

CITY MANAGER'S OFFICE
Gordon Pedrow, City Manager



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Memorandum

To: Mayor Pro Tem Santos, Councilmember McCoy, Councilmember Levison, Councilmember Sammoury and Gordon Pedrow
From: Sandra Seader, Assistant to the City Manager (sandra.seader@ci.longmont.co.us, 303-651-8634)
Subject: National League of Cities legislative meetings, March 15 and 16, 2011

While you are in Washington DC for the National League of Cities meeting, I have arranged for you to meet with our federal legislators in their offices and with the help of Mayor Pro Tem Santos, have arranged a Dome Tour for you as well.

Here are the meetings scheduled - I will send invitations to you to place these on your City calendars as well:

- Tuesday, March 15, Senator Michael Bennet in his office, 702 Hart at 12:15 p.m. Karen Ballman is the contact and her number is 202-228-5026
- Tuesday, March 15, Congressman Cory Gardner in his office, 213 Cannon House at 3 p.m. for an exclusive Dome Tour, then 4 p.m. for a general meeting with the Congressman. Please wear comfy shoes and clothes, as Councilmember Santos told me that this is not your average tour (lots of climbing around). Juliet Kroll is the contact and her number is 202-225-4676
- Wednesday, March 16, Congressman Jared Polis in his office, 501 Cannon House at 10 a.m.. Danielle Oliveto is the contact and her number is 202-225-2161
- Wednesday, March 16, Senator Mark Udall in his office, 317 Hart at 2 p.m. Lauren Bogard is the contact and her number is 202-224-5941

In addition to these meetings, CML is organizing a lunch for all of the state's US House delegation on Tuesday, March 15 and a breakfast with our two Senators on Wednesday, March 16.

There are several significant topics that should be covered while you are meeting with our representatives, and this packet contains information on these topics, including:

- An overview of the 2012 proposed federal budgets and the general impact to municipalities
- A history of the CDBG projects funded over the last 5 years and an impact analysis of cuts to these funds
- A copy of the Council's resolution on the 700 mhz D-block and holding this frequency aside for public safety use
- Information on the forest/wildfire issues around Longmont
- Update and information on hydropower legislation
- Information on FCC telecommunications issue with respect to Global Positioning Satellites
- A copy of Colorado SJR 11-005, the resolution by Governor Hickenlooper against unfunded mandates for cities
- In conjunction with the owners of various appropriate property owners in Longmont, the City has submitted a bid to on locate the NASA/ACE energy park in Longmont

Enjoy the trip and as always, please let me know if you have any questions!

**The U.S. Conference of Mayors
Analysis of Key City Priorities in the
Administration's FY 2012 Budget Proposal**

February 14, 2011

Today President Obama submitted his FY 2012 budget request to Congress, the starting point for negotiations on setting spending levels for federal programs in the new fiscal year that begins on October 1. The Administration's budget calls for cuts in a number of priority city programs, and proposes increases in many others. Below is a list of some of the key programs of interest.

REDUCTIONS/ELIMINATIONS

- **Community Development Block Grant (Formula)** – the formula grant program would be cut by 7.5 percent, or \$300 million.
- **Energy Efficiency and Conservation Block Grants** – the Administration' would increase the Energy Department's overall budget by 12 percent, but provides zero funding for one of our top priorities, the Energy Efficiency and Conservation Block Grant.
- **Low Income Heating and Energy Assistance Program** – calls for a \$2.5 billion reduction, which cuts the current funding in half and it eliminates the automatic trigger should heating and cooling prices began to rise.
- **Airport Improvement Program** – would reduce funding for airport improvement from \$3.5 billion to 2.4 billion.
- **Water and Wastewater State Revolving Fund** - would be cut by \$947 million, a 27 percent decrease.
- **HOME Investment Partnerships Program** – would be cut by \$150 million, from \$1.8 billion to \$1.650 billion.
- **Community Services Block Grant Program (HHS)** – would be cut in half to \$350 million.
- **Arts and Humanities** – Both the National Endowment for the Arts and Humanities would each take a 13 percent cut from \$168 million to \$146 million.

