

2009 Legislative Agendas



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COLORADO SPRINGS LEGISLATIVE PROCESS

The Intergovernmental Affairs Office coordinates the City's legislative lobbying activities at the state and federal levels of government, which includes initiating legislation to address issues of City concern, and responding to legislation and regulations initiated by others. City Council determines the legislative policy for City Government and Colorado Springs Utilities, which have Governmental Affairs staff to coordinate the efforts specific to each entity. City-owned Memorial Health System has a separate governing board that sets its policy and has its own Government Affairs staff.

Colorado Springs reviews all bills introduced in the Colorado General Assembly. Appropriate City and Utilities staff members analyze bills of municipal and utility interest, and a City position of support, oppose, or monitor is recommended to City Council. Lobbying positions are established by City Council based upon administrative recommendations.

The U.S. Congressional process is substantially different from the state process. Colorado Springs reviews only legislation of municipal or utility interest. The staff of the various city entities follows federal legislation through a variety of sources including congressional offices and industry trade groups. Lobbying positions are also established by City Council based upon administrative recommendations.

The Legislative Agenda was developed in advance of the General Assembly to facilitate the state process. While the agenda does not indicate positions on specific legislation, it identifies general issues of interest to the City of Colorado Springs, which have historically been addressed by the General Assembly. The City Council policy statements on all issues are necessarily very broad and are by no means all-inclusive. The City will continue to contact legislators regarding City positions on specific bills throughout the legislative sessions.

Because many state and federal issues address similar topics, some of the policy statements apply to federal issues as well. Because lobbying efforts on state and federal issues are coordinated, the administration and governing body can be informed about the relationship between state and federal proposed legislation.

The City of Colorado Springs operates under the guidance of long-range strategic or corporate planning goals as determined by City Council. It is intended that the Legislative Agenda be consistent with the goals and objectives of Council. However, some policies or guidelines addressed in this document are not within the scope of Council's long-range planning documents. In addition, Colorado Springs Utilities operates under the Utilities Strategic Direction.

Colorado Springs City Council members welcome the opportunity to discuss the City's legislative positions with legislators. Council members offer this Agenda as a guideline to legislators for reference when considering legislation impacting Colorado Springs.

COLORADO SPRINGS MUNICIPAL GOVERNMENT

HOME RULE

The Colorado Springs City Council acknowledges the home rule status of the City of Colorado Springs through the provisions of the Colorado Constitution and its City Charter, and recognizes the necessity of local control and management of matters of local concern. The City Council believes that the principle of home rule authority affords the citizens of Colorado Springs greater access to local government and greater opportunity for participation in and contribution to the decision-making process, thereby enhancing the quality of life in the community and the ability of local government to respond to the needs of its citizens. City Council also recognizes the important role that referendum and initiative play in self-governance, but believes that it may be too easy to change the constitution or impose spending obligations on government through initiative measures. The City will vigorously defend its home rule status in matters of local concern which are compromised by the state process.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislative efforts to strengthen home rule authority of local municipal governments.
- ◆ Oppose legislation that mandates state or federal intercession in matters of local concern and which unnecessarily or adversely affects the City's ability to manage pursuant to its home rule authority.
- ◆ Support legislation requiring that signatures on initiated petitions for constitutional amendments be gathered from multiple regions of the state, and that constitutional amendments be approved by more than a simple majority of voters.
- ◆ Oppose legislation that interferes with a home rule municipality's ability to manage its relationship with employees.

OPEN GOVERNMENT

The Colorado Springs City Council recognizes the importance of open discussion of matters affecting the citizens of Colorado Springs and the need for heightened public awareness of issues and problems facing the City. The Council further recognizes the significant contribution made by members of the public to the decision-making and policy-making process and the necessity of citizen involvement in a home rule municipality.

Therefore, the Colorado Springs City Council supports the following policy statements:

Open Meetings

- ◆ Support conducting government business and formulating public policy in public.
- ◆ Oppose legislation that limits the City's home rule authority in determining the processes by which it conducts its business.
- ◆ Support legislation which clarifies that the intent of the Open Meetings Act applies to meetings called by the public body to discuss public business and not meetings called by others which members of the public body will attend individually but not discuss or take action as the public body.

Open Records

- ◆ Encourage all of City government to be accessible to the public in order to maintain good public relations, to keep the public informed of City actions and issues, and to benefit from citizen input.
- ◆ While conducting City government in an open manner is of the highest priority, legislation and regulation may be necessary to protect publicly owned enterprises' abilities to compete with private enterprises in the areas of health care, utilities and others.
- ◆ Support laws that recognize that information about infrastructure construction, location and operation may be very sensitive for security reasons, and therefore support exempting such records from public inspection.
- ◆ Support laws that recognize that effective management requires the ability to candidly communicate with employees regarding performance and that the personnel records exception to open records requirements includes evaluation ratings, narratives and other information specific to the individual.

CIVIL RIGHTS

The Colorado Springs City Council recognizes the inalienable right of the citizens of Colorado Springs to their constitutionally guaranteed freedoms and privileges. The Council further recognizes that City officers and employees, as individuals, are entitled to such freedoms and privileges.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislation that protects the civil rights to which the citizens of Colorado Springs are entitled under the United States and Colorado Constitutions.

- ◆ Support legislation that protects the civil rights to which municipal officers and employees are entitled under the United States and Colorado Constitutions.
- ◆ Support legislation that discourages baseless and frivolous legal claims and demands made against municipalities and their officers and employees in the name of civil rights violations.
- ◆ Oppose legislation that duplicates, expands upon or establishes different standards than existing federal regulations.
- ◆ Support legislation that protects the rights of citizens to participate in public deliberation without fear of incurring personal liability.

