

CML POLICY COMMITTEE MEETS

ON FRIDAY, FEB. 15, THE CML POLICY Committee, chaired by Craig Mayor John Ponikvar, met to consider staff recommendations on introduced legislation and discuss the CML Annual Policy Statement.

The committee considered several pieces of legislation that have been introduced in the General Assembly, as well as some that will be introduced shortly. Staff presented the legislation and recommendations, and the committee debated and discussed each item. Ultimately, the committee voted on positions to recommend to the CML Executive Board, which met on Friday, Feb. 22, and approved all of the recommendations.

The CML Policy Committee also is empowered by League bylaws to recommend updates to our policy statement. The committee was provided the 2018–2019 policy statement for review prior to the February meeting. The committee recommended that no changes be made to the statement. The policy statement will be presented to the full



CML Policy Committee meets at the CML offices.

membership for consideration and approval at the annual business meeting, which takes place at the 97th CML Annual Conference in June.

The committee’s work is now done until it reconvenes in October to begin preparing for the 2020 legislative session.



The CML advocacy team addresses the committee.

CML WORKING TO REMOVE STATE PREEMPTION OF PLASTIC PRODUCTS

AS PUBLIC AWARENESS HAS GROWN surrounding the environmental impact of single-use plastic products in recent years, some municipalities question whether some types of products should be permitted into their waste stream — including plastic grocery bags, straws, and polystyrene food containers.

In 1993, the Colorado legislature passed HB 93-1318, which expressly preempts local governments from prohibiting plastic products, including single-use items that increase litter and promote needless waste in their communities.

Eight home rule municipalities have passed some type of local ordinance banning the use of single-use grocery bags under the

presumption that the 1993 legislation is not applicable to home rule municipalities. However, some home rule municipalities have been wary of the language, and it clearly implicates statutory municipalities, regardless. Removing the statutory preemption and replacing it with affirmative authority for local government prohibitions would eliminate all ambiguity related to this issue.

In 1993, the preemption was part of legislation that was intended to encourage recycling. In 2019, the recycling ethic is much stronger, but opinions have changed on single-use plastics or items that are more difficult to recycle. Thus, the CML Executive Board directed staff to pursue CML-initiated legislation to replace the preemption with affirmative authority for local control.

Currently, two bills backed by the Colorado Restaurant Association have been introduced that would provide limited local authority to regulate polystyrene food containers and implement a statewide standard for the use of plastic straws while leaving the existing preemption in place.

Neither of these bills provides the flexibility municipalities need to effectively respond to local priorities. The League’s position is that any conversation on this issue must begin with a removal of this needless preemption. With half the session left, League staff believes the General Assembly has time to repeal an antiquated statute and replace it with language that ensures local governments can meet the expectations of their constituents.

OPEN HOUSE TO HONOR SAM MAMET

THE COLORADO MUNICIPAL LEAGUE cordially invites you to attend an open house, Thursday, **March 21**, 4–7 p.m., honoring Sam Mamet, retiring CML executive director.

RSVP to execassistant@cml.org by Friday, **March 15**.

97TH CML ANNUAL CONFERENCE

BE SURE TO REGISTER FOR the 97th CML Annual Conference, **June 18–21**, in Breckenridge by **May 10** to receive the early registration rate. Visit www.cml.org/annual-conference.

CONGRATULATIONS

CML CONGRATULATES AVON ACTING Town Manager **Preston Neill**, who has been named the 2018 Assistant of the Year by the Colorado City and County Management Association. The award recognizes the top deputy town manager, assistant town manager, or department director who has made an outstanding contribution to his or her local government in the past year. Preston was nominated by Special Events Manager Louise Duncan and Police Chief Greg Daly.

IN MEMORY

THE LEAGUE WAS SADDENED TO learn of the passing of former Dacono Mayor **Wade Carlson**. “Wade was a real gentleman who loved his community and CML,” stated Sam Mamet, CML executive director.

