



Mayor
John Gates

Councilmembers

Jonathan Smail
Ward I

Brett Payton
Ward II

Michael Fitzsimmons
Ward III

Dale Hall
Ward IV

Stacy Suniga
At-Large

Robb Casseday
At-Large

A City Achieving
Community Excellence

Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

City Council Worksession Agenda

April 23, 2019 at 5:00 PM

City Center South Campus

1001 11th Avenue, Greeley, CO 80631

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. 2019 Proposed Housing Plan Implementation Work Program (5:00 – 5:30 p.m.)

Ben Snow, Economic Health & Housing Director
5. Report: House Bill 19-1177, The "Deputy Zackari Parrish III Violence Prevention Act" (Extreme Risk Protective Order – "Red Flag Bill") (5:30 – 6:00 p.m.)

Doug Marek, City Attorney
6. Preliminary Discussion of Water and Sewer's 2020 Capital and Operating Budgets (6:00 – 6:30 p.m.)

Sean Chambers, Water & Sewer Director
7. Monthly Financial Report (6:30 – 7:00 p.m.)

Renee Wheeler, Finance Director
8. Scheduling of Meetings, Other Events

Roy Otto, City Manager
9. Adjournment

Worksession Agenda Summary

April 23, 2019

Agenda Item Number 1

Title:

Call to Order

Worksession Agenda Summary

April 23, 2019

Agenda Item Number 2

Title:

Pledge of Allegiance

Worksession Agenda Summary

April 23, 2019

Agenda Item Number 3

Title:

Roll Call:

1. Mayor Gates
2. Councilmember Smail
3. Councilmember Payton
4. Councilmember Casseday
5. Councilmember Fitzsimmons
6. Councilmember Suniga
7. Councilmember Hall

Worksession Agenda Summary

April 23, 2019 (5:00 – 5:30 p.m.)

Agenda Item Number 4

Ben Snow, Economic Health & Housing Director, 970-350-9384

Title:

2019 Proposed Housing Plan Implementation Work Program

Background:

In February, City Council adopted the *City of Greeley Strategic Housing Plan*. The Plan included a variety of potential strategies that were designed as ways to address the nine adopted Strategies and their sub-elements. We have reviewed these and recommend specific work program items for 2019. These were chosen based on a combination of significance to the main goal, existing department workload, and/or relative ease of implementation.

Attachments:

Summary Memo



Department of Economic Health & Housing MEMORANDUM

TO: Roy Otto, City Manager
RE: 2019 Proposed Housing Plan Implementation Work Program
FROM: Benjamin Snow, Director, Economic Health & Housing
CC: Becky Safarik, Assistant City Manager
Brad Mueller, Director, Community Development
DATE: April 9, 2019

In February, City Council adopted the *City of Greeley Strategic Housing Plan*. The Plan included a variety of potential strategies that were designed as ways to address the nine adopted Strategies and their sub-elements. We have reviewed these and recommend the following work program items for 2019. These were chosen based on a combination of significance to the main goal, existing department workload, and/or relative ease of implementation.

Economic Health & Housing Department

- Develop a reporting, monitoring and enforcement program for any deed-restricted affordable housing that results from other work program items.
(Supports Strategy 1 and others. Any new programs that result in creating designated affordable housing will require a city monitoring program to ensure that they remain affordable and used by the targeted low-income population. GURA already does this with some of our existing programs. This role would be expanded.)

Start Date: Now

Target Completion Date: 2nd Quarter 2019

- Explore working with community land trusts to create a shared equity home ownership program.
(Addresses Strategy 4: Improve the housing product mix. This would explore the basics of this concept.)

Start Date: Now

Target Completion Date: 3rd Quarter 2019

- Identify under-utilized sites that could be re-purposed for housing.
(Addresses Strategy 6: Complete sub-area and neighborhood plans. This would create an inventory of potential sites; examples include churches with extra land holdings and the mall.)

Start Date: Now

Target Completion Date: 3rd Quarter 2019

- Partner with one or more housing providers to construct attainable housing. (Addresses Strategy 3: Engage alternative housing providers. This would likely start with GURA, the High Plains Housing Development Corporation, and Habitat for Humanity, but would expand after 2019 to include others.)

Start Date: Now

Target Completion Date: 4th Quarter 2019

- Explore alternate home-building technology options for use in Greeley. (Addresses Strategy 9: 9. Facilitate development of manufactured home communities. This would provide a structured report on the possibility of attracting an emerging home-building technology company to Greeley.)

Start Date: 3rd Quarter 2019

Target Completion Date: 4th Quarter 2019

In coordination with Community Development Department

- Evaluate the risks, costs, and benefits of having the City front-end required trunk lines which would be reimbursed with impact fees. (Addresses Strategy 2: Develop financial strategies that minimize development costs for affordable housing. This scenario may unfold with the proposed Lake Bluff development and would be evaluated for success.)

Start Date: Now

Target Completion Date: 3rd Quarter 2019

- Update the Redevelopment Resource Guide to include current pilot programs and incentive packages. (Addresses Strategy 2. This is a relatively easy item; updating it would make it more useable and accurate.)

Start Date: 3rd Quarter 2019

Target Completion Date: 3rd Quarter 2019

- Adopt short-term rental (e.g. AirBnB) regulations. (Addresses Strategy 1: Amend the Development Code to promote housing choice. Short-term rentals are competing with live-in housing. Also, topic is becoming a frequent citizen complaint.)

Start Date: Now

Target Completion Date: 4th Quarter 2019

- Implement the “Water Smart Neighborhood Policy” and the “Water Smart Common Area Policy” in conjunction with the Water & Sewer Department. (Addresses Strategy 5: Address the impact of raw water on housing affordability. Pilot programs are anticipated for a couple up-coming subdivisions.)

Start Date: Now

Target Completion Date: 4th Quarter 2019

- Amend the Development Code to incentivize the inclusion of affordable housing in new development.
(Addresses Strategy 1: Amend the Development Code to promote housing choice. As an example, zoning height limits could be increased, if a development includes affordable housing.)

Start Date: 3rd Quarter 2019 Target Completion Date: 4th Quarter 2019

In coordination with CMO and CEO

- Work with realtors to explain/exploit existing down-payment assistance programs.
(Addresses Strategy 7: Identify under-utilized sites that could be re-purposed for housing. This would enforce existing efforts, on the way to potentially developing more home ownership incentive programs after 2019.)

Start Date: Now Target Completion Date: 4th Quarter 2019

- Package and promote all existing housing programs, initiatives and incentives.
(Addresses most Strategies. Using the Communication and Engagement Office, print and electronic materials would be produced that bring together all existing city-sponsored or city-associated housing programs, with the goal of optimizing what already is in place.)

Start Date: Now Target Completion Date: 4th Quarter 2019

Worksession Agenda Summary

April 23, 2019 (5:30 – 6:00 p.m.)

Agenda Item Number 5

Doug Marek, City Attorney, 970-350-9755

Title:

Report: House Bill 19-1177, The "Deputy Zackari Parrish III Violence Prevention Act" (Extreme Risk Protective Order—"Red Flag Bill")

Background:

House Bill 19-1177 concerns the creation of an extreme risk protective order. The Colorado Municipal League supported the bill. Prior to its passage, the governing bodies of several Colorado counties and four smaller cities and towns passed resolutions opposing the bill and denying funding for purchase or construction of weapons storage facilities. At the March 19 meeting, City Council requested that staff explore the possibility of a "safe haven" ordinance expressing opposition to passage of the "Red Flag Bill." By April 1st, however, the bill had passed both houses, and the Governor signed it on April 12th.

The General Assembly bill summary describes the new law as follows:

The bill creates the ability for a family or household member or a law enforcement officer to petition the court for a temporary extreme risk protection order (ERPO) beginning January 1, 2020. The petitioner must establish by a preponderance of the evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm. The petitioner must submit an affidavit signed under oath and penalty of perjury that sets forth facts to support the issuance of a temporary ERPO and a reasonable basis for believing they exist. The court must hold a temporary ERPO hearing in person or by telephone on the day the petition is filed or on the court day immediately following the day the petition is filed.

After issuance of a temporary ERPO, the court must schedule a second hearing no later than 14 days following the issuance to determine whether the issuance of a continuing ERPO is warranted. The court shall appoint counsel to represent the respondent at the hearing. If a family or household member or a law enforcement officer establishes by clear and convincing evidence that a person poses a significant risk to self or others by having a firearm in his or her custody or control or by possessing, purchasing, or receiving a firearm, the court may issue a continuing ERPO. The ERPO prohibits the respondent from possessing, controlling, purchasing, or receiving a firearm for 364 days.

Upon issuance of the ERPO, the respondent shall surrender all of his or her firearms

and his or her concealed carry permit if the respondent has one. The respondent may surrender his or her firearms either to a law enforcement agency or a federally licensed firearms dealer, or, if the firearm is an antique or relic or curio, the firearm may be surrendered to a family member who is eligible to possess a firearm and who does not reside with the respondent. If a person other than the respondent claims title to any firearms surrendered to law enforcement, the firearm shall be returned to him or her.

The respondent can motion the court once during the 364-day ERPO for a hearing to terminate the ERPO. The respondent has the burden of proof at a termination hearing. The court shall terminate the ERPO if the respondent establishes by clear and convincing evidence that he or she no longer poses a significant risk of causing personal injury to self or others by having in his or her custody or control a firearm or by purchasing, possessing, or receiving a firearm. The court may continue the hearing if the court cannot issue an order for termination at that time but believes there is a strong possibility the court could issue a termination order prior to the expiration of the ERPO.

The petitioner requesting the original ERPO may request an extension of the ERPO before it expires. The petitioner must show by clear and convincing evidence that the respondent continues to pose a significant risk of causing personal injury to self or others by having a firearm in his or her custody or control or by purchasing, possessing, or receiving a firearm. If the ERPO expires or is terminated, all of the respondent's firearms must be returned within 3 days of the respondent requesting return.

The bill provides a respondent who had a malicious or false petition for a temporary extreme risk protection order or extreme risk protection order filed against him or her with a private cause of action against the petitioner. In the action, the plaintiff is entitled to actual damages, attorney fees, and costs.

The bill requires the state court administrator to develop and prepare standard petitions and ERPO forms. Additionally, the state court administrator at the judicial department's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing shall provide statistics related to petitions for ERPOs. The bill appropriates \$119,392 from the general fund to the judicial department for court costs and court-appointed counsel costs.

Next Steps:

The Peace Officers Standards and Training Board will provide model policies and procedures by December 1st, after which the Police Chief and City Attorney will review and recommend adoption or modification prior to January 1st.

The State Court Administrator will develop standard petitions and forms to be used by petitioners and the courts.

Decision Options:

This is an informational update and opportunity for City Council direction.

Attachments:

Summary Outline H.B. 19-1177

List of States with "Red Flag" Legislation

House Bill 19-1177

Outline of HB 19-1177, The "Deputy Zackari Parrish III Violence Prevention Act" (Extreme Risk Protective Order)

The Bill adds a new section to Civil Protection Orders to allow for an order that prohibits someone from possessing, purchasing, or receiving a firearm. The order will provide that the person must surrender firearms and any conceal carry permit.

13-14.5-102 Definitions	Family or household member • Related by blood, marriage, or adoption • Has a child in common – no marriage or living together needed • Regularly resides or resided together in the last 6 months • Domestic partners • Biological or legal parent-child relationship, including stepparents/stepchildren and grandparents/grandchildren • Legal guardian now or in the past • Has "Intimate relationship" as defined under DV statute (18-6-800.3) Firearm (18-1-901(3)(h)) • any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges
13-14.5-103 Temporary Emergency Risk Protective Order (ERPO)	• Family or household member or Law Enforcement Officer (LEO) or Law Enforcement Agency (LEA) may request a temp ERPO ◦ If LEO/LEA is petitioner, then it shall concurrently file a sworn affidavit for search warrant to search for firearms in possession or control of respondent at location(s) named in warrant • Petition is sworn, penalty of perjury on facts and family and/or household member relationship • Petition must comply with requirements of 13-14.5-104 • Can be filed with petition for court-order mental health evaluation (27-65-106) ◦ At hearing, court is required to consider such evaluations (13-14.5-1-5(8)) • Preponderance of the evidence standard ◦ "Significant risk of causing personal injury to self or others in the near future by having in his or her custody or control a firearm or by purchasing, possession, or receiving a firearm" • Hearing held same day petition is filed or next court day • Temporary ERPO expires the date and time of the ERPO hearing • Statement in Temporary ERPO must instruct respondent to "immediately surrender to
13-14.5-103(7) Service of Temporary ERPO 13-14.5-105(1)(b)-(d) Service for hearing 13-14.5-106 Service of ERPO	• A LEO "shall serve" a temp ERPO with notice of hearing, notice of referrals (13-14.5-103) • Service is where the respondent resides (13-14.5-103) • No service of process fees are allowed (13-14.5-104(6)) • Court provide LEA will copy of notice of hearing and petition (13-14.5-105) • Service must follow Rule 4, CRCP or Rule 304, CRCP (County) (13-14.5-105) • Service of these docs take precedence over service of other docs unless also emergency (13-14.5-105) • ERPO must be served personally upon respondent, except as otherwise provided in 14.5 • "The law enforcement agency in the jurisdiction where the respondent resides shall serve the respondent personally." ◦ Court clerk shall forward copy of ERPO to LEA "specified in the order" for service. ◦ LEO must serve within 5 days

	• If not within 5 days, LEA shall notify petitioner, who will provide any additional information • LEA “may request additional time to allow for the proper and safe planning and execution of the court order” • If ERPO states that respondent appeared in person before court, no service is required and proof of service is not necessary. • Return of service pursuant to 14.5 must be made per applicable court rules
13-14.5-104 Petition	• If petition filed by LEO/LEA, the officer or agency shall be represented by County or City Attorney upon request • Non-LEO petitioners shall do their best to notify LEA in the jurisdiction where the respondent resides about the petition and hearing to allow participation or attendance. • Court shall appoint and pay for an attorney for the respondent (person can also get their own attorney) • Petition is filed where the respondent resides • Petition must allege that ○ Respondent poses a significant risk of injury to self or others in the near future because of firearm access ○ Must state specific actions, statements, facts ○ Must ID number, types, and location of firearms in respondent’s ownership, possession, custody or control ○ Include information about job that requires firearms ○ Include any Protection Orders ○ Identify any pending lawsuit/claim between the parties • Petition can provide for protection of petitioner’s address(es) from court records • No court fees, service fees, copy fees • District and County courts have jurisdiction
13-14.5-105 Hearings	• Court must provide notice of hearing to respondent 1 day after the date of ERPO petition • Court shall forward copy of notice of hearing and petition to LEA in jurisdiction where respondent resides for service upon the respondent • Relevant facts ○ Recent act or credible threat of violence or unlawful/reckless use of firearm ○ Pattern or acts or threats within the past year (self or others) ○ Violation of a Civil TPO or PPO ○ Previous ERPO ○ Conviction of a DV crime ○ Ownership/access to a firearm ○ Evidence of alcohol/drug abuse ○ Prior arrest for violation of victim/witness rights act or animal abuse ○ Job requirements • <i>Clear and convincing evidence</i> standard that Respondent poses a significant risk of injury to self or others in the near future because of firearm access ○ Court may hear witnesses or take affidavits ○ Court must consider mental health eval, M1 holds, mental health commitment ○ Court may request that CBI conduct a criminal history record check • LEA, if petitioner, shall make good-faith effort to provide notice of order to a family member or household member or any known third party at direct risk • ERPO is for a period of 364 days
13-14.5-106(7) Veteran’s Court	• If respondent is a veteran and “there are criminal charges against the respondent that result from the service or enforcement of the ERPO,” cases goes to a veteran’s court, if available.

13-14.5-107 Termination or Renewal of ERPO	Termination • Respondent may submit 1 request during 364 period • Hearing is held – notice to petitioner • ERPO can be terminated if respondent establishes by clear and convincing evidence, he or she not longer poses a significant risk. • Court can continue the hearing to make determination at a later date. Renewal • Court notifies petitioner of expiration 63 days prior • Petitioner, family or household member, or LEA may file motion to request renewal during 63 day period • Hearing held 14 days after motion – clear and convincing standard • Notice is served same as 13-14.5-105(1)(b) and (c) • Renewal is for a time period court deems appropriate, but no longer than 1 year • Court will automatically set return date to review renewal order prior to expiration • Order may be renewed again by motion and affidavit, if uncontested (2)(e)
13-14.5-105(12) Return of firearms if no ERPO issued 13-14.5-107(3) ERPO term 13-14.5-109 Firearm return and disposal	• If temp ERPO issued, but no ERPO, and LEA took custody of firearms or permit, the sheriff shall reissued the permit within 3 days at no charge • If ERPO terminated, LEA storing firearms shall provide notice to the respondent regarding the process for the return of firearms • Dealer, Relative, LEA with firearm must return the firearms requested by a respondent within 3 days after confirming that ERPO is terminated and person is currently eligible to own or possess • Firearm that remains unclaimed for 1 year shall be disposed of per LEA's policies
13-14.5-108 Surrender of firearms	• Respondent shall be ordered to surrender all firearms by ○ Selling or transferring them to a firearms dealer (but they can refuse) ○ Arrange for storage by a LEA, who must preserve it in similar condition • If no dealer, a local LEA "shall store the firearm" ○ For antique or curio or relic firearm (CFR defined), transfer to a relative who does not live with respondent after confirming, through CBI check, that person is eligible • Court shall order firearms surrendered to LEO (yes –<i>officer</i>) serving the ERPO • LEA serving temp ERPO or ERPO "shall request that respondent immediately surrender" firearms and conceal carry permits and "conduct any search permitted by law for such firearms or permit." ○ If LEA filed petition and got search warrant, LEO shall take firearms pursuant to the search warrant. • The LEO "shall take possession of all firearms and any such permit belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search." • After surrender, respondent may tell LEO his/her preference for sale, transfer or storage. ○ If using dealer, LEA shall maintain custody of firearms until sale or transfer • If service is not possible or not required because respondent was at hearing, respondent shall surrender firearms within 24 hours of hearing or alternative service • If person doesn't comply, petitioner or LEO can establish PC for failure and Court, upon PC, shall issue a search warrant that states with particularity the places to be searched and items to be taken into custody.

	• Proof – within 48 hours from ERPO, respondent can file proof of relinquishment or removal of firearms and permit or attest to court that he/she had not firearms. ○ If nothing filed, court clerk notifies LEA “in the county in which the court is located” and LEA shall make good faith effort to determine if person has failed to surrender
13-14.5-108(3) Receipt	• At the time of surrender or seizure, LEO shall issue a receipt identifying all firearms and permit and provide copy to the respondent. • The “original receipt” shall be filed with the court within 72 hours “after service of the order” or LEO shall file a statement that the LEO did not take custody of any firearms.
13-14.5-108(5) Other owner	• If person other than respondent claims title to firearms surrendered or seized and LEA determines him/her the lawful owner, the firearm shall be return if: ○ Person agrees to store it so respondent doesn’t have access and the person is lawful owner and can lawfully posses
13-14.5-108(7) POST policies and mandated for LEA	• POST shall develop model policies and procedures by 12/1/2019 regarding “acceptance, storage, and return of firearms” surrendered or seized • Each LEA shall adopt the model policies or adopt their own by 1/1/2020
13-14.5-110 Reporting ERPO	• Court clerk entered in statewide judicial info system • Court clerk forwards ERPO to CBI (who enters it into national systems) and LEA specified in order • Court clerk shall notify sheriff where respondent resides to determine if CCP exists and, if so, it shall be immediately revoked. • Court clerk shall forward termination order to CBI and LEA • LEA shall expunge orders that have expired and shall promptly remove the expired or terminated orders ○ “shall promptly remove the order from any computer-based system in which is was entered”
13-14.5-111 Penalties	• Person who has firearms/permit and knows they are prohibited is guilty of a class 2 misdemeanor
13-14.5-113 Liability	• Except for class 2 misdemeanor, not other criminal or civil liability imposed on any person or entity for acts or omissions made in good faith related to obtaining a ERPO, including declining to report, investigating/declining to investigate, filing /declining to file • Person who files a malicious or false petition may be subject to criminal prosecution
13-14.5-114 Instructional material	• State Court Administrator shall develop standard petitions and forms, which must be used after 1/1/2020 • Court clerks shall create community resource list: crisis, mental health, substance abuse
13-14.5-114(4) Effective date	• Courts shall accept petitions beginning on 1/1/2020
13-3-101 Statistics	• State court administrator shall present statistics related to ERPOs • Stats include any respondent who was arrested/charged with a criminal offense within 30 days of ERPO (including violation of ERPO)
16-3-301.5 New search warrant provision	• Any court may issue a search warrant to search and take custody of any firearm in the possession of a respondent • Application for warrant must comply with all requirements of 16-3-303 and establish facts by PC that: ○ Person is warrant is respondent in ERPO ○ Person is in possession of firearms ○ Location of firearms, and ○ Any other information

States that have similar “Red Flag” laws (with year of enactment):

California	2014
Connecticut	1999
Delaware	2018
Florida	2018
Illinois	2018
Indiana	2005
Maryland	2018
Massachusetts	2018
New Jersey	2018
New York	2019
Oregon	2017
Rhode Island	2018
Vermont	2018
Washington	2016
Washington, DC	2018



HOUSE BILL 19-1177

BY REPRESENTATIVE(S) Sullivan and Garnett, Arndt, Benavidez, Bird, Buckner, Caraveo, Coleman, Cutter, Duran, Exum, Froelich, Galindo, Gonzales-Gutierrez, Gray, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Valdez A., Weissman, Becker;
also SENATOR(S) Court and Pettersen, Bridges, Danielson, Fenberg, Foote, Ginal, Gonzales.

CONCERNING CREATION OF AN EXTREME RISK PROTECTION ORDER, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 14.5 to title 13 as follows:

ARTICLE 14.5
Extreme Risk Protection Orders

13-14.5-101. Short title. THE SHORT TITLE OF THIS ARTICLE 14.5 IS THE "DEPUTY ZACKARI PARRISH III VIOLENCE PREVENTION ACT".

13-14.5-102. Definitions. AS USED IN THIS ARTICLE 14.5, UNLESS THE CONTEXT OTHERWISE CLEARLY REQUIRES:

(1) "EXTREME RISK PROTECTION ORDER" MEANS EITHER A TEMPORARY ORDER OR A CONTINUING ORDER GRANTED PURSUANT TO THIS ARTICLE 14.5.

(2) "FAMILY OR HOUSEHOLD MEMBER" MEANS, WITH RESPECT TO A RESPONDENT, ANY:

(a) PERSON RELATED BY BLOOD, MARRIAGE, OR ADOPTION TO THE RESPONDENT;

(b) PERSON WHO HAS A CHILD IN COMMON WITH THE RESPONDENT, REGARDLESS OF WHETHER SUCH PERSON HAS BEEN MARRIED TO THE RESPONDENT OR HAS LIVED TOGETHER WITH THE RESPONDENT AT ANY TIME;

(c) PERSON WHO REGULARLY RESIDES OR REGULARLY RESIDED WITH THE RESPONDENT WITHIN THE LAST SIX MONTHS;

(d) DOMESTIC PARTNER OF THE RESPONDENT;

(e) PERSON WHO HAS A BIOLOGICAL OR LEGAL PARENT-CHILD RELATIONSHIP WITH THE RESPONDENT, INCLUDING STEPPARENTS AND STEPCHILDREN AND GRANDPARENTS AND GRANDCHILDREN;

(f) PERSON WHO IS ACTING OR HAS ACTED AS THE RESPONDENT'S LEGAL GUARDIAN; AND

(g) A PERSON IN ANY OTHER RELATIONSHIP DESCRIBED IN SECTION 18-6-800.3 (2) WITH THE RESPONDENT.

(3) "FIREARM" HAS THE SAME MEANING AS IN SECTION 18-1-901 (3)(h).

(4) "PETITIONER" MEANS THE PERSON WHO PETITIONS FOR AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5.

(5) "RESPONDENT" MEANS THE PERSON WHO IS IDENTIFIED AS THE

RESPONDENT IN A PETITION FILED PURSUANT TO THIS ARTICLE 14.5.

13-14.5-103. Temporary extreme risk protection orders. (1) A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW ENFORCEMENT OFFICER OR AGENCY MAY REQUEST A TEMPORARY EXTREME RISK PROTECTION ORDER WITHOUT NOTICE TO THE RESPONDENT BY INCLUDING IN THE PETITION FOR AN EXTREME RISK PROTECTION ORDER AN AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY, SUPPORTING THE ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION ORDER THAT SETS FORTH THE FACTS TENDING TO ESTABLISH THE GROUNDS OF THE PETITION OR THE REASON FOR BELIEVING THEY EXIST AND, IF THE PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER, ATTESTING THAT THE PETITIONER IS A FAMILY OR HOUSEHOLD MEMBER. THE PETITION SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 13-14.5-104 (3). IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY, THE LAW ENFORCEMENT OFFICER OR LAW ENFORCEMENT AGENCY SHALL CONCURRENTLY FILE A SWORN AFFIDAVIT FOR A SEARCH WARRANT PURSUANT TO SECTION 16-3-301.5 TO SEARCH FOR ANY FIREARMS IN THE POSSESSION OR CONTROL OF THE RESPONDENT AT A LOCATION OR LOCATIONS TO BE NAMED IN THE WARRANT. IF A PETITION PURSUANT TO SECTION 27-65-106 IS ALSO FILED AGAINST THE RESPONDENT, A COURT OF COMPETENT JURISDICTION CAN HEAR THAT PETITION AT THE SAME TIME AS THE HEARING FOR A TEMPORARY EXTREME RISK PROTECTION ORDER OR THE HEARING FOR A CONTINUING EXTREME RISK PROTECTION ORDER.

(2) IN CONSIDERING WHETHER TO ISSUE A TEMPORARY EXTREME RISK PROTECTION ORDER PURSUANT TO THIS SECTION, THE COURT SHALL CONSIDER ALL RELEVANT EVIDENCE, INCLUDING THE EVIDENCE DESCRIBED IN SECTION 13-14.5-105 (3).

(3) IF A COURT FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION 13-14.5-105 (3), THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS IN THE NEAR FUTURE BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE A TEMPORARY EXTREME RISK PROTECTION ORDER.

(4) THE COURT SHALL HOLD A TEMPORARY EXTREME RISK PROTECTION ORDER HEARING IN PERSON OR BY TELEPHONE ON THE DAY THE

PETITION IS FILED OR ON THE COURT DAY IMMEDIATELY FOLLOWING THE DAY THE PETITION IS FILED. THE COURT MAY SCHEDULE A HEARING BY TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE CONDUCTING A TELEPHONIC HEARING. A COPY OF THE TELEPHONE HEARING MUST BE PROVIDED TO THE RESPONDENT PRIOR TO THE HEARING FOR AN EXTREME RISK PROTECTION ORDER.

(5) (a) IN ACCORDANCE WITH SECTION 13-14.5-105 (1), THE COURT SHALL SCHEDULE A HEARING WITHIN FOURTEEN DAYS AFTER THE ISSUANCE OF A TEMPORARY EXTREME RISK PROTECTION ORDER TO DETERMINE IF A THREE-HUNDRED-SIXTY-FOUR-DAY EXTREME RISK PROTECTION ORDER SHOULD BE ISSUED PURSUANT TO THIS ARTICLE 14.5. NOTICE OF THAT HEARING DATE MUST BE INCLUDED WITH THE TEMPORARY EXTREME RISK PROTECTION ORDER THAT IS SERVED ON THE RESPONDENT. THE COURT SHALL PROVIDE NOTICE OF THE HEARING DATE TO THE PETITIONER.

