transportation. Similar to the short-term rental report of two years ago, the paper will provide an informative update to CAST members and others on a very relevant topic. The Town of Vail was of course a participant in the survey that provided much of the information going into the report. The paper is still draft, but you can expect a final copy in the weeks ahead. It is a good read.

Colorado Municipal League

The Executive Board met over the phone on August 20th. I attended by phone. The items discussed were the four initiatives, referenced above and appended hereto. Action was taken on all four measures in terms of establishing CML's official position on each measure.



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NEWS RELEASE

For immediate release

CML Takes Positions on Ballot Initiatives

August 23, 2018- The Colorado Municipal League's (CML) Board of Directors has taken positions on four statewide ballot initiatives. "Many citizen-drafted proposals have direct impacts on the operations, finances, and services of cities and towns both positively and negatively. CML has often times taken positions on such measures over the years," states Sam Mamet, League Executive Director.

Takings (currently #108): Oppose

This suggested change to the Colorado Constitution would expose both the state and all local governments to untold legal exposure with unclear language referring to government regulations or actions which would "reduce" the "fair market value" of private property and subject taxpayers to "just compensation" to a private property owner. All types of ordinances and policies at the municipal level would be affected, like code enforcement, land use and zoning, licensing, and redevelopment. Fort Collins Mayor Wade Troxell shares, "This measure places words in our state constitution that are not clear. Both the state and taxpayers in cities like my own will be subject to frivolous lawsuits. As both a Mayor and CML President, I am strongly opposed and will be voting no."

Governor Hickenlooper has already publicly voiced his opposition to the measure, and a growing number of organizations are as well, including Club 20, the Metro Denver Chamber of Commerce, and the Jefferson County Economic Development Corporation. Additionally, the Grand Junction Sentinel has editorialized against #108: <https://bit.ly/2wgF7H3> (The CML contact on this measure is executive director Sam Mamet: (303) 831-6411/ smamet@cml.org)

Setbacks (currently #97): Oppose

As a change to state law, a 2,500-foot oil and gas production setback would be established from certain areas within a community. The League is concerned with the preemptive nature of the measure relative to the flexibility of local governments to negotiate setback policies with energy producers. The measure also conflicts with constitutional home rule authority for municipalities. It would seriously impact on-going production activity in this state, and this will cause a serious reduction in severance tax revenues accruing to a variety of important state programs, like water storage and school funding, as well as grant programs available to cities and towns. The impact on the state's economy will be significant as well. However well-intended, the measure goes too far. (The CML contact on this measure is executive director Sam Mamet: (303) 831-6411/ smamet@cml.org)

Transportation Sales Tax (currently #153): Support

This proposed state law would increase the state sales rate and earmark the revenue for a variety of CDOT projects, allow for bonding, provide additional funding for local transit and other multi-modal needs through a CDOT-administered grant program, and most importantly share a significant portion of this new revenue with counties and municipalities. A recent analysis conducted by CML indicates at least a \$3.75 billion shortfall in funding needs at the city and town level. Learn more at <https://www.cml.org/153-memo/>. Passage of this measure would go a long way towards addressing this critical infrastructure problem facing Colorado at the state and local level. (The CML contact on this initiative is legislative and policy advocate Morgan Cullen: (303) 831-6411/ mcullen@cml.org)

Transportation Revenue Anticipation Notes (currently #167): Oppose

This proposed state law would authorize the state to float \$3.5 billion in "revenue anticipation notes" to fund 66 CDOT-named projects in the measure. The League agrees with proponents who quite correctly argue that the state has not done enough to prioritize transportation funding as a key component of the general fund budget. However, we are quite concerned that because there is no funding stream identified (as in #153) to pay off the notes, funding cuts in the state budget will have to occur, and those likely will come from state-administered grants and loans available to cities and towns. Furthermore, there is no guarantee if any of the named projects will even get funded. Finally, there is no share back with counties and municipalities. (The CML contact on this initiative is legislative and policy advocate Morgan Cullen: (303) 831-6411/ mcullen@cml.org)

Following are memos providing additional information for each initiative:

108: <https://www.cml.org/108-memo/>

97: <https://www.cml.org/97-memo/>

153: <https://www.cml.org/153-memo/>

167: <https://www.cml.org/167-memo/>

CML is a nonprofit, nonpartisan organization established in 1923 and represents the interests of 270 cities and towns. For more information on the Colorado Municipal League, please visit www.cml.org or call 303-831-6411.