SOVEREIGN AND GOVERNMENTAL IMMUNITY

The Colorado Springs City Council recognizes that the complexity and diversity of City operations and services required to meet the needs of the citizens of Colorado Springs may expose the City and its officers and employees to liability for damage and injury. The Council further recognizes that City officers and employees must be confident that they have the City's support in the lawful and proper performance of their assigned duties and responsibilities. The Council understands that claims against the City constitute claims against the taxpayers, and excessive claims could impair the City's ability to deliver essential services.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislation that protects the interests of municipalities and their officers and employees in the lawful and proper performance of their duties and responsibilities.
- ◆ Support legislation that discourages baseless and frivolous claims and demands that can be made against municipalities and their officers and employees.
- ◆ Oppose legislation that expands or increases municipal liability or, conversely, further limits municipal immunity.

HUMAN RESOURCES

The City of Colorado Springs is an equal opportunity employer that administers workers' compensation and employee benefit programs. The City's liability, workers' compensation and health programs are self-funded. The City fulfills its obligation to provide workers' compensation benefits to injured employees in accordance with state statutes. Pension plans are provided for uniformed employees by the City of Colorado Springs for employees hired before April 7, 1978 and these plans are administered by the City. For uniformed employees hired on or after April 7, 1978 through September

30, 2006, these pension plans are administered by the Fire and Police Pension Association. All uniformed employees hired on or after October 1, 2006 will enter the state pension plan through the Fire and Police Pension Association (FPPA). Civilian employees are afforded pension benefits, through membership in the Colorado Public Employees Retirement Association (PERA). Health care benefits are provided to active civilian, active sworn and retired sworn employees through a self-insured contract administered plan. The City also provides death and disability benefits to police and fire employees through the state-established FPPA plan for public safety workers.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support retention of the Colorado Workers' Compensation System, which stipulates that participation in the workers' compensation program is the sole and exclusive remedy for employees injured on the job.
- ◆ Oppose legislation that increases costs of the City's workers' compensation program.
- ◆ Support legislation that protects the employer or employee PERA and FPPA pension plans and retiree health insurance costs, and retirement benefit options available to employees within existing pension plans, while maintaining adequate and actuarially sound funding.
- ◆ Oppose changes in the state unemployment compensation program that increase costs to the employer.
- ◆ Oppose legislation that requires mandatory participation or participation rates in employment or benefit programs.
- ◆ Support legislation that enables the state to obtain maximum participation in federal health care funding for low-income beneficiaries.
- ◆ Support restoration of the state and local exemptions from the provisions of the federal Fair Labor Standards Act (FLSA), and/or support increasing the flexibility employers and employees have in complying with FLSA.
- ◆ Support legislation that continues dependable and predictable state funding for death and disability benefits for local and volunteer public safety employees.
- ◆ Oppose legislation that further reduces state funding of police and fire death and disability benefits by shifting funding to local governments.
- ◆ Support legislation that would allow for police and fire employees who work 1040 hours or more per year to be eligible for death and disability benefits.
- ◆ Support legislation that increases reimbursement to health care providers under Medicare and Medicaid to a level that will attract additional providers to the City.

- ◆ Oppose legislation which would prevent the City from contracting for the best benefit service provisions at the lowest reasonable cost, including any legislation which would eliminate cost savings realized through discounted prescription services.
- ◆ Oppose legislation that mandates specific health care benefits.
- ◆ Oppose legislation that requires collective bargaining or mandates certain benefits for a specific employee population.
- ◆ Oppose legislation that would undermine Colorado's Labor Peace Act.
- ◆ Support legislation that enhances the safety and protection of public sector employees while performing their work related duties.

GENERAL FINANCE

The City of Colorado Springs is impacted by state and federal financial policies.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support equitable sharing with municipalities of existing and increased state revenues derived from traditional state-collected, locally shared revenues, such as cigarette tax, Highway Users Tax Fund, and lottery. Support sharing state surplus revenues with local governments for programs such as transportation.
- ◆ Support distributing proportional share to the Colorado Springs community of state funds distributed through statewide competitive grant processes, such as limited gaming revenues, drug control and other crime prevention funds, juvenile fire setter prevention funds, Great Outdoors Colorado Trust Funds, and arts funding.
- ◆ Oppose state and federal unfunded mandates.
- ◆ Support legislation requiring the state to replace local revenues lost as the result of initiative and referendum measures.

SALES AND USE TAX

The City of Colorado Springs levies, administers, and collects its own sales and use taxes under its home rule authority. Sales and use taxes comprise approximately 55% of General Fund revenues. It is estimated that these revenues would decrease as much as 10% to 15% if the City were forced to adopt the much narrower state sales tax base and revert to central state collection of revenues.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislation that maintains local control over base, rates, collection and administration of sales and use taxes.
- ◆ Support cooperative efforts of state, business, and municipal entities to simplify sales and use tax collections, provided such efforts recognize the importance of home rule municipalities retaining the authority to manage tax programs and collect taxes directly.

CONTRACTING AND PRIVATIZING SERVICES

The City of Colorado Springs and Colorado Springs Utilities have an excellent record of contracting and privatizing services, issuing several thousand contracts yearly and historically having privatized functions for a wide range of operational and professional services. The Colorado Springs City Council believes that municipal services should be provided in the most competitive way possible, and that municipal officials are in the best position to make decisions to privatize or contract municipal services.