(b) ANY TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED EXPIRES ON THE DATE AND TIME OF THE HEARING ON THE EXTREME RISK PROTECTION ORDER PETITION OR THE WITHDRAWAL OF THE PETITION.

(6) A TEMPORARY EXTREME RISK PROTECTION ORDER MUST INCLUDE:

(a) A STATEMENT OF THE GROUNDS ASSERTED FOR THE ORDER;

(b) THE DATE AND TIME THE ORDER WAS ISSUED;

(c) THE DATE AND TIME THE ORDER EXPIRES;

(d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE PLEADING SHOULD BE FILED;

(e) THE DATE AND TIME OF THE SCHEDULED HEARING;

(f) THE REQUIREMENTS FOR SURRENDER OF FIREARMS PURSUANT TO SECTION 13-14.5-108; AND

(g) THE FOLLOWING STATEMENT:

TO THE SUBJECT OF THIS TEMPORARY EXTREME RISK PROTECTION ORDER: THIS ORDER IS VALID UNTIL THE DATE AND TIME NOTED ABOVE. YOU MAY NOT HAVE IN YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU MUST IMMEDIATELY SURRENDER TO THE (INSERT NAME OF LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES) ALL FIREARMS IN YOUR CUSTODY, CONTROL, OR POSSESSION, AND ANY CONCEALED CARRY PERMIT ISSUED TO YOU. A HEARING WILL BE HELD ON THE DATE AND AT THE TIME NOTED ABOVE TO DETERMINE IF AN EXTREME RISK PROTECTION ORDER SHOULD BE ISSUED. FAILURE TO APPEAR AT THAT HEARING MAY RESULT IN A COURT ENTERING AN ORDER AGAINST YOU THAT IS VALID FOR THREE HUNDRED SIXTY FOUR DAYS. AN ATTORNEY WILL BE APPOINTED TO REPRESENT YOU, OR YOU MAY SEEK THE ADVICE OF YOUR OWN ATTORNEY AT YOUR OWN EXPENSE AS TO ANY MATTER CONNECTED WITH THIS ORDER.

(7) A LAW ENFORCEMENT OFFICER SHALL SERVE A TEMPORARY EXTREME RISK PROTECTION ORDER CONCURRENTLY WITH THE NOTICE OF HEARING AND PETITION AND A NOTICE THAT INCLUDES REFERRALS TO APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE, BEHAVIORAL HEALTH, AND COUNSELING RESOURCES, IN THE SAME MANNER AS PROVIDED FOR IN SECTION 13-14.5-105 FOR SERVICE OF THE NOTICE OF HEARING WHERE THE RESPONDENT RESIDES.

(8) (a) IF THE COURT ISSUES A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE COURT'S ISSUANCE.

(b) IF THE COURT DECLINES TO ISSUE A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE COURT'S DENIAL.

13-14.5-104. Petition for extreme risk protection order. (1) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE FILED BY A

FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT OR A LAW ENFORCEMENT OFFICER OR AGENCY. IF THE PETITION IS FILED BY A LAW ENFORCEMENT OFFICER OR AGENCY, THE OFFICER OR AGENCY SHALL BE REPRESENTED IN ANY JUDICIAL PROCEEDING BY A COUNTY OR CITY ATTORNEY UPON REQUEST. IF THE PETITION IS FILED BY A FAMILY OR HOUSEHOLD MEMBER, THE PETITIONER, TO THE BEST OF HIS OR HER ABILITY, SHALL NOTIFY THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES OF THE PETITION AND THE HEARING DATE WITH ENOUGH ADVANCE NOTICE TO ALLOW FOR PARTICIPATION OR ATTENDANCE. UPON THE FILING OF A PETITION, THE COURT SHALL APPOINT AN ATTORNEY TO REPRESENT THE RESPONDENT, AND THE COURT SHALL INCLUDE THE APPOINTMENT IN THE NOTICE OF HEARING PROVIDED TO THE RESPONDENT PURSUANT TO SECTION 13-14.5-105 (1)(a). THE RESPONDENT MAY REPLACE THE ATTORNEY WITH AN ATTORNEY OF THE RESPONDENT'S OWN SELECTION AT ANY TIME AT THE RESPONDENT'S OWN EXPENSE. ATTORNEY FEES FOR THE ATTORNEY APPOINTED FOR THE RESPONDENT SHALL BE PAID BY THE COURT.

(2) A PETITION FOR AN EXTREME RISK PROTECTION ORDER MUST BE FILED IN THE COUNTY WHERE THE RESPONDENT RESIDES.

(3) A PETITION MUST:

(a) ALLEGE THAT THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM AND MUST BE ACCOMPANIED BY AN AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY, STATING THE SPECIFIC STATEMENTS, ACTIONS, OR FACTS THAT GIVE RISE TO A REASONABLE FEAR OF FUTURE DANGEROUS ACTS BY THE RESPONDENT;

(b) IDENTIFY THE NUMBER, TYPES, AND LOCATIONS OF ANY FIREARMS THE PETITIONER BELIEVES TO BE IN THE RESPONDENT'S CURRENT OWNERSHIP, POSSESSION, CUSTODY, OR CONTROL;

(c) IDENTIFY WHETHER THE RESPONDENT IS REQUIRED TO POSSESS, CARRY, OR USE A FIREARM AS A CONDITION OF THE RESPONDENT'S CURRENT EMPLOYMENT;

(d) IDENTIFY WHETHER THERE IS A KNOWN EXISTING DOMESTIC ABUSE PROTECTION ORDER OR EMERGENCY PROTECTION ORDER GOVERNING

THE PETITIONER OR RESPONDENT;

(e) IDENTIFY WHETHER THERE IS A PENDING LAWSUIT, COMPLAINT, PETITION, OR OTHER ACTION BETWEEN THE PARTIES TO THE PETITION; AND

(f) IF THE PETITIONER IS NOT A LAW ENFORCEMENT AGENCY, IDENTIFY WHETHER THE PETITIONER INFORMED A LOCAL LAW ENFORCEMENT AGENCY REGARDING THE RESPONDENT.

(4) THE COURT SHALL VERIFY THE TERMS OF ANY EXISTING ORDER IDENTIFIED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION GOVERNING THE PARTIES. THE COURT MAY NOT DELAY GRANTING RELIEF BECAUSE OF THE EXISTENCE OF A PENDING ACTION BETWEEN THE PARTIES. A PETITION FOR AN EXTREME RISK PROTECTION ORDER MAY BE GRANTED WHETHER OR NOT THERE IS A PENDING ACTION BETWEEN THE PARTIES.

(5) IF THE PETITION STATES THAT DISCLOSURE OF THE PETITIONER'S ADDRESS WOULD RISK HARM TO THE PETITIONER OR ANY MEMBER OF THE PETITIONER'S FAMILY OR HOUSEHOLD, THE PETITIONER'S ADDRESS MAY BE OMITTED FROM ALL DOCUMENTS FILED WITH THE COURT. IF THE PETITIONER HAS NOT DISCLOSED AN ADDRESS PURSUANT TO THIS SECTION, THE PETITIONER MUST DESIGNATE AN ALTERNATIVE ADDRESS AT WHICH THE RESPONDENT MAY SERVE NOTICE OF ANY MOTIONS. IF THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE ADDRESS OF RECORD MUST BE THAT OF THE LAW ENFORCEMENT AGENCY.

(6) A COURT OR PUBLIC AGENCY SHALL NOT CHARGE A FEE FOR FILING OR SERVICE OF PROCESS TO A PETITIONER SEEKING RELIEF PURSUANT TO THIS ARTICLE 14.5. A PETITIONER OR RESPONDENT MUST BE PROVIDED THE NECESSARY NUMBER OF CERTIFIED COPIES, FORMS, AND INSTRUCTIONAL BROCHURES FREE OF CHARGE.

(7) A PERSON IS NOT REQUIRED TO POST A BOND TO OBTAIN RELIEF IN ANY PROCEEDING PURSUANT TO THIS SECTION.

(8) THE DISTRICT AND COUNTY COURTS OF THE STATE OF COLORADO HAVE JURISDICTION OVER PROCEEDINGS PURSUANT TO THIS ARTICLE 14.5.

13-14.5-105. Hearings on petition - grounds for order issuance.

(1) (a) UPON FILING OF THE PETITION, THE COURT SHALL ORDER A HEARING

TO BE HELD AND PROVIDE A NOTICE OF HEARING TO THE RESPONDENT. THE COURT MUST PROVIDE THE NOTICE OF THE HEARING NOT LATER THAN ONE COURT DAY AFTER THE DATE OF THE EXTREME RISK PROTECTION ORDER PETITION. THE COURT MAY SCHEDULE A HEARING BY TELEPHONE PURSUANT TO LOCAL COURT RULE TO REASONABLY ACCOMMODATE A DISABILITY OR, IN EXCEPTIONAL CIRCUMSTANCES, TO PROTECT A PETITIONER FROM POTENTIAL HARM. THE COURT SHALL REQUIRE ASSURANCES OF THE PETITIONER'S IDENTITY BEFORE CONDUCTING A TELEPHONIC HEARING.

(b) BEFORE THE NEXT COURT DAY, THE COURT CLERK SHALL FORWARD A COPY OF THE NOTICE OF HEARING AND PETITION TO THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES FOR SERVICE UPON THE RESPONDENT.

(c) A COPY OF THE NOTICE OF HEARING AND PETITION MUST BE SERVED UPON THE RESPONDENT IN ACCORDANCE WITH THE RULES FOR SERVICE OF PROCESS AS PROVIDED IN RULE 4 OF THE COLORADO RULES OF CIVIL PROCEDURE OR RULE 304 OF THE COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE. SERVICE ISSUED PURSUANT TO THIS SECTION TAKES PRECEDENCE OVER THE SERVICE OF OTHER DOCUMENTS, UNLESS THE OTHER DOCUMENTS ARE OF A SIMILAR EMERGENCY NATURE.

(d) THE COURT MAY, AS PROVIDED IN SECTION 13-14.5-103, ISSUE A TEMPORARY EXTREME RISK PROTECTION ORDER PENDING THE HEARING ORDERED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION. THE TEMPORARY EXTREME RISK PROTECTION ORDER MUST BE SERVED CONCURRENTLY WITH THE NOTICE OF HEARING AND PETITION.

(2) UPON HEARING THE MATTER, IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THAT THE RESPONDENT POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A FIREARM, THE COURT SHALL ISSUE AN EXTREME RISK PROTECTION ORDER FOR A PERIOD OF THREE HUNDRED SIXTY-FOUR DAYS.

(3) IN DETERMINING WHETHER GROUNDS FOR AN EXTREME RISK PROTECTION ORDER EXIST, THE COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING BUT NOT LIMITED TO ANY OF THE FOLLOWING:

(a) A RECENT ACT OR CREDIBLE THREAT OF VIOLENCE BY THE RESPONDENT AGAINST SELF OR OTHERS, WHETHER OR NOT SUCH VIOLENCE OR CREDIBLE THREAT OF VIOLENCE INVOLVES A FIREARM;

(b) A PATTERN OF ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT WITHIN THE PAST YEAR, INCLUDING BUT NOT LIMITED TO ACTS OR CREDIBLE THREATS OF VIOLENCE BY THE RESPONDENT AGAINST SELF OR OTHERS;

(c) A VIOLATION BY THE RESPONDENT OF A CIVIL PROTECTION ORDER ISSUED PURSUANT TO ARTICLE 14 OF THIS TITLE 13;

(d) A PREVIOUS OR EXISTING EXTREME RISK PROTECTION ORDER ISSUED AGAINST THE RESPONDENT AND A VIOLATION OF A PREVIOUS OR EXISTING EXTREME RISK PROTECTION ORDER;

(e) A CONVICTION OF THE RESPONDENT FOR A CRIME THAT INCLUDED AN UNDERLYING FACTUAL BASIS OF DOMESTIC VIOLENCE AS DEFINED IN SECTION 18-6-800.3 (1);

(f) THE RESPONDENT'S OWNERSHIP, ACCESS TO, OR INTENT TO POSSESS A FIREARM;

(g) A CREDIBLE THREAT OF OR THE UNLAWFUL OR RECKLESS USE OF A FIREARM BY THE RESPONDENT;

(h) THE HISTORY OF USE, ATTEMPTED USE, OR THREATENED USE OF UNLAWFUL PHYSICAL FORCE BY THE RESPONDENT AGAINST ANOTHER PERSON, OR THE RESPONDENT'S HISTORY OF STALKING ANOTHER PERSON AS DESCRIBED IN SECTION 18-3-602;

(i) ANY PRIOR ARREST OF THE RESPONDENT FOR A CRIME LISTED IN SECTION 24-4.1-302 (1) OR SECTION 18-9-202;

(j) EVIDENCE OF THE ABUSE OF CONTROLLED SUBSTANCES OR ALCOHOL BY THE RESPONDENT;

(k) WHETHER THE RESPONDENT IS REQUIRED TO POSSESS, CARRY, OR USE A FIREARM AS A CONDITION OF THE RESPONDENT'S CURRENT EMPLOYMENT; AND

(1) EVIDENCE OF RECENT ACQUISITION OF A FIREARM OR AMMUNITION BY THE RESPONDENT.

(4) THE COURT MAY:

(a) EXAMINE UNDER OATH THE PETITIONER, THE RESPONDENT, AND ANY WITNESSES THEY MAY PRODUCE, OR, IN LIEU OF EXAMINATION, CONSIDER SWORN AFFIDAVITS OF THE PETITIONER, THE RESPONDENT, AND ANY WITNESSES THEY MAY PRODUCE; AND

(b) REQUEST THAT THE COLORADO BUREAU OF INVESTIGATION CONDUCT A CRIMINAL HISTORY RECORD CHECK RELATED TO THE RESPONDENT AND PROVIDE THE RESULTS TO THE COURT UNDER SEAL.

(5) THE COURT SHALL ALLOW THE PETITIONER AND RESPONDENT TO PRESENT EVIDENCE AND CROSS-EXAMINE WITNESSES AND BE REPRESENTED BY AN ATTORNEY AT THE HEARING.

(6) IN A HEARING PURSUANT TO THIS ARTICLE 14.5, THE RULES OF EVIDENCE APPLY TO THE SAME EXTENT AS IN A CIVIL PROTECTION ORDER PROCEEDING PURSUANT TO ARTICLE 14 OF THIS TITLE 13.

(7) DURING THE HEARING, THE COURT SHALL CONSIDER ANY AVAILABLE MENTAL HEALTH EVALUATION OR CHEMICAL DEPENDENCY EVALUATION PROVIDED TO THE COURT.

(8) (a) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE STANDARD FOR A COURT-ORDERED EVALUATION FOR PERSONS WITH MENTAL HEALTH DISORDERS PURSUANT TO SECTION 27-65-106. IF THE COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN, IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL ORDER MENTAL HEALTH TREATMENT AND EVALUATION AUTHORIZED PURSUANT TO SECTION 27-65-106 (6).

(b) BEFORE ISSUING AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL CONSIDER WHETHER THE RESPONDENT MEETS THE STANDARD FOR AN EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111 OR 27-82-107. IF THE COURT DETERMINES THAT THE RESPONDENT MEETS THE STANDARD, THEN, IN ADDITION TO ISSUING AN EXTREME RISK PROTECTION

ORDER, THE COURT SHALL ORDER AN EMERGENCY COMMITMENT PURSUANT TO SECTION 27-81-111 OR 27-82-107.

(9) AN EXTREME RISK PROTECTION ORDER MUST INCLUDE:

(a) A STATEMENT OF THE GROUNDS SUPPORTING THE ISSUANCE OF THE ORDER;

(b) THE DATE AND TIME THE ORDER WAS ISSUED;

(c) THE DATE AND TIME THE ORDER EXPIRES;

(d) THE ADDRESS OF THE COURT IN WHICH ANY RESPONSIVE PLEADING SHOULD BE FILED;

(e) THE REQUIREMENTS FOR RELINQUISHMENT OF A FIREARM AND CONCEALED CARRY PERMIT PURSUANT TO SECTION 13-14.5-108; AND

(f) THE FOLLOWING STATEMENT:

TO THE SUBJECT OF THIS EXTREME RISK PROTECTION ORDER: THIS ORDER WILL LAST UNTIL THE DATE AND TIME NOTED ABOVE. IF YOU HAVE NOT DONE SO ALREADY, YOU MUST IMMEDIATELY SURRENDER ANY FIREARMS IN YOUR CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED CARRY PERMIT ISSUED TO YOU. YOU MAY NOT HAVE IN YOUR CUSTODY OR CONTROL A FIREARM OR PURCHASE, POSSESS, RECEIVE, OR ATTEMPT TO PURCHASE OR RECEIVE A FIREARM WHILE THIS ORDER IS IN EFFECT. YOU HAVE THE RIGHT TO REQUEST ONE HEARING TO TERMINATE THIS ORDER DURING THE PERIOD THAT THIS ORDER IS IN EFFECT, STARTING FROM THE DATE OF THIS ORDER AND CONTINUING THROUGH ANY RENEWALS. YOU MAY SEEK THE ADVICE OF AN ATTORNEY AS TO ANY MATTER CONNECTED WITH THIS ORDER.

(10) WHEN THE COURT ISSUES AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL INFORM THE RESPONDENT THAT HE OR SHE IS ENTITLED TO REQUEST TERMINATION OF THE ORDER IN THE MANNER PRESCRIBED BY SECTION 13-14.5-107. THE COURT SHALL PROVIDE THE RESPONDENT WITH A FORM TO REQUEST A TERMINATION HEARING.

(11) (a) IF THE COURT ISSUES AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE COURT'S ISSUANCE.

(b) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL STATE THE PARTICULAR REASONS FOR THE COURT'S DENIAL.

(12) IF THE COURT DENIES THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER BUT ORDERED A TEMPORARY EXTREME RISK PROTECTION ORDER AND A LAW ENFORCEMENT AGENCY TOOK CUSTODY OF THE RESPONDENT'S CONCEALED CARRY PERMIT OR THE RESPONDENT SURRENDERED HIS OR HER CONCEALED CARRY PERMIT AS A RESULT OF THE TEMPORARY EXTREME RISK PROTECTION ORDER, THE SHERIFF WHO ISSUED THE CONCEALED CARRY PERMIT SHALL REISSUE THE CONCEALED CARRY PERMIT TO THE RESPONDENT WITHIN THREE DAYS, AT NO CHARGE TO THE RESPONDENT.

(13) IF COURT ISSUES AN EXTREME RISK PROTECTION ORDER AND THE PETITIONER IS A LAW ENFORCEMENT OFFICER OR AGENCY, THE PETITIONER SHALL MAKE A GOOD-FAITH EFFORT TO PROVIDE NOTICE OF THE ORDER TO A FAMILY OR HOUSEHOLD MEMBER OF THE RESPONDENT AND TO ANY KNOWN THIRD PARTY WHO MAY BE AT DIRECT RISK OF VIOLENCE. THE NOTICE MUST INCLUDE REFERRALS TO APPROPRIATE RESOURCES, INCLUDING DOMESTIC VIOLENCE, BEHAVIORAL HEALTH, AND COUNSELING RESOURCES.

13-14.5-106. Service of protection orders. (1) AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 MUST BE SERVED PERSONALLY UPON THE RESPONDENT, EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 14.5.

(2) THE LAW ENFORCEMENT AGENCY IN THE JURISDICTION WHERE THE RESPONDENT RESIDES SHALL SERVE THE RESPONDENT PERSONALLY.

(3) THE COURT CLERK SHALL FORWARD A COPY OF THE EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 ON OR BEFORE THE NEXT COURT DAY TO THE LAW ENFORCEMENT AGENCY SPECIFIED IN THE ORDER FOR SERVICE. SERVICE OF AN ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 TAKES PRECEDENCE OVER THE SERVICE OF OTHER DOCUMENTS, UNLESS THE OTHER DOCUMENTS ARE OF A SIMILAR

EMERGENCY NATURE.

(4) IF THE LAW ENFORCEMENT AGENCY CANNOT COMPLETE SERVICE UPON THE RESPONDENT WITHIN FIVE DAYS, THE LAW ENFORCEMENT AGENCY SHALL NOTIFY THE PETITIONER. THE PETITIONER SHALL THEN PROVIDE ANY ADDITIONAL INFORMATION REGARDING THE RESPONDENT'S WHEREABOUTS TO THE LAW ENFORCEMENT AGENCY TO EFFECT SERVICE. THE LAW ENFORCEMENT AGENCY MAY REQUEST ADDITIONAL TIME TO ALLOW FOR THE PROPER AND SAFE PLANNING AND EXECUTION OF THE COURT ORDER.

(5) IF AN EXTREME RISK PROTECTION ORDER ENTERED BY THE COURT STATES THAT THE RESPONDENT APPEARED IN PERSON BEFORE THE COURT, THE NECESSITY FOR FURTHER SERVICE IS WAIVED, AND PROOF OF SERVICE OF THAT ORDER IS NOT NECESSARY.

(6) RETURNS OF SERVICE PURSUANT TO THIS ARTICLE 14.5 MUST BE MADE IN ACCORDANCE WITH THE APPLICABLE COURT RULES.

(7) IF THE RESPONDENT IS A VETERAN AND THERE ARE ANY CRIMINAL CHARGES AGAINST THE RESPONDENT THAT RESULT FROM THE SERVICE OR ENFORCEMENT OF THE EXTREME RISK PROTECTION ORDER, THE JUDGE SHALL REFER THE CASE TO A VETERANS COURT IF THE JURISDICTION HAS A VETERANS COURT AND THE CHARGES ARE VETERANS COURT ELIGIBLE.

13-14.5-107. Termination or renewal of protection orders.

(1) **Termination.** (a) THE RESPONDENT MAY SUBMIT ONE WRITTEN REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 FOR THE PERIOD THAT THE ORDER IS IN EFFECT. UPON RECEIPT OF THE REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER, THE COURT SHALL SET A DATE FOR A HEARING. NOTICE OF THE REQUEST AND DATE OF HEARING MUST BE SERVED ON THE PETITIONER IN ACCORDANCE WITH THE COLORADO RULES OF CIVIL PROCEDURE OR COLORADO RULES OF COUNTY COURT CIVIL PROCEDURE. THE COURT SHALL SET THE HEARING FOURTEEN DAYS AFTER THE FILING OF THE REQUEST FOR A HEARING TO TERMINATE AN EXTREME RISK PROTECTION ORDER. THE COURT SHALL TERMINATE THE EXTREME RISK PROTECTION ORDER IF THE RESPONDENT ESTABLISHES BY CLEAR AND CONVINCING EVIDENCE THAT HE OR SHE NO LONGER POSES A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR

RECEIVING A FIREARM. THE COURT MAY CONSIDER ANY RELEVANT EVIDENCE, INCLUDING EVIDENCE OF THE CONSIDERATIONS LISTED IN SECTION 13-14.5-105 (3).

(b) THE COURT MAY CONTINUE THE HEARING IF THE COURT DETERMINES THAT IT CANNOT ENTER A TERMINATION ORDER AT THE HEARING BUT DETERMINES THAT THERE IS A STRONG POSSIBILITY THAT THE COURT COULD ENTER A TERMINATION ORDER AT A FUTURE DATE BEFORE THE EXPIRATION OF THE EXTREME RISK PROTECTION ORDER. IF THE COURT CONTINUES THE HEARING, THE COURT SHALL SET THE DATE FOR THE NEXT HEARING PRIOR TO THE DATE FOR THE EXPIRATION OF THE EXTREME RISK PROTECTION ORDER.

(2) **Renewal.** (a) THE COURT SHALL NOTIFY THE PETITIONER OF THE IMPENDING EXPIRATION OF AN EXTREME RISK PROTECTION ORDER SIXTY-THREE CALENDAR DAYS BEFORE THE DATE THAT THE ORDER EXPIRES.

(b) A PETITIONER, A FAMILY OR HOUSEHOLD MEMBER OF A RESPONDENT, OR A LAW ENFORCEMENT OFFICER OR AGENCY MAY, BY MOTION, REQUEST A RENEWAL OF AN EXTREME RISK PROTECTION ORDER AT ANY TIME WITHIN SIXTY-THREE CALENDAR DAYS BEFORE THE EXPIRATION OF THE ORDER.

(c) UPON RECEIPT OF THE MOTION TO RENEW, THE COURT SHALL ORDER THAT A HEARING BE HELD NOT LATER THAN FOURTEEN DAYS AFTER THE FILING OF THE MOTION TO RENEW. THE COURT MAY SCHEDULE A HEARING BY TELEPHONE IN THE MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(a). THE RESPONDENT MUST BE PERSONALLY SERVED IN THE SAME MANNER PRESCRIBED BY SECTION 13-14.5-105 (1)(b) AND (1)(c).

(d) IN DETERMINING WHETHER TO RENEW AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS SECTION, THE COURT SHALL CONSIDER ALL RELEVANT EVIDENCE AND FOLLOW THE SAME PROCEDURE AS PROVIDED IN SECTION 13-14.5-105.

(e) IF THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE THAT, BASED ON THE EVIDENCE PRESENTED PURSUANT TO SECTION 13-14.5-105 (3), THE RESPONDENT CONTINUES TO POSE A SIGNIFICANT RISK OF CAUSING PERSONAL INJURY TO SELF OR OTHERS BY HAVING IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR BY PURCHASING, POSSESSING, OR RECEIVING A

FIREARM, THE COURT SHALL RENEW THE ORDER FOR A PERIOD OF TIME THE COURT DEEMS APPROPRIATE, NOT TO EXCEED ONE YEAR. IN THE ORDER, THE COURT SHALL SET A RETURN DATE TO REVIEW THE ORDER NO LATER THAN THIRTY-FIVE DAYS PRIOR TO THE EXPIRATION OF THE ORDER. HOWEVER, IF, AFTER NOTICE, THE MOTION FOR RENEWAL IS UNCONTESTED AND THE PETITIONER SEEKS NO MODIFICATION OF THE ORDER, THE ORDER MAY BE RENEWED ON THE BASIS OF THE PETITIONER'S MOTION OR AFFIDAVIT, SIGNED UNDER OATH AND PENALTY OF PERJURY, STATING THAT THERE HAS BEEN NO MATERIAL CHANGE IN RELEVANT CIRCUMSTANCES SINCE THE ENTRY OF THE ORDER AND STATING THE REASON FOR THE REQUESTED RENEWAL.

(3) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED OR NOT RENEWED FOR ANY REASON, THE LAW ENFORCEMENT AGENCY STORING THE RESPONDENT'S FIREARMS SHALL PROVIDE NOTICE TO THE RESPONDENT REGARDING THE PROCESS FOR THE RETURN OF THE FIREARMS.

13-14.5-108. Surrender of a firearm. (1) (a) UPON ISSUANCE OF AN EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER, THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER ALL FIREARMS BY:

(I) SELLING OR TRANSFERRING POSSESSION OF THE FIREARM TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED; EXCEPT THAT THIS PROVISION MUST NOT BE INTERPRETED TO REQUIRE ANY FEDERALLY LICENSED FIREARMS DEALER TO PURCHASE OR ACCEPT POSSESSION OF ANY FIREARM;

(II) ARRANGING FOR THE STORAGE OF THE FIREARM BY A LAW ENFORCEMENT AGENCY. THE LAW ENFORCEMENT AGENCY SHALL PRESERVE THE FIREARM IN A SUBSTANTIALLY SIMILAR CONDITION THAT THE FIREARM WAS IN WHEN IT WAS SURRENDERED. IF THE RESPONDENT DOES NOT CHOOSE THE OPTION IN SUBSECTION (1)(a)(I) OF THIS SECTION, A LOCAL LAW ENFORCEMENT AGENCY SHALL STORE THE FIREARM; OR

(III) ONLY FOR EITHER AN ANTIQUE FIREARM, AS DEFINED IN 18 U.S.C. SEC. 921 (a)(16), AS AMENDED, OR A CURIO OR RELIC, AS DEFINED IN 27 CFR 478.11, AS AMENDED, TRANSFERRING POSSESSION OF THE ANTIQUE FIREARM OR CURIO OR RELIC TO A RELATIVE WHO DOES NOT LIVE WITH THE RESPONDENT AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK, THE RELATIVE IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A

FIREARM UNDER FEDERAL AND STATE LAW.