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Subscriptions to *CML Newsletter* are offered as a portion of member dues. Cost to nonmembers is \$300 a year.

HELP FOR OPPORTUNITY ZONE INVESTMENT

GOV. JARED POLIS HAS ANNOUNCED THE formation of a dedicated office within the Office of Economic Development and International Trade (OEDIT) to cultivate active investment in Colorado’s 126 federally designated Opportunity Zones.

The new team will be led by recently named Opportunity Zone Program Director Jana Persky and charged with engaging stakeholders to facilitate active investment in designated Colorado tracts. The office will provide procedural guidance and technical knowledge to enable communities to secure much-needed investment and is funded through an Economic Development Commission allocation.

The office is partnering with the Colorado Department of Local Affairs (DOLA) to support communities in developing Opportunity Zone strategies.

To help facilitate Opportunity Zone investments, the office will offer grants to support economic modeling, prospectus development, and other technical assistance needed to help community-oriented projects come to fruition. OEDIT, in conjunction with Startup Colorado and the Blackstone Entrepreneurs Network, has also launched www.colorado-invest.com to connect investors with opportunities — including Opportunity Zones — to leverage the speed and reach of technology to further facilitate the investment opportunities.

WATER EFFICIENCY IN LAND USE PLANNING

WESTERN RESOURCES ADVOCATES (WRA) recently released *Integrating Water Efficiency into Land Use Planning: A Guidebook for Local Planners*.

WRA and Pace University’s Land Use Law Center developed this guidebook to help growing communities throughout the interior West reduce the water footprint of new developments. This guidebook is almost 300 pages and addresses every stage of the land use planning process, explaining how to

integrate water efficiency into comprehensive plans, zoning codes, site plans, post-occupancy activities, and more. It provides hundreds of techniques, sample codes and policies, and real examples to help communities integrate water efficiency and conservation practices into any and all stages of their planning efforts.

Access the guidebook on the WRA website at bit.ly/2WSbfgs.

GUIDE TO HISTORIC PRESERVATION ORDINANCES

THINKING OF ENACTING A HISTORIC preservation ordinance or updating one already on the books? History Colorado’s new *Colorado Certified Local Government Preservation Ordinance Guide* will assist in doing just that!

The guide reviews the requirements for such an ordinance as well as discusses the pros and cons of provisions so you may determine

the best fit for your community. The guide offers a basic ordinance with two additional variations, all of which should be reworked for each municipality; consult your municipal attorney before putting any measure before council.

The free guide can be found online at bit.ly/2txpU3c.

RURAL ECONOMIC DEVELOPMENT GRANTS

THE RURAL ECONOMIC DEVELOPMENT Initiative (REDI) program is designed to help rural communities comprehensively diversify their local economy and create a more resilient Colorado.

The most successful applications to this program are those from counties with less than 50,000 people, and from communities with fewer than 20,000 people. Projects that are designed to strengthen the community through investments in the local economy and facilitating the diversification of local industries will also strengthen the application.

Three types of projects are eligible for funding: local government economic planning grants,

(Colorado Department of Local Affairs (DOLA) recommends grant requests not exceed \$100,000); infrastructure grants that support economic diversification (DOLA recommends grant requests not exceed \$500,000); and grants that support the growth and development of rural entrepreneurial ecosystems (projects supporting community, economic, or workforce development are potentially eligible for REDI assistance).

All projects should be identified as a priority for the community with a comprehensive and holistic approach. For more information, visit bit.ly/2G1YMAP. Application deadline is **March 15**.

DEMOGRAPHIC NEWS AND CENSUS 2020

Demography Tools and Data Updates

The Colorado State Demography Office (SDO) has released new tools on its website: an interactive Population by Age Groups Web-map and County Jobs Base Industry Analysis Chart. A description of the base industry analysis and the industries is available by clicking the Base Analysis Summary at the top of the page. Both of these new tools are on the Interactive Data page of the SDO website (bit.ly/2BLdRUE). Data tools using the Census American Community Survey (ACS) also have been updated to the newly released 2013–2017 version on the site, as have Colorado Demographic Profiles and forecasts.