Therefore, the Colorado Springs City Council supports the following policy statement:

- ◆ Support the concepts of competitiveness, privatization and contracting for services; however, oppose legislation mandating privatization and contracting procedures not fiscally or operationally advantageous to municipal government and citizens of the community.

TAX AND EXPENDITURE LIMITATION

On November 3, 1992, Colorado voters approved a state constitutional amendment imposing tax, spending, and revenue limitations on all government. In April, 1991, Colorado Springs voters approved a charter amendment imposing tax, spending and revenue limitations on the City's municipal government, and the City is bound by the more stringent of the two.

Therefore, the Colorado Springs City Council supports the following policy statement:

- ◆ Encourage a state-local government partnership so that state government implementation of state tax expenditure and revenue limitations is in keeping with the intent of the electorate but does not inappropriately burden the City of Colorado Springs or its citizens.
- ◆ Oppose permanent tax reductions that could cause a reduction in the spending limitation in slow economic times.

ECONOMIC DEVELOPMENT

The Colorado Springs City Council recognizes the importance of developing and sustaining a healthy economic climate in the Colorado Springs area, and throughout the State of Colorado. The increasing significance of becoming globally competitive is also at the forefront of City Council's concerns. To that end it is important to develop and maintain a diversified economic base that includes the unique economic clusters that we have in the region, as well as the strong military/defense presence, all of which contribute to the city's economic vitality. In that regard, it is important to: promote the growth and retention of primary jobs; foster a healthy business climate; promote and foster healthy small businesses; eliminate policies, procedures and rules that stifle business growth through bureaucratic delays; contribute to a skilled work force; ensure adequate housing availability for the workforce, and create specific economic development policies and objectives that support strong public and private sector economic development programs.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support state tax policies and incentive programs, whether through enterprise zones, business incentive agreements (BIA's), or other legislative initiatives, which encourage business expansion and retention through primary job creation, investment in capital equipment, and facility development for primary employers all of which increase our tax base.
- ◆ Support creation and use of tax revenues generated by expansion and new location of primary employers to finance necessary municipal services and capital improvements to maintain the community's competitive advantage.
- ◆ Support changes that speed the permitting process for new construction of primary employment and related facilities.
- ◆ Support state policies that encourage the development and redevelopment of downtown areas.
- ◆ Support the development of a statewide economic strategy that addresses issues of business climate and economic direction at the state level but that allows local control of economic development and community growth.
- ◆ Support state policies that assist local municipalities with incentives for business, which will support economies at both the state and local level.
- ◆ As necessary, support statewide efforts to retain and convert military assets and defense industries in Colorado.

LAND USE

The Colorado Springs City Council recognizes the need for an affirmative annexation policy that encourages case-by-case review of benefits and liabilities of annexations to the City and the City's ability to provide adequate services to the citizens affected. The Council further recognizes its role in actively managing the City's quality of life and strong neighborhood and community identity through orderly, balanced growth.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislation that clarifies and simplifies the municipal annexation process.
- ◆ Encourage legislation that reduces or eliminates restrictions on municipal annexation powers.
- ◆ Support legislation that encourages voluntary intergovernmental cooperation and coordination in matters such as comprehensive planning, zoning, subdivision and code enforcement and provides state assistance to communities for planning when necessary.
- ◆ Oppose legislation that diminishes home rule powers regarding land use policy and growth management.

PUBLIC SAFETY

The Colorado Springs City Council recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Colorado Springs.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislation that helps develop interoperable communication systems for public safety.

Fire

- ◆ Support state legislation, regulations and/or budgetary appropriations that enhance fire and life safety.
- ◆ Support legislation creating a State Fire Marshal and/or adopting a minimum state fire code, but do not allow a State Fire Marshal to have authority over home rule jurisdictional control. If a minimum state fire code should include unfunded mandates, adopt local amendments to replace them.

- ◆ Support legislation placing the Colorado Emergency Planning Commission in the Department of Public Safety, and empowering the Commission to conduct public hearings on the needs and priorities for Hazardous Materials Emergency Response.
- ◆ Support legislation banning the sale of fireworks in counties and other unincorporated areas.

Police

- ◆ Support legislation that strengthens the Colorado Public Nuisance Act and the Colorado Contraband Forfeiture Act.
- ◆ Support legislation that discourages requiring criminal justice agencies to pay fees to obtain financial disclosure information from banking institutions.
- ◆ Support ongoing distribution by the state of federal funds to school-based prevention programs and partnerships.
- ◆ Support legislation that strengthens the State Juvenile Justice System, including legislation that increases the number of juvenile probation officers, treatment slots and detention cells for serious juvenile offenders.
- ◆ Support legislation that prohibits possession of deadly weapons in school buses used to transport public school students.
- ◆ Oppose legislation that limits local government's ability to restrict possession of weapons in public facilities.
- ◆ Support legislation providing enhanced sentences for criminal offenses committed by proven members of gangs.
- ◆ Support legislation that maintains local control over traffic enforcement and recognizes the right of a home rule city to adopt reasonable regulations to protect the public health, safety and welfare.
- ◆ Support legislation to provide greater access to mental health and substance abuse treatment.
- ◆ Support legislation that enhances the integration of local and State criminal justice agency information systems in order to increase the efficiency and information sharing capacity of law enforcement agencies.
- ◆ Oppose legislation that imposes substantial information gathering and reporting requirements on public safety when those requirements come with substantial costs that are not supported by adequate funding.
- ◆ Support legislation that increases penalties for Possession of Child Pornography.
- ◆ Support legislation that creates stronger penalties for parents/guardians who aid/assist, or fail to report, sexual assaults on children.
- ◆ Support legislation that further regulates recycling of commodity metals to deter theft.