INCREASES/NEW PROGRAMS

- **High Speed Intercity Passenger Rail** – would provide \$8 billion in 2012 and \$53 billion over the next six years.
- **Public Transit** – would nearly double the transit program, from \$12.143 billion in FY 2010 to \$22.351 billion in FY 2012.
- **National Infrastructure Bank** – would invest \$5 billion in FY 2012 \$30 billion over the next six years in a new National Infrastructure Bank.
- **HUD Homeless Program** – would increase by \$507 million, from \$1.865 in FY 2010 to \$2.372 billion in FY 2012.
- **Section 8 Tenant Based** – would increase by \$1.039 billion, from \$18.184 to \$19.223 billion in FY 2012.
- **COPS Hiring and Retention** - would double from \$298 million in FY 2010 to \$600 million in FY 2012.

- **Public Safety Communications** – calls for incentive auctions over the next 10 years of up to 500 megahertz of federal and non-federal spectrum and proposes investing \$7 billion of the expected receipts in the development of a nation-wide interoperable broadband network for public safety.
- **A New K-12 Race to the Top Initiative** – would provide \$900 million for a new K-12 Race to the Top Initiative, with a focus on cost-effective reforms that improve student achievement.
- **K-12 Education** – would increase by \$300 million for Title I grants.
- **Head Start and Early Head Start** – would increase by \$866 million to a new funding level of \$8.1 billion in FY 2012.
- **Health Reform Prevention and Public Health Fund** – would consolidate existing programs into a \$752 million new trust fund as called for in the Affordable Care Act to consolidate and streamline prevention activities.
- **Child Nutrition Programs** – would increase funding by \$2 billion.
- **Land and Water Conservation Fund** – would receive a 200 percent increase in the stateside program from \$40 million to \$120 million.

Impacts of Proposed Cuts to Longmont, Colorado's CDBG Program

Introduction

The federal government is in the process of passing a budget for fiscal year 2011, which began in October of 2010. At this point the federal government has been working on continuation resolutions that allow departments to operate at 2010 funding levels. The President has recently submitted a proposed budget, as have the members of the House of Representatives. According to staff from National League of Cities, the President's budget proposes a 7.5% cut in Community Development Block Grant programs for Cities and the House version proposes a 62% cut. Originally there were also estimates of a 20 - 25% cut in funding for our cities that are helping those who need it most with these funds.

In preparing for the City of Longmont City Council meetings with various legislators, the following analysis of fund cuts scenarios was created, showing the direct impact of these cuts on the residents of Longmont, Colorado.

We respectfully urge our representatives to continue full Community Development Block Grant funding so that the Longmont City Council can allocate the funds in the ways most meaningful to residents of Longmont.

Additionally, we recognize that the budget is tough and cuts must be made and respectfully request you to take any and all budget cuts from the "set-aside" programs funded under the Community Development Fund line item and not from the actual CDBG entitlement amount. Those programs are not heavily supported, go to few communities and are for very special purpose uses. CDBG entitlement amounts could be held totally harmless and/or receive an increase if they eliminated all set-asides and put that funding into the entitlement amount.

As other domestic funding programs are cut, CDBG and HOME funds are often able to be used to cover those programs at the same or slightly less levels. As a result, cuts to CDBG and HOME can have a double impact to local communities eliminating their ability to redirect funding to meet the greatest need. For instance, a reduction in the Section 8 Housing Choice Voucher program can result in low income families being evicted from their apartments. HOME funds can be used to provide tenant based rental assistance and keep those families in their homes for up to 2 years during which time they may be able to pay market rents or find other affordable housing. A reduction to economic development or small business development centers may result in the elimination of needed business assistance and a loss of job creation potential. CDBG funds can be used to pay direct small business assistance loans, technical assistance for small and micro businesses, and for infrastructure projects that will create jobs as long as they are available or hire low/moderate income workers.