Colorado Demographic Profiles User Survey

If you have used the Colorado Demographic Profiles over the past year, please take a

moment to complete the Demographic Profiles User Survey. This survey is available on the main screen (bit.ly/2Vfm2jq) of the Demographic Profiles tool.

Census 2020

The Colorado Census 2020 website (bit.ly/2U5kNDa) includes fact sheets and FAQs; links to census jobs in Colorado (2020census.gov/jobs); news articles; resources for communities; and materials from the State Complete Count Campaign, a statewide effort to support the 2020 Census data collection.

The U.S. Census Bureau conducts the Boundary and Annexation Survey (BAS) annually to collect legal boundary information. The Census Bureau uses the boundary information collected in the BAS to tabulate population data for the decennial and economic censuses as well as annual estimates and

surveys such as the Population Estimates Program and the American Community Survey. With the 2020 Census rapidly approaching, it is vital to have updated municipal boundaries to ensure populations are properly recorded within boundaries. For questions or concerns about this program and to see if your community is participating, contact Todd Bleess at todd.bleess@state.co.us.

The Participant Statistical Area Program (PSAP) gives local governments the opportunity to review and suggest changes to block groups, census tracts, and census-designated places. These are most of the geographies used for the release of data and information from Census 2020 and other federal programs. The time frame for this review is now through May. For more information, contact Todd Bleess at todd.bleess@state.co.us.

CML LEGISLATIVE WORKSHOP



Gov. Jared Polis poses with children visiting the History Colorado Center for a photo.



CML Executive Director Sam Mamet (left) and CML Executive Board President and Fort Collins Mayor Wade Troxell (right) welcome attendees.



Gov. Jared Polis discusses the state's pressing issues with municipal leaders.



Attendees at the CML Legislative Workshop.



The CML advocacy team discusses legislation and issues affecting municipalities.



Carolyn Berndt, National League of Cities sustainability program director, provides a report from Washington, D.C.



Speaker of the House Kathleen Collins Becker and Senator Ray Scott speak to attendees during lunch. On the right: CML Executive Board Vice President and Alamosa Mayor Pro Tem Liz Hensley.



From left to right: Morgan Cullen, CML legislative & policy advocate; Sean Murphy, Telluride mayor; Andy Karsian, Colorado Department of Transportation legislative liaison; and Adam Paul, Lakewood mayor.



From left to right: Chris Howes, Colorado Retail Council president; Loren Furman, Colorado Department of Revenue senior director; Matthew Scott, Colorado Department of Revenue taxation division senior director; and Ezequiel Vasquez, Arvada revenue manager.

COURSE NOTEBOOK

Historic Preservation

Learn about historic preservation and the benefits of Certified Local Government (CLG) status at a free History Colorado event in Hugo, **March 6–7**. Topics include CLG responsibilities, historic surveys, tax credits, the State Historical Fund, Section 106, Main Street Program, and heritage tourism. For details and to register, contact Troy McCue at tmccue@lincolncountyed.org.

Opportunity Zones

The newly enacted federal Opportunity Zone program provides a federal tax incentive for investors to invest in low-income communities. Action 22 is hosting a series of training events to help you understand how to leverage Opportunity Zones, including events on **March 6** in Colorado Springs (9 a.m.), Florence (1 p.m.), and Pueblo (4 p.m.), and **March 7** in Trinidad (9 a.m.) and La Junta (1 p.m.). For more information, contact Action 22 at admin@action22.org.

Land Use

Rocky Mountain Land Use Institute's 28th annual land use conference, Western Places/Western Spaces: Designing for the Future, takes place **March 7–8** in Denver. The theme is disruption and how to plan for an uncertain future full of unknown changes to business practices, new technologies, and disasters. To learn more and register, visit www.law.du.edu/rmlui.