(b) THE COURT SHALL ORDER THE RESPONDENT TO SURRENDER ANY CONCEALED CARRY PERMIT TO THE LAW ENFORCEMENT OFFICER SERVING THE EXTREME RISK PROTECTION ORDER.

(2) (a) THE LAW ENFORCEMENT AGENCY SERVING ANY EXTREME RISK PROTECTION ORDER PURSUANT TO THIS ARTICLE 14.5, INCLUDING A TEMPORARY EXTREME RISK PROTECTION ORDER IN WHICH THE PETITIONER WAS NOT A LAW ENFORCEMENT AGENCY OR OFFICER, SHALL REQUEST THAT THE RESPONDENT IMMEDIATELY SURRENDER ALL FIREARMS IN HIS OR HER CUSTODY, CONTROL, OR POSSESSION AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH PERMITTED BY LAW FOR SUCH FIREARMS OR PERMIT. AFTER THE LAW ENFORCEMENT AGENCY OR OFFICER HAS CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF HIS OR HER PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SUBSECTION (1) OF THIS SECTION. IF THE RESPONDENT ELECTS TO SELL OR TRANSFER THE FIREARMS TO A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, THE LAW ENFORCEMENT OFFICER OR AGENCY SHALL MAINTAIN CUSTODY OF THE FIREARMS UNTIL THEY ARE SOLD OR TRANSFERRED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION. THE LAW ENFORCEMENT OFFICER SHALL TAKE POSSESSION OF ALL FIREARMS AND ANY SUCH PERMIT BELONGING TO THE RESPONDENT THAT ARE SURRENDERED, IN PLAIN SIGHT, OR DISCOVERED PURSUANT TO A LAWFUL SEARCH. ALTERNATIVELY, IF PERSONAL SERVICE BY THE LAW ENFORCEMENT AGENCY IS NOT POSSIBLE, OR NOT REQUIRED BECAUSE THE RESPONDENT WAS PRESENT AT THE EXTREME RISK PROTECTION ORDER HEARING, THE RESPONDENT SHALL SURRENDER THE FIREARMS AND ANY CONCEALED CARRY PERMIT WITHIN TWENTY-FOUR HOURS AFTER BEING SERVED WITH THE ORDER BY ALTERNATE SERVICE OR WITHIN TWENTY-FOUR HOURS AFTER THE HEARING AT WHICH THE RESPONDENT WAS PRESENT.

(b) IF THE PETITIONER FOR AN EXTREME RISK PROTECTION ORDER IS A LAW ENFORCEMENT AGENCY OR OFFICER, THE LAW ENFORCEMENT OFFICER SERVING THE EXTREME RISK PROTECTION ORDER SHALL TAKE CUSTODY OF THE RESPONDENT'S FIREARMS PURSUANT TO THE SEARCH WARRANT FOR FIREARMS POSSESSED BY A RESPONDENT IN AN EXTREME RISK PROTECTION ORDER, AS DESCRIBED IN SECTION 16-3-301.5, IF A WARRANT WAS OBTAINED. AFTER THE LAW ENFORCEMENT AGENCY OR OFFICER HAS

CUSTODY OF THE FIREARMS, THE RESPONDENT MAY INFORM THE LAW ENFORCEMENT OFFICER OF HIS OR HER PREFERENCE FOR SALE, TRANSFER, OR STORAGE OF THE FIREARMS AS SPECIFIED IN SECTION 13-14-105.5 (2)(c). THE LAW ENFORCEMENT OFFICER SHALL REQUEST THAT THE RESPONDENT IMMEDIATELY SURRENDER ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT AND CONDUCT ANY SEARCH PERMITTED BY LAW FOR THE PERMIT.

(3) AT THE TIME OF SURRENDER OR TAKING CUSTODY PURSUANT TO SECTION 16-3-301.5, A LAW ENFORCEMENT OFFICER TAKING POSSESSION OF A FIREARM OR A CONCEALED CARRY PERMIT SHALL ISSUE A RECEIPT IDENTIFYING ALL FIREARMS AND ANY PERMIT THAT HAVE BEEN SURRENDERED OR TAKEN CUSTODY OF AND PROVIDE A COPY OF THE RECEIPT TO THE RESPONDENT. WITHIN SEVENTY-TWO HOURS AFTER SERVICE OF THE ORDER, THE OFFICER SERVING THE ORDER SHALL FILE THE ORIGINAL RECEIPT WITH THE COURT AND SHALL ENSURE THAT HIS OR HER LAW ENFORCEMENT AGENCY RETAINS A COPY OF THE RECEIPT, OR, IF THE OFFICER DID NOT TAKE CUSTODY OF ANY FIREARMS, SHALL FILE A STATEMENT TO THAT EFFECT WITH THE COURT.

(4) UPON THE SWORN STATEMENT OR TESTIMONY OF THE PETITIONER OR OF ANY LAW ENFORCEMENT OFFICER ALLEGING THAT THERE IS PROBABLE CAUSE TO BELIEVE THE RESPONDENT HAS FAILED TO COMPLY WITH THE SURRENDER OF FIREARMS OR A CONCEALED CARRY PERMIT AS REQUIRED BY AN ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5, THE COURT SHALL DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE RESPONDENT HAS FAILED TO SURRENDER ALL FIREARMS OR A CONCEALED CARRY PERMIT IN HIS OR HER CUSTODY, CONTROL, OR POSSESSION. IF PROBABLE CAUSE EXISTS, THE COURT SHALL ISSUE A SEARCH WARRANT THAT STATES WITH PARTICULARITY THE PLACES TO BE SEARCHED AND THE ITEMS TO BE TAKEN INTO CUSTODY.

(5) IF A PERSON OTHER THAN THE RESPONDENT CLAIMS TITLE TO ANY FIREARMS SURRENDERED OR TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5 PURSUANT TO THIS SECTION AND HE OR SHE IS DETERMINED BY THE LAW ENFORCEMENT AGENCY TO BE THE LAWFUL OWNER OF THE FIREARM, THE FIREARM SHALL BE RETURNED TO HIM OR HER IF:

(a) THE FIREARM IS REMOVED FROM THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION, AND THE LAWFUL OWNER AGREES TO STORE THE

FIREARM SO THAT THE RESPONDENT DOES NOT HAVE ACCESS TO OR CONTROL OF THE FIREARM; AND

(b) THE FIREARM IS NOT OTHERWISE UNLAWFULLY POSSESSED BY THE LAWFUL OWNER.

(6) (a) WITHIN FORTY-EIGHT HOURS AFTER THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER, A RESPONDENT SUBJECT TO THE ORDER MAY EITHER:

(I) FILE WITH THE COURT THAT ISSUED THE ORDER ONE OR MORE PROOFS OF RELINQUISHMENT OR REMOVAL SHOWING THAT ALL FIREARMS PREVIOUSLY IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION, AND ANY CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT, WERE RELINQUISHED TO OR REMOVED BY A LAW ENFORCEMENT AGENCY, AND ATTEST TO THE COURT THAT THE RESPONDENT DOES NOT CURRENTLY HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION, AND DOES NOT CURRENTLY HAVE A CONCEALED CARRY PERMIT; OR

(II) ATTEST TO THE COURT THAT:

(A) AT THE TIME THE ORDER WAS ISSUED, THE RESPONDENT DID NOT HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION AND DID NOT HAVE A CONCEALED CARRY PERMIT; AND

(B) THE RESPONDENT DOES NOT CURRENTLY HAVE ANY FIREARMS IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION AND DOES NOT CURRENTLY HAVE A CONCEALED CARRY PERMIT.

(b) IF TWO FULL COURT DAYS HAVE ELAPSED SINCE THE ISSUANCE OF AN EXTREME RISK PROTECTION ORDER AND THE RESPONDENT HAS MADE NEITHER THE FILING AND ATTESTATION PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION NOR THE ATTESTATIONS PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION, THE CLERK OF THE COURT FOR THE COURT THAT ISSUED THE ORDER SHALL INFORM THE LOCAL LAW ENFORCEMENT AGENCY IN THE COUNTY IN WHICH THE COURT IS LOCATED THAT THE RESPONDENT HAS NOT FILED THE FILING AND ATTESTATION PURSUANT TO SUBSECTION (6)(a)(I) OF THIS SECTION OR THE ATTESTATIONS PURSUANT TO SUBSECTION (6)(a)(II) OF THIS SECTION.

(c) A LOCAL LAW ENFORCEMENT AGENCY THAT RECEIVES A NOTIFICATION PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION SHALL MAKE A GOOD FAITH EFFORT TO DETERMINE WHETHER THERE IS EVIDENCE THAT THE RESPONDENT HAS FAILED TO RELINQUISH ANY FIREARM IN THE RESPONDENT'S CUSTODY, CONTROL, OR POSSESSION OR A CONCEALED CARRY PERMIT ISSUED TO THE RESPONDENT.

(7) THE PEACE OFFICERS STANDARDS AND TRAINING BOARD SHALL DEVELOP MODEL POLICIES AND PROCEDURES BY DECEMBER 1, 2019, REGARDING THE ACCEPTANCE, STORAGE, AND RETURN OF FIREARMS REQUIRED TO BE SURRENDERED PURSUANT TO THIS ARTICLE 14.5 OR TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5 AND SHALL PROVIDE THOSE MODEL POLICIES AND PROCEDURES TO ALL LAW ENFORCEMENT AGENCIES. EACH LAW ENFORCEMENT AGENCY SHALL ADOPT THE MODEL POLICIES AND PROCEDURES OR ADOPT THEIR OWN POLICIES AND PROCEDURES BY JANUARY 1, 2020.

13-14.5-109. Firearms - return - disposal. (1) IF AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER IS TERMINATED OR EXPIRES WITHOUT RENEWAL, A LAW ENFORCEMENT AGENCY HOLDING ANY FIREARM THAT HAS BEEN SURRENDERED PURSUANT TO SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5, OR A FEDERALLY LICENSED FIREARMS DEALER DESCRIBED IN 18 U.S.C. SEC. 923, AS AMENDED, WITH CUSTODY OF A FIREARM, OR A RELATIVE WITH CUSTODY OF AN ANTIQUE FIREARM OR CURIO OR RELIC PURSUANT TO SECTION 13-14.5-108 (1)(a)(III), MUST RETURN THE FIREARM REQUESTED BY A RESPONDENT WITHIN THREE DAYS ONLY AFTER CONFIRMING, THROUGH A CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO SECTION 24-33.5-424, THAT THE RESPONDENT IS CURRENTLY ELIGIBLE TO OWN OR POSSESS A FIREARM UNDER FEDERAL AND STATE LAW AND AFTER CONFIRMING WITH THE COURT THAT THE EXTREME RISK PROTECTION ORDER HAS TERMINATED OR HAS EXPIRED WITHOUT RENEWAL.

(2) ANY FIREARM SURRENDERED BY A RESPONDENT PURSUANT TO SECTION 13-14.5-108 OR TAKEN CUSTODY OF PURSUANT TO SECTION 16-3-301.5 THAT REMAINS UNCLAIMED BY THE LAWFUL OWNER FOR AT LEAST ONE YEAR FROM THE DATE THE TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER EXPIRED, WHICHEVER IS LATER, SHALL BE DISPOSED OF IN ACCORDANCE WITH THE LAW ENFORCEMENT AGENCY'S POLICIES AND PROCEDURES FOR THE DISPOSAL OF

FIREARMS IN POLICE CUSTODY.

13-14.5-110. Reporting of extreme risk protection orders.

(1) THE COURT CLERK SHALL ENTER ANY EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 INTO A STATEWIDE JUDICIAL INFORMATION SYSTEM ON THE SAME DAY THE ORDER IS ISSUED.

(2) THE COURT CLERK SHALL FORWARD A COPY OF AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 THE SAME DAY THE ORDER IS ISSUED TO THE COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SPECIFIED IN THE ORDER. UPON RECEIPT OF THE COPY OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION SHALL ENTER THE ORDER INTO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM, ANY OTHER FEDERAL OR STATE COMPUTER-BASED SYSTEMS USED BY LAW ENFORCEMENT AGENCIES OR OTHERS TO IDENTIFY PROHIBITED PURCHASERS OF FIREARMS, AND ANY COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM AVAILABLE IN THIS STATE USED BY LAW ENFORCEMENT AGENCIES. THE ORDER MUST REMAIN IN EACH SYSTEM FOR THE PERIOD STATED IN THE ORDER, AND THE LAW ENFORCEMENT AGENCY SHALL ONLY EXPUNGE ORDERS FROM THE SYSTEMS THAT HAVE EXPIRED OR TERMINATED AND SHALL PROMPTLY REMOVE THE EXPIRED OR TERMINATED ORDERS. ENTRY INTO THE COMPUTER-BASED CRIMINAL INTELLIGENCE INFORMATION SYSTEM IS NOTICE TO ALL LAW ENFORCEMENT AGENCIES OF THE EXISTENCE OF THE ORDER. THE ORDER IS FULLY ENFORCEABLE IN ANY COUNTY IN THE STATE.

(3) THE ISSUING COURT SHALL, WITHIN THREE COURT DAYS AFTER ISSUANCE OF AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY EXTREME RISK PROTECTION ORDER, FORWARD ALL IDENTIFYING INFORMATION THE COURT HAS REGARDING THE RESPONDENT, ALONG WITH THE DATE THE ORDER IS ISSUED, TO THE COUNTY SHERIFF IN THE JURISDICTION WHERE THE RESPONDENT RESIDES. UPON RECEIPT OF THE INFORMATION, THE COUNTY SHERIFF SHALL DETERMINE IF THE RESPONDENT HAS A CONCEALED CARRY PERMIT. IF THE RESPONDENT DOES HAVE A CONCEALED CARRY PERMIT, THE ISSUING COUNTY SHERIFF SHALL IMMEDIATELY REVOKE THE PERMIT. THE RESPONDENT MAY REAPPLY FOR A CONCEALED CARRY PERMIT AFTER THE TEMPORARY EXTREME RISK PROTECTION ORDER AND EXTREME RISK PROTECTION ORDER, IF ORDERED,

ARE NO LONGER IN EFFECT.

(4) IF AN EXTREME RISK PROTECTION ORDER IS TERMINATED BEFORE ITS EXPIRATION DATE, THE COURT CLERK SHALL FORWARD, ON THE SAME DAY AS THE TERMINATION ORDER, A COPY OF THE TERMINATION ORDER TO THE COLORADO BUREAU OF INVESTIGATION AND THE APPROPRIATE LAW ENFORCEMENT AGENCY SPECIFIED IN THE TERMINATION ORDER. UPON RECEIPT OF THE ORDER, THE COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SHALL PROMPTLY REMOVE THE ORDER FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT WAS ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(5) UPON THE EXPIRATION OF A TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER, THE COLORADO BUREAU OF INVESTIGATION AND THE LAW ENFORCEMENT AGENCY SPECIFIED IN THE ORDER SHALL PROMPTLY REMOVE THE ORDER FROM ANY COMPUTER-BASED SYSTEM IN WHICH IT WAS ENTERED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(6) AN EXTREME RISK PROTECTION ORDER DOES NOT CONSTITUTE A FINDING THAT A RESPONDENT IS A PROHIBITED PERSON PURSUANT TO 18 U.S.C. SEC. 922 (d)(4) OR (g)(4). THIS SUBSECTION (6) DOES NOT ALTER A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION ORDER, AND A RESPONDENT SUBJECT TO A TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION ORDER IS PROHIBITED FROM POSSESSING A FIREARM UNDER STATE LAW. THIS SUBSECTION (6) DOES NOT CHANGE THE DUTY TO ENTER A TEMPORARY EXTREME RISK PROTECTION ORDER OR EXTREME RISK PROTECTION ORDER INTO THE APPROPRIATE DATABASES PURSUANT TO SECTION 13-14.5-110.

13-14.5-111. Penalties. ANY PERSON WHO HAS IN HIS OR HER CUSTODY OR CONTROL A FIREARM OR PURCHASES, POSSESSES, OR RECEIVES A FIREARM WITH KNOWLEDGE THAT HE OR SHE IS PROHIBITED FROM DOING SO BY AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO THIS ARTICLE 14.5 IS GUILTY OF A CLASS 2 MISDEMEANOR.

13-14.5-112. Other authority retained. THIS ARTICLE 14.5 DOES NOT AFFECT THE ABILITY OF A LAW ENFORCEMENT OFFICER TO REMOVE A FIREARM OR CONCEALED CARRY PERMIT FROM A PERSON OR CONDUCT A

SEARCH AND SEIZURE FOR ANY FIREARM PURSUANT TO OTHER LAWFUL AUTHORITY.

13-14.5-113. Liability. (1) EXCEPT AS PROVIDED IN SECTION 13-14.5-111, THIS ARTICLE 14.5 DOES NOT IMPOSE CRIMINAL OR CIVIL LIABILITY ON ANY PERSON OR ENTITY FOR ACTS OR OMISSIONS MADE IN GOOD FAITH RELATED TO OBTAINING AN EXTREME RISK PROTECTION ORDER OR A TEMPORARY EXTREME RISK PROTECTION ORDER, INCLUDING BUT NOT LIMITED TO REPORTING, DECLINING TO REPORT, INVESTIGATING, DECLINING TO INVESTIGATE, FILING, OR DECLINING TO FILE A PETITION PURSUANT TO THIS ARTICLE 14.5.

(2) A PERSON WHO FILES A MALICIOUS OR FALSE PETITION FOR TEMPORARY EXTREME RISK PROTECTION ORDER OR AN EXTREME RISK PROTECTION ORDER MAY BE SUBJECT TO CRIMINAL PROSECUTION FOR THOSE ACTS.

13-14.5-114. Instructional and informational material - definition. (1) (a) THE STATE COURT ADMINISTRATOR SHALL DEVELOP STANDARD PETITIONS AND EXTREME RISK PROTECTION ORDER FORMS AND TEMPORARY EXTREME RISK PROTECTION ORDER FORMS IN MORE THAN ONE LANGUAGE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES. THE STANDARD PETITION AND ORDER FORMS MUST BE USED AFTER JANUARY 1, 2020, FOR ALL PETITIONS FILED AND ORDERS ISSUED PURSUANT TO THIS ARTICLE 14.5. THE STATE COURT ADMINISTRATOR MAY CONSULT WITH INTERESTED PARTIES IN DEVELOPING THE PETITIONS AND FORMS. THE MATERIALS MUST BE AVAILABLE ONLINE CONSISTENT WITH STATE JUDICIAL DEPARTMENT PRACTICES.

(b) THE EXTREME RISK PROTECTION ORDER FORM MUST INCLUDE, IN A CONSPICUOUS LOCATION, NOTICE OF CRIMINAL PENALTIES RESULTING FROM VIOLATION OF THE ORDER AND THE FOLLOWING STATEMENT:

YOU HAVE THE SOLE RESPONSIBILITY TO AVOID OR REFRAIN FROM VIOLATING THIS EXTREME RISK PROTECTION ORDER'S PROVISIONS. ONLY THE COURT CAN CHANGE THE ORDER AND ONLY UPON WRITTEN MOTION.

(2) A COURT CLERK FOR EACH JUDICIAL DISTRICT SHALL CREATE A COMMUNITY RESOURCE LIST OF CRISIS INTERVENTION, MENTAL HEALTH,

SUBSTANCE ABUSE, INTERPRETER, COUNSELING, AND OTHER RELEVANT RESOURCES SERVING THE COUNTY IN WHICH THE COURT IS LOCATED. THE COURT SHALL MAKE THE COMMUNITY RESOURCE LIST AVAILABLE AS PART OF OR IN ADDITION TO THE INFORMATIONAL BROCHURES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(3) THE STATE COURT ADMINISTRATOR SHALL DISTRIBUTE A MASTER COPY OF THE STANDARD PETITION AND EXTREME RISK PROTECTION ORDER FORMS TO ALL COURT CLERKS AND ALL DISTRICT AND COUNTY COURTS.

(4) COURTS SHALL ACCEPT PETITIONS PURSUANT TO SECTIONS 13-14.5-103 AND 13-14.5-104 BEGINNING ON JANUARY 1, 2020.

SECTION 2. In Colorado Revised Statutes, 13-3-101, **add** (13) as follows:

13-3-101. State court administrator. (13) THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL PRESENT AT THE JUDICIAL DEPARTMENT'S HEARING PURSUANT TO SECTION 2-7-203 STATISTICS RELATED TO EXTREME RISK PROTECTION ORDERS IN ARTICLE 14.5 OF THIS TITLE 13. THE STATISTICS MUST INCLUDE THE NUMBER OF PETITIONS FILED FOR TEMPORARY EXTREME RISK PROTECTION ORDERS, THE NUMBER OF PETITIONS FILED FOR EXTREME RISK PROTECTION ORDERS, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS ISSUED AND DENIED, THE NUMBER OF TEMPORARY EXTREME RISK PROTECTION ORDERS TERMINATED, THE NUMBER OF EXTREME RISK PROTECTION ORDERS TERMINATED, AND THE NUMBER OF EXTREME RISK PROTECTION ORDERS RENEWED. THE STATE COURT ADMINISTRATOR OR HIS OR HER DESIGNEE SHALL ALSO REPORT STATE COURT DATA RELATED TO ALL PERSONS WHO ARE SUBJECT TO ANY TEMPORARY EMERGENCY RISK PROTECTION ORDER OR EMERGENCY RISK PROTECTION ORDER AND WHO, WITHIN THIRTY DAYS AFTER THE ISSUANCE OR EXECUTION OF THE PROTECTION ORDER, ARE CHARGED WITH A CRIMINAL OFFENSE. THE REPORT MUST INCLUDE THE NATURE OF THE CRIMINAL OFFENSE, INCLUDING BUT NOT LIMITED TO ANY OFFENSE FOR VIOLATION OF THE EMERGENCY RISK PROTECTION ORDER AND THE DISPOSITION OR STATUS OF THAT CRIMINAL OFFENSE.

SECTION 3. In Colorado Revised Statutes, **add** 16-3-301.5 as follows:

16-3-301.5. Search warrant for firearms possessed by a respondent in an extreme risk protection order. (1) ANY COURT MAY ISSUE A SEARCH WARRANT TO SEARCH FOR AND TAKE CUSTODY OF ANY FIREARM IN THE POSSESSION OF A NAMED RESPONDENT IN AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13 IF THE APPLICATION FOR THE WARRANT COMPLIES WITH ALL REQUIRED PROVISIONS OF SECTION 16-3-303 AND ALSO PROVIDES FACTS SUFFICIENT TO ESTABLISH BY PROBABLE CAUSE:

(a) THAT THE NAMED PERSON IS A NAMED RESPONDENT IN AN EXTREME RISK PROTECTION ORDER OR TEMPORARY EXTREME RISK PROTECTION ORDER FILED PURSUANT TO ARTICLE 14.5 OF TITLE 13; AND

(b) THAT THE NAMED PERSON IS IN POSSESSION OF ONE OR MORE FIREARMS; AND

(c) THE LOCATION OF SUCH FIREARMS; AND

(d) ANY OTHER INFORMATION RELIED UPON BY THE APPLICANT AND WHY THE APPLICANT CONSIDERS SUCH INFORMATION CREDIBLE AND RELIABLE.

(2) THE RETURN OR DISPOSAL OF ANY FIREARM TAKEN CUSTODY OF PURSUANT TO THIS SECTION SHALL BE ACCOMPLISHED PURSUANT TO SECTION 13-14.5-109.

SECTION 4. In Colorado Revised Statutes, 18-12-203, **amend** (1)(g)(II) and (1)(g)(III); and **add** (1)(g)(IV) as follows:

18-12-203. Criteria for obtaining a permit. (1) Beginning May 17, 2003, except as otherwise provided in this section, a sheriff shall issue a permit to carry a concealed handgun to an applicant who:

(g) Is not subject to:

(II) A permanent protection order issued pursuant to article 14 of title 13; ~~C.R.S.~~; or

(III) A temporary protection order issued pursuant to article 14 of title 13 ~~C.R.S.~~; that is in effect at the time the application is submitted; OR

(IV) A TEMPORARY EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-103 (3) OR AN EXTREME RISK PROTECTION ORDER ISSUED PURSUANT TO SECTION 13-14.5-105 (2);

SECTION 5. Appropriation. For the 2019-20 state fiscal year, \$119,392 is appropriated to the judicial department. This appropriation is from the general fund. To implement this act, the department may use this appropriation for court costs, jury costs, and court-appointed counsel.

SECTION 6. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

KC Becker
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO

Worksession Agenda Summary

April 23, 2019 (6:00 – 6:30 p.m.)

Agenda Item Number 6

Sean Chambers, Water & Sewer Director, 970-350-9815

Title:

Preliminary Discussion of Water and Sewer's 2020 Capital and Operating Budgets

Background:

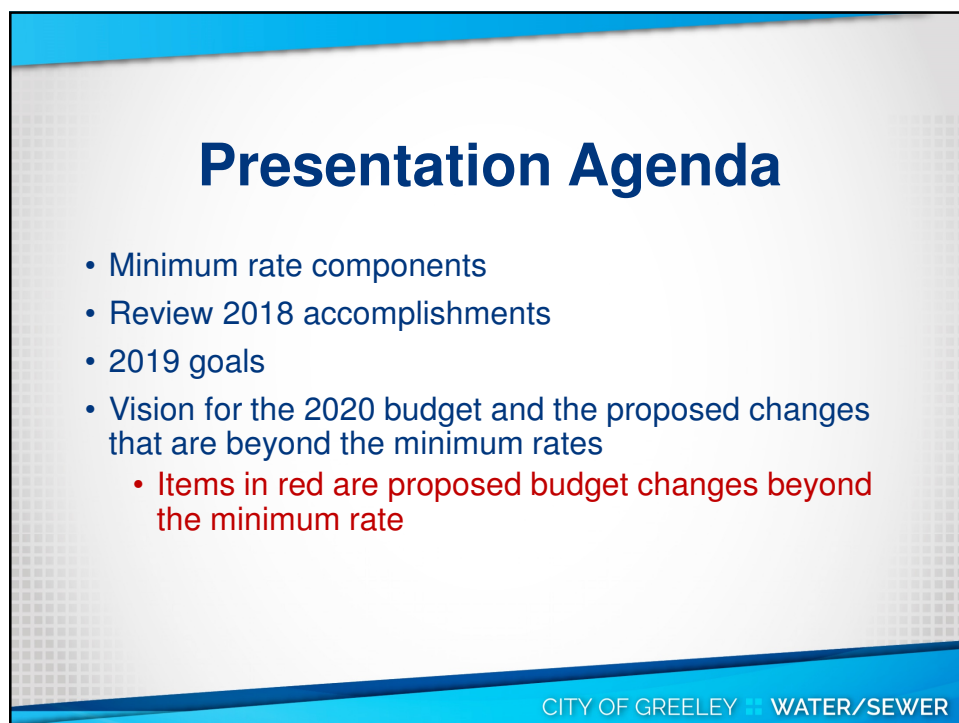
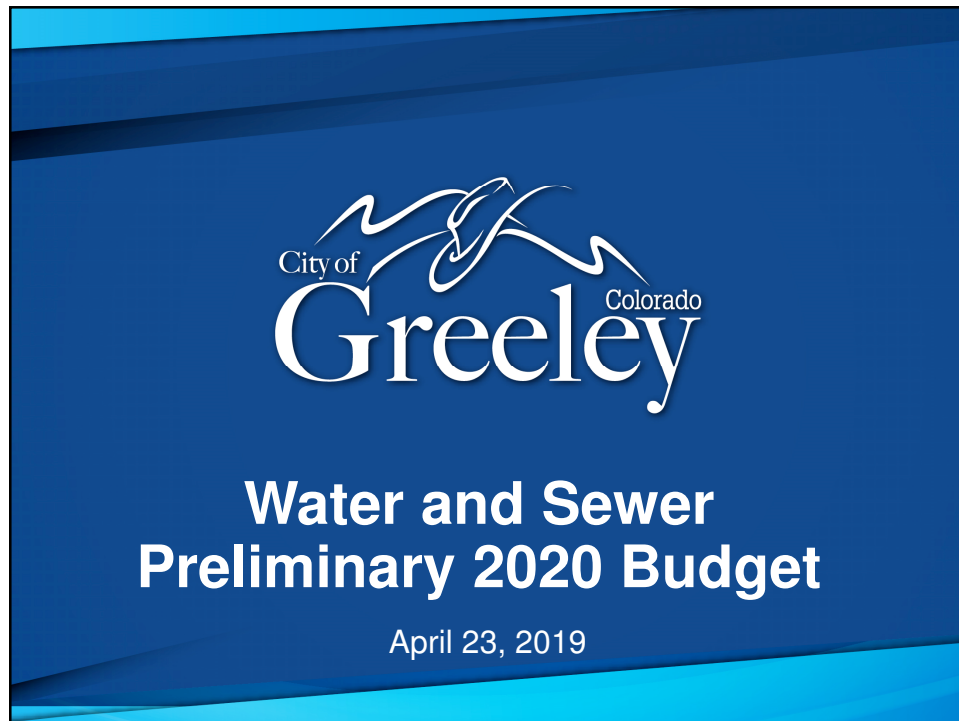
Staff will review with City Council the department's activities in 2018 and will discuss the anticipated objectives of the 2020 budget. In 2015, an ordinance was approved that defined how the Water & Sewer department's budget is approved. Included within the ordinance is an opportunity for the Water and Sewer Board and City Council to provide their insight into the direction of Water and Sewer's work programs before the overall budget is developed. Staff gave the same presentation to the Water and Sewer Board on April 17th.