- ◆ Support legislation that defines traffic accident reports as criminal justice records.
- ◆ Support legislation that increases the financial threshold of property damage that triggers a police investigation of non-injury traffic accidents.

TRANSPORTATION

The Colorado Springs City Council recognizes the importance to the City of Colorado Springs of cooperation and coordinated planning among the various federal, state and local agencies involved in the delivery of transportation services and the development, expansion, maintenance and repair of the transportation infrastructure.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislative efforts to increase the role of local governments in the transportation planning process.
- ◆ Support legislation and regulatory action that maintains or increases the level of funding provided by the state or passed through the state by the federal government for transportation-related activities at the local level, including highways, bridges, transit, traffic communications technology and rights-of-way landscape maintenance.
- ◆ Support the use of funding distribution formulas that include population, vehicle registration, funding source or traffic congestion as a factor in determining the distribution.
- ◆ Support legislation that expands transportation planning, funding, and voluntary incentives to include an increasingly multi-modal perspective focusing on alternatively fueled vehicles and fleets, pedestrian ways, bikeways, multi-use trails, car/van pooling, and parking.
- ◆ Support state funding for operating mass transit and/or paratransit.
- ◆ Oppose regulation by the Colorado Public Utility Commission of transit systems in home rule municipalities where applicable federal or local regulations exist.
- ◆ Support federal and state funding for completion of projects identified in the Pikes Peak Area Council of Governments Regional Transportation Plan and City of Colorado Springs transportation plans, including but not limited to improvements to Interstate 25 (reconstruction of interchanges at Cimarron Street and Fillmore Street) and Powers Boulevard (northern extension to I-25 and construction of an interchange at Stewart Avenue/Peterson Air Force Base).
- ◆ Support federal legislation removing transportation trust funds from the unified federal budget.

- ◆ Support federal, state and private funding for Pikes Peak to build a replacement Summit House, make erosion, drainage and road improvements to the Pikes Peak Highway, and provide new recreational, educational and interpretive opportunities for citizens and visitors to the Pikes Peak region.
- ◆ Support the ability of local agencies to utilize impact fees and user pay mechanisms to obtain fair share contributions from those who create demand for or benefit from transportation improvements.
- ◆ Support state funding to assist local governments in meeting the upcoming federal mandates such as new traffic signage and pavement marking standards.
- ◆ Support legislation that would provide first dollar funding to “SB-1” distribution without having to meet revenue threshold or trigger requirements.
- ◆ Support legislation that would improve access to drivers and vehicle license offices including providing such offices on larger military installations.

HOUSING

The Colorado Springs City Council recognizes the importance of the Community Development Block Grant (CDBG) and other federal grant programs, including Housing Opportunities Made Easy (HOME) and Emergency Shelter Grants which help to maintain viable low/moderate-income neighborhoods, eliminate blight from the community and provide affordable housing.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislation creating new or enhancing existing state and federal affordable housing programs, such as the Colorado Division of Housing and the Colorado Housing and Finance Authority loan and grant programs, and community development corporations.
- ◆ Support tax incentives for the creation of housing affordable to the workforce.
- ◆ Encourage legislative restraint in state regulation of local Housing Authorities and Urban Renewal Authorities.
- ◆ Support federal regulatory revisions that allow local housing authorities discretion in setting affordable rents and the ability to operate in a deregulated environment.
- ◆ Support current or increased levels of federal CDBG, HOME, Emergency Shelter Grant and public housing/Section 8 operating and modernization funding.

- ◆ Support amendments to the Federal Housing Act to allow local public housing agencies and non-profits a first right of refusal to acquire HUD insured and subsidized properties which convert to market rentals.
- ◆ Support legislation that authorizes and funds affordable housing trusts.

HUMAN SERVICES

The Colorado Springs City Council recognizes that essential basic human service needs such as affordable quality child care are essential to helping disadvantaged members of the community enter the workforce and to serve those who are unable to meet their basic needs, including young, elderly and disabled.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support aggressive monitoring of childcare block grants to assure equitable levels of funding and the establishment of statewide minimal child care standards and care provider qualifications.
- ◆ Support efforts to assure that HUD block grants continue to be given directly to entitlement cities, not states.
- ◆ Oppose targeted set-asides from Community Development Block Grants.
- ◆ Oppose amendments to the federal CDBG allocation formula for entitlement cities that would increase allocations to large cities at the expense of medium size cities.
- ◆ Support efforts to simplify federal planning and monitoring regulations.
- ◆ Support efforts limiting federal Consolidated Planning Document regulations to those required by statute.
- ◆ Support efforts to consolidate federal Stewart B. McKinney Programs for the homeless into a direct Block Grant entitlement program to cities.
- ◆ Support continued funding at or above current levels to area agencies on aging.
- ◆ Support welfare to work programs.

PARKS AND RECREATION

The Colorado Springs City Council acknowledges the importance of retaining lottery funds to support and develop parks in Colorado Springs. Since the inception of the Colorado lottery program in 1984, the City has received over \$60 million for parks and recreation projects that enhance the quality of life for local citizens and visitors.