Various Funding Scenarios

Proposed 62.5% Cut:

Current 2011 planned CDBG funding = \$585,000

62.5% cut = \$365,625, remaining balance = \$219,375

\$219,375 total grant = Administration of \$43,875

Project funding = \$175,500

Ramifications:

- Cut 1 FTE in city's program staff (currently fund 1.5 FTE from CDBG), **\$73,125 cut**
- Cut 0.5 FTE in housing counseling staff
- Loss of construction employment needed to rehabilitate homes – 6 – 10 persons would lose about 14 months work
- 5-10 jobs not able to be created/retained through loss of economic development funding
- Cut housing and reduce 3 housing projects, eliminate all community reinvestment projects and reduce by 40% (\$68,200) the economic development projects (brings total to \$107,300 from \$175,500).
- 6 of 10 projects scheduled for funding would be eliminated; the remaining 4 projects would have their funding reduced by between 40% to 70%. This results in the following assistance not being provided:
 - 10 homes of low income disabled residents not being made accessible – No accessibility funds available, **\$70,000 cut**
 - 10 homes of very low income residents not receiving emergency funding to repair failed home systems – \$30,000 in emergency grant funds available, **\$20,000 cut**
 - 4 homes of very low income seniors not painted – No Paint-A-Thon funds available, **\$10,000 cut**
 - 200+ persons not receiving housing counseling, foreclosure prevention assistance, post purchase education and pre-purchase/credit counseling. Would serve only those households receiving a down payment assistance loan. \$25,000 available, \$30,000 cut
 - 16 very low income senior households would not have their bathrooms made accessible, \$30,000 funded, **\$60,000 cut**
 - 75 low income families would not receive new windows in their apartments losing heat and energy through single pane aluminum windows. No funding, **\$9,300 cut**
 - 6 low income families would not have their savings matched while saving to purchase a home, start a business or further their education. No funding for the IDA program, **\$10,000 cut**
 - Childcare facility serving the children of 90 low income families would not receive the HVAC upgrades needed to keep temperatures at state required levels. **\$9,500 cut.**
 - Mental Health center facility would not receive kitchen equipment which is used to teach 2200 persons with mental health issues how to live independently. **\$5,500 cut.**
 - 10-12 businesses not able to be assisted and potentially create jobs through a \$68,200 cut to economic development funding in Midtown neighborhood. No small business technical assistance and/or educational classes to help businesses grow or start-up. \$107,300 available, **\$68,200 cut**

Proposed 20% Cut:

Current 2011 planned CDBG funding = \$585,000
20% cut = \$117,000, remaining balance = \$468,000
\$468,000 total grant = Administration of \$93,600
Project funding = \$374,400

Ramifications:

- Cut 0.5 FTE in city's program staff (currently fund 1.5 FTE from CDBG), **\$23,400 cut**
- Loss of construction employment needed to rehabilitate homes – 2 persons would lose about 4 months work
- 2-4 jobs not able to be created/retained through loss of economic development funding
- Cut two of six housing funded projects, keep all 3 community reinvestment projects and cut \$66,800 from the economic development program. This results in the following assistance not being provided:
 - 4 homes of very low income seniors not painted – No Paint-A-Thon funds available, **\$10,000 cut**
 - 13 very low income senior households would not have their bathrooms made accessible, \$45,000 funded, **\$45,000 cut**
 - 10-12 businesses not able to be assisted and potentially create jobs through a cut to economic development funding in Midtown neighborhood. No small business technical assistance and/or educational classes to help businesses grow or start-up. \$108,700 available, **\$38,600 cut**

Proposed 7% Cut:

Current 2011 planned CDBG funding = \$585,000
7% cut = \$41,090, remaining balance = \$543,910
\$543,910 total grant = Administration of \$108,782
Project funding = \$435,128

Ramifications:

- Reduce administration budget by **\$8,220, which eliminates needed training funds for staff, and reduces printing, advertisement of required public hearing notices, and other expenses of about \$4,000 that will have to be absorbed by the Affordable Housing Fund as they are required by HUD regulations.**
- Loss of construction employment needed to change out tub/shower ADA conversion project – 2 persons would lose about 2 months work
- Cut one and reduce one of six housing funded projects, keep all 3 community reinvestment projects and the economic development program whole. This results in the following assistance not being provided:
 - 4 homes of very low income seniors not painted – No Paint-A-Thon funds available, **\$10,000 cut**
 - 9 very low income senior households would not have their bathrooms made accessible, \$59,130 funded, **\$30,870 cut**

We respectfully urge our representatives to continue full Community Development Block Grant funding so that the Longmont City Council can allocate the funds in the ways most meaningful to residents of Longmont.