Decision Options:

This is the City Council's opportunity to provide input into the development of the 2020 Water and Sewer operating and capital budgets

Attachments:

PowerPoint



Minimum Rates

- Current operations and maintenance
- Debt Service
- Depreciation

CITY OF GREELEY :: WATER/SEWER

2018 Accomplishments

- Bellvue Water Treatment Plant – Construction ongoing for 20 MG Treatment Train Replacement
- Boyd Water Treatment Plant – Process improvements ongoing (phased over 4 years)
- WPCF Master Plan completed
- WPCF Blower Replacement – 1st phase started
- Ashcroft Draw Sewer Phase 2a - Completed
- Modified cash-in-lieu pricing and removed limitation of use
- Started process to modify raw water requirements for commercial and multi-family
- Confirmed MSWSP Permitting Purpose and Need; and developed comprehensive alternative screening analysis

CITY OF GREELEY :: WATER/SEWER

2019 Goals - Capital

- Milton Seaman permitting – Alternative analysis
- Windy Gap Firming – Ongoing design & legal issues
- Water treatment plant rehab
 - Bellvue – Continue construction to replace 20 MGD treatment train
- State required disinfection monitoring program - \$2.75 million
 - Start construction at both water plants
- Ashcroft Draw Sewer Phase 2b – Start construction in fall
- North Greeley Sewer Phase 2 – Limited construction complete this spring

CITY OF GREELEY :: WATER/SEWER

2019 Goals - Operations

- Raw water requirements for commercial and multi-family
- Non-potable policy development and system expansion
- Drought code revision
- Collaboration with Culture, Parks, and Recreation Department for water saving projects
 - Water Efficiency Tactical Team (WETT) program
- Master plan updates to transmission, distribution, wastewater collection, and non-potable

CITY OF GREELEY :: WATER/SEWER

2020 Budget Drivers - Operating

- Proposed new positions
 - Treated water reservoir maintenance technician - \$70,000
 - Reservoir system has expanded, number of staff have not changed since ~1980
 - Additional storage, Bellvue 60", distribution system growth
 - Water conservation specialist - \$70,000
 - Focused on outreach and communication
 - Water Conservation Manager focus on strategic planning
 - Rates/budget analyst - \$115,000
 - Utility Finance Business Manager role has shifted to financial and development policy
 - Rate modeling and budgeting need more attention
 - Agreement & contract management

CITY OF GREELEY :: WATER/SEWER

2020 Budget Drivers - Operating

- Proposed additional funding requests
 - Farm maintenance increase (in High Mtn Reservoirs budget) - \$100,000
 - Non-Potable dump truck (one-time) - \$140,000
 - Non-Potable vacuum trailer (one-time) - \$60,000
 - Conservation vehicles (3, one-time) - \$100,000
 - Conservation trailer (one-time) - \$50,000

CITY OF GREELEY :: WATER/SEWER

2020 Budget Drivers – Water Capital – New Projects

2020 Projects

- **Non-Potable Expansion - \$1 million annually**
- Boyd Sedimentation Basin Repair - \$1.3 million
- Boyd Flocculator Replacement - \$0.25 annually (4 years)
- **Advanced Metering Infrastructure – \$1.7 million annually (3 years)**

Future Years

- Hourglass Outlet Gates Rehab (2023) - \$0.3 million
- Comanche Secondary Gate Structure Rehab (2024) - \$0.2 million
- Boyd Chemical Tank Building (2021) - \$0.8 million

CITY OF GREELEY :: WATER/SEWER

2020 Budget Drivers – Water Capital – Ongoing Projects

2020 Projects

- Water treatment plants rehab projects
 - Bellvue: \$26.5 million – Awarded in late 2017, construction continues until 2020
 - Boyd: \$13 million – Phased, started in late 2017 through 2022
- **Windy Gap firming - \$56 million (construction)**
 - Construction may not start until 2021
- **Milton Seaman expansion - \$3.5 million (2020 only)**
 - Additional budget scheduled through 2029 and beyond (mitigation, design and construction)

CITY OF GREELEY :: WATER/SEWER

2020 Budget Drivers – Water Capital – Ongoing Projects

- Transmission rehab program
 - Annual program - \$1.8 to \$2.9 million/year
- Bellvue Pipeline – Gold Hill - \$4.1 million
 - Easements and construct one segment in Windsor
- Equalizer/Raw Water Storage (over 4 years) - \$29.6 million
 - Needed to support non-potable system expansion

CITY OF GREELEY :: WATER/SEWER

2020 Budget Drivers – Sewer Capital – New Projects

2020 Projects

- No new 2020 projects

Future Years

- WPCF Primary Treatment phase 2 (2022) - \$21.0 million
- WPCF Primary Treatment phase 3 (2028) - \$68.2 million

CITY OF GREELEY :: WATER/SEWER

2020 Budget Drivers – Sewer Capital – Continuing Projects

2020 Projects

- Ashcroft Draw Lift Station - \$3.8 million
 - Design: 2019, Construction in 2020
- Nitrification phase 2 - \$19 million

Future Years

- Poudre Trunk phase 2 (2021) - \$2 million

CITY OF GREELEY :: WATER/SEWER

Projected Rate Impacts

- Disclaimer on limits of precision at this time:
 - Projected rate impacts are done from last year's model
 - Key expenses and revenues were updated, but many assumptions have changed since last year

CITY OF GREELEY :: WATER/SEWER

New Water Projects & Additions – Approximate Rate Impact

Project	Annual Rate Impact	10 Year Rate Impact
All New Positions	0.05%	0.50%
All Other Supplemental Requests	0.01%	0.10%
Non-Potable Expansion	0.08%	0.8%
Advanced Metering Infrastructure	0.15%	1.50%
Bellvue-Gold Hill Segment	0.08%	0.80%
Windy Gap Firming	0.81%	8.10%
Equalizer/Raw Water Storage	0.33%	3.30%
Milton Seaman Expansion	2.8%	28.0%
All Additional Projects	4.3%	43%

- ▶ 2020 Rates: Overall water system rate projected to increase 5%
- ▶ Approximate average single family residential bill increases from \$61.15 to \$64.21

CITY OF GREELEY :: WATER/SEWER

New Sewer Projects & Additions - Approximate Rate Impact

Project	Annual Rate Impact	10 Year Rate Impact
WPCF Primary Treatment Ph 2	0.95%	9.5%
WPCF Primary Treatment Ph 3	0.46%	4.6%
Ashcroft Draw Lift Station	0.15%	1.5%
Poudre Trunk Ph 2	0.08%	0.8%
All Additional Projects	1.60%	16.4%

- ▶ 2020 Rates: Overall sewer system rate projected to increase 7%
- ▶ Average single family residential sewer bill increases from \$20.14 to \$21.55

CITY OF GREELEY :: WATER/SEWER

Approximate Residential Bill Impact

Average Bill	2019	2020	Change
Water	\$61.15	\$64.21	\$3.06
Sewer	\$20.14	\$21.55	\$1.41
Total	\$81.29	\$85.76	\$4.47

- ▶ Approximate 2019 combined water and sewer rate increase is 5.5%
- ▶ Anticipated 2020 rate changes from last year's budget
 - Water: 5%
 - Sewer: 4%
 - Combined: 4.8%

CITY OF GREELEY :: WATER/SEWER

Questions?

CITY OF GREELEY :: WATER/SEWER

Worksession Agenda Summary

April 23, 2019 (6:30 – 7:00 p.m.)

Agenda Item Number 7

Renee Wheeler, Finance Director, 970-350-9732

Title:

Monthly Financial Report

Background:

Attached is the report for the month ended March 31, 2019

Decision Options:

None

Attachments:

March Monthly Financial Report

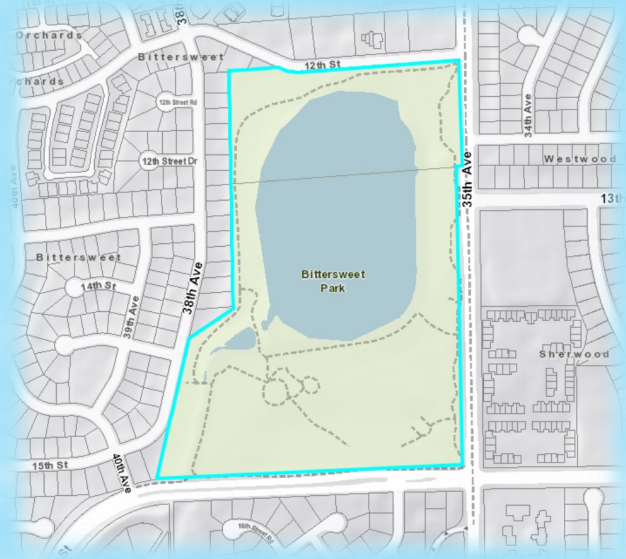
PowerPoint

2019

M
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H

Bittersweet Park

35th Ave & 16th St, Greeley, CO 80634



Monthly Financial Report





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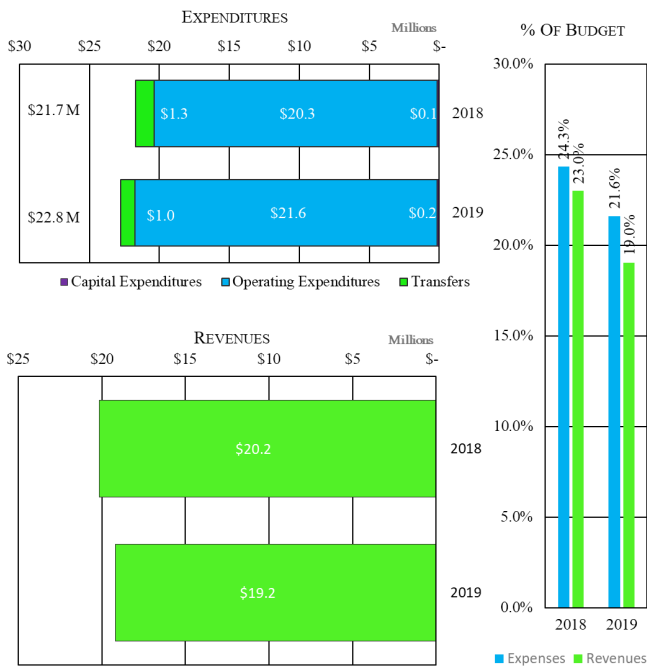
HIGHLIGHTS



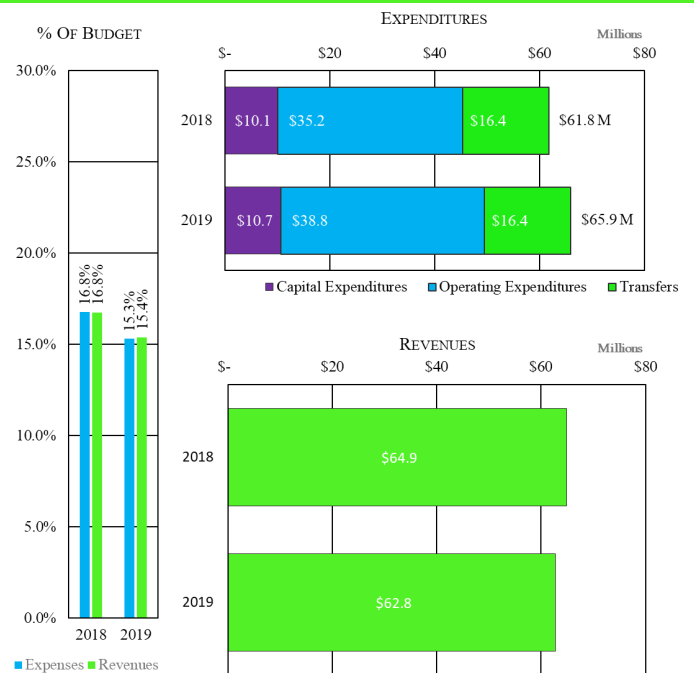
MONTH-TO-MONTH 2018-TO-2019 COMPARISON

	March 2018	March 2019	Variance
General Fund Revenues	\$9,682,723	\$10,788,135	↑ 11.4%
General Fund Expenses	\$8,914,816	\$9,655,749	↑ 8.3%
Total Revenues	\$31,381,936	\$28,736,068	↓ -8.4%
Total Expenses	\$29,342,191	\$31,339,041	↑ 6.8%

YTD GENERAL FUND



YTD CITYWIDE FUNDS



Year-Over-Year Comparisons



Building Permits & Fees



Franchise Fees & Telephone Tax



Investments

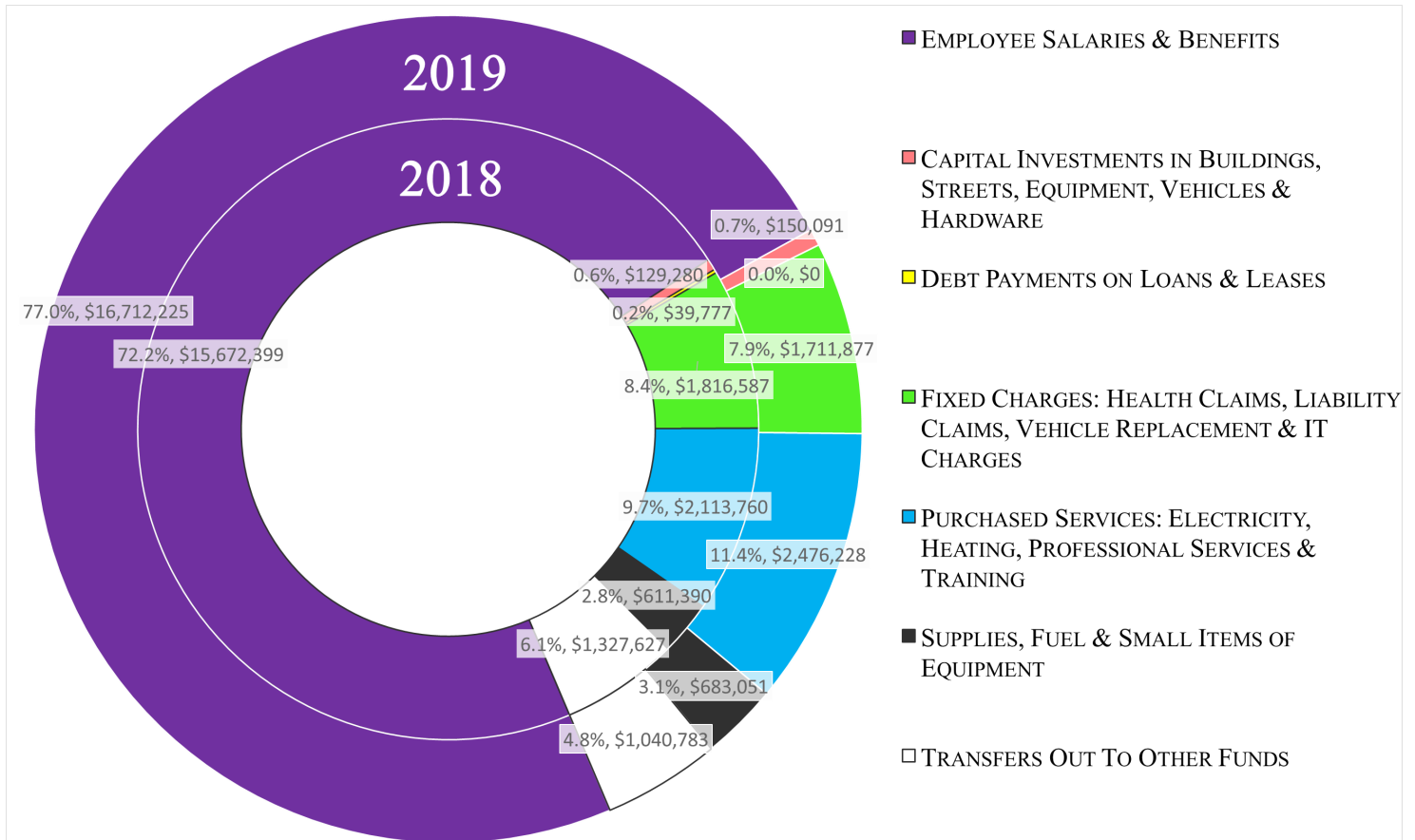


Lodging

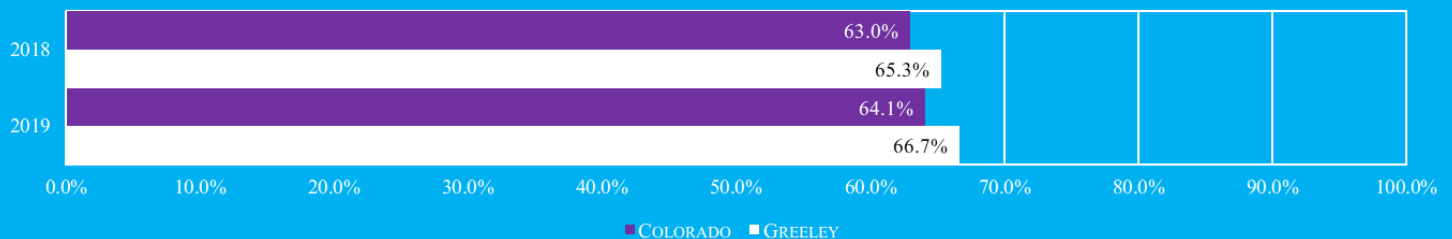
2018 Year-To-Date	\$501,127	\$624,570	\$459,369	\$86,278
2019 Year-To-Date	\$665,033	\$688,888	\$1,174,738	\$82,268
Year-Over-Year Variance	\$163,906	\$64,318	\$715,369	\$(4,010)

HIGHLIGHTS CONTINUED

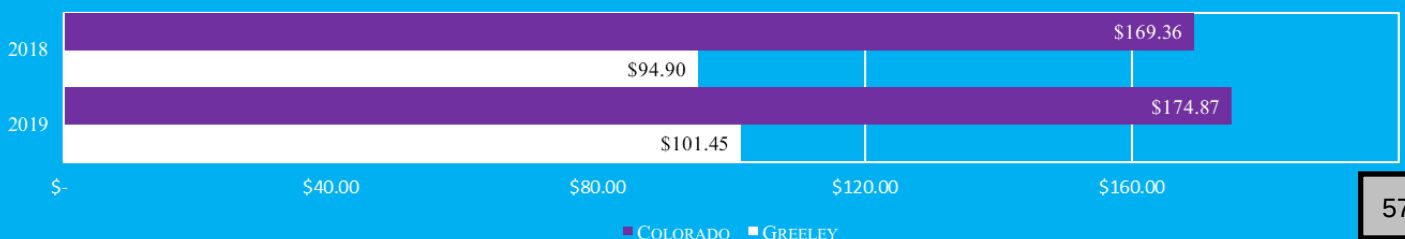
GENERAL FUND EXPENDITURES: YEAR-TO-DATE



LODGING OCCUPANCY RATE AS OF FEBRUARY 28, 2019



LODGING AVERAGE DAILY RATE AS OF FEBRUARY 28, 2019



HIGHLIGHTS CONTINUED

TAX REVENUE



	2018 YTD	2019 YTD
Auto Use	\$705,306	\$932,559
Building Use	655,856	1,217,648
General Use	391,534	482,871
Property	3,628,120	3,705,459
Food	1,431,618	1,401,177
Sales	9,256,887	9,986,503

Sales Tax

Sales tax revenues comprise 48% of the General Fund's total revenues. The General Fund's 2019 share of sales tax revenues totaled \$7,278,720 (15.0%) of the 2019 revised annual budget estimate of \$48,591,640 through two month of sales tax payments. 2019 budgeted General Fund sales tax revenue is 2.7% higher than 2018 actuals. Sales tax revenue designated for the General Fund has increased 7.9% (\$533,704) from the correlating period in 2018.

Use Taxes

Use taxes comprise 8.3% (\$8,381,442) of the General Fund revenue budget for 2019.

In the first two months the general use tax revenue has increased 23.3% (\$66,660) as compared to 2018.

The City levies a building use tax upon issuing a new building permit. Building use tax revenue has increased 83.5% (\$401,094) from 2018.

Auto use tax revenue has increased 32.2% (\$165,878) from 2018 through the first two months of collections.

Food Tax

Greeley's food tax finances a capital maintenance program for the repair of streets, buildings, parks, and other capital assets. In this first month, food tax revenue has decreased 2.3% (\$26,394), and the City has collected \$1,214,894 (15.3%) of the 2019 revised budget estimate of \$7,946,474.

City Collections

Governmental accounting can at times be difficult to interpret because most (but not all) revenue is received one month after it is generated, while all expenses are recorded in the month they were incurred. The following report outlines Greeley's major revenue funds and details 2019 collections to date.

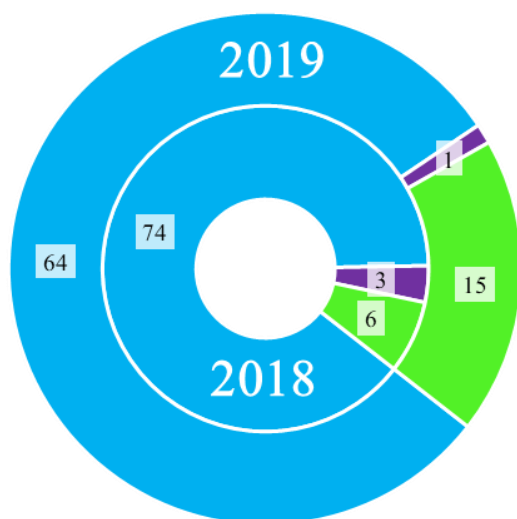
HIGHLIGHTS CONTINUED

Building Permits

New building permit valuations have already exceeded \$39.6 million this year. As of March 31, 15 new commercial construction permits have been issued in 2019, totaling \$16.2 million in valuation. In comparison 6 permits were issued in 2018 with a valuation of \$7.9 million.

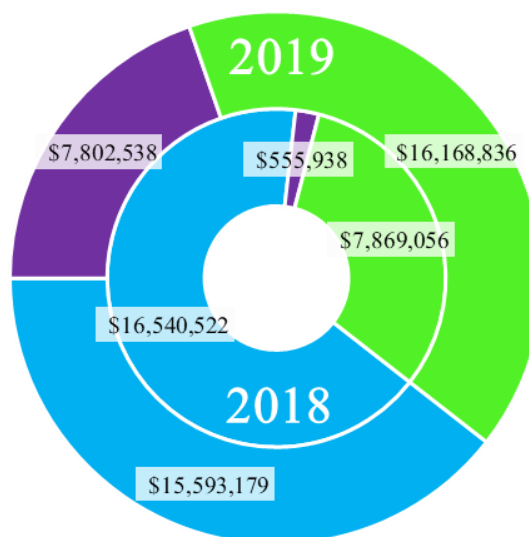
YEAR-TO-DATE BUILDING PERMITS

■ Single Family ■ Multi-Family ■ Commercial



YEAR-TO-DATE BUILDING VALUATION

■ Single Family ■ Multi-Family ■ Commercial



SALES TAX

TOP 3 SALES TAX REVENUE SOURCES (\$)

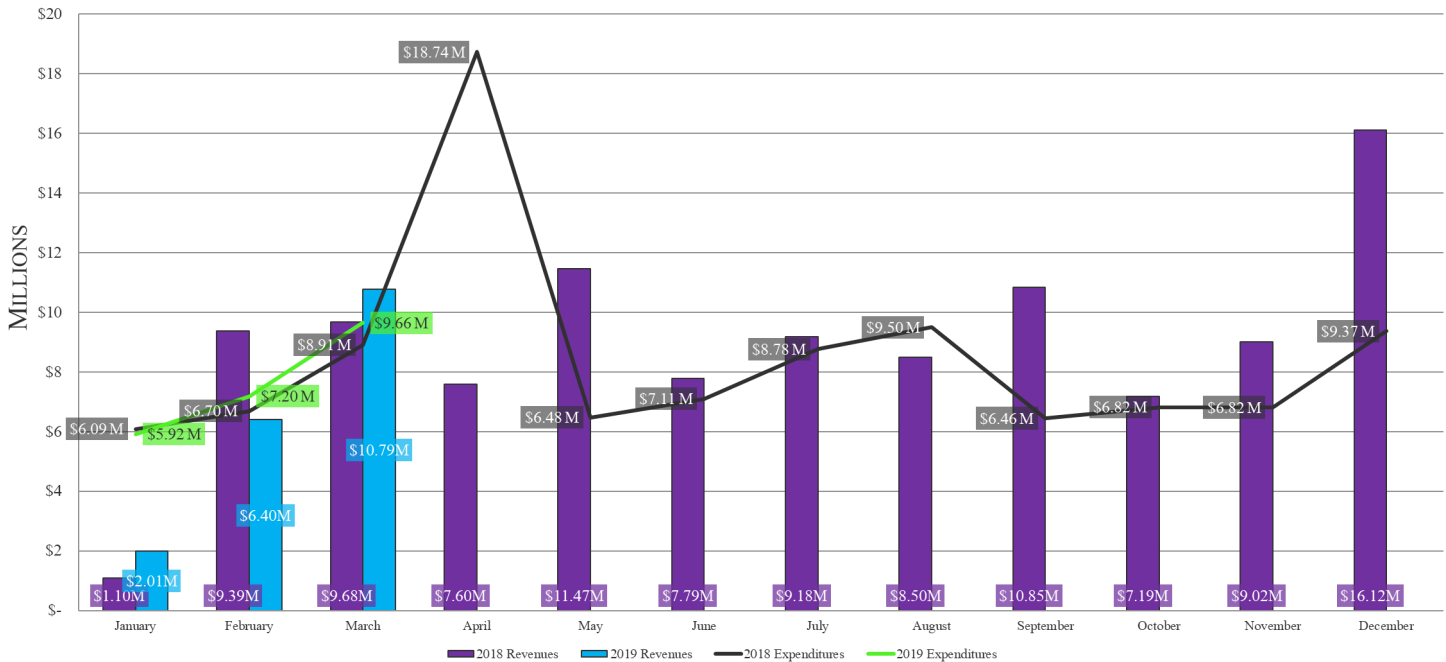
		2018 YTD	2019 YTD	\$ Change	% Change
	Dining Out	\$1,193,546	\$1,296,543	\$102,997	8.6% 
	Motor Vehicle and Parts Dealers	\$860,403	\$965,132	\$104,729	12.2% 
	General Merchandise Stores	\$874,327	\$852,238	\$(22,089)	-2.5% 

SALES TAX: TOTAL SALES TAX REVENUE REMITTED TO THE CITY IN MARCH INCREASED 8.2% FROM 2018.