Therefore, the Colorado Springs City Council supports the following policy statements:

Lottery/Great Outdoors Colorado Trust Fund

- ◆ Encourage support, at the same or increased levels, from existing lottery programs for local parks and recreation projects and programs and for trails and open space projects.
- ◆ Oppose any effort to alter the 1985 distribution formula in a manner that reduces the proceeds for local parks and recreation projects and programs.
- ◆ Continue to encourage acceptable levels and equal consideration of funding for maintenance and equipment acquisition.
- ◆ Support rules and regulations of the Great Outdoors Colorado Trust Fund that insure a fair share revenue return to Colorado Springs and allow multi-year funding.
- ◆ Encourage a broad definition of parks in the Great Outdoors Colorado program, to include municipal facilities such as urban parks, athletic fields and recreation facilities.
- ◆ Encourage the term "statewide significance" in the Great Outdoors Colorado program be inclusive of projects significant to metropolitan areas.
- ◆ Clarify terms specific to competitive grants and competitive matching grants with the broadest definition being established as to purposes and permitted uses of each type of grant. Allow the use of Conservation Trust Funds (original lottery per capita allocation), distributed on a per capita basis, as a match to these grants.
- ◆ Monitor expenditures from the trust fund to assure that water markets are not adversely impacted and that the City can continue to develop water supplies for the future.

Open Space

- ◆ Support legislation or policies that encourage the flexibility of the State Land Board in dealing with local jurisdictions on lands which may have local benefit as open space.
- ◆ Support legislation to provide further incentives to conserve open space.

TELECOMMUNICATIONS

The Colorado Springs City Council recognizes the importance of telecommunications technology in maintaining a healthy business climate and enhancing the quality of life of its citizens.

Therefore, the Colorado Springs City Council supports the following policy statements:

- ◆ Support legislation that encourages the growth of competition in the telecommunications industry by deregulating network and equipment services whenever practicable, and that encourages the continued evaluation and implementation of telecommunications technology at reasonable cost to all citizens.
- ◆ Support legislation that encourages joint planning efforts of state and local governments to develop information infrastructure and demonstration projects compatible with emerging national information infrastructure.
- ◆ Support legislation consistent with the City's policy to preserve local government control and autonomy over public rights-of-way, facilities or other assets, and the right of local government to receive fair and reasonable compensation for their use including, but not limited to, cable franchise fees consistent with current practices in Colorado municipalities which impose such fees.
- ◆ Oppose legislation that restricts the decision-making authority of municipalities to provide telecommunications services.

ENVIRONMENTAL QUALITY

The Colorado Springs City Council recognizes the importance of working cooperatively with other governmental entities to implement and manage efficient, cost-effective, scientifically based environmental control programs and in response to federal mandates, seek additional funds as appropriate. It is the intent of the City to meet or exceed compliance with all applicable environmental laws and regulations.

Therefore, the Colorado Springs City Council supports the following policy statements:

General

- ◆ Support legislation that limits the Colorado Department of Public Health and Environment's authority to promulgate environmental regulations more stringent than federal regulations.
- ◆ Support legislation that provides adequate federal and state funding for mandated programs and provides for an equitable distribution of program costs between state general fund monies and user fees.

Waste Disposal

- ◆ Support legislation that limits liability for waste cleanup costs under the federal CERCLA law where the municipality demonstrates due care and absence of fault in connection with waste disposal at a site; provides for apportionment of cleanup costs based on toxicity; provides that municipal liability for cleanup costs at a waste cleanup site can only be assessed by the federal government; and provides an early and fair means of settlement for municipalities named as liable parties at waste cleanup sites.

Endangered Species Act

- ◆ Support delisting of the Preble's meadow jumping mouse (Preble's) from the Endangered Species Act threatened and endangered species list.
- ◆ Support adequate funding for administration of the Endangered Species Act, including funding for the continued development of a Regional Habitat Conservation Plan and funding for acquiring habitat for the Preble's.
- ◆ Support amendments to the federal Endangered Species Act that would require the U.S. Fish and Wildlife Service, in the development of recovery plans, to cooperate with local governments.
- ◆ Support legislative and regulatory efforts to improve the processes for listing, recovery planning and de-listing of endangered species by establishing biological criteria for determining whether a species should be listed including population trends, range and status of the species and to establish de-listing criteria based on species recovery.

Clean Water Act

- ◆ Support amendments to the federal Clean Water Act for the stormwater program, which consider technological feasibility and cost factors, and base implementation on a locally developed stormwater plan.
- ◆ Support legislation and regulation that acknowledge the non-point source nature of stormwater runoff and that measure compliance based on implementation of Best Management Practices (BMP's) and not just on the quality of water being discharged.

COLORADO SPRINGS UTILITIES

As a community owned utility, Colorado Springs Utilities' mission is to provide safe, reliable, competitively-priced electric, natural gas, water and wastewater services to our citizen owners and customers. The City supports legislative measures to further this goal. Since Colorado Springs Utilities is governed by City Council, sitting as the Utilities Board, it is important to maintain the greatest degree of local control over planning and operation. To that end, it is important to minimize federal and state legislative and regulatory impacts on the operation of Utilities, thereby allowing local government to act in its own best interests. Furthermore, it is important to maintain and enhance Utilities competitive advantage while balancing economic growth, quality of life, environmental and financial stewardship.

Therefore, the Colorado Springs City Council supports the following policy statements:

GENERAL

- ◆ Support legislation that provides adequate federal and state funding for mandated programs, including funding for protection of critical infrastructure, and equitably distributes program costs between state general fund monies and user fees.
- ◆ Support legislation that allows Colorado Springs Utilities to protect documents, which, if released, could put Colorado Springs Utilities at a competitive disadvantage.
- ◆ Support laws that recognize that information concerning utility infrastructure construction, location and operation may be very sensitive for security reasons, and therefore support exempting such records from public inspection.
- ◆ Support legislation that reasonably limits liability exposure and protects the investments in electric, gas, water, and wastewater facilities and operations.
- ◆ Support legislation that clarifies and restores an equitable balance between land use controls and development under the Land Use Control Act and recognizes the need to construct, operate and maintain necessary utility infrastructure.
- ◆ Support legislation that maintains local control by the project proponent in the utility planning process.
- ◆ Support federal legislation to retain tax exempt and preference customer status of municipally owned utilities.
- ◆ Oppose imposition upon local government of a federal energy tax or other financial requirements that would adversely affect the competitiveness of utility services.

