



Board of Trustees - Study Session

Tuesday, April 13, 2021 at 5:45 pm

**PLEASE SILENCE ALL CELL PHONE AND ELECTRONIC DEVICES.
THANK YOU**

1. Meeting Information

To watch a live stream of the meeting

The information for the Town's virtual meeting can be found below:

<https://us02web.zoom.us/j/84770906878>

Meeting ID: 847 7090 6878

Passcode: 755446

One tap mobile

+16699006833

2. Town Attorney Department Update

Melinda Culley, Town Attorney

Attachments:

- **Town Attorney Department Update** (TA_DepartmentProgressReports_-_April_21.pdf)

DEPARTMENT PROGRESS REPORT



TO: Mayor and Town of Bennett Board of Trustees
FROM: Melinda Culley, Town Attorney
DATE: April 13, 2021
SUBJECT: Town Attorney's Office Progress Report

Management Summary

The following are a few of the projects we have been working on and monitoring for Bennett:

COVID-19 Response. We continue to monitor and assist staff in interpreting COVID-19 public health orders, including:

- **Statewide Mask Order (April 3, 2021)**
 - o For individuals age 11 and older, masks are still required in the following indoor settings until at least the end of May: schools (including extracurricular), child care centers, indoor children's camps, public-facing state government facilities, emergency medical and other healthcare settings, personal services (hair salons, nail salons, etc.), limited health care settings, congregate care facilities, prisons, and jails.
 - o Counties in level blue through purple (with incidence rates greater than 35 per 100,000) will also be required to wear masks in all indoor public space where there are more than 10 unvaccinated individuals or individuals with unknown vaccination status.
 - o Counties in level green may choose to opt out of the mask requirement for all indoor public spaces except those listed in Paragraph 1
 - o The State's order is in effect for 30 days.
- **Tri-County Health's Third Amended Mask Order (April 5, 2021)**
 - o Tri-County's order is stricter than the State order and requires all individuals over 10 years, regardless of vaccination status, to wear a face covering while in an indoor public space. Bennett previously opted out of following Tri-County's mask orders so the State order applies within Bennett.
- **Tenth Amended COVID-19 Dial Order (April 4, 2021)**
 - o This order further relaxes restrictions on business capacity and mass gatherings. Notably, many of the provisions related to government functions and workplaces remain unchanged from past orders, including an emphasis on telecommuting and work from home options, distance restrictions, and other operational requirements.

Recent Legislation. We are also monitoring recent legislation that may affect the Town, including:

- **HB 21-1117:** This bill, which passed in the State House of Representatives and has been introduced in the Senate, would allow local governments to adopt land use regulations that restrict rents on newly constructed or redeveloped private residential units so long as the regulations (1) provide a choice of options to property owners and land developers; and (2) create one or more alternatives to the construction of new affordable housing units on the site itself.
- **Colorado Healthy Families and Workplaces Act:** During public health emergencies, this law requires employers to supplement sick leave with an additional grant of leave of up to a combined

maximum of 80 hours for full-time employees (prorated for part-time employees). Effective January 1, 2021, the law requires employers with at least 16 employees to provide their employees paid sick leave at the rate of 1 hour per 30 hours worked, up to 48 hours in a year. Employers with less than 16 employees must begin providing paid sick leave on January 1, 2022.

- **HB 20-213:** Establishes a State permit process allowing bars and restaurants to offer takeout and delivery of alcohol through July 1, 2021.
- **HB 20-1074:** Allows metro districts to provide trash collection services regardless of size. If the metro district is located in a municipality that provides trash services, the metro district must obtain the municipality's consent.
- **SB 20-078:** Allows restaurants to allow dogs in an outdoor dining area so as long as a separate entrance is available, the area is not used for food/ drink preparations, the dog is leashed or in a carrier, and the restaurant follows all other local ordinances. Municipalities can choose to prohibit dogs in outdoor dining areas by ordinance.

Opioid Litigation

- We have participated in discussions with the County about how opioid settlement funds should be distributed throughout the State. The current plan involves the majority of funds being distributed to regions within the State. Currently, Adams and Arapahoe Counties are designated as one region for purposes of settlement fund distribution. In addition, municipalities may be eligible to receive direct distributions of settlement funds or they can direct their shares to their region. We have a meeting scheduled with Arapahoe County to discuss this on Friday so additional information will be shared with the Board at Tuesday's meeting.

Projects Status & Milestones

Since our last report, we have worked with staff and consultants to complete the following projects:

- Land acquisition and easements for State Highway 79/Marketplace Drive Intersection Improvements
- Bennett Ranch Subdivision Agreement
- Amendments to Muegge Farms Subdivision Agreement
- Amendments to Bennett Crossing PIRA
- REVIVE grant agreement
- Large public records request
- Title review and research for Kiowa Creek Reserve parcel
- Multiple contracts and IGAs
- Various land development projects

Board Action

Currently, we are working with staff on a reclaimed water ordinance and a cross-connection/backflow prevention ordinance, which will be presented to the Board in the near future.