The following sections outline Greeley's major operating funds. After a strong 2018, the local economic conditions in early 2019 continue to be positive, as evidenced by the continued growth in sales tax revenue, building permit revenue and use taxes.

GENERAL FUND

The General Fund has a total revenue budget of \$100,839,948 and an expenditure budget of \$105,390,668 for 2019. The monthly financial report examines the Fund's major revenue sources, expenditures, and overall trends; the report also utilizes historical data along with future projections.



The graph above compares 2019 expenditures and revenues with the correlating data from 2018.

Overview:

Major sources of revenue in the General Fund include sales, property, and use tax; county, state, and federal intergovernmental funds; franchise fees; transfers from other funds; fines, forfeits, and service charges; licenses and permits; and miscellaneous sources.

Key Items: *(additional detail can be found on the following pages)*

- **January:** 2019 revenues increased from additional building permits.
- **February:** 2018 revenues were higher due to one time oil royalties of \$3.2 million.
- **March:** 2019 revenues increased due to sales tax, use tax, tickets sales, property taxes and oil royalties.

The table below compares 2019 actual and budgeted revenue and expenditures as of March 31st, 2018:

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 32,957,863	\$ 32,957,863	
Revenue	19,199,196	100,839,948	19.0%
Total Resources	\$ 19,199,196	\$100,839,948	19.0%
Expenditures	22,774,255	105,390,668	21.6%
Total Expenditures	\$ 22,774,255	\$105,390,668	21.6%
Ending Fund Balance	\$ 29,382,804	\$ 28,407,143	

REVENUES

Two months of payments have been received from the following revenue sources: franchise fees, sales tax, general use tax, lodging tax, and property tax.

Three months of payments have been received for the following: building and planning permit fees; building use tax; and charges for interfund services.

- Key items for the first three months of 2019 include: high year over year variance due to one time oil payments received in 2018. In 2019 the following have experienced increased revenue including: building permits, property taxes, court fines, sales tax, use taxes and franchise fees.

2019 General Fund Revenue Comparisons						
	2018	2019	Variance	% Change 2018 vs 2019	2019 Revised Budget	% of 2019 Budget
January	\$ 1,099,762	\$ 2,008,474	\$ 908,712	82.6%	-	-
February	9,390,091	6,402,587	(2,987,504)	-31.8%	-	-
March	9,682,723	10,788,135	1,105,412	11.4%	-	-
Total	\$ 20,172,576	\$19,199,196	\$ (973,380)	-4.8%	\$ 100,839,948	19.0%

EXPENDITURES

The General Fund is used to provide basic municipal services such as police, fire, parks, culture, recreation, public works, community development, and general administration.

- Overall expenses are following expected trends for the first three months of the year.

2019 General Fund Expenditure Comparisons						
	2018	2019	Variance	% Change 2018 vs 2019	2019 Revised Budget	% of 2019 Budget
January	\$ 6,093,069	\$ 5,920,829	\$ (172,240)	-2.8%	-	-
February	6,702,933	7,197,676	494,743	7.4%	-	-
March	8,914,816	9,655,749	740,933	8.3%	-	-
Total	\$ 21,710,819	\$ 22,774,255	\$1,063,436	4.9%	\$ 105,390,668	21.6%

PROPERTY TAX

The City levies property tax based on Weld County's biennial property value appraisal. The mill levy is currently set at 11.274 mills. Property tax revenue has increased 2.1% (\$77,339) from 2018 to 2019 for the first two months of collection. Collections in 2019 are anticipated to be \$194,555 above budget.

2019 Property Tax						
	2018	2019	Variance	% Change 2018 vs - 2019	2019 Budget	% of 2019 Budget
January	\$ -	\$ -	\$ -	-	\$ -	-
February	241,390	201,872	(39,518)	-16.4%	-	-
March	3,386,730	3,503,587	116,857	3.5%	-	-
Total	\$ 3,628,120	\$ 3,705,459	\$ 77,339	2.1%	\$ 11,568,011	32.0%

2019 Property Tax Sources: County Assessor

Source	Amount	%
Residential	\$ 5,508,896	46.8%
Commercial	4,253,608	36.2%
Industrial	543,503	4.6%
Mineral, Oil & Gas	674,652	5.7%
Other	781,907	6.6%
Total	\$ 11,762,566	100%

FRANCHISE FEES & TELEPHONE TAX

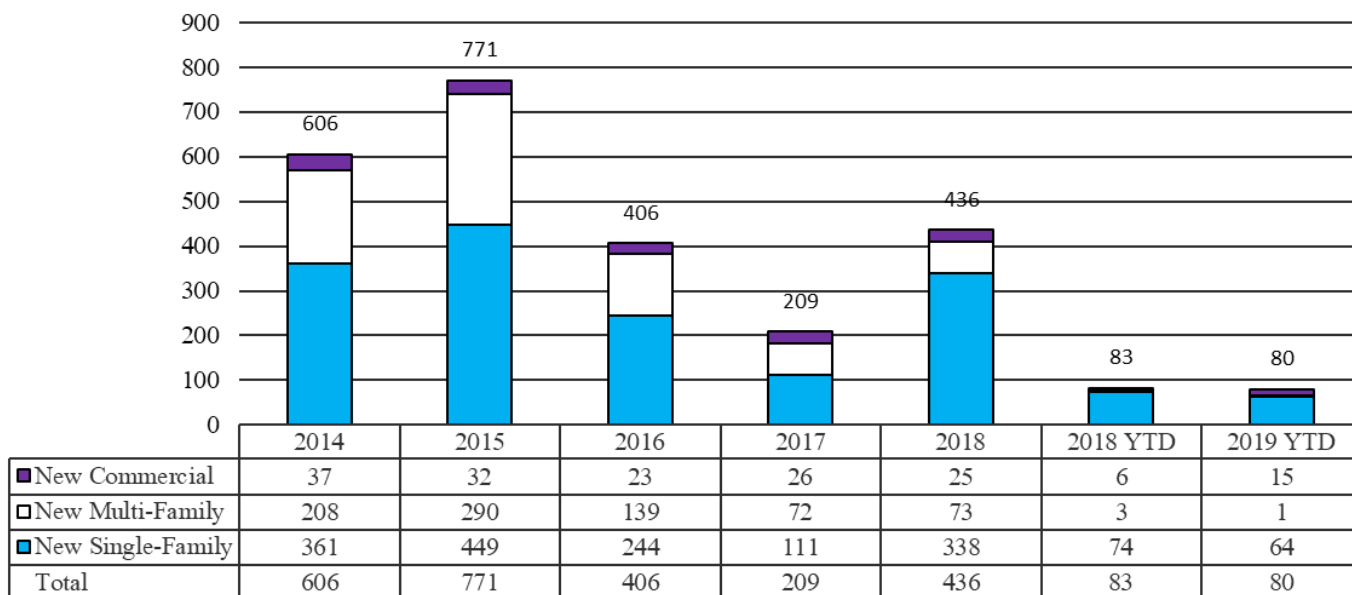
Electricity, natural gas utilities, and cable television providers pay franchise fees to the City for the use of public right-of-way property. Telephone providers pay an occupation tax. Total franchise fees (Cable, Electric & Natural Gas) have increased over the first three months of 2019.

2019 Franchise Fees & Telephone Tax						
	2018 YTD	2019 YTD	Variance	% Change 2018 - 2019	2019 Budget	% of 2019 Budget
Cable	\$ -	\$ -	\$ -	-	\$ 1,016,732	0.0%
Electric	222,928	229,175	6,247	2.8%	2,731,125	8.4%
Natural Gas	384,919	449,646	64,727	16.8%	1,495,785	30.1%
Telephone	16,723	10,067	(6,655)	-39.8%	95,000	10.6%
Total	\$624,570	\$688,888	\$ 64,318	10.3%	\$5,338,642	12.9%

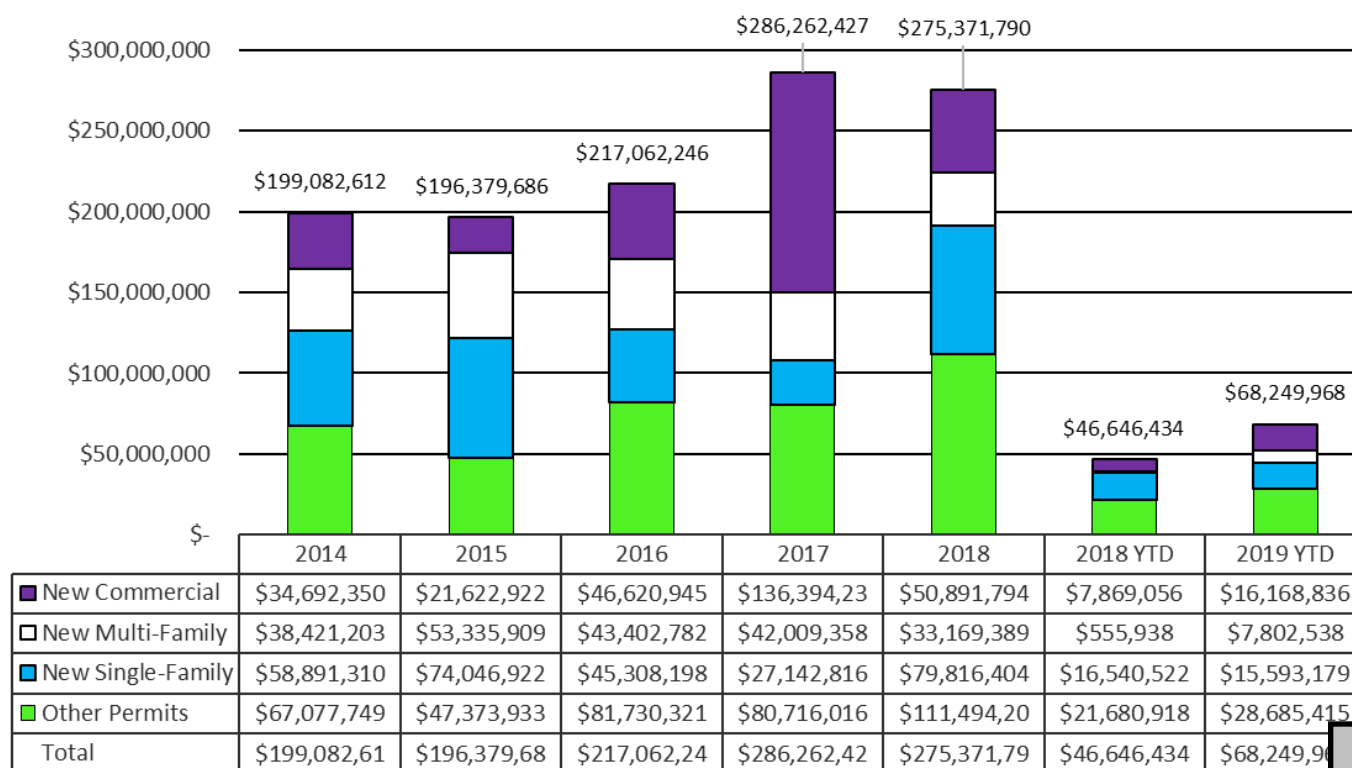
BUILDING PERMITS & FEES CONTINUED

The following graph illustrates the number of permits issued for new commercial, single, and multi-family developments through March 31, 2019. Total permits issued this year are slightly behind the pace set in 2019, with total permits for 2019 (80) below the respective permits from 2018 (83). Valuations are significantly ahead of 2018 levels with total valuations for 2019 totaling \$68.3 million compared to \$46.7 million in the same period of 2018.

BUILDING PERMITS ISSUED: NEW CONSTRUCTION



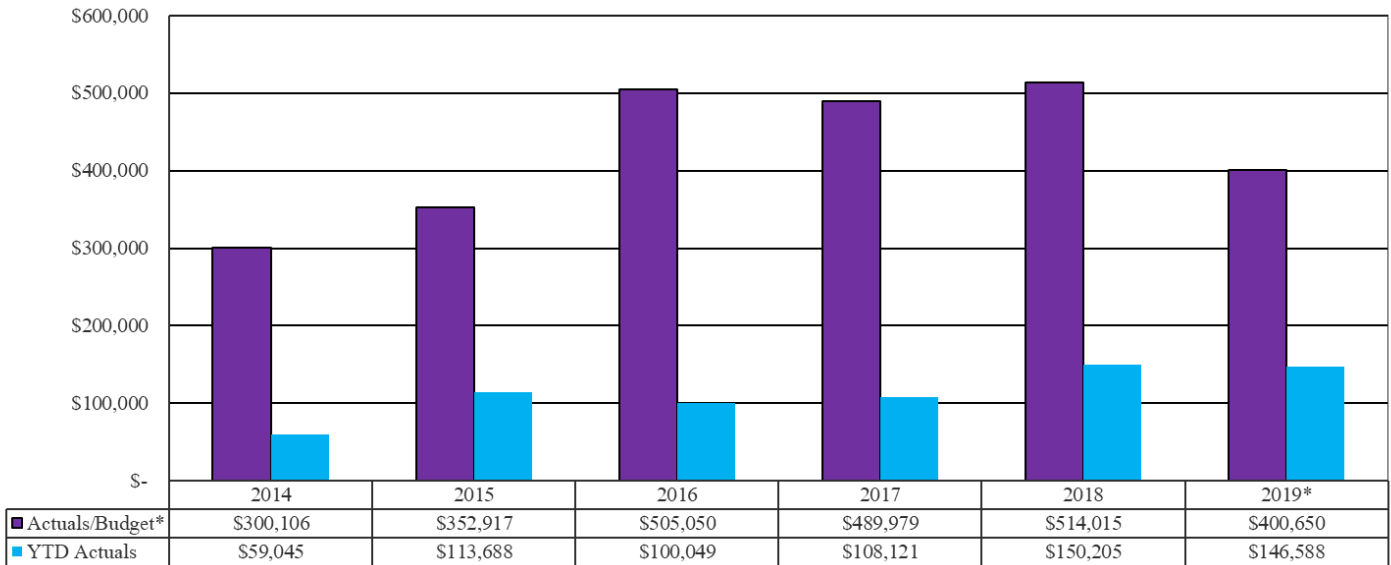
BUILDING PERMIT VALUATIONS



BUILDING PERMITS & FEES

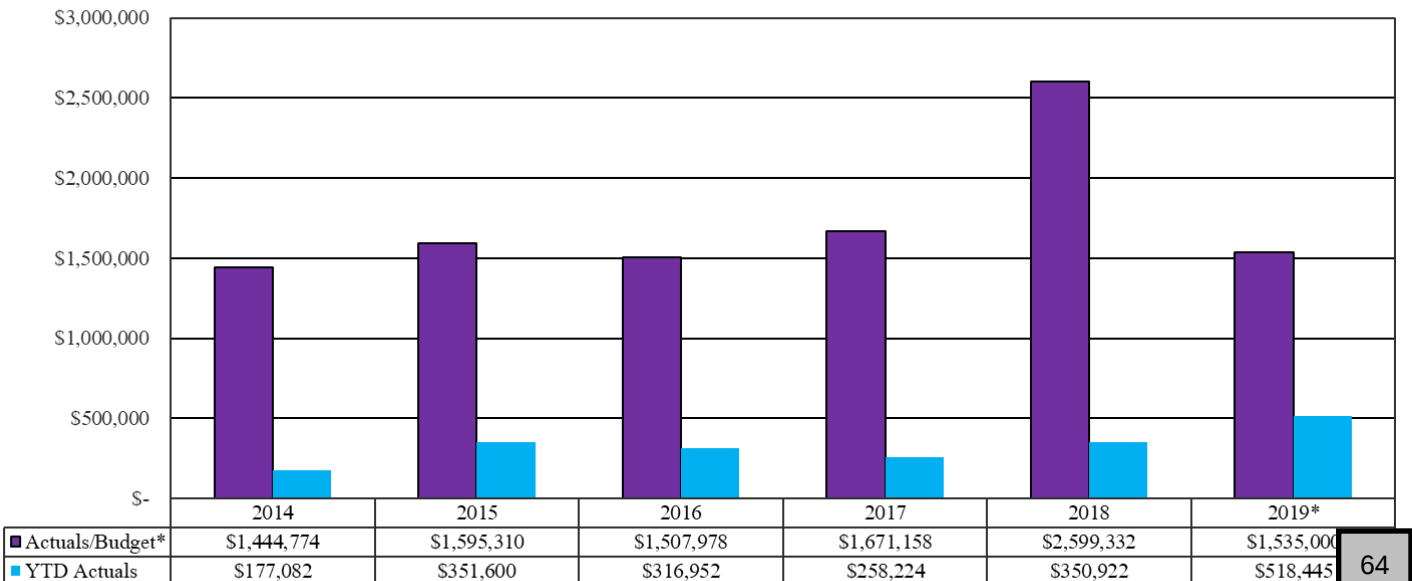
PLANNING FEES

Building and planning permit fees are collected on new commercial, industrial, and residential renovation and construction. Through three months of 2019, plan filing and check fee revenues have decreased 2.4% (\$3,617) from 2018 to 2019.



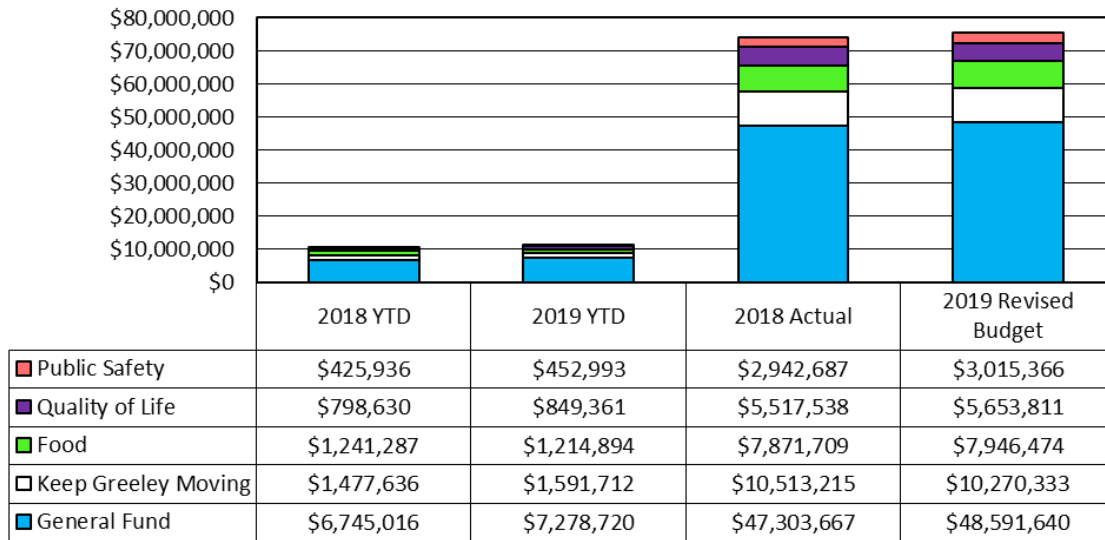
BUILDING PERMIT REVENUE

For the first three months of 2019 building permit fees have increased significantly at a rate of 47.7% (\$167,523) above the corresponding period from 2018 (\$350,922).



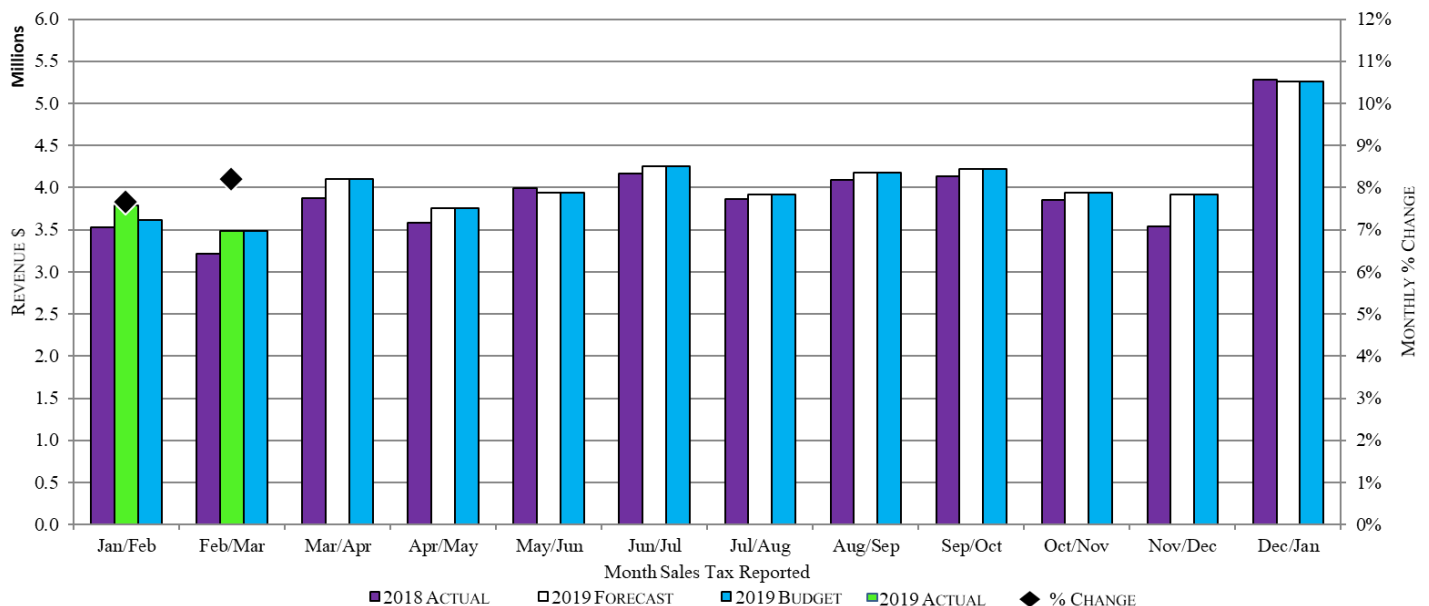
SALES TAX

The City collects sales tax on the retail sale of various goods and commodities at a rate of 4.11%; the state's sales tax rate is 2.9%. City sales tax revenue is distributed to the Public Safety Fund (0.16%), Quality of Life Fund (0.30%), General Fund (3.0%) and Keep Greeley Moving (0.65%). In 2015, the citizens of Greeley re-approved the 3.46% tax on food for home consumption – the Food Tax Fund.



The graph above illustrates the sales tax revenue distribution for five different funds before debt payments: General, Public Safety, Quality of Life, Food, and Keep Greeley Moving. Intergovernmental agreements with Evans and Windsor also affect fund distribution.

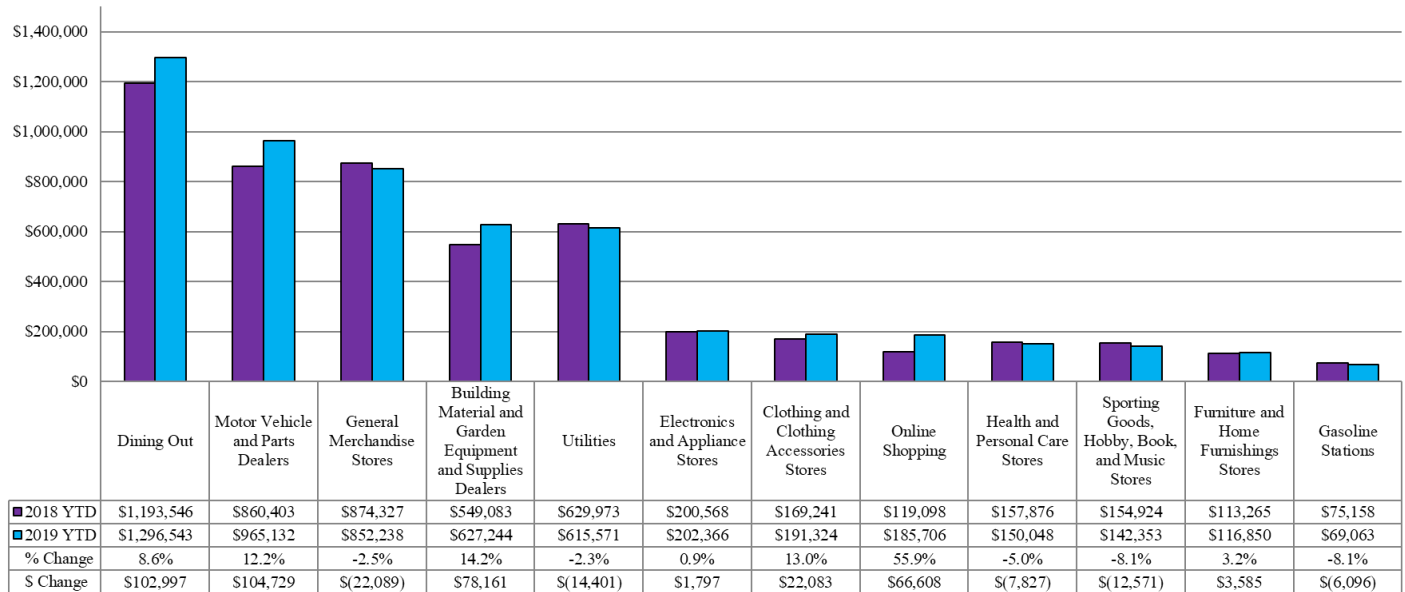
SALES TAX ONLY: GENERAL FUND SHARE (AFTER ADJUSTMENTS)



Sales tax revenues have been collected for two months in 2019. General Fund sales tax revenue is originally budgeted at 2.7% above 2018 revenue. The General Fund's sales tax revenues have increased 7.03% as compared to 2018. The graph below is a summary of the General Fund share of sales tax by month and includes two months of 2019 actuals and a month forecast. The percentage change shows the change from the same month in the previous year.