CDBG AND HOME ACCOMPLISHMENTS FOR THE CITY OF LONGMONT, COLORADO FOR THE PAST FIVE YEARS

FACT SHEET DOCUMENT

CDBG

- For every one dollar of CDBG funding another \$65.54 in private and public funding was leveraged.
- 10,721 persons and 2,316 households were assisted through the CDBG program in the past five years.
- CDBG created or retained 2 jobs in the past five years and assisted 9 businesses.
- CDBG funds in the amount of \$85,655 were spent on economic development activities such as direct financial assistance to businesses, commercial and industrial improvements, technical assistance to businesses, etc.
- CDBG funds in the amount of \$468,042 were spent on public improvements, such as the development and improvement of public and non-profit facilities, child care facilities, the domestic violence shelter, and comprehensive neighborhood revitalization including the improvement of parks and concentrated code enforcement programs in those neighborhoods, among others.
- CDBG funds in the amount of \$405,401 were spent on public services, such as senior and youth computer projects; foreclosure prevention counseling; homeless prevention and assistance; rent assistance for families and rent deposits for persons with disabilities; housing and credit counseling both pre-purchase and post purchase; and matched savings to families saving to purchase a home, further their education or start-up or expand a business, among others.
- CDBG funds in the amount of \$1,475,547 were provided for housing activities, such as construction, rehabilitation, homebuyer assistance, lead-based paint testing and abatement, among others.

HOME

- Approximately 500 persons were assisted through the HOME program in the past four years.
- For every one dollar of HOME funding another \$22.69 in private and public funding was leveraged.
- HOME funds in the amount of \$1,118,107 were provided for housing activities, such as homebuyer assistance, rental assistance, and the production of affordable rental units.
 - A total of 195 units of affordable housing were created
 - 50 households received assistance in purchasing their first home
 - 145 rental units were constructed and/or rehabilitated

1 RESOLUTION R-2011- 04

2 A RESOLUTION OF THE LONGMONT CITY COUNCIL IN SUPPORT OF
3 REALLOCATING THE 700MHz D-BLOCK TO PUBLIC SAFETY FOR A NATIONWIDE
4 INTEROPERABLE PUBLIC SAFETY BROADBAND NETWORK

5
6 WHEREAS sufficient dedicated broadcast spectrum free from interference is essential for
7 municipalities' first responders to communicate during local, regional and national emergencies;
8 and

9 WHEREAS public safety has been granted only small sections of spectrum over time, but
10 never enough to consolidate communications into a single frequency band, thereby resulting in a
11 fragmented public safety spectrum that does not meet the need for nationwide interoperability in
12 the post-September 11 environment; and

13 WHEREAS in emergency and disaster situations, commercial customers' usage slows
14 and ultimately blocks first responders' access to commercial networks; and

15 WHEREAS public safety authorities must have the ability to control when first
16 responders need dedicated and secure access to a network; and

17 WHEREAS the segment of the 700MHz spectrum known as the "D Block" is uniquely
18 positioned to provide a one-time opportunity to improve first responder communications and
19 emergency response capabilities by providing sufficient broadband spectrum dedicated to first
20 responders; and

21 WHEREAS the federal government has a responsibility to provide a telecommunications
22 spectrum adequate to be able to create a secure and dedicated Nationwide Public Safety
23 Broadband communications network among public safety and emergency services.

1 THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, RESOLVES:

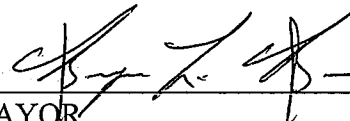
2 Section 1

3 For the reasons stated above, this council requests that the federal government reallocate
4 the 700 MHz D Block of spectrum to public safety for the purpose of building a Nationwide
5 Public Safety Broadband communications network, and work with both state and local
6 governments to build this network and ensure affordable access to the equipment necessary for
7 its use.

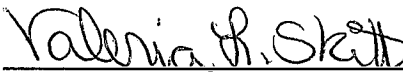
8 Section 2

9 The Council repeals all resolutions or parts of resolutions in conflict with this resolution,
10 but only to the extent of such inconsistency.

11
12 Passed and adopted this 11th day of January, 2011.

