



Proposed Pikes Peak Regional Drainage Authority IGA must protect the best interests of Colorado Springs citizens

Colorado Springs City Council and the El Paso County Commissioners are bringing a new Regional Drainage Authority and a new supporting property fee (tax) question to the upcoming November General Election ballot. Colorado Springs Mayor Steve Bach has no standing in that matter, but has been encouraged by Council President Keith King to weigh in. Given the Mayor's responsibility to protect the best interests of Colorado Springs citizens and his ultimate responsibility to carry out the City's requirements under the proposal, he has made several recommendations to Council.

Mayor Bach's two recent letters to Council (August 10 and July 31, 2014) emphasized the importance of ensuring that Colorado Springs receives the full benefit of the fees its citizens will be required to pay into the Authority and that the City retain its ability to manage the design, construction, maintenance and prioritization of stormwater capital improvement projects solely within the City limits. On stormwater projects where the City has some joint responsibility with neighboring jurisdictions, the Mayor understands that the proposed Authority would control those activities.

The Mayor by City Charter is accountable for efficiently and effectively administering the City and will be required to carry out Colorado Springs' responsibilities under a proposed Inter Governmental Agreement (IGA) between Council and the Commissioners in support of the Authority. The Authority is to include several nearby communities, but excluding Monument and Palmer Lake which have opted out of participation. Based on the City's experience with other existing regional authorities, the Mayor is concerned that this new Authority not similarly infringe upon the City's ability to manage its affairs.

The Mayor pointed out that the population of Colorado Springs (approximately 439,000) is two and one-half times the combined population of unincorporated El Paso County (population 142,949), Fountain (population 25,846, Manitou Springs (population 4,992) and Green Mountain Falls (population 640). Colorado Springs has by far the greatest share of total impervious surfaces upon which stormwater fees will be based – perhaps as high as 89% - and the vast majority of the revenues of the Authority will be derived from within City – also perhaps as high as 89%.

Mayor Bach's Recommendations:

Governance:

- City of Colorado Springs should have 6 of 11 Board member representatives to reflect its substantial majority of impervious surface and financial contribution to the Authority.
- Legislative and Executive branches of the City government should have comparable Board representation.
- City of Colorado Springs Board members should be comprised of the following:
 - Council to appoint 3 of its members
 - Mayor to appoint 2 members, plus Mayor (or designee)

- Mayoral appointees shall not have conflicting agendas and may be confirmed by Council.
- Mayoral appointees should reside in the city and possess professional expertise in stormwater related matters.
- A quorum and the votes of at least 2 Councilmembers, 2 Board members appointed by the Mayor and 1 County Commissioner should be required for a supermajority vote.

Prioritization and Timing of City Projects:

- City must be able to make decisions on prioritization and funding of City internal projects. According to the IGA, each party may determine its O & M needs and priorities, but Authority's Board must approve order and funding for capital projects and flood-related emergency needs.
 - This not only applies to regional projects, but to projects solely in the City and funded solely through funds raised by the Authority within Colorado Springs.
- As necessary, the City should be able to reprioritize projects to serve the city's needs without requiring the Board's permission to revise its stormwater capital improvement plan.
- Mayor and City Council should determine the selection and priority of the City's stormwater capital improvement projects to be included in the annual budget, not the Authority Board.

Flood Emergencies:

- IGA states PPRDA Board must decide necessary actions and level of funding for any flood emergencies within the City that demand immediate action.
 - Emergency work delayed until the Board can review/approve recommended actions severely limits the City's ability to use the very funds our citizens paid into the Authority to immediately protect life and property.
 - Because City emergency response resources fall under the City executive, he/she is in the best position to respond to such emergencies in a prompt and appropriate manner.
- Mayor recommends IGA be revised to allow majority of City's representatives (4 of the 6) to use funds attributable to Colorado Springs reserved under the IGA for flood emergencies within the City.

Establishment of Fees/Rates:

- Specific rates for all classes of property owners, including Council's proposed charge to nonprofits and military installations, should be included in the November ballot question.
- Transparency is critically important to voters. Any future rate increase should be approved by a majority vote of the electorate. Because fees will be collected annually through the County Treasurer rates reflected in the ballot question should be listed as an annual fee.
- All non-profit and for-profit organizations should be assessed fees equally based on impervious surfaces in order for the Authority and IGA to withstand judicial scrutiny.

Dilution of City Representatives:

- To ensure Board representation by Colorado Springs is not diluted with the potential addition of other partner jurisdictions in the future the Mayor proposes changes to the provisions for adding parties, quorum and supermajority vote be incorporated in the IGA as indicated in the redlined draft the Mayor provided to Council August 10.