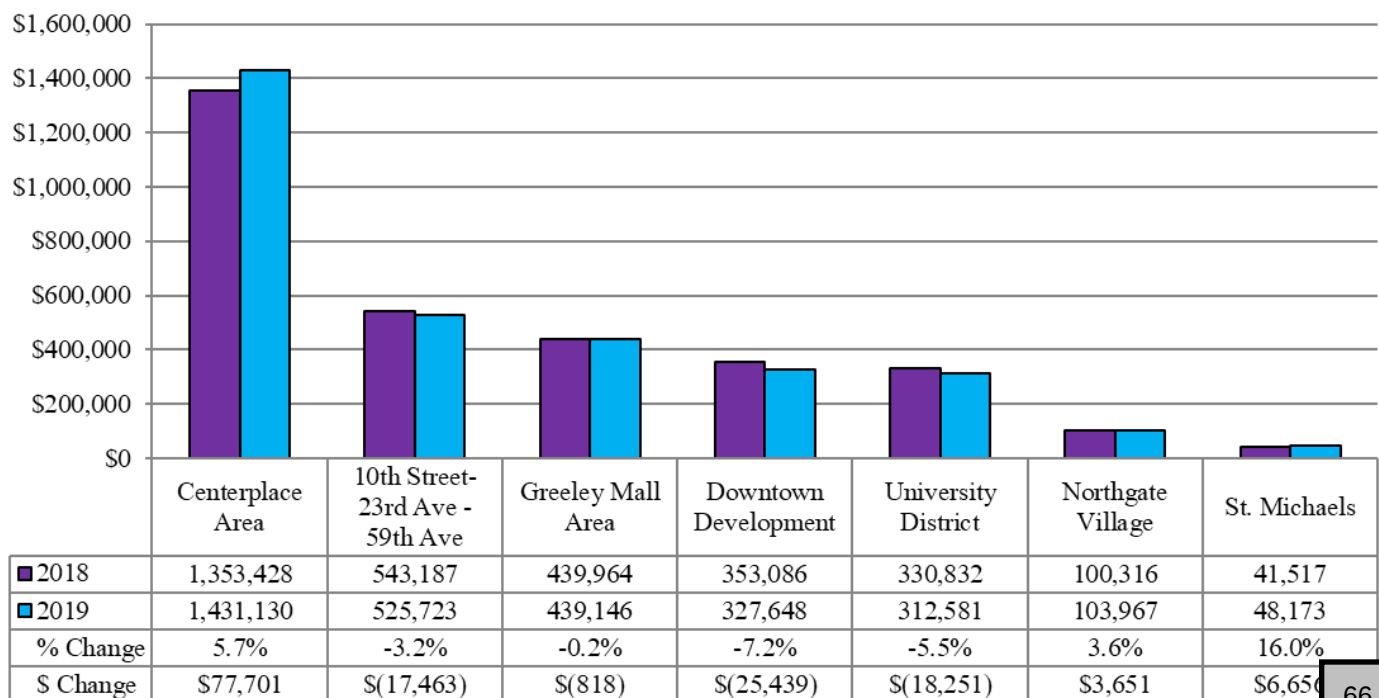
SALES TAX CONTINUED

The North American Industry Classification System (NAICS) is used to categorize sales tax revenue by industry. The graph below compares sales tax revenue by select industries for 2018 and 2019. Adjustments have been made below to account for late payments. Online Shopping experienced the largest percentage increase of 55.9% above 2018 totals, while Motor Vehicle and Parts Dealers had the largest dollar increase of \$104,729.



RETAIL SALES TAX BY LOCATION

The graph below outlines retail sales by identified location, omitting grocery stores and auto dealers. Compared with the corresponding period in 2018 Centerplace showing the largest dollar increase (\$77,701) and St. Michaels showing the largest percentage increase (16.0%). The graph has been modified to account for late payments and adjustments to prior periods.

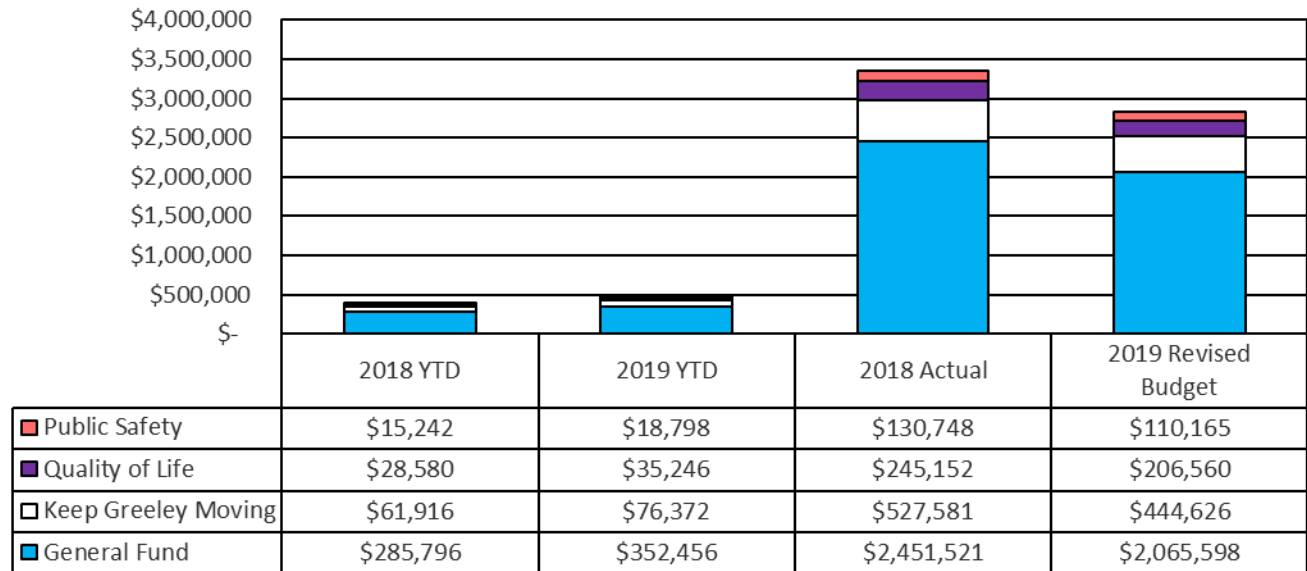


USE TAX

Use taxes are levied upon individuals using, storing, or consuming tangible personal property that has not been subject to sales tax. Three types of use taxes (general, automobile, and building) provide revenue to the Public Safety Fund, Quality of Life Fund, Keep Greeley Moving, and General Fund.

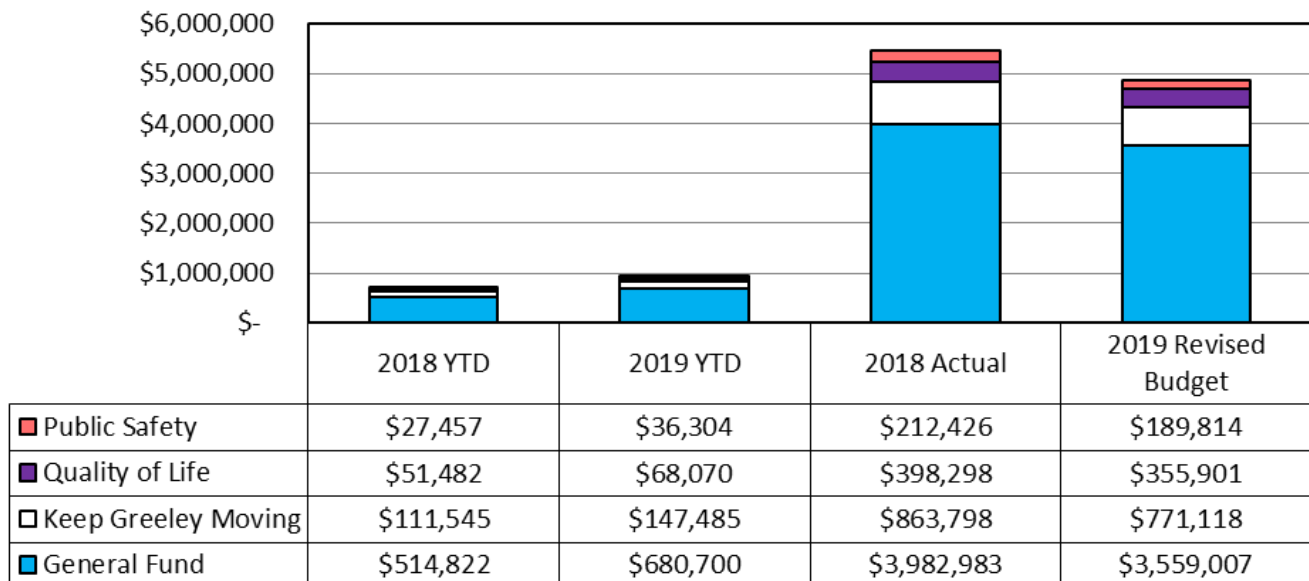
GENERAL USE TAX

The General Fund share of general use tax revenue has increased 23.3% (\$66,660) from 2018 to 2019.



AUTO USE TAX

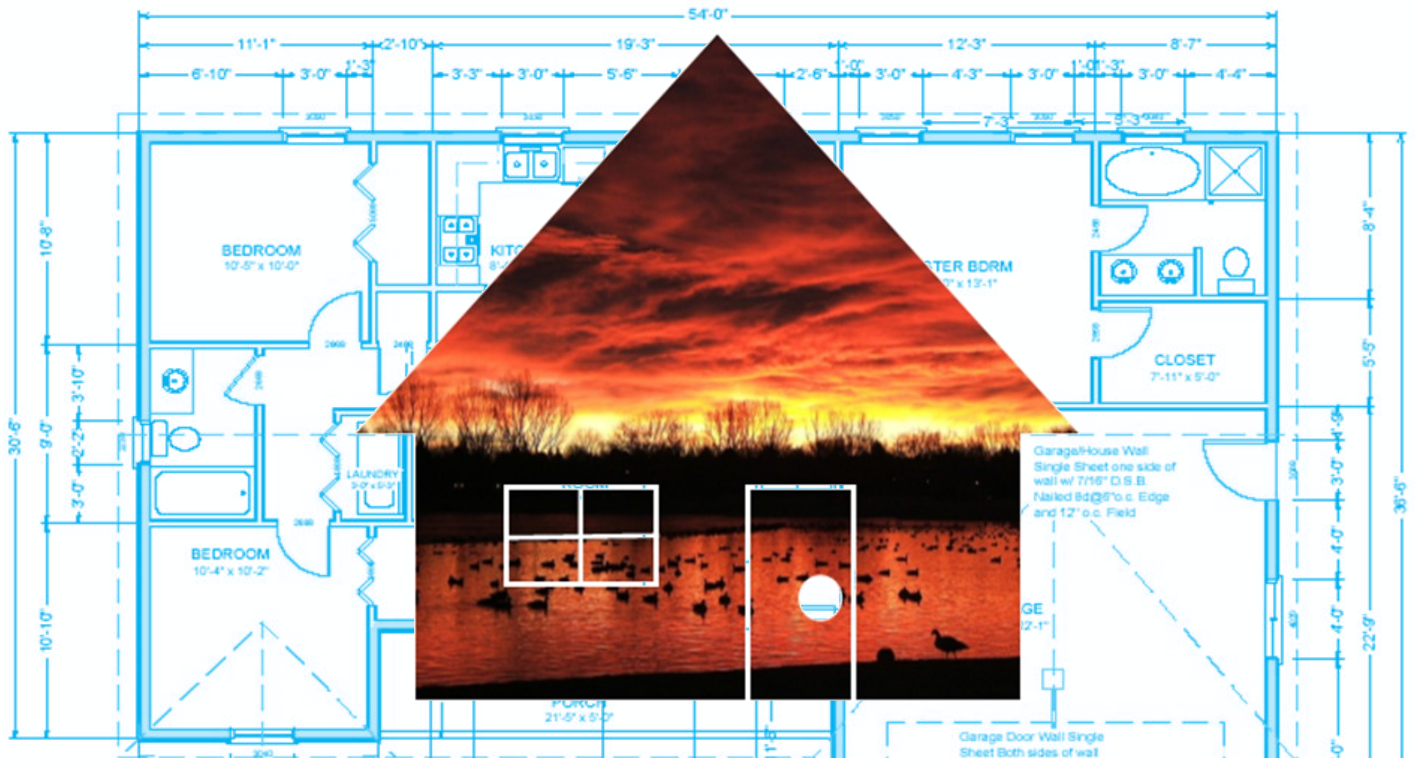
The General Fund share of auto use tax revenue has increased 32.2% (\$165,878) from 2018 to 2019.



USE TAX CONTINUED

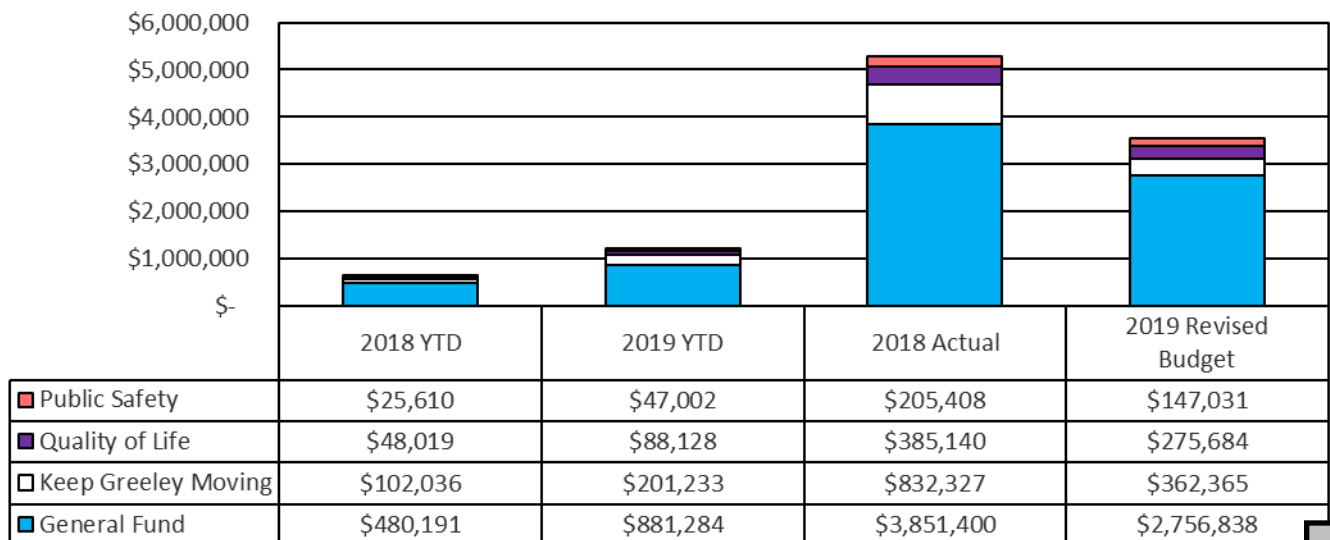
BUILDING USE TAX DEFINED

Building use tax includes the total actual cost of building materials associated with a project or permit. The revenue associated with building use tax is directly correlated to the number of permits and valuations as described in earlier sections (pg. 10).



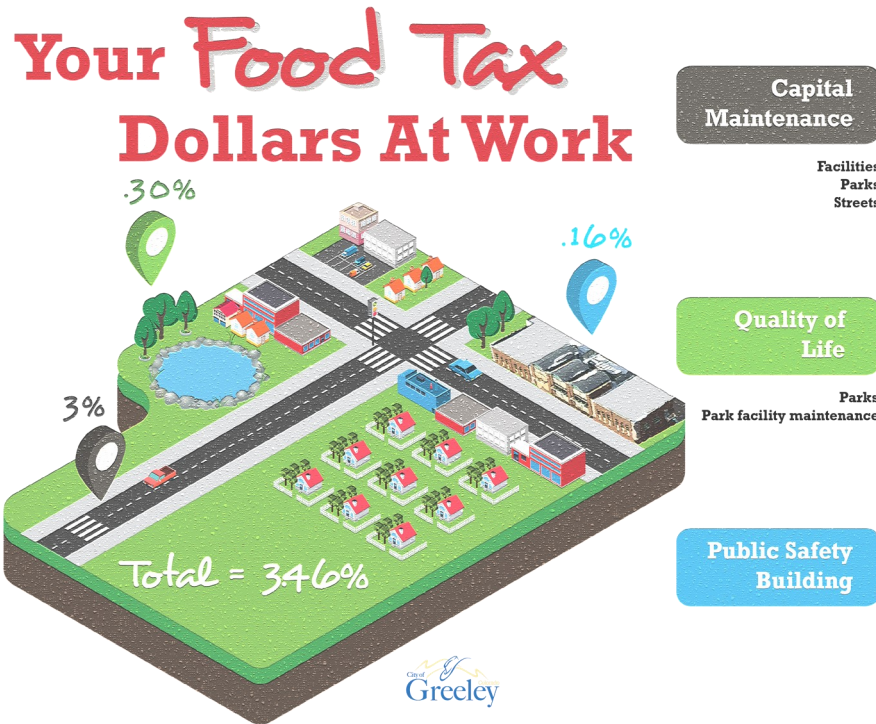
BUILDING USE TAX

The increased building valuations for the beginning of 2019 align with the 83.5% (\$401,093) increase in building use tax in 2019 compared to 2018 for the first three months of the year.



OTHER FUNDS

FOOD TAX



Greeley's food tax finances a capital maintenance program for the repair of streets, buildings, parks, and other capital assets. The revenue cannot be used for other governmental purposes. The tax rate is currently 3.46% with 3% of the tax is applied to capital maintenance. The remaining balance is distributed to the Quality of Life and Public Safety Funds (0.30% and 0.16%) as approved by voters in 2002 and 2004.

The first two month of 2019 food tax collection for the Food Tax Fund totaled \$1,214,894 (15.3%) of the budgeted \$7,946,474.

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 3,238,509	\$ 3,238,509	
Resources			
Sales Tax on Food	1,214,894	7,946,474	15.3%
Designated Revenue (0.16%)	-	200,000	0.0%
Other	51,888	23,107	224.6%
Total Resources	\$ 1,266,781	\$ 8,169,581	15.5%
Expenditures			
Capital Projects	1,192,787	8,321,140	14.3%
Total Expenditures	\$ 1,192,787	\$ 8,321,140	14.3%
Committed Fund Balance	\$ 2,102,892	\$ 2,102,892	
Ending Fund Balance	\$ 1,209,611	\$ 984,058	

QUALITY OF LIFE 0.30%

The 0.30% sales and use tax, grant funds, and park development impact fees are utilized to complete various projects.

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 7,384,372	\$ 7,384,372	
Resources			
Sales and Use Tax	1,093,220	6,526,460	16.8%
From Parks Development	101,052	1,833,804	5.5%
Other	57,170	1,030,303	5.5%
Total Resources	\$ 1,251,442	\$ 9,390,567	13.3%
Expenditures			
Projects	170,812	6,054,242	2.8%
Maintenance	189,499	757,997	25.0%
Debt Service	412,442	2,780,005	14.8%
Total Expenditures	\$ 772,753	\$ 9,592,244	8.1%
Committed Fund Balance	\$ 7,182,695	\$ 7,182,695	
Ending Fund Balance	\$ 680,366	\$ -	

PUBLIC SAFETY 0.16%

The table below highlights funds dedicated to the police facility, debt, equipment, and maintenance generated from the 0.16% tax.

Description	YTD 2019 Actual	2019 Revised Budget	% of Budget
Beginning Fund Balance	\$ 4,386,083	\$ 4,386,083	
Resources			
Sales and Use Tax	555,471	3,480,777	16.0%
Total Resources	\$ 555,471	\$ 3,480,777	16.0%
Expenditures			
Maintenance	92,315	563,847	16.4%
Debt Service	288,250	1,729,500	16.7%
Total Expenditures	\$ 380,565	\$ 2,293,347	16.6%
Committed Fund Balance	\$ -	\$ -	
Ending Fund Balance	\$ 4,560,990	\$ 5,573,513	

KEEP GREELEY MOVING



An additional sales tax of 0.65% was approved by voters during the last quarter of 2015 to fund street maintenance and improvements for seven years. The City is responsible for public concrete sidewalk and gutter repairs through the seven-year life of the program. It will additionally make major improvements to twelve arterial and collector roads, repave eleven neighborhoods, and complete three street capacity projects.

2019 projects include:

- \$11.4 million for pavement overlay, seal coat, crack seal patching, and striping.
- \$1.8 million for the construction of handicap ramps and sidewalk access points at various locations throughout the city, concrete repair and cross-pave replacement program, and the neighborhood concrete program.

Keep Greeley Moving sales and use tax revenue is currently 9.5% above 2018's year-to-date total.

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 2,488,462	\$ 2,488,462	
Resources			
Sales and Use Tax	2,016,802	11,848,442	17.0%
Transfer: Food Tax	675,000	2,700,000	25.0%
Other Revenues	14,608	10,000	146.1%
Total Resources	\$ 2,706,410	\$ 14,558,442	18.6%
Expenditures			
Projects	32,742	10,798,450	0.3%
Road Development	900,000	3,600,000	25.0%
Total Expenditures	\$ 932,742	\$ 14,398,450	6.5%
Committed Fund Balance	\$ 476,384	\$ 476,384	
Ending Fund Balance	\$ 3,785,746	\$ 2,172,070	

WATER FUNDS

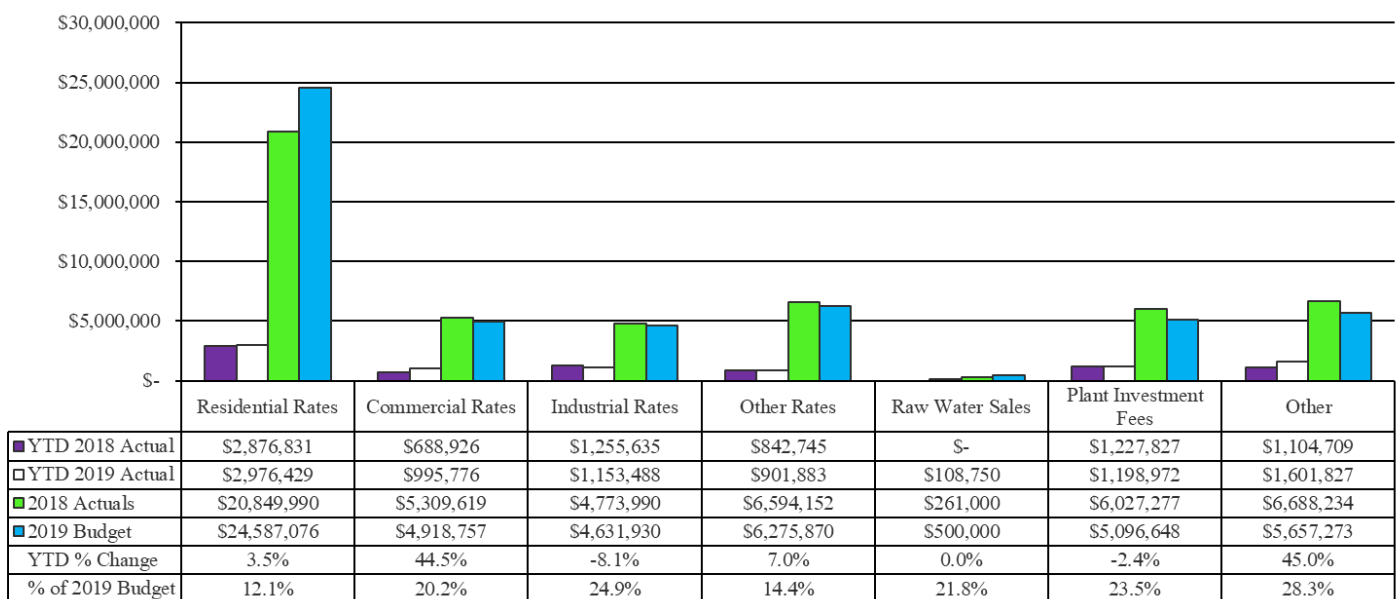
The Water Department provides clean water to the citizens and industries of Greeley. The department is responsible for 487.6 miles of distribution lines and 74.75 million gallons of treated water storage reservoirs providing over 8.45 billion gallons of water annually.

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 84,153,617	\$ 84,153,617	
Total Resources	\$ 8,937,125	\$ 105,167,554	8.5%
Expenditures			
Operating	6,709,225	32,468,091	20.7%
Water Rights Acquisition	304,723	11,541,018	2.6%
Capital	5,010,085	79,178,832	6.3%
Total Expenditures	\$ 12,024,033	\$ 123,187,941	9.8%
Committed Fund Balance	\$ 28,487,749	\$ 28,487,749	
Ending Fund Balance	\$ 52,578,961	\$ 37,645,481	

To date, total rate revenue has increased 6.4% from 2018. The total rate revenue is budgeted to increase 17.9% in 2019.

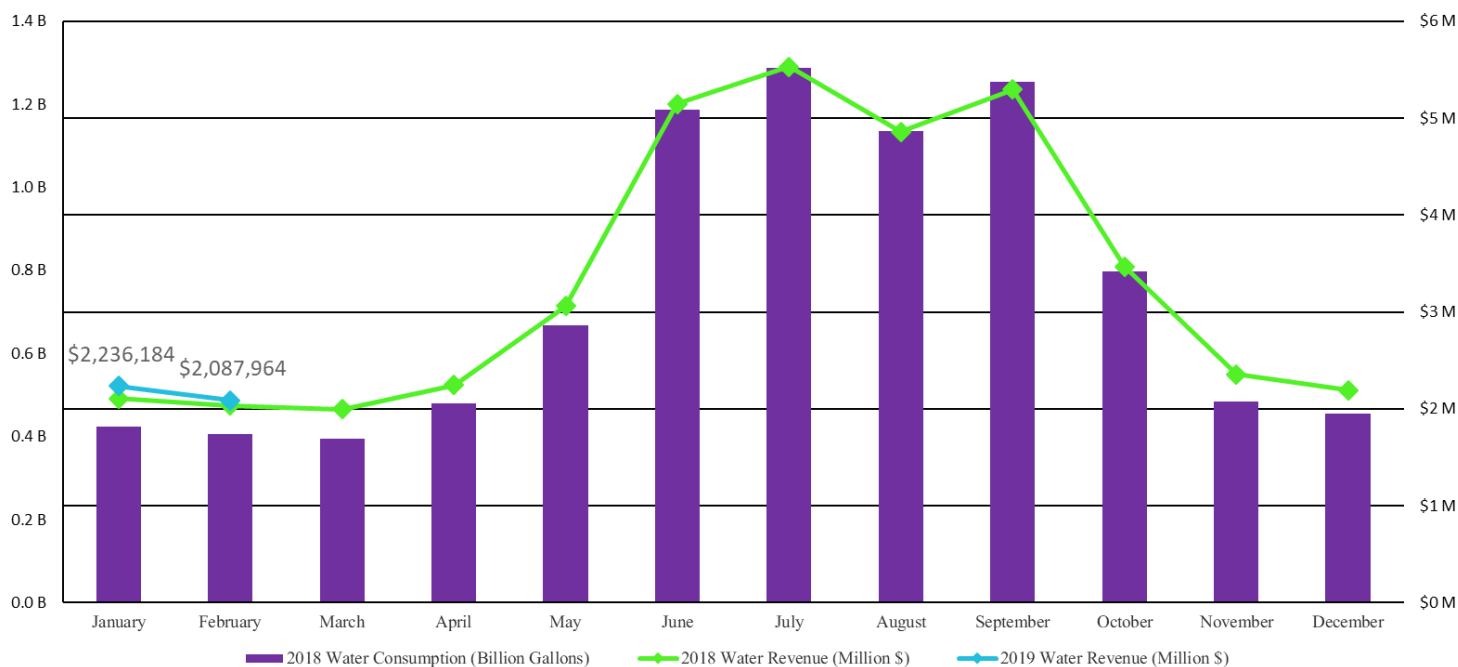
WATER REVENUES BY SOURCE

Water revenues for 2019 associated with residential, commercial, and industrial rates have moved 3.5%, 44.5%, and – 8.1%, respectively, from 2018.