Grant Writing

The City of Aurora and Grant Writing USA will present a two-day grants workshop in Aurora, **March 7–8**, for grant seekers across all disciplines. Attend this class to learn how to find grants and write winning grant proposals. Visit bit.ly/2Myc1dY to learn more.

Trees

The 2019 Tree Diversity Conference, **March 8** in Denver, will explore the relationships between landscape design, horticultural practices, and the use of a greater variety of tree species; visit the Denver Botanic Gardens (catalog.botanicgardens.org) for details.

Economic Development

The Economic Development Council of Colorado's (EDCC's) Regional Economic Development Forums are designed to look at communities across the state and learn what attributes they have and what challenges, as well as acquire tools and resources to better the economy as a whole. On **March 12**, join EDCC in Hugo to hear about infrastructure, small business development, workforce challenges, economic resiliency, and more. To register, visit bit.ly/2FO6oYG.

Water in the West

Attend the Water in the West Symposium, **March 13–14**, in Aurora. Hear from nationally renowned speakers and learn about the efforts of various sectors in leveraging research, innovation, education, and creative policies to address the most pressing global water issues. For more information, visit nwc.colostate.edu.

WaterNow

Engage with public officials from across the nation to jumpstart local, sustainable water solutions and create more resilient communities at the WaterNow Alliance Fourth Annual Summit in Austin, Texas, **March 27–28**. Learn how to eliminate barriers and advance sustainable water programs using innovative infrastructure and financing solutions, and take home tools to enable success in your community. Visit WaterNow at waternowsummit.org to learn more and register.

Energy Transition

The 21st Century Energy Transition Symposium, **April 1–2** in Denver, looks at innovations and solutions surrounding the full spectrum of energy sources. For more information, visit cercsymposium.org/symposium-2019.

SOCO Tourism Summit

Find a mentor or be one, travel to three different destinations, hear what others are doing to attract visitors to their destinations, and find opportunities to collaborate at this three-day tourism summit, **April 3–5**, from La Junta to Trinidad. For more information, visit socotourismsummit.com.

Sustainable Infrastructure

The Symposium for Sustainable Infrastructure, SSI-3, takes place **April 5–6**, in Denver. The focus is on "The City We Have, the City We Want." This is very appropriate considering Colorado's growth is projected to increase by 39 percent to 7.8 million in 2040. To register, visit www.sustainabilitysymposium.org.

Downtowns

Downtown Colorado Inc.'s IN THE GAME, a Vibrant Downtowns Event, takes place **April 9–12**, in Aspen. To register for this interactive educational experience for rural downtown champions, visit www.downtowncoloradoinc.org.

Fleet Electrification

This workshop, **April 16** in Denver, will provide extensive information, tools, and resources to realistically assess the possibility of electrifying an organization's fleet. Topics covered include questions to ask, calculating realistic usable range, seasonal variability, fleet transition planning, and more. For more information and to register, visit bit.ly/2XhBQnA.

Energy and Environment

The 7th Annual Energy & Environment Symposium, **April 17–18** in Rifle, helps local leaders navigate energy industry issues. Topics include mineral revenue projections, oil and gas development issues in the urban environment, emergency preparedness, air quality, economic impacts, and more. For more information, visit conta.cc/2SjWJe7.

Road Maintenance

The West Slope branch of American Public Works Association Colorado and the Colorado Association for Roadway Maintenance will present the 32nd Annual Spring Street Conference, **April 17–18** in Grand Junction. Visit colorado.apwa.net/EventDetails/17485 to learn more about fiber-reinforced asphalt, innovations in traffic control, pavement evaluation scoring, concrete pavement rehabilitation, sidewalk maintenance and ownership issues, welding safety, and more.