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16 
MAYOR

17
18 ATTEST:


19 
20
21 CITY CLERK



22
23
24 APPROVED AS TO FORM

25
26
27 
28 ASSISTANT CITY ATTORNEY

29
30 1-4-2011
DATE

31 
32 PROOF READ

33
34 1-4-2011
DATE

35
36 APPROVED AS TO FORM AND SUBSTANCE:

37 
ORIGINATING DEPARTMENT

38
39 1/4/2011
DATE

File: 8402

PLEASE CONTINUE FOREST RESTORATION GRANT FUNDING

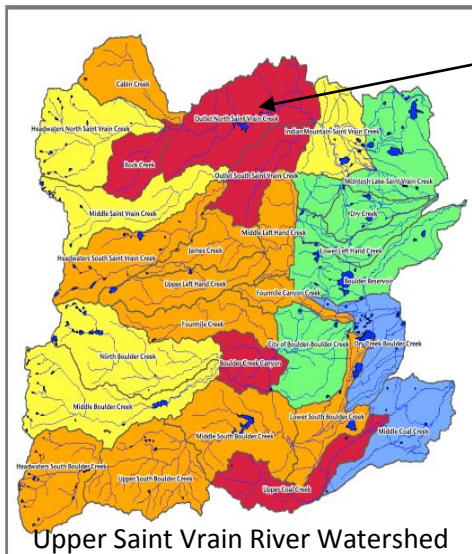
ISSUE: Watershed assessment directs need for forest restoration and timber fuels mitigation

- Wildfire Assessment Related to Hazards and Impacts Completed in 2010:

http://www.jw-associates.org/Projects/StVrain_Home/StVrain_Home.html

Stake Holders:

- ✓ US Forest Service
- ✓ Colorado State Forest Service
- ✓ Cities of Longmont and Boulder, Town of Lyons, Boulder County
- ✓ Water conservancy districts



Critical Concerns

- ✓ **Timber wildfire hazard rating within North Saint Vrain Watershed is EXTREME.**
- ✓ **Post wildfire debris and sediment flow risk in basin is VERY HIGH.**