WATER FUNDS CONTINUED

WATER CONSUMPTION & REVENUE



WATER CAPITAL PROJECTS

As mentioned earlier, water expenditures are expected to exceed revenues as fund balance is used to fund capital projects. Budgeted capital expenditures for 2019 over one million dollars include:

- \$53.5 Million (+\$0.3 Million Future Funding) for Windy Gap Firing
- \$6.5 Million (+26.2 Million Future Funding) for Water Acquisition - Phase II
- \$4.7 Million (+4.9 Million Future Funding) for Milton Seaman Permitting
- \$4.1 Million (+8.3 Million Future Funding) for Boyd Water Treatment Plant Process Improvements
- \$3.9 Million (+1.1 Million Future Funding) for Equalizer & Raw Water Storage
- \$3.6 Million for Colorado Department of Transportation (CDOT) I-25 Transmission Line Relocation
- \$3.3 Million for Boomerang Golf Course Water Efficiency Improvements
- \$2.3 Million (+7.0 Million Future Funding) for Transmission System Rehabilitation

2019 Water Projects over \$1 million					
Quarter	Beginning Allocated Funds	Budget	Actual Expenditures	Variance From Budget	Ending Allocated Funds
Q1	\$ 81,934,732	\$ 800,000	\$ 947,798	\$ 147,798	61,039,066
Q2		2,500,000	0	(2,500,000)	
Q3		7,712,333	0	(7,712,333)	
Q4		9,883,333	0	(9,883,333)	
Total		\$20,895,666	\$ 947,798	\$(19,947,868)	
Project Savings		0			
Planned Next Year Expenditures		\$ 61,039,066			

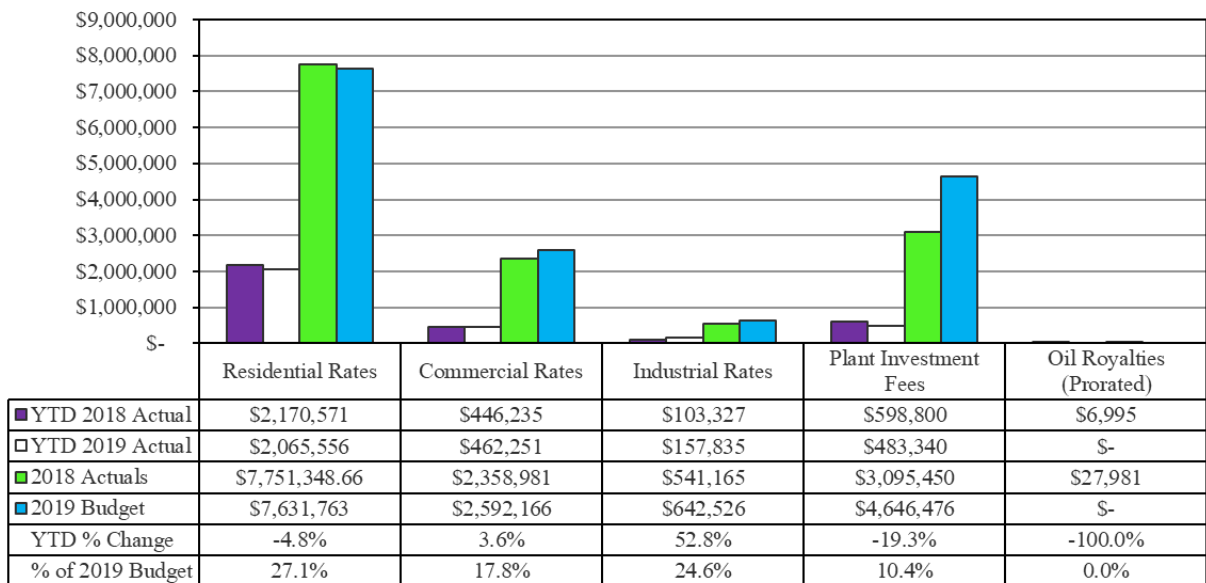
SEWER FUNDS

The Sewer Department collects and treats wastewater from Greeley's residences and businesses. 364.8 miles of line and 10 sewage pumping stations are operated and maintained by the department in order to perform these critical services. The city's plant capacity can handle 14.7 million gallons per day.

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 27,983,535	\$ 27,983,535	
Total Resources	\$ 3,168,983	\$ 15,512,931	20.4%
Expenditures			
Operating	1,864,815	8,329,868	22.4%
Capital	2,049,370	11,125,910	18.4%
Total Expenditures	\$ 3,914,185	\$ 19,455,778	20.1%
Committed Fund Balance	\$ 9,059,975	\$ 9,059,975	
Ending Fund Balance	\$ 18,178,358	\$ 14,980,713	

To date, total sewer rate revenue in 2019 has increased 22.5% as compared to 2018. Total rate revenue was budgeted to increase 2.0% this year.

SEWER REVENUES BY SOURCE



Residential, commercial, and industrial sewer revenues have moved -4.8, 3.6%, and 52.8%, respectively, from 2018 to 2019.

SEWER FUNDS CONTINUED

Sewer projects exceeding one million dollars in 2019 include:

- \$3.9 Million (+20.2 Million Future Funding) for Nitrification Project Phase 2
- \$1.8 Million (+40 Thousand Future Funding) for Water Pollution Control Facility (WPCF) Supervisory Control & Data Acquisition (SCADA) System Upgrade
- \$1.2 Million for 7th Avenue Sanitary Sewer Improvements

2019 Sewer Projects Over \$1 Million					
Quarter	Beginning Allocated Funds	Budget	Actual Expenditures	Variance From Budget	Ending Allocated Funds
Q1	\$ 6,816,510	\$ 185,000	\$ 123,859	\$ (61,141)	2,689,510
Q2		580,000	0	(580,000)	
Q3		1,581,000	0	(1,581,000)	
Q4		1,781,000	0	(1,781,000)	
Total		\$ 4,127,000	\$ 123,859	\$ (4,003,141)	
Project Savings		0			
Planned Next Year Expenditures		\$ 2,689,510			



STORMWATER FUNDS



The Stormwater division is responsible for:

- Developing a Capital Improvement Program for Stormwater facilities.
- Monitoring and creating maintenance plans for the existing system.
- Developing City drainage standards.
- Reviewing flood impact issues.
- Regulating illicit discharges.
- Managing the City's Stormwater National Pollution Discharge Elimination System (NPDES) permit.

Capital projects in 2019 exceeding one million dollars include:

- \$2.0 Million for 7th Avenue Storm Drain

STORMWATER REVENUES BY SOURCE

A brief summary of Stormwater revenue and expenditures is shown below. 2019 rate revenues are closely correlating with 2018 YTD amounts. Stormwater rate revenue for 2019 is budgeted at 0.8% over 2018 actual revenues. 2019 expenditures are budgeted to exceed revenues by \$0.9 million as Stormwater fund balance is used, with \$1.4 million of fund balance used year to date. To date, 34.8% of the expenditure budget has been spent.

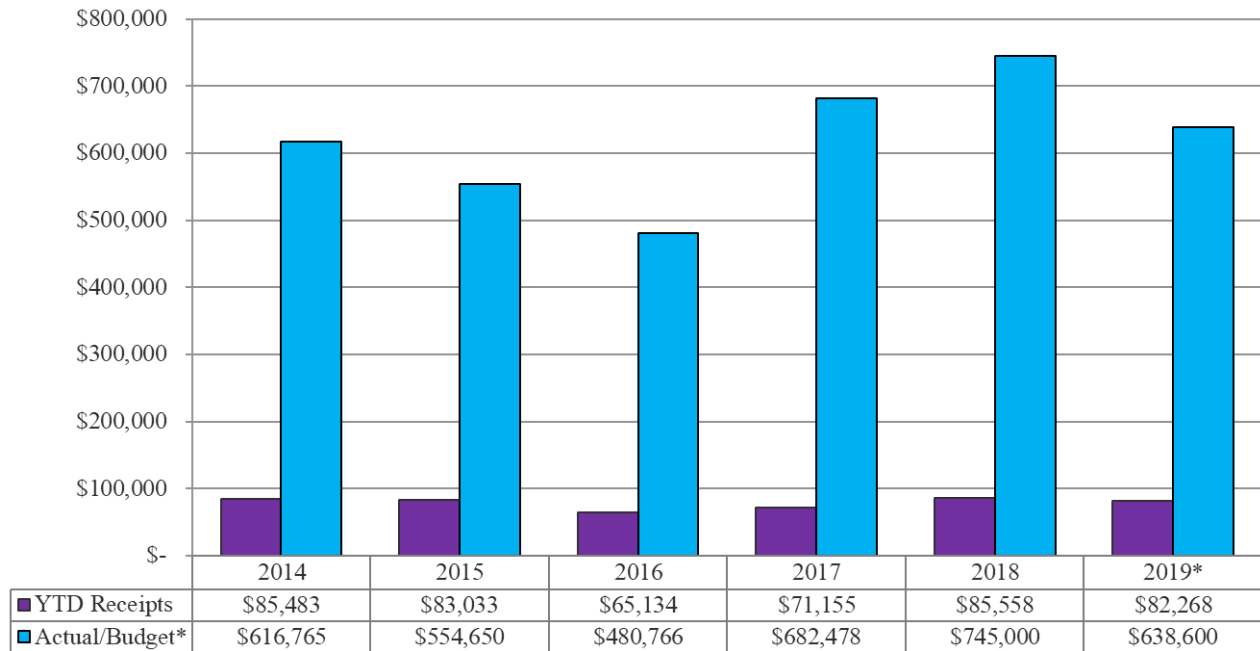
	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 7,808,664	\$ 7,808,664	
Resources			
Rates	1,527,739	6,584,459	23.2%
Impact Fees	(172,526)	396,930	-43.5%
Total Resources	\$ 1,355,213	\$ 6,981,389	19.4%
Expenditures			
Operating	393,613	3,604,807	10.9%
Capital	841,349	4,305,114	19.5%
Total Expenditures	\$ 1,234,962	\$ 7,909,921	15.6%
Committed Fund Balance	\$ 5,609,071	\$ 5,609,071	
Ending Fund Balance	\$ 2,319,844	\$ 1,271,061	

2019 Stormwater Projects Over \$1 Million					
Quarter	Beginning Allocated Funds	Budget	Actual Expenditures	Variance From Budget	Ending Allocated Funds
Q1	\$ 2,000,000	\$ 70,000	\$ 57,924	\$ (12,076)	1,480,000
Q2		100,000	0	(100,000)	
Q3		150,000	0	(150,000)	
Q4		200,000	0	(200,000)	
Total		\$ 520,000	\$ 57,924	\$ (462,076)	
Project Savings		0			
Planned Next Year Expenditures		\$ 1,480,000			

LODGING TAX

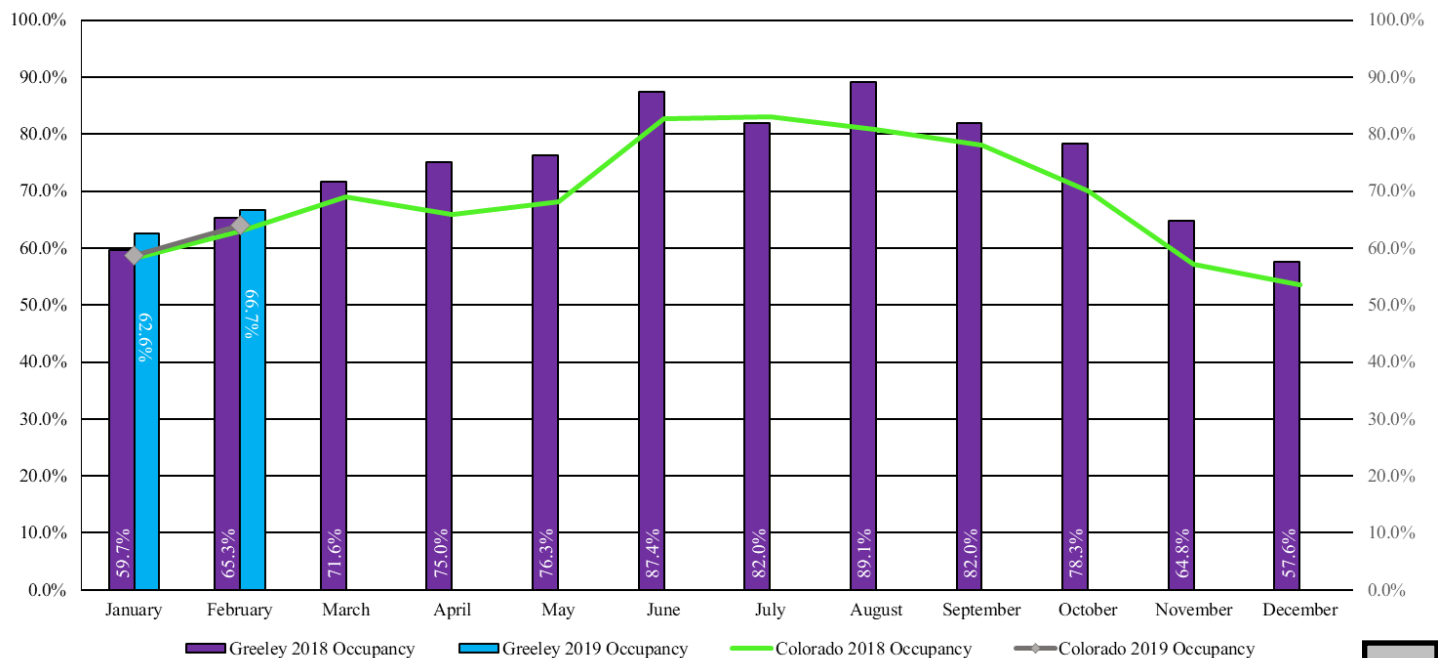
The Convention and Visitors Fund is supported by a 3% lodging tax and is utilized to support convention and visitor activities. For rooms rented through March, revenues decreased 4.6% from the corresponding 2018 period. The decrease is due to late payments in 2019. Anticipated revenues for 2019 should exceed those of 2018 by 5% once the late payments for 2019 have been received.

LODGING TAX REVENUES



CITY AND STATE LODGING OCCUPANCY

In February of 2019 Greeley continued to exceed the state occupancy rate of 64.1% with an occupancy rate equating to 66.7%. The average daily rate for Greeley in February is currently \$101.45 compared to \$174.87 for the state.

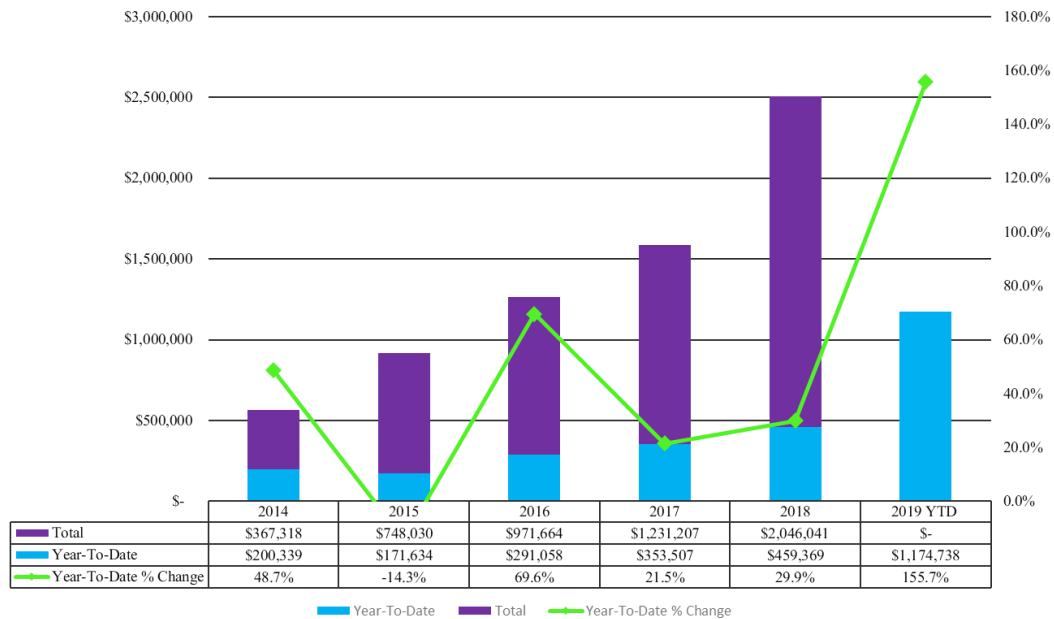


INVESTMENTS

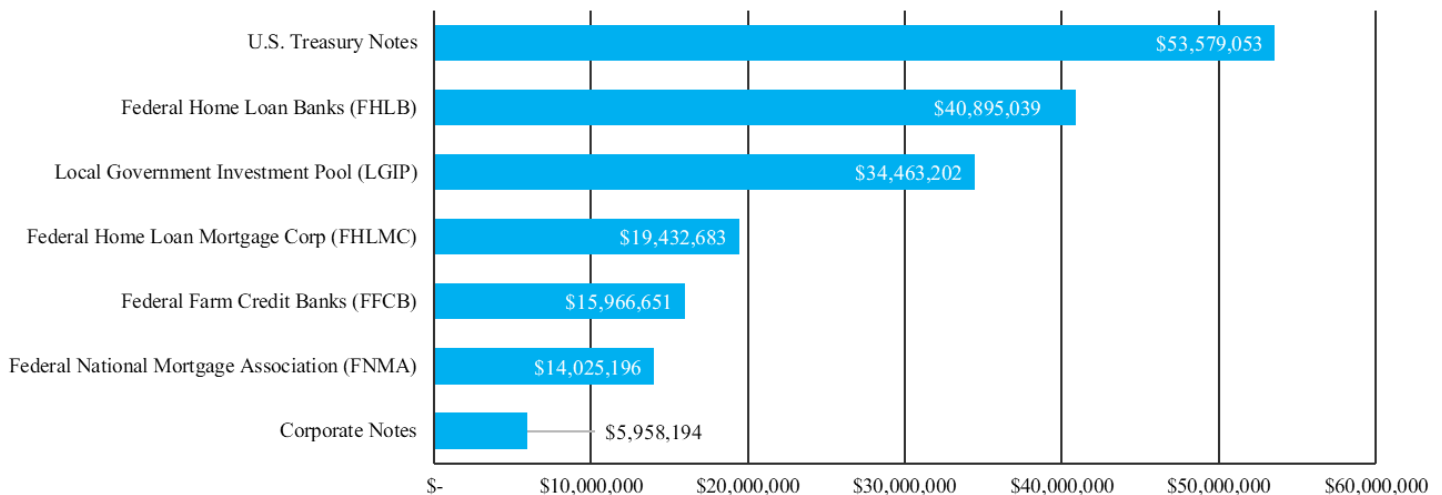
The City of Greeley's investment objectives include:

- The preservation of capital and protection of investment principal.
- Maintaining sufficient liquidity to meet immediate and short-term obligations.
- Achieving a market value rate of return.
- Minimizing risk through asset diversification.

INVESTMENT EARNINGS (MARCH 31, 2019)



PORTFOLIO ALLOCATION (FEBRUARY 28, 2019)



Portfolio Market Indicators as of February 28th, 2019:

- Weighted Average Maturity: 1.17 years
- Short Term Market Yield: 2.55% (90 Day Treasury Rate: 2.60%)
- Long Term Market Yield: 2.69% (0-3 Year Treasury Rate of 2.45%)

GREELEY CITY COUNCIL

MAYOR JOHN GATES

WARD I: JON SMAIL

WARD II: BRETT PAYTON

WARD III: MICHAEL FITZSIMMONS

WARD IV: DALE HALL

AT LARGE: STACY SUNIGA

AT LARGE: ROBB CASSEDAY



FINANCE DEPARTMENT

1000 10TH STREET

GREELEY CO 80631

greeleygov.com/government/finance

970-350-9731

PREPARED BY:

ROBERT MILLER, BUDGET AND COMPLIANCE MANAGER

BENJAMIN ALEXANDER, FINANCIAL ANALYST

March Monthly Financial Report



April 23, 2019

Renee Wheeler - Finance Director
Presented by Robert Miller – Budget & Compliance Manager

General Fund Summary

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 32,957,863	\$ 32,957,863	
Revenue	19,199,196	100,839,948	19.0%
Total Resources	\$ 19,199,196	\$100,839,948	19.0%
Expenditures	22,774,255	105,390,668	21.6%
Total Expenditures	\$ 22,774,255	\$105,390,668	21.6%
Ending Fund Balance	\$ 29,382,804	\$ 28,407,143	

General Fund Revenue

2019 General Fund Revenue Comparisons						
	2018	2019	Variance	% Change 2018 vs 2019	2019 Revised Budget	% of 2019 Budget
January	\$ 1,099,762	\$ 2,008,474	\$ 908,712	82.6%	-	-
February	9,390,091	6,402,587	(2,987,504)	-31.8%	-	-
March	9,682,723	10,788,135	1,105,412	11.4%	-	-
Total	\$ 20,172,576	\$19,199,196	\$ (973,380)	-4.8%	\$ 100,839,948	19.0%

3

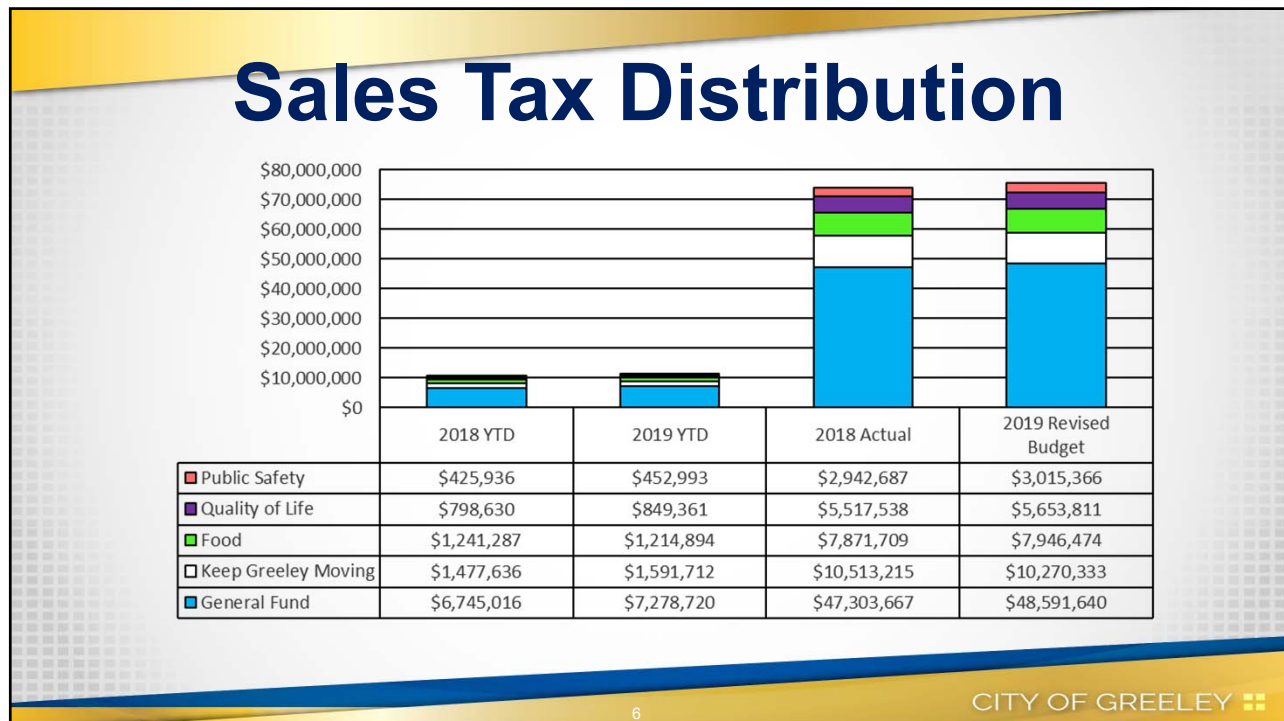
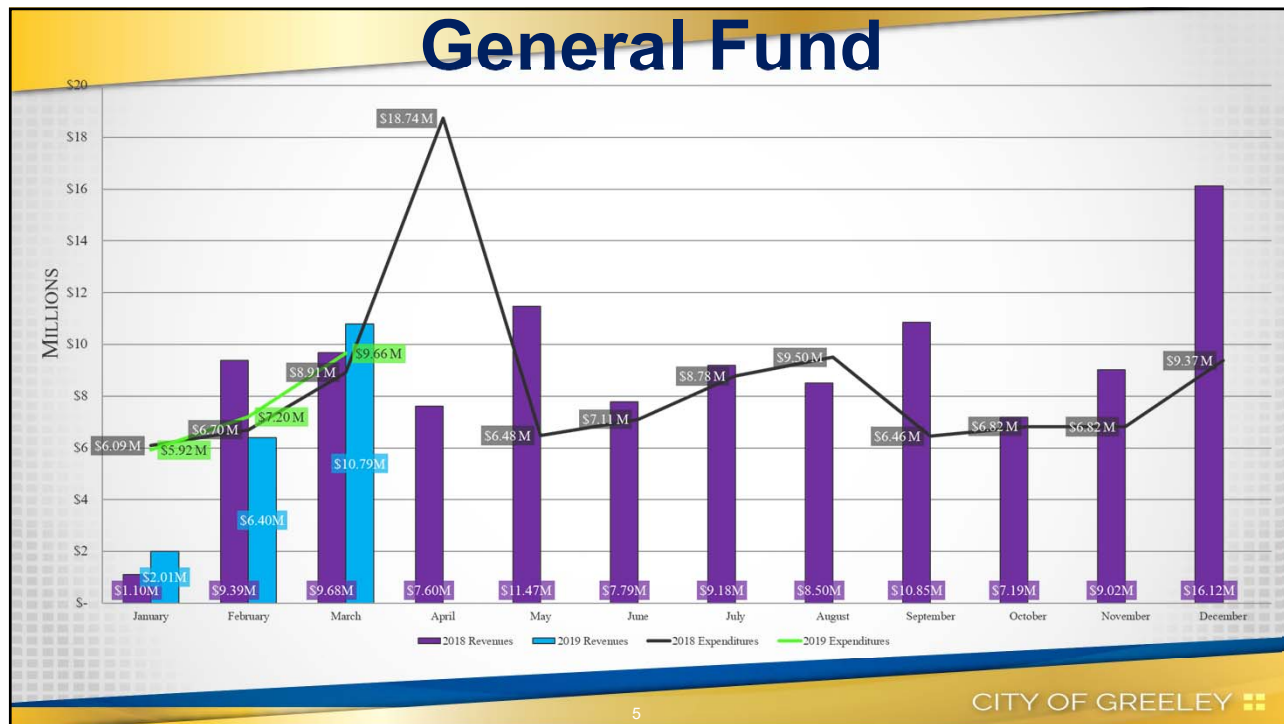
CITY OF GREELEY

General Fund Expenditures

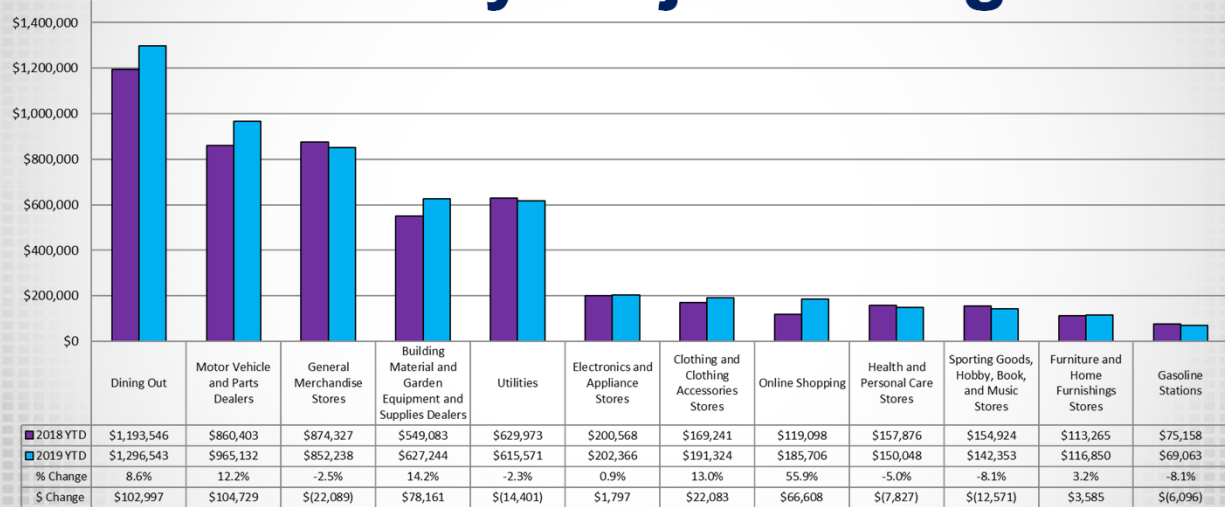
2019 General Fund Expenditure Comparisons						
	2018	2019	Variance	% Change 2018 vs 2019	2019 Revised Budget	% of 2019 Budget
January	\$ 6,093,069	\$ 5,920,829	\$ (172,240)	-2.8%	-	-
February	6,702,933	7,197,676	494,743	7.4%	-	-
March	8,914,816	9,655,749	740,933	8.3%	-	-
Total	\$ 21,710,819	\$ 22,774,255	\$1,063,436	4.9%	\$ 105,390,668	21.6%

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CITY OF GREELEY



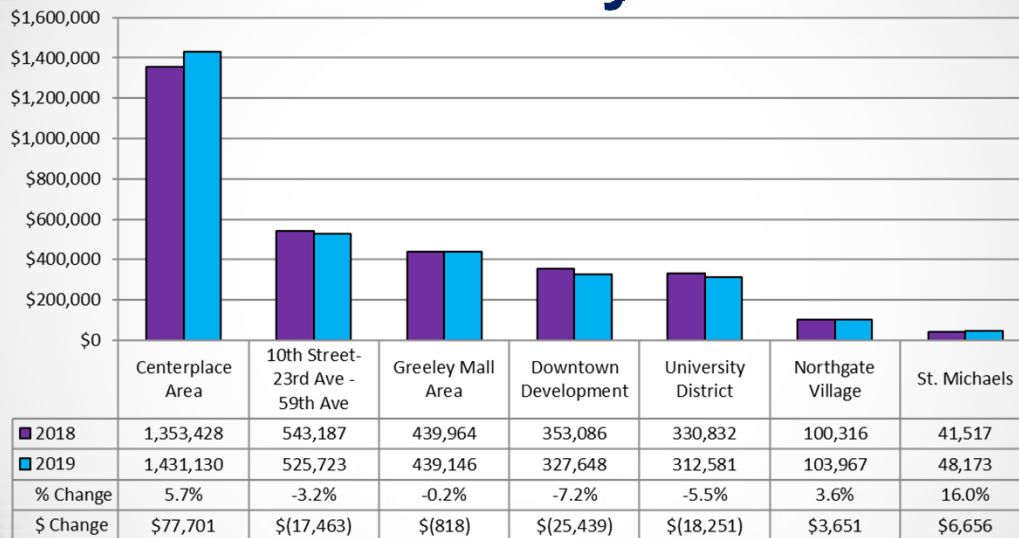
Sales Tax by Major Categories



7

CITY OF GREELEY

Retail Sales Tax by Location*



*Excludes businesses selling groceries and auto dealers.

