



WESTMINSTER

COLORADO

CITY COUNCIL MEETING

MAY 12, 2025 at 7:00 PM

- B. Official City Positions Taken on Legislation Being Considered by the Colorado General Assembly



Agenda Memorandum

Agenda Item – 6.B.

City Council Meeting
May 12, 2025



Strategic Priority 1: Access to Opportunity

Advance access to opportunity and prosperity for all in Westminster through diverse housing choices, increased mobility options, safe and walkable neighborhoods, and strong social networks.



Strategic Priority 2: Community Empowerment and Engagement

Enhance the sense of community and connection in Westminster through engaging methods of communication and dialogue that improve accessibility, increase understanding, and encourage participation in civic and City life.



Strategic Priority 3: Community Health and Safety

Invest in innovative and collaborative approaches to provide a continuum of services that preserve, promote, and protect the health, safety, and environment of Westminster.



Strategic Priority 4: Economic Vitality

Promote and support a resilient economy that attracts and retains a diversity of businesses, workers, and industries, expands living wage jobs, and diversifies the City's tax base.



Strategic Priority 5: Resilient Infrastructure

Maintain and invest in resilient infrastructure that creates the highest return for safety, community connectivity, enjoyment of life, and local economic success.



Strategic Priority 6: Organizational Vitality

Develop and sustain an environment where employees and the organization are equipped and supported to deliver outstanding service to everyone in Westminster.

Subject: Official City Positions Taken on Legislation Being Considered by the Colorado General Assembly

Prepared By: Theresa Booco, Policy & Budget Coordinator
James Van Bruggen, Policy & Budget Coordinator

Recommended City Council Action:

This report is for information only and requires no action by City Council.

Summary Statement:

- As stated in the City of Westminster's 2025 Legislative Policy Statement, the City actively advocates for, lobbies against, or seeks amendments on proposed legislation of concern to the City.
- Staff, along with the City's contracted state lobbyist, are to identify such legislation, analyze impacts, and bring recommended positions to City Council.
- City Council has taken official positions on the attached state legislation.
- Staff will provide a monthly Information Only report to City Council regarding state legislative activity and official positions City Council has taken on proposed legislation of concern to the City.

Background Information:

Staff utilize the Legislative Policy Statement as a guiding document when reviewing and analyzing bills that have an impact on the City's interests. The regular session of the Seventy-fifth General Assembly convened on January 8, 2025, and adjourned on May 7, 2025. As of April 28, 2025, over 650 bills had been introduced during the state legislative session, and Staff and the City's state lobbyist reviewed them and are tracking 148 bills.

City Council has chosen to take official positions on the attached proposed legislation. Information on the City's Legislative Program, including the [City of Westminster 2025 Legislative Policy Statement](#) and [City of Westminster 2025 Lobbying Protocols](#), as well as links to state legislative bills currently being tracked by the City, and any official positions taken by City Council may be accessed via the [City's Legislative Program webpage](#).

The City's 2025 Legislative Policy Statement incorporates all Strategic Plan Goals. Therefore, providing a monthly update on state legislative activity and the official positions taken by City Council on proposed legislation aligns with all the City's Strategic Priorities.

Respectfully submitted,



Jody L. Andrews
City Manager

Attachments:

Official City Positions on House and Senate Bills

HOUSE BILL [25-1295](#): Official City Position

Approved by Westminster City Council on April 8, 2025

REPRESENTATIVE(S): Rutinel; SENATOR(S): none

Concerning the operation of food trucks, and, in connection therewith, establishing a reciprocal licensing and permitting system between local government jurisdictions for the operation of food trucks.

Official City Position: OPPOSE

Status: **Active** – This bill was introduced in the House on March 4, 2025, and was assigned to the House Transportation, Housing & Local Government Committee.

Description:

The bill establishes reciprocal licensing and permitting for food trucks (also referred to as “mobile retail food establishments”) operating across local jurisdictions and prohibits certain local zoning restrictions. Specifically, the bill:

- *requires* a local government to grant the owner or operator of a food truck reciprocal business license and permits (health department and fire safety) to operate within the local government's jurisdiction, if the owner or operator of a food truck already has such a license and permits from another local government; and
- *prohibits* the governing body of a local government from adopting an ordinance, resolution, regulation, zoning code, or other code that: 1) prohibits the operation of a food truck in a zone in which a food establishment is considered a permitted or conditional use; 2) restricts the total number of days a food truck may be operated within the local government's jurisdiction during a calendar year; or 3) prohibits the operation of a food truck within a certain distance of another food establishment, unless the specified distance is less than 50 feet

City Comments: This legislation is in opposition to the following principles as set forth in the City's [2025 Legislative Policy Statement](#):

HOME RULE AND LOCAL CONTROL

Opposes legislation that mandates state intervention in matters of local concern, especially when that intervention unnecessarily or adversely affects the City's ability to manage these matters pursuant to its home rule authority.

