


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MEMORANDUM

TO: Honorable Mayor and Council Members
FROM: Law Office of Avi S. Rocklin, LLC 
DATE: July 13, 2023
RE: Laws Enacted During 2023 Legislative Session

Below is a brief synopsis of laws enacted during the 2023 legislative session. For a more detailed description of each law and for a full review of all the laws, please see [2023-cml-laws-enacted.pdf](#).

HB23-1245: Campaign Practices for Municipal Elections

The act establishes that the maximum contribution a person is entitled to make to a candidate for a municipal office is \$400 and the maximum contribution a small donor committee is entitled to make to a candidate for municipal office is \$4,000 per election. Reports must be filed with the municipal clerk no later than 60 days, 30 days, and 15 days before and 30 days after an election, and on April 1 in off-election years. Municipal clerks are required to make the reports publicly available without charge either on a website or for in-person inspection.

As a home rule municipality, the Town may adopt standards that differ from state statute. Because the Town does not currently regulate this subject matter, the Town would be required to comply with state statute.

HB23-1185: Requirements for Recall Elections and Vacancies

The act clarifies how a vacancy will be filled if there are not enough members of the governing body to establish a quorum, addresses municipal recall petitions and elections and clarifies deadlines and procedures for circulating and filing petitions and filing protests.

To the extent of a conflict, the provisions of the Charter would supersede state regulation in this area.

HB23-1306: Public Use of Elected Officials' Social Media

The act provides that a local elected official may, but is not required to, maintain private social media. If so created, the local elected official has discretion to restrict or remove a user of private social media for any reason, including bullying, harassment, or intimidation of other users of the private social media.

Caselaw is still developing in this area, and caution should be exercised to ensure private social media is used exclusively for private purposes and not for purposes related to public duties.

HB3-1057: Amenities for all Genders in Public Buildings

With limitations and upon the deadlines contained therein, the act requires that:

- For renovations or new construction of buildings owned or partially owned by a public entity, such buildings must contain single stall restrooms that are not gender specific or multi-stalled restrooms available for use by any gender;
- Public entities must ensure that a caregiver has access to at least one baby diaper changing station in a single-stall non-gendered restroom, non-gendered multi-stall restroom, in both gender specific restrooms, or in an easily accessible location with equivalent privacy and amenities as a restroom; and
- For buildings that are wholly or partially owned or leased by a public entity, restrooms with diaper changing stations must be labeled, non-gendered restrooms must be labeled with pictograms void of gender, and building entrances and central directories must be updated to identify the location of baby changing stations and the location of non-gendered bathrooms.

HB23-1255: Regulating Local Housing Growth Restrictions

With limitations contained therein, the act prohibits local land use laws that, within any calendar year, limit the growth of population in a jurisdiction or the number of development permits or applications for residential development (including mixed use development with residential components) that may be submitted, reviewed, approved, or issued.

SB23-285: Energy & Carbon Management Regulation in Colorado

Beginning July 1, 2023, the act renames the Oil and Gas Conservation Commission to the Energy and Carbon Management Commission and expands its regulatory authority to include the authority to regulate a broader scope of energy and carbon management areas beyond oil and gas, including deep geothermal operations (deeper than 2,500 feet).

SB23-290: Natural Medicine Regulation and Legalization

In 2022, Colorado voters passed Proposition 122, requiring the Department of Regulatory Agencies (“DORA”) to establish a regulatory framework for the administration of natural psychedelics in licensed facilities and to decriminalize the use of certain natural psychedelics. DORA must start accepting license applications on or before December 31, 2024. The act outlines the types of business licenses that may be issued, including a health center license, cultivation facility license, manufacturer license, testing facility license, and any other necessary licenses. The act preempts local laws that would conflict with its provisions and expressly prohibits local governments from prohibiting licensed facilitators and licensed entities from operating in their jurisdictions. Local governments are, however, entitled to regulate the time, place, and manner of the operation of licensed entities.

The Town may want to consider regulating the time, place and manner of such facilities before licenses are issued.

SB23-110: Transparency for Metropolitan Districts

The act makes changes to service plan requirements submitted for proposed metropolitan districts and establishes new rules to increase transparency, requiring that:

- an organizing district include a maximum mill levy and maximum debt issuance in a service plan;
- active metropolitan districts organized after January 1, 2020 with residential units conduct an annual meeting with information about outstanding projects and debt, and allow for questions from the public;

- prior to issuing debt to a director, a certification is obtained from a registered municipal advisor concerning the reasonableness of the interest rate; and
- residential property sellers in a metropolitan district provide the purchaser with the official website established by the metropolitan district.

The Town's Model Service Plan contains some of these requirements. They will be added to service plans going forward.

SB23-286: Access to Government Records

The act makes various procedural and substantive updates to the Colorado Open Records Act (CORA), including, unless otherwise restricted by CORA, requiring the disclosure of records of sexual harassment complaints made against an elected official and the results or report of investigations conducted by or for the official's government if the investigation finds the elected official culpable for any act of sexual harassment.

SB23-304: Property Tax Valuation

The act makes changes to the valuation of property by county assessors, requiring that, in addition to the methods specified in current law, assessors consider: (i) the current use, (ii) existing zoning and government land use or environmental regulations and restrictions, (iii) multiyear leases or other contractual agreements affecting the use of or income from the property, (iv) easements and reservations of record, and (v) covenants, conditions, and restrictions of record.