- ◆ Support legislation to protect municipal utilities' sole right to serve lands within their city limits without the requirement to share revenues with utilities previously serving annexed areas.
- ◆ Support coal and rail transportation legislation that protects captive rail shippers and provides economic benefit to the users of electric service.
- ◆ Support restructuring legislation that facilitates the development of a fully functional and competitive wholesale market which is essential for a competitive market at the retail level.
- ◆ Support legislation that improves gas utilization safety that is realistically attainable and cost effective.
- ◆ Support water and energy conservation and efficiency legislation that maximizes local control and takes into consideration established local plans and conservation activities that reflect local values and conditions.
- ◆ Support legislation and regulation that recognize the integral role that dams play in the West by directly benefiting Colorado Springs Utilities, its customers and the state as a whole in terms of hydroelectric production, municipal water storage and meeting interstate compacts.
- ◆ Oppose any expanded jurisdiction of the Federal Energy Regulatory Commission over publicly owned utilities without a negotiated agreement.
- ◆ Oppose any legislation or regulation that would require mandatory participation in a regional transmission organization.
- ◆ Support increased funding for the Low-Income Home Energy Assistance Program.
- ◆ Support legislation and issues consistent with regional partnerships and intergovernmental agreements.

TELECOMMUNICATIONS

- ◆ Oppose legislation that restricts the decision-making authority of municipalities to provide telecommunications services.

HUMAN RESOURCES

- ◆ Support retention of the Colorado Workers' Compensation System, which stipulates that participation in the workers' compensation program is the sole and exclusive remedy for employees injured on the job.
- ◆ Oppose legislation that increases costs of Utilities workers' compensation program.
- ◆ Support legislation that protects the employer or employee PERA pension and retiree health insurance costs, and retirement benefit options available to employees within existing pension plans, while maintaining adequate and actuarially sound funding.
- ◆ Oppose changes in the state unemployment compensation program that increase costs to the employer.
- ◆ Oppose legislation that requires additional mandatory participation or participation rates in employment or benefit programs.
- ◆ Support legislation that enables the state to obtain maximum participation in federal health care funding for low-income beneficiaries.
- ◆ Support restoration of the state and local exemptions from the provisions of the federal Fair Labor Standards Act (FLSA), and/or support increasing the flexibility employers and employees have in complying with FLSA.
- ◆ Support legislation that increases reimbursement to health care providers under Medicare and Medicaid to a level that will attract additional providers to the City.
- ◆ Oppose legislation which would prevent Utilities from contracting for the best benefit service provisions at the lowest reasonable cost, including any legislation which would eliminate cost savings realized through discounted prescription services.
- ◆ Oppose legislation that mandates specific health care benefits.
- ◆ Support legislation that enhances the safety and protection of public sector employees while performing their work related duties.
- ◆ Oppose legislation that would undermine Colorado's Labor Peace Act.

ENVIRONMENT

Colorado Springs Utilities recognizes the importance of working cooperatively with other governmental entities to implement and manage efficient, cost-effective, scientifically based environmental control programs and in response to federal

mandates, seek additional funds as appropriate. It is the intent of Colorado Springs Utilities to meet or exceed compliance with all applicable environmental laws and regulations and to manage natural resources responsibility for their beneficial use by future generations.

General

- ◆ Support legislation that limits the Colorado Department of Public Health and Environment's authority to promulgate environmental regulations more stringent than federal regulations.
- ◆ Support legislation that provides incentives for environmental stewardship, particularly when accomplished through regional and local partnerships.

Waste Disposal

- ◆ Support legislation that limits liability for waste cleanup costs under the federal CERCLA law where the municipality demonstrates due care and absence of fault in connection with waste disposal at a site; provides for apportionment of cleanup costs based on toxicity; provides that municipal liability for cleanup costs at a waste cleanup site can only be assessed by the federal government; and provides an early and fair means of settlement for municipalities named as liable parties at waste cleanup sites.
- ◆ Support legislation that limits the ability of Interstate Compacts to exert jurisdiction over the classification or disposal of utility byproducts.

Endangered Species Act

- ◆ Support delisting of the Preble's meadow jumping mouse from the Endangered Species Act threatened and endangered species list.
- ◆ Support adequate funding for administration of the Endangered Species Act with regard to federally threatened and endangered species.
- ◆ Support amendments to the federal Endangered Species Act that would require the U.S. Fish and Wildlife Service, in the development of recovery plans, to cooperate with local governments.
- ◆ Support legislative and regulatory efforts to improve the processes for listing, recovery planning and de-listing of endangered species by establishing biological criteria for determining whether a species should be listed including population trends, range and status of the species and to establish de-listing criteria based on species recovery.

