



THE WHITMER LAW FIRM, LLC

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MEMORANDUM

TO: Monica Kopf
FROM: THE WHITMER LAW FIRM
DATE: February 2, 2023
RE: Subdivision Improvements Agreement Template Updates

Monica,

Our firm recommends an update to the Subdivision Improvements Agreement template found at Appendix 3 of Chapter 19 of the Fraser Town Code. Included with this memo is our proposed changes, which removes Paragraph 40 of the template.

As the Board can see from the enclosed statutes, the former requirement that employers certify they would not fire “illegal aliens” has been removed. Under House Bill 21-1077, the term Illegal Alien, which once was required, is now prohibited by statute. In its place, the legislature required “Unauthorized Worker.” With the passage of Senate Bill 21-199 later in 2021, the legislature deleted the requirement altogether (see top of Page 8 of SB21-199). Along with that deletion came amendments to C.R.S. § 13-76.5-103 (“Lawful presence consideration prohibited”), which now reads:

Notwithstanding any law to the contrary . . . on or after July 1, 2022, lawful presence is not a requirement of eligibility for state or local public benefits, as those state or local public benefits are distributed by any state agency, political subdivision . . . , or home rule municipality.

“Public benefit” is defined to include “any . . . contract . . . by an agency of a . . . local government.” Therefore, Paragraph 40 must be removed from the template SIA found in the Town Code.

Please contact my office with any questions you or the Board may have.

Sincerely,

Kent Whitmer, Town Attorney
CC: Ed Cannon