STATE AND FEDERAL MANDATES

Opposes unfunded state and federal mandates that impose unfair financial burdens on municipalities and their residents and businesses.

This legislation overrides local control with respect to permitting of food trucks. In addition:

- there are concerns that not all fire departments inspect to the same standards as the City does;
- the City requires a permit for any truck parked for longer than two hours within city limits – something that is already hard to enforce, but would be even harder to enforce without Westminster-specific licensing requirements;
- 14 days is an inadequate turnaround time for approval, and this arbitrary time requirement for business licensure and approval prioritizes mobile food vendors over all other businesses; and
- creates an unfunded mandate by capping fees without understanding issuance costs.

HOUSE BILL [25-1300](#): Official City Position

Approved by Westminster City Council on April 7, 2025

REPRESENTATIVE(S): Willford; SENATOR(S): Kipp

Concerning modifications to the provision of medical benefits under the state worker's compensation statute.

Official City Position: OPPOSE

Status: **Active** – This bill was introduced in the Senate on March 12, 2025 and was assigned to the House Business Affairs & Labor Committee.

Description:

The bill modifies the provision of medical benefits under the state's worker's compensation statute by giving injured workers control over the selection of their primary treating physician in workers' compensation cases and allowing them to choose from any level I or level II accredited physician through the division of workers' compensation.

City Comments: This legislation is in opposition to the following principles as set forth in the City's [2025 Legislative Policy Statement](#):

HUMAN RESOURCES

Opposes any legislation that interferes with a municipality's ability to determine the terms and conditions of municipal employment

STATE AND FEDERAL MANDATES

Opposes unfunded state and federal mandates that impose unfair financial burdens on municipalities and their residents and businesses.

Allowing employees to select their own physician, who may be unfamiliar and unvetted in dealing with Workers' Compensation, could increase costs to the City due to the potential for treatment times to be extended, increase time injured workers are away from work, and require costly Independent Medical Exams (IME) to correct the actions of medical providers who ignore or misapply the Division of Workers' Compensation Guidelines for treatment.

The Worker's Compensation statute under current Colorado law:

- requires employers to offer a choice of physician to injured workers seeking Workers' Compensation medical care and benefits. Allowing employers to have a small selection of experienced, accredited medical providers for injured workers to choose from allows the employer to develop protocols with each one of those providers to get injured workers the care they need in the most efficient, effective and timely manner.
- allows employers to have pre-established protocols in place with the employer's chosen providers ensure the treating physician knows about the employer's modified duty capabilities and the requirements of the injured worker's job, thereby ensuring the injured worker is not sent back to full duty too soon or is given improper modified duty that could reinjure the worker.

SENATE BILL [25-272](#): Official City Position

Approved by Westminster City Council on April 10, 2025

SENATORS: Winter, F., Catlin, REPRESENTATIVE(S): none

Concerning a sales and use tax exemption for construction materials used in creating housing for a regional transportation authority's staff.

Official City Position: OPPOSE

Status: **Active** – This bill was introduced in the Senate on April 1, 2025. It will have its first committee hearing in the Senate Transportation & Energy on April 14, 2025.

Description:

The bill establishes a sales tax exemption for contractors and subcontractors that purchase construction and building materials for use in the building, erection, alteration, or repair of structures owned and used by a regional transportation authority (authority) to house authority employees or contractors. The bill also establishes a use tax exemption for the storage, use, or consumption by a contractor or subcontractor of construction and building materials for use in the building, erection, alteration, or repair of such structures. The bill authorizes an authority or an authority's board to build, erect, alter, or repair such structures for the purpose of housing employees or contractors of a regional transportation authority.

City Comments: This legislation is in opposition to the following principles as set forth in the City's [2025 Legislative Policy Statement](#):

HOME RULE AND LOCAL CONTROL

Opposes legislation that mandates state intervention in matters of local concern, especially when that intervention unnecessarily or adversely affects the City's ability to manage these matters pursuant to its home rule authority.

GENERAL FINANCE

Opposes state-granted exemptions or other state actions that erode municipal sales taxes, use taxes, property taxes, and other revenue sources unless the state provides adequate replacement revenues.

Under current law, all sales of construction and building materials to contractors and subcontractors for use in the building, erection, alteration, or repair of structures, highways, roads, streets, and other public works are exempt from the sales and use tax levied by the state and statutory cities. Home rule cities may continue to levy the tax on use of construction and building materials within their jurisdiction. This bill removes the authority of home rule cities to decide whether they wish to tax the use of construction and building materials utilized by a regional transportation authority in the construction of employee housing.

The City levies one-time 3.85% tax on materials used in construction. A portion of this tax, 0.85%, was established through voter approval dedicating 0.25% to Open Space and 0.6%

to Public Safety. This tax is levied on all construction projects regardless of whether the organization is for-profit, non-profit, or a governmental entity.