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CITY OF GREELEY

Property Tax

2019 Property Tax						
	2018	2019	Variance	% Change 2018 vs - 2019	2019 Budget	% of 2019 Budget
January	\$ -	\$ -	\$ -	-	\$ -	-
February	241,390	201,872	(39,518)	-16.4%	-	-
March	3,386,730	3,503,587	116,857	3.5%	-	-
Total	\$ 3,628,120	\$ 3,705,459	\$ 77,339	2.1%	\$ 11,568,011	32.0%

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CITY OF GREELEY

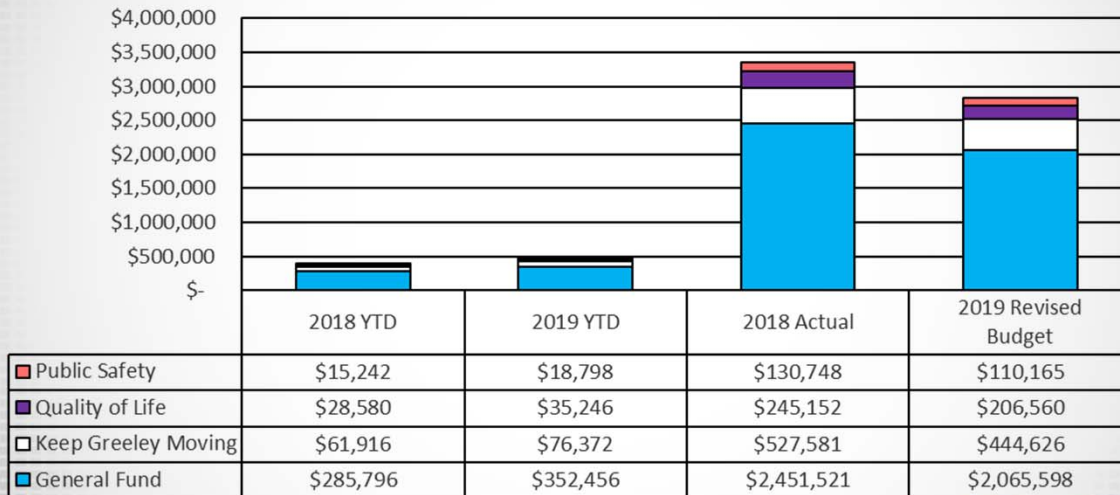
General Fund: Franchise Fees & Telephone Tax

2019 Franchise Fees & Telephone Tax						
	2018 YTD	2019 YTD	Variance	% Change 2018 - 2019	2019 Budget	% of 2019 Budget
Cable	\$ -	\$ -	\$ -	-	\$ 1,016,732	0.0%
Electric	222,928	229,175	6,247	2.8%	2,731,125	8.4%
Natural Gas	384,919	449,646	64,727	16.8%	1,495,785	30.1%
Telephone	16,723	10,067	(6,655)	-39.8%	95,000	10.6%
Total	\$624,570	\$688,888	\$ 64,318	10.3%	\$5,338,642	12.9%

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CITY OF GREELEY

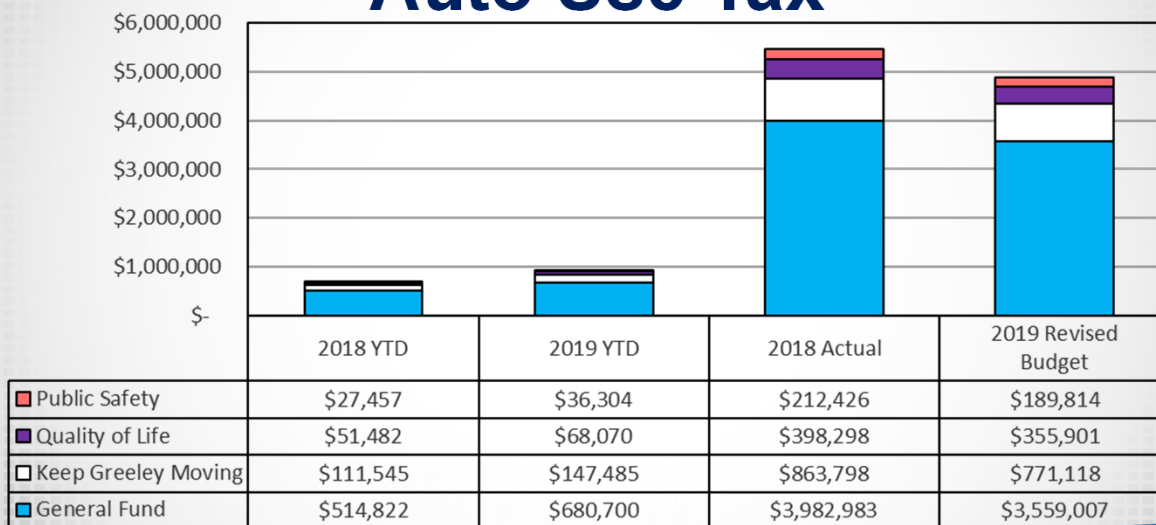
General Use Tax



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CITY OF GREELEY

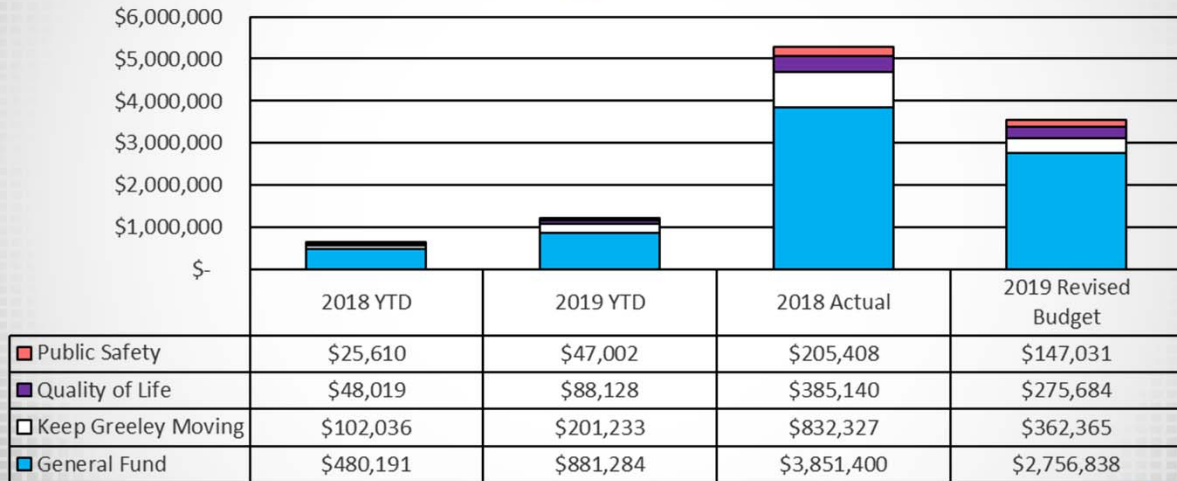
Auto Use Tax



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CITY OF GREELEY

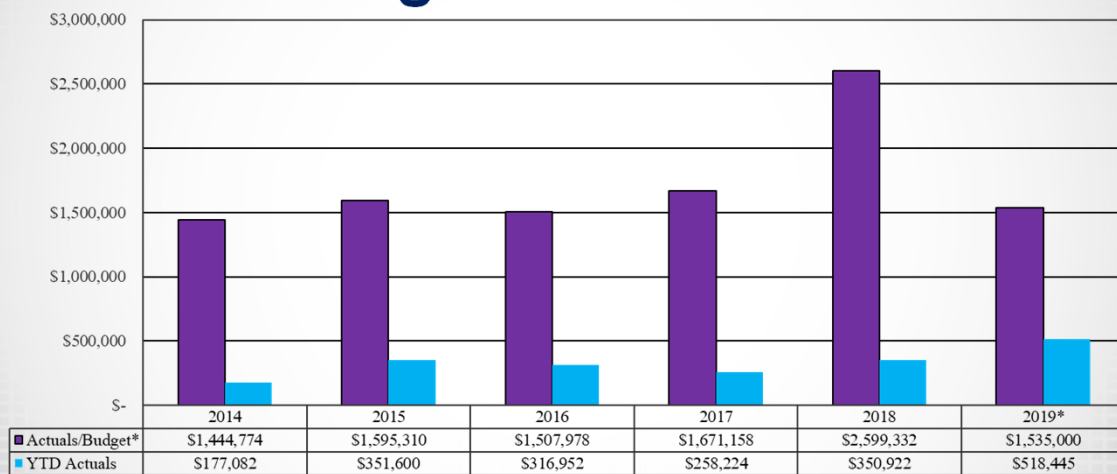
Building Use Tax



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CITY OF GREELEY

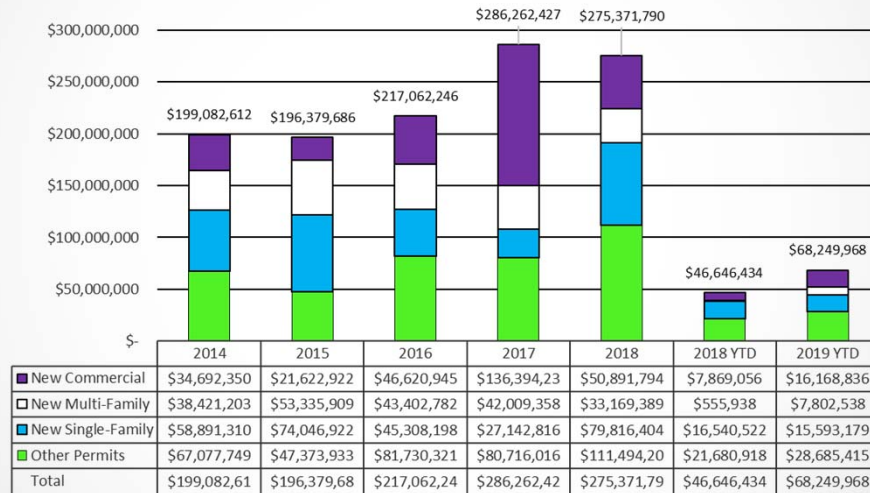
Building Permit Revenue



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CITY OF GREELEY

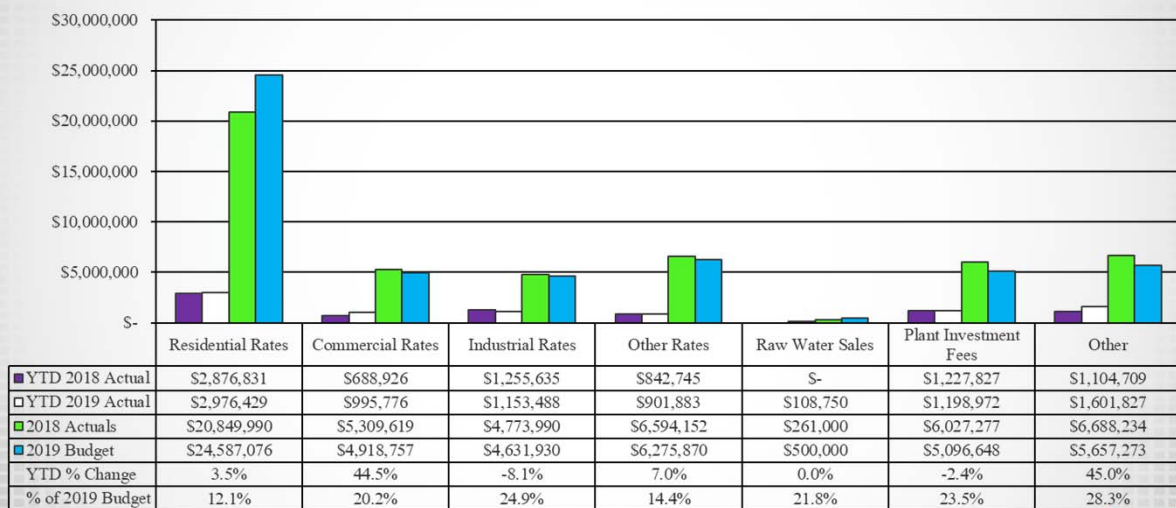
Building Permit Valuations



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CITY OF GREELEY

Water Funds



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CITY OF GREELEY

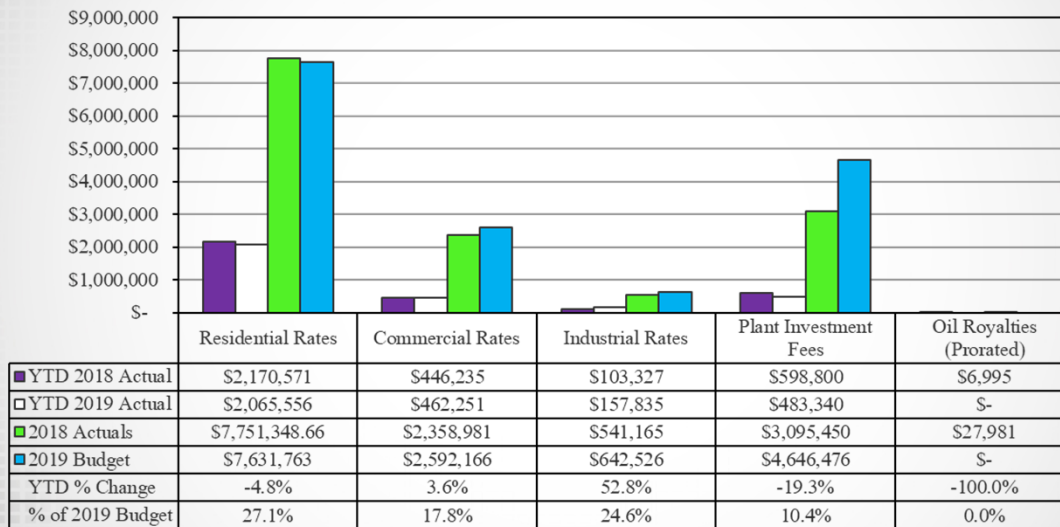
Water Funds

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 84,153,617	\$ 84,153,617	
Total Resources	\$ 8,937,125	\$ 105,167,554	8.5%
Expenditures			
Operating	6,709,225	32,468,091	20.7%
Water Rights Acquisition	304,723	11,541,018	2.6%
Capital	5,010,085	79,178,832	6.3%
Total Expenditures	\$ 12,024,033	\$ 123,187,941	9.8%
Committed Fund Balance	\$ 28,487,749	\$ 28,487,749	
Ending Fund Balance	\$ 52,578,961	\$ 37,645,481	

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CITY OF GREELEY

Sewer Funds



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CITY OF GREELEY

Sewer Funds

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 27,983,535	\$ 27,983,535	
Total Resources	\$ 3,168,983	\$ 15,512,931	20.4%
Expenditures			
Operating	1,864,815	8,329,868	22.4%
Capital	2,049,370	11,125,910	18.4%
Total Expenditures	\$ 3,914,185	\$ 19,455,778	20.1%
Committed Fund Balance	\$ 9,059,975	\$ 9,059,975	
Ending Fund Balance	\$ 18,178,358	\$ 14,980,713	

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CITY OF GREELEY

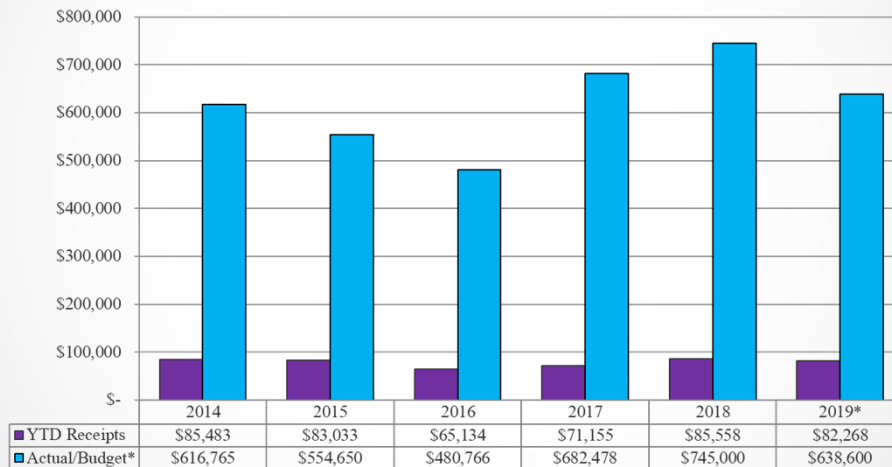
Stormwater Funds

	YTD 2019 Actual	2019 Revised Budget	% of 2019 Budget
Beginning Fund Balance	\$ 7,808,664	\$ 7,808,664	
Resources			
Rates	1,527,739	6,584,459	23.2%
Impact Fees	(172,526)	396,930	-43.5%
Total Resources	\$ 1,355,213	\$ 6,981,389	19.4%
Expenditures			
Operating	393,613	3,604,807	10.9%
Capital	841,349	4,305,114	19.5%
Total Expenditures	\$ 1,234,962	\$ 7,909,921	15.6%
Committed Fund Balance	\$ 5,609,071	\$ 5,609,071	
Ending Fund Balance	\$ 2,319,844	\$ 1,271,061	

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CITY OF GREELEY

Lodging Tax Revenues



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CITY OF GREELEY

March Financial Summary

2019 Revenues as Compared to Budget

- ↑ Building Permit Revenue
- ↑ Development Impact Fees
- ↑ Building Use
- ↑ General Use
- ↑ Auto Use
- ↑ Sales Tax

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CITY OF GREELEY



Worksession Agenda Summary

April 23, 2019

Agenda Item Number 8

Roy Otto, City Manager, 970-350-9750

Title:

Scheduling of Meetings, Other Events

Summary:

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Meeting Schedule regarding any upcoming meetings or events.

Attachments:

Council Meetings/Other Events Calendar

Council Meeting/Worksession Schedule

Status Report of Council Petitions and Related Information

April 22, 2019 - April 28, 2019

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5	6				1	2	3
7	8	9	10	11	12	13		5	6	7	8	9	10
14	15	16	17	18	19	20		12	13	14	15	16	17
21	22	23	24	25	26	27		19	20	21	22	23	24
28	29	30						26	27	28	29	30	31

Monday, April 22

- 11:30am - 12:30pm Greeley Chamber of Commerce (Gates) Ⓞ
- 6:00pm - 7:00pm Youth Commission (Smail) Ⓞ

Tuesday, April 23

- 5:00pm - 6:00pm City Council Worksession (1001 11th Avenue) Ⓞ

Wednesday, April 24

- 7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar Ⓞ
- 3:00pm - 4:00pm New Police Officer Swearing-in Ceremony (Kent Donahue Room - GPD Headquarters) - Council Master Calendar

Thursday, April 25

Friday, April 26

- 6:00pm - 8:00pm 2019 Greeley Stampede Hall of Fame Induction Dinner (Zoe's Events Center, 715 10th Street) - Council Master Calendar

Saturday, April 27

Sunday, April 28

April 29, 2019 - May 5, 2019

April 2019						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May 2019						
Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

Monday, April 29

Tuesday, April 30

Wednesday, May 1

7:30am - 9:00am RSVP Required: Frontier House 8th Annual Breakfast (Greeley Country Club, 4500 W. 10th Street) - Council Master Calendar

Thursday, May 2

7:00am - Poudre River Trail (Hall) ☉

3:30pm - IG Adv. Board (Smail) ☉

4:30pm - 8:00pm RSVP Required: Celebration of Philanthropy - Community Foundation of Northern Colorado (Embassy Suites, Loveland, CO) - Council Master Calendar

6:00pm - MPO (Gates/Casseday) ☉

Friday, May 3

4:00pm - 6:00pm RSVP Required: 45th Anniversary Celebration - Assistance League of Greeley (Houston Gardens, Greeley, CO) - Council Master Calendar

Saturday, May 4

10:00am - 11:00am Cinco de Mayo Parade (TBD) - Council Master Calendar

Sunday, May 5

May 6, 2019 - May 12, 2019

May 2019							June 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4						1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29
							30						

Monday, May 6

Tuesday, May 7

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue) 📍

Wednesday, May 8

Thursday, May 9

9:00am - 10:30am CML Spring Outreach Meeting & Listening Tour with Director Kevin Bommer (City Council Chambers - City Center South) - Council Master Calendar

Friday, May 10

Saturday, May 11

Sunday, May 12

May 13, 2019 - May 19, 2019

May 2019							June 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3	4						1
5	6	7	8	9	10	11		2	3	4	5	6	7
12	13	14	15	16	17	18		9	10	11	12	13	14
19	20	21	22	23	24	25		16	17	18	19	20	21
26	27	28	29	30	31			23	24	25	26	27	28
								30					

Monday, May 13

Tuesday, May 14

5:00pm - 6:00pm City Council Worksession (1001 11th Avenue)

Wednesday, May 15

7:30am - 8:30am Visit Greeley (Fitzsimmons)

2:00pm - 5:00pm Water & Sewer Board (Gates)

Thursday, May 16

7:30am - 8:30am DDA (Casseday/Smail)

3:30pm - 4:30pm Airport Authority (Casseday/Payton)

Friday, May 17

Saturday, May 18

10:00am - 11:00am City Chat with Councilmember Suniga (TBD)

Sunday, May 19

May 20, 2019 - May 26, 2019

May 2019						
Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

June 2019						
Su	Mo	Tu	We	Th	Fr	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

Monday, May 20

Tuesday, May 21

6:30pm - 7:30pm City Council Meeting (1001 11th Avenue) 

Wednesday, May 22

Thursday, May 23

Friday, May 24

Saturday, May 25

Sunday, May 26

City Council Meeting Schedule

<u>Date</u>	<u>Description</u>	<u>Staff Contact</u>	
May 7, 2019 Council Meeting	National Tourism Week Proclamation	Betsy Holder	Recognitions
	National Kids to Parks Day Proclamation	Betsy Holder	Recognitions
	Historic Preservation Month	Betsy Holder	Recognitions
	Resolution - IGA w/ City and County of Denver	Becky Safarik	Consent
	Resolution - 5th Amendment to Development Agreement w/Leprino Foods	Ben Snow	Consent
	Ordinance - Final - 2034 Annexation	Brad Mueller	Regular
May 14, 2019 Worksession Meeting			
May 21, 2019 Council Meeting	Board & Commission Appointments	Betsy Holder	Regular
May 28, 2019 Worksession Meeting	Monthly Financial Report	Renee Wheeler	0.50
June 4, 2019 Council Meeting	Alzheimer's Proclamation	Betsy Holder	Recognitions
June 11, 2019 Worksession Meeting			
June 18, 2019	***CANCELLED***		
June 25, 2019 Worksession Meeting	Monthly Financial Report	Renee Wheeler	0.50
July 2, 2019 Council Meeting			
July 9, 2019 Worksession Meeting			
July 16, 2019 Council Meeting	Board & Commission Appointments	Betsy Holder	Regular
July 23, 2019 Worksession Meeting	Monthly Financial Report	Renee Wheeler	0.50
August 6, 2019 Council Meeting			
August 13, 2019 Worksession Meeting			
August 20, 2019 Council Meeting	Board & Commission Appointments	Betsy Holder	Regular
August 27, 2019 Worksession Meeting	Monthly Financial Report	Renee Wheeler	0.50
September 3, 2019 Council Meeting			
September 10, 2019 Worksession Meeting			
September 17, 2019 Council Meeting	Board & Commission Appointments	Betsy Holder	Regular
September 24, 2019 Worksession Meeting	Monthly Financial Report	Renee Wheeler	0.50
October 1, 2019 Council Meeting			
October 8, 2019 Worksession Meeting			
October 15, 2019 Council Meeting	Board & Commission Appointments	Betsy Holder	Regular

Greeley City Council

Status Report of Council Petitions

Council Request		Council Meeting, Worksession, or Committee Meeting Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Assigned to:
04-2019	Councilmember Payton requested the City Attorney's Office prepare a Safe Harbor Ordinance in response to the Red Flag Bill currently making its way through the Colorado Legislature.	March 19, 2019 Council Meeting	An update on the Red Flag Bill and its impact on Greeley will be provided at the April 23 rd Worksession by Doug Marek, City Attorney, and Chief Mark Jones, Greeley Police Chief.	Doug Marek

Worksession Agenda Summary

April 23, 2019

Agenda Item Number 9

Title:

Adjournment