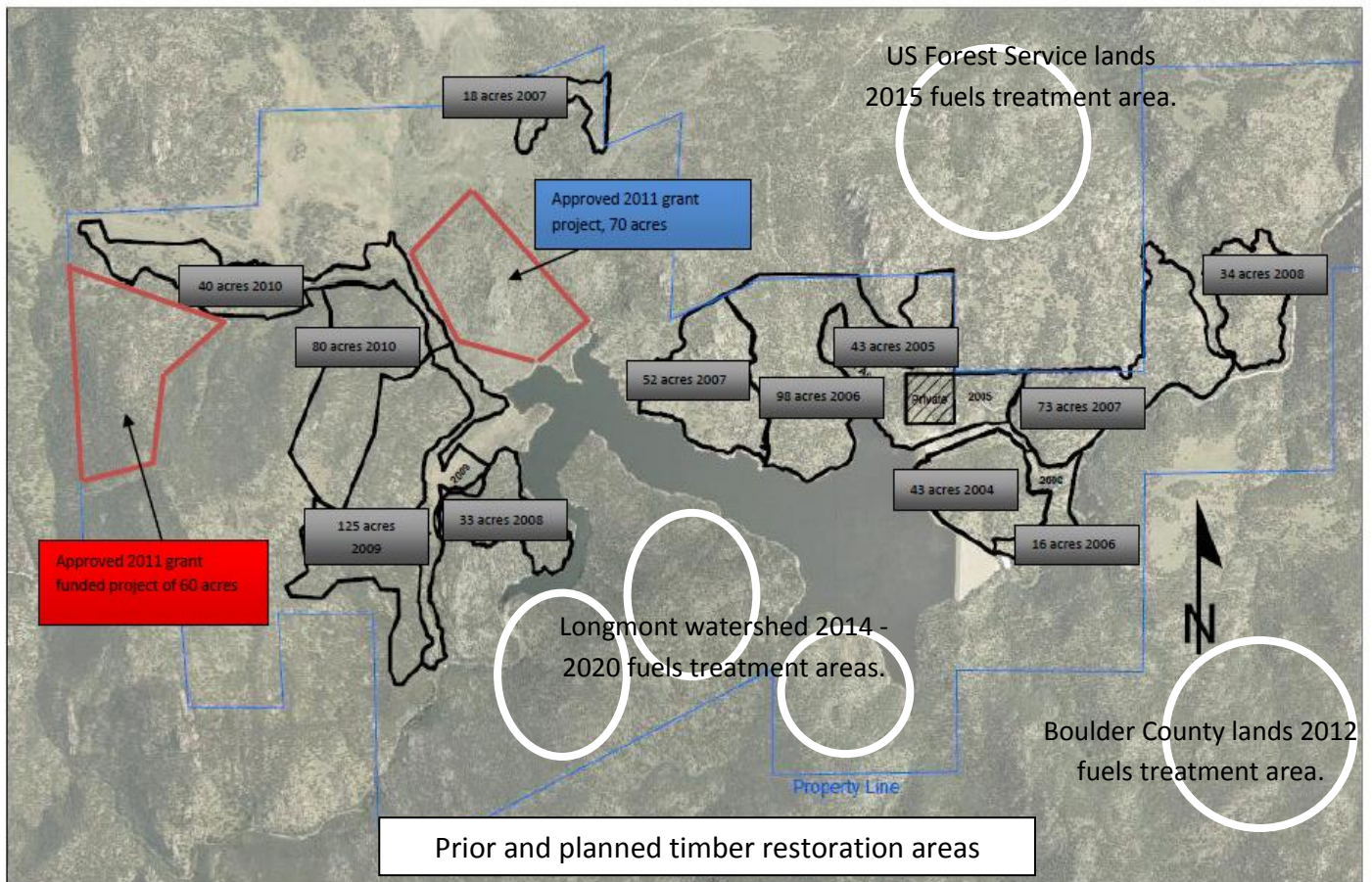
Mitigated forest landscape in watershed

WHAT WE ARE DOING:

- Federal/State grant funding has supported landscape-wide forest restoration projects in watershed basin.

- ✓ 2003-2010, Longmont, Colorado received \$203,000 in grants
- ✓ Matching local funds equated to \$303,000
- ✓ Longmont improved 655 acres of forested watershed lands.

City of Longmont, Colorado Watershed Forest Restoration 2004 - 2020



- The City of Longmont's 20 year Forest Stewardship Plan
 - ✓ Will restore 2000 acres.
- The US Forest Service currently implementing the Saint Vrain Fuels Reduction Project
 - ✓ Within this watershed on 2,657 federal owned acres.
- Boulder County Colorado has fuels reduction projects planned in the Longmont watershed for 2012.
- Federal Grants are creating a sustainable forest environment within this valuable watershed.
- Thousands spent on fuels reduction and a sustainable forest will save millions of tax payer dollars from fire suppression and restorations (\$13.5 Million to fight and restore the Fourmile Canyon Fire with loss of 375 structures and 170 homes in Boulder, CO – Fall 2010).

WHAT IS NEEDED: FOREST RESTORATION GRANT FUNDING

City of Longmont Colorado: www.ci.longmont.co.us



The Issue: Federal Dam Safety Jurisdiction Hinders Small Hydropower Development

The City of Longmont Colorado has been interested in installing a small (less than 5MW) hydroelectric generator to capture the energy from water discharging below its existing Button Rock Dam. The clean, renewable energy this rushing water could provide has gone unharnessed since 1969. What has kept Longmont from harnessing this clean energy for nearly 43 years is the uncertainty and potential costs associated with the dam being subject to FERC jurisdiction once the hydroelectric generator is installed. Longmont is not alone in letting this type of clean, renewable energy go untapped at an existing dam for this reason.