Of significant importance, as well, are the Westminster taxpayers who actually bear the burden of taxes necessary to support essential services for housing developments of any nature throughout the City. With respect to housing developments, the City provides police, fire, road, park, recreation and a host of other services that benefit such developments on an ongoing basis. Construction use tax is often used to offset a small portion of the cost of providing these services.

Exempting construction and building materials used to construct or repair housing erected by a regional transportation authority will be detrimental to City revenues and therefore will impact the provision of services to residents. The City has and will continue to partner with housing developers on a case-by-case basis to pursue opportunities that create a “win-win” situation. The City has a history of entering into Intergovernmental Agreements to rebate a portion of the use tax. Because 0.85% of the use tax was established through voter approval and is dedicated directly to Open Space and Public Safety, that portion of the use tax is not included in these agreements, or other similar economic development agreements.

If this bill is signed into law as proposed, it will:

- directly conflict with the City’s Home Rule authority;
- violate the word and the spirit of Article XX, Section 6 of the Colorado Constitution; and
- undermine the will of the voters by attempting to overrule the voter approval of taxes.

It also:

- provides opportunities for further erosions of the City’s tax code and Home Rule authority in the future; and
- will further diminish the voice and power of Westminster residents by replacing the power of local elected officials with statewide control.

Having and preserving home rule authority increases the effectiveness and efficiency of local government services and enhances the quality of life and value provided to Westminster taxpayers. This bill directly conflicts with the City’s Home Rule authority. Additionally, this is not a matter of statewide concern.

In 2022, home rule municipalities, including Westminster, successfully brought an action to challenge the very similar House Bill 22-1024 which attempted to force home rule municipalities to exempt construction materials purchased by private contractors working on school construction projects. As a result of this action House Bill 22-1024 was struck down by the District Court as “an unlawful infringement upon the Cities’ home rule taxing authority granted in Article XX, Section 6 of the Colorado Constitution”. This legislation is remarkably similar to what was struck down in HB 22-1024.

HOUSE BILL [25-1273](#) : Official City Position

Approved by Westminster City Council on April 17, 2025

REPRESENTATIVES Boesenecker, Woodrow; SENATORS Ball, Hinrichsen:
Concerning requiring certain municipalities to modify building codes to allow five stories of a multifamily residential building to be served by a single exit.

Official City Position: OPPOSE

Status: **Active** – This bill was introduced in the House on February 19, 2025, assigned to the Transportation, Housing & Local Government Committee. The bill has passed the House and was introduced in the Senate on April 7, 2025.

Description:

The bill requires municipalities to adopt or amend their building codes to allow multifamily residential buildings up to five stories to be served by a single exit, if certain conditions are met.

City Comments: This legislation is in support to the following principles as set forth in the City's [2025 Legislative Policy Statement](#):

HOME RULE AND LOCAL CONTROL

- The City of Westminster believes strongly in the principles of home rule authority and local control.

PUBLIC SAFETY

- Supports legislation that increases the safety of first responders, including funding for mental health services.
- The City of Westminster works diligently towards keeping citizens safe anywhere in the City.
- Supports legislation to require the installation of appropriate fire protection systems in structures to enhance life safety and property protection.

In an effort to encourage affordable housing, the legislature is working on this legislation. The City is concerned that it would also greatly impact public safety. This bill poses significant safety concerns for both building occupants and first responders. While affordability is an important goal, it must be balanced with basic life safety. Current building and fire codes establish minimum exit requirements based on critical factors such as occupancy type, number of occupants, and distance to exits. These codes only allow flexibility when enhanced fire protection systems—like alarms and sprinklers—are installed. They are not arbitrary regulations; they represent the minimum standards necessary to ensure people can safely exit a building during an emergency.

Reducing the number of required stairwells, especially in multi-story buildings, creates dangerous conditions. A single stairwell in a five-story building leads to significant congestion, which slows evacuation and makes it harder for occupants to escape. At the same time, it severely limits how quickly and effectively firefighters can bring equipment

and personnel to the source of a fire. Fire departments depend on having two stairwells—one for evacuating occupants and one for conducting firefighting operations. Treating stairs as only an exit mechanism fails to recognize this critical dual purpose. The result would be reduced operational efficiency for fire crews and increased risk for everyone in the building.

Even with modern life safety systems like sprinklers and alarms, stair access remains essential. While sprinklers are effective at suppressing fires, they do not eliminate the production of toxic smoke and gases. Survivability in these situations depends on being able to quickly and safely exit the building. Limiting exits undermines that ability, even in buildings equipped with the latest fire protection technology.

Finally, this bill erodes local control by restricting the ability of home rule jurisdictions to adopt more stringent safety requirements. Cities and counties often enhance baseline safety standards to reflect local conditions, building types, and fire department capabilities. This legislation would prevent that flexibility. Any changes to life safety infrastructure—particularly something as fundamental as exiting a building—should be developed through the national model code process, not through state legislation. That process is research-based, tested, and inclusive of the perspectives of fire service professionals, building officials, engineers, and safety experts. Skipping that process increases the likelihood of unintended and potentially dangerous consequences.