Air Quality

- ◆ Support legislation that provides for flexible, cost effective, efficient and equitable air quality programs, including funding levels sufficient to cover the actual cost of administering and implementing those programs.
- ◆ Support legislation that calls for reform or replacement of the New Source Review (NSR) program in order to encourage projects on existing power plants that will improve generation efficiencies, increase or restore capacity, and lower emissions of conventional pollutants.
- ◆ Support air quality legislation that establish reasonable emissions standards, reductions and clean air goals and provide greater flexibility in attaining such goals. Attainment strategies should include pollutant trading and exemptions for pollution control projects and offsets resulting in an efficient and cost-effective implementation of an emission reduction control strategy in lieu of air quality emission control regulations.
- ◆ Support legislation and regulations that do not impose unreasonable economic impact or unattainable CO2 emission limitations and that allow for the retention of flexibility in meeting the overall multi-emission goals.
- ◆ Support legislation that recognizes the value of conservation, efficiency, offsets and intensity reductions in meeting national CO2 goals, and provides flexibility and incentives for such programs and projects at the local level.
- ◆ Support the continued use of incentives that encourage the purchase of cost-effective alternative fuel vehicles and support legislation that expands the definition of alternative fuel vehicles to include hybrid vehicles.
- ◆ Support legislation that balances the need for utilities to meet the nation's energy demands through the continued use of coal as a stable and affordable fuel source with the need to achieve reasonable power plant emission reduction goals.
- ◆ Support legislation that encourages voluntary additions of renewable energy to supply portfolios.
- ◆ Support research to develop cost-effective technologies to reduce, capture and sequester carbon dioxide emissions. Efforts to sequester carbon dioxide should not endanger water supplies.

Clean Water Act

- ◆ Support Clean Water Act legislation that supports discharge standards that are statutorily sound, scientifically defensible and economically reasonable.

- ◆ Support legislation and regulation that recognize the unavoidability of sanitary sewer overflows even on the best-maintained system, allows for separate permitting of satellite sanitary collection systems, and allows for separate permitting of sanitary collection systems apart from the treatment systems.
- ◆ Support reauthorization of the federal Clean Water Act to include enforcement standards for pretreatment programs.
- ◆ Support legislation and regulation which provides incentives to identify, prioritize and address water quality and riparian issues on a local and regional watershed management basis consistent with state water law and language protective of state decreed water rights.
- ◆ Support legislation that recognizes the need for appropriate classified uses and unique water quality standards for the arid west, with specific consideration of ephemeral and effluent dependent stream systems, drought impacts, actual aquatic life in arid west streams and that provide funds for the development of such uses and standards, and that allow states flexibility in the implementation of such uses and standards.
- ◆ Support legislation that encourages the voluntary development and distribution of reclaimed water resources.

Safe Drinking Water Act

- ◆ Support safe drinking water legislation and regulations that are statutorily sound, scientifically defensible and economically reasonable.

WATER RIGHTS

- ◆ Support the thoughtful integration of water quality and quantity including consumptive and non-consumptive issues where appropriate, and ensure that legislation and regulation do not impair the legitimate exercise of absolute water rights, the development of decreed conditional water rights and the maximum utilization of water obtained thereunder, whether by exchange or otherwise.
- ◆ Support Wilderness and Wild and Scenic designation which ensures that existing and future consumptive uses of water are protected.
- ◆ Support legislation that clarifies that federal agencies have no authority to demand or require the bypass of decreed water or to acquire any instream flows.
- ◆ Support actions that equitably limit the impact on Colorado water users of resolving Interstate Compact disputes.

- ◆ Support legislation that protects water rights as a private property right, and preserves the right to transfer water within the state.
- ◆ Support Basin of Origin legislation only if it recognizes the right to divert and apply water to beneficial use, places reasonable limits upon any mitigation or compensation requirements, and treats all in-basin and out-of-basin water users in a fair and equitable manner.
- ◆ Support legislation and regulation that provide that recreational in-channel diversions be administered under criteria that preserve Colorado's compact entitlements and the ability of Colorado citizens to meet future consumptive use needs.
- ◆ Support legislation that clarifies that instream flow water rights held by the Colorado Water Conservation Board (CWCB) will be appropriated and administered in a manner that does not inhibit the effective development, management and utilization of water by other appropriators.
- ◆ Support legislation that allows and encourages innovation and flexibility in the use of water and the administration of water rights so long as it protects all water users from injury.

MEMORIAL HEALTH SYSTEM LEGISLATIVE AGENDA 2009

Mission of Memorial Health System

To provide the highest quality health care

Vision of Memorial Health System

To create an outstanding health system where patients heal and people thrive

Values of Memorial Health System

Compassion – Integrity – Quality – Respect – Teamwork

Core Objectives of Memorial Health System

Create a thriving workforce
Ensure safe, patient-centered flow
Build physician leadership, development and alignment
Improve financial efficiency and performance
Design the health system of the future

STATE AGENDA

Adequate Medicaid Reimbursement

Memorial Health System is the primary acute care hospital provider for Medicaid in El Paso County. We work closely with Peak Vista Community Health Centers in providing care for this population. In 2007, we provided medical services for approximately 70,000 Medicaid encounters. Almost all were women and children. We will be seeking an increase in hospital inpatient payments for Medicaid in the upcoming session. We also feel it is important that the Medicaid reimbursement for physicians be preserved as well. When physicians refuse to accept Medicaid patients, the only option is our Emergency Room. In addition, Memorial Health System will support any measures brought forward to expedite the Medicaid eligibility process.

Consideration of Medicaid Provider Tax

Memorial Health System is interested in exploring a Medicaid Provider Tax for hospital services. These provider specific taxes have been used by many states to help pay for the costs of the Medicaid program. However, we would not want to see existing reimbursement reduced. In our mind, the purpose of the tax would be to help increase the match in federal funds the state would be able to draw down. It is imperative that the new revenue generated by the provider fee supplement, not supplant the existing state financial commitment to Medicaid (“maintenance of effort”) and that it be returned to the

hospitals. We cannot support any legislation that calls for a decrease in our Medicaid reimbursement.