The Facts: There are Small Hydropower Opportunities

- Many municipalities operate dams for water storage.
- Often water storage dams were not constructed to include hydropower generation.
- Water storage dams are typically subject to rigorous state dam safety inspections and oversight; in Colorado the State Engineer inspects and regulates water storage dams.
- Hydropower dams are subject to the jurisdiction of the Federal Energy Regulatory Commission (FERC).
- When a hydropower feature is added to an existing water storage dam it becomes subject to FERC jurisdiction, creating oversight often redundant to State programs.
- FERC dam safety jurisdiction applies even to very small hydropower projects.
- FERC dam safety jurisdiction is an impediment to small hydropower projects because:
 - Federal approvals are costly and time consuming, even when the small hydro exemption from licensing applies
 - Small hydro licensing exemption does not remove FERC dam safety jurisdiction
 - Significant regulatory uncertainty exists moving from state dam safety to FERC
 - FERC regulatory compliance is much more paper intensive than state dam safety
 - FERC oversight can create compliance obligations not existing at the state level
- Transaction costs and new regulatory risks are sufficient to make the economics of these small hydropower projects unfavorable.
- Is there really a critical need for FERC jurisdiction over small dams already subject to state inspection or is this unnecessary and redundant?
- Is there really a critical need for FERC involvement with small hydropower projects below a minimal threshold, for example 5 megawatts?

Action Needed: What can be done to help harness this existing clean, renewable energy source?

Support a statutory exemption to FERC licensing authority when a hydroelectric generator with a rated capacity of 5MW or less is being proposed for an existing dam within a state having an existing dam safety program.

Specifically, the following wording could be added to the end of 16 U.S.C. Section 797(e): **And provided further, that a municipality shall require no license from, and shall not be subject to dam safety inspection by, the Commission in connection with the construction or operation of a project with a rated capacity of 5 megawatts or less if (1) the project is located at an existing dam within a State, (2) the State regulates dam safety and (3) the dam is subject to such regulation by the State.**

Thank you for your consideration.

LightSquared GPS Interference

The Issue – FCC conditional approval of an untested technology

In January, a Virginia based company, LightSquared, received a fast tracked approval from the FCC to build a new 4G wireless network. The new network will transmit in the L-band spectrum with frequencies immediately adjacent to the L frequencies reserved for GPS systems. The LightSquared system will utilize 40,000 base stations and cover over 92% of the country. The GPS industry is concerned that the high-powered network will generate out of band interference that will render low powered GPS devices unusable.

GPS manufacturer, Garmin International, has performed interference testing simulating the impact of LightSquared's base station transmissions. The results indicate that consumer navigation devices would experience jamming at 3.57 miles and aircraft devices could experience a loss of fix within .66 miles of a base station. FAA approved devices experienced jamming from greater distances. The National Telecommunications and Information Administration, NTIA, Chief, Lawrence Strickling sent a letter to the FCC in January requesting that the FCC defer action until the interference issue was resolved. The letter stated that serious concerns had been expressed by the departments of Homeland Security and Defense. However, FCC proceeded to issue approval with the condition that LightSquared would perform testing and resolve the issue.

What is unclear at this time is how the interference issue will be resolved. The GPS industry is concerned that the resolution will require modifications to their equipment. LightSquared has indicated that a joint effort with the GPS industry could help in determining how to filter GPS equipment so it doesn't "look into their band." If the modifications are on the GPS side of the equation, who will pick up the tab?

City of Longmont, Colorado

Locally, LightSquared has requested approval to place two stations on City of Longmont facilities. While they have requested the use of two city-owned locations, they are also evaluating additional privately-owned locations in the city. The city currently uses GPS equipment in numerous operations including GIS (locating and mapping city assets), automated vehicle locating (AVL); public safety and LPC. Interference with these existing applications will only harm service levels and waste taxpayer money.

Our federal legislators are a key to ensuring that untested technology, such as that which may affect existing L-band applications, be fully tested before given approval to implement through the FCC. Thank you for your consideration.



**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R11-0608.01 Effie Ameen

SJR11-005

SENATE SPONSORSHIP

Roberts, Grantham, King S.

HOUSE SPONSORSHIP

Gerou,

Senate Committees

State, Veterans & Military Affairs

House Committees

SENATE JOINT RESOLUTION 11-005

101 **CONCERNING A PROHIBITION ON MANDATES TO STATE AND LOCAL**
102 **GOVERNMENTS WITHOUT ADEQUATE FUNDING.**

1 WHEREAS, In 1991, the General Assembly enacted section
2 29-1-304.5, Colorado Revised Statutes, which prohibits any new state
3 mandate or increase in the level of service for a previously existing state
4 mandate on any local government without the provision of additional
5 moneys from the state to cover the local government's costs of the new
6 mandate or increased level of service; and

7 WHEREAS, While section 29-1-304.5, Colorado Revised Statutes,
8 specifies some exceptions to the prohibition on unfunded mandates, its
9 intention is clearly to prevent the state from enacting laws that would
10 require local governments to incur costs without providing adequate
11 funding for reimbursement; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 WHEREAS, In 1994, Governor Roy Romer addressed the issue of
2 unfunded mandates by issuing an Executive Order that directed state
3 agencies and departments to work with local governments before
4 imposing new regulations; and

5 WHEREAS, After being sworn into office on January 11, 2011,
6 Governor John Hickenlooper issued Executive Order D 2011-005,
7 "Establishing a Policy to Enhance the Relationship between State and
8 Local Government", which states that "local governments should not be
9 expected to implement laws and regulations without the funding
10 necessary to do so."; and

11 WHEREAS, Governor Hickenlooper's Executive Order directs
12 state agencies to consult and work with local governments before
13 imposing obligations, including the development of "a process to actively
14 solicit the meaningful and timely input" of representatives of local
15 governments; and

16 WHEREAS, In 1994, the General Assembly passed House Joint
17 Resolution 94-1035, which served as notice and demand to the federal
18 government to cease and desist mandates that are beyond the scope of the
19 federal government's constitutionally delegated powers; and

20 WHEREAS, Unfunded federal mandates continue to burden state
21 and local governments, and United States Senator Lamar Alexander,
22 chairman of the Senate Republican Conference, recently proposed a
23 resolution asking the 112th Congress to not impose new federal unfunded
24 mandates on state and local governments and to review existing mandates
25 for possible repeal; and

26 WHEREAS, The National Conference of State Legislatures
27 (NCSL) sent a letter to Senator Alexander supporting his resolution,
28 stating that "[s]tates continue to cope with fiscal uncertainties while
29 adhering to balanced budget requirements. . . [T]he burden of both older
30 and newer mandates lingers, making [the] resolution an important
31 addition to strengthened intergovernmental relations."; and

32 WHEREAS, The NCSL letter further states that "up to 10 percent
33 of a state's general fund budget goes to filling in gaps in federal unfunded
34 mandates", which makes state budget decisions "unnecessarily onerous";
35 and

1 WHEREAS, Senator Alexander's attempt to encourage Congress
2 to adopt an amendment to the Budget Act or annual budget resolution
3 creating a point of order against federal unfunded mandates on state and
4 local governments and to undertake a review of mandates currently in
5 existence is a step in the right direction in addressing the problem of
6 federal unfunded mandates; and

7 WHEREAS, Federal and state unfunded mandates on local
8 governments have the cumulative effect of placing extreme strain on local
9 government budgets and taking away policymaking flexibility; and

10 WHEREAS, When the state or federal government decides to
11 discontinue a mandate, and any funding associated with it, local
12 governments are left scrambling to find a source of funding because local
13 government constituents have grown to rely on the mandates as essential
14 services; and

15 WHEREAS, Local governments should have the ability to find
16 solutions to local problems facing their citizens without excessive and
17 costly micromanagement from the state or federal level; and

18 WHEREAS, In difficult economic times, it is especially important
19 for the federal and state governments to consider the impact that
20 unfunded mandates have on the smaller, more limited budgets of local
21 governments; and

22 WHEREAS, The current economic downturn will affect state and
23 local governments for years to come, and the federal government must
24 stop unfunded mandates to allow state and local governments to make the
25 best governing and budgeting decisions without interference; and

26 WHEREAS, Despite repeated requests from state governments,
27 NCSL, and individual members of Congress, the federal government has
28 continued to legislate unfunded mandates and pass the burden down to
29 state and local governments; now, therefore,

30 *Be It Resolved by the Senate of the Sixty-eighth General Assembly*
31 *of the State of Colorado, the House of Representatives concurring herein:*

32 (1) That we, the General Assembly, call on the federal
33 government to refrain from creating any new unfunded mandates to be
34 passed down to state or local governments; and

1 (2) That we, the General Assembly, will not create new mandates
2 on local governments without providing adequate funding.

3 *Be It Further Resolved*, That copies of this Joint Resolution be sent
4 to President Barack Obama, United States Senator Lamar Alexander, the
5 chair of each congressional committee, the Colorado Municipal League,
6 Colorado Counties Inc., and Colorado's congressional delegation.