Increased Enrollment in Colorado's SCHIP and CACP Programs

Children's health insurance should cover medically necessary care and reflect the unique health care needs of children. Covering all children through a mix of publicly subsidized and private health insurance is an attainable step and a cornerstone for life long health.

Promote Reasonable Health Care Reform

Memorial Health System will be a valued partner and asset to our legislature as the state looks at health care reform. We will work with all the stakeholders in addressing Governor Ritter's Building Blocks for Reform.

Physician-Hospital Alignment

Memorial Health System will support any legislation that makes it easier for physicians and hospitals to align themselves for the purpose of providing healthcare services. In today's world of shrinking reimbursement and increased regulation, it is important that hospitals and physicians are allowed to align incentives for the provision of the highest quality health care.

Nurse Staffing

Memorial Health System will continue to oppose Labor's agenda that includes such issues as nurse staffing requirements, overtime limitations and other regulatory restrictions.

Issues on our Radar

Other issues that Memorial Health System will be watching for movement on are:

- Insurance reform including measures to control unilateral decisions by health plans
- Referendum C alternatives
- Efforts to promote the use of electronic medical records
- Legislation prohibiting payment for "never events"
- PERA Employer contribution percentages

FEDERAL AGENDA:

We are including our federal agenda because we feel it is important that our state delegation knows what our issues and concerns are in Washington, DC. Just as we feel it is important that our federal delegation knows our issues and concerns under the dome in Denver.

Tricare Reimbursement

Memorial Health System is one of the largest Tricare, non-military, acute care providers west of the Mississippi, averaging \$80+ million in services annually. Tricare reimbursement for these services on average falls between Medicaid and Medicare. Memorial Health System advocates for an increase in Tricare reimbursements for all providers knowing that this population experiences provider access issues at all levels today. In light of the reported additional 30 thousand lives who are scheduled to relocate to the Pikes Peak Region with the base realignment program, Memorial is concerned that access to care will become more difficult for the Tricare population in the future.

Children's Healthcare Issues

Memorial Health System believes that lawmakers must focus on the needs of children to ensure that health reform works for them. It is vital that all children be covered and that children, eligible for public health care coverage, have access to the same quality of health care no matter where they live. We support a permanent funding of SCHIP to help reach the goal of insuring all children. We also support expanding eligibility to children with household incomes up to 300% over the poverty level and integrate the applications for Medicaid and SCHIP so that families of need can gain access to care and financial assistance in a more timely manner.

Medicare

Adequate Medicare funding is essential to maintain access to care for our seniors. Memorial advocates for increases in Medicare reimbursements and will not support any reimbursement cuts to physicians as access to care is already difficult for seniors and cuts to physicians could exacerbate the situation. Memorial Health System also supports any legislation that improves inpatient and outpatient payments to small rural hospitals. In addition, Memorial Health System works proactively to limit unnecessary hospital readmissions for all of the patient populations that we serve. That being said, when Memorial does have a readmission for a patient, that readmission is considered medically necessary and is ordered by the patient's attending physician. We do not feel that hospitals should be financially penalized for medically necessary readmissions that are a direct order of the patient's physician.

Physician Referral to Physician Owned Hospitals

Memorial Health System supports legislation that would ban physician self-referral to limited-service physician owned hospitals. Studies have questioned the medical necessity, community benefit and ethical merits of physicians referring patients to a hospital where they have a vested interest.

Medicare Recovery Audit Contractor Program

Memorial continues to support legislation that would place a one year moratorium on the roll out of the Medicare Recovery Audit Contractor Program (RAC) until a comprehensive study can be completed that demonstrates the quality, efficiency, and fairness of this plan. There exists many questions regarding the manner in which the Contractors are paid; the difficult process hospitals must follow to appeal the Contractor's findings; etc. We are in support of the audit process in principle, but feel that the results of the audits performed by the RACs in the five test states leave questions that call for further investigation and evaluation of the program. Hospitals already have in place a system of checks and balances through existing audit over sight from the Medicare intermediaries. The RAC program is a costly duplication of safe guards already in place.

Modernization of the Stark Law

Memorial supports modernization of the Stark Law and would like to see legislation passed that brings the Stark Law more in line with the values of today. We feel as it exists today, we are precluded from partnering with physician providers to bring further quality and value to the financially burdened health care system.

Opportunities

Memorial supports many opportunities to reduce healthcare costs without compromising care. We feel we will be instrumental in the following:

- Focusing on wellness
- Better coordination of care
- Rewarding performance excellence
- Standardizing IT
- Assisting in creating a better alternative to today's liability system
- Helping to perform comparative analysis on the effectiveness of treatments, etc.

In today's world, as a society, we must provide access to education and preventive care; assist every individual to reach their highest potential for health; and reverse the trend of avoidable illnesses. As individuals, we must maintain healthier lifestyles and be responsible for our choices.

It is important that healthcare be a shared responsibility that includes all players in the healthcare environment (providers, insurers, businesses) etc. Safety, timeliness,

effectiveness, efficiency, equitableness and patient-centered strategies will all play a major role in reaching the goal of healthier lifestyles for our citizens.

Memorial Health System supports the American Hospital Association's (AHA) "Health for Life" initiative which recognizes five essential elements to healthcare reform:

- Health coverage for all, paid for by all
- Focus on wellness
- Most efficient, affordable care
- Highest quality of care
- Best information

More about AHA's "Health for Life" can be found on their website at www.aha.org.

Memorial Health System is a valuable resource for our elected officials at all levels of government. We look forward to assisting you in anyway possible.