Water

The water future of the Arkansas River Basin depends on education, dialogue, and a deeper understanding of all sides of water issues. The Arkansas River Basin Water Forum, **April 24–25** in Pueblo, has been at the forefront of this conversation for 25 years. To learn more and register, visit www.arbwf.org.

Snow Conference

The American Public Works Association will host more than 2,000 snowfighters and other public works officials to share the latest and greatest from the world of winter maintenance in Salt Lake City, **May 19–22**. For details, visit snow.apwa.net.

Colorado Capital Conference

U.S. Sens. Cory Gardner and Michael Bennet, along with Colorado Mesa University, University of Colorado, and Colorado State University, invite you to join them in Washington, D.C., **June 5–7**, to interact with our nation's leaders and gain an enhanced understanding of the federal legislative process. One hundred Colorado residents will be selected to attend. For more information and to register, visit www.coloradomesa.edu/capital-conference/index.html. Registration closes on **March 22**.

Women in Government

Join Women in Government at its 2019 National Legislative Conference in Chicago, **June 13–15**. The event brings together women state legislators and policy experts to engage across a variety of top issues and network. Visit www.womeningovernment.org/attend/upcoming-events for more information.

Free to municipal members! (Registration is required.)

WEBINAR — HOW TO AVOID AN ACA REPORTING PENALTY

Wednesday, April 10, Noon–1 p.m.

Presented by Jessica Frier, JD, American Fidelity

Over the course of the past four Internal Revenue Service (IRS) reporting seasons, there have been some valuable lessons about where employers may stumble when complying with the Patient Protection and Affordable Care Act (ACA). Learn about critical factors that place employers at risk of receiving a proposed penalty notice from the IRS. Walk through the Employer Shared Responsibility Payment (ESRP) response process, from responding to IRS Letter 226-J through requesting a pre-assessment conference with the IRS Office of Appeals. Go home with a checklist of areas to review to avoid common pitfalls in ACA reporting compliance. Each lesson will be illustrated with case studies.

LEARN FROM
THE PROS!



One MUNiversity credit
is available for this training.

WEBINAR — HOW TO AVOID AN ACA REPORTING PENALTY WEDNESDAY APRIL 10, NOON-1 P.M.

Please submit a separate form for each participant. This form may be copied. **Registration closes on April 9.**

Name _____

Title _____ Representing _____

Phone _____ Fax _____

Email _____

Address _____

City, State ZIP _____

Payment:

Check enclosed Visa Mastercard

Visa/MC # _____ Exp. date _____

Name on card _____ Signature _____

Registration fees:*

- FREE! I am a CML municipal member (registration is required)
- \$25 (CML associate members)
- \$50 (all nonmembers)

Mail or fax this form, and send payment to CML, 1144 Sherman St., Denver, CO 80203-2207; fax 303-860-8175.

Make your check payable to Colorado Municipal League. Registration is also available online at www.cml.org.

**Registrations may be canceled up to seven days prior to the scheduled event. Canceled registrations from associate members and nonmembers received prior to this date will be refunded, less a \$10 processing fee. Cancellations made fewer than seven days prior to the event cannot be accepted; however, attendee substitutions can be made anytime. If you fail to attend the event, you are still responsible for payment.*

Your registration will not be final until payment is received.

Local Government Authority Over Wireless Facilities in the Public Rights-of-Way

Wednesday, April 17, 2–3 p.m.

Free to attorneys of CML member municipalities!
CLE credits have been applied for.



Municipal Attorneys Webinars

Presented by Gerald Dahl, Murray Dahl Berry & Renaud LLP partner; Ken Fellman, Kissinger & Fellman PC partner; Leslie Gaylord, Aurora associate real property agent

In 2017, the Colorado General Assembly passed legislation limiting in certain respects local government control over small cell wireless facilities in the public rights-of-way. Fourteen months later, the Federal Communications Commission (FCC) adopted its own new rules that although claiming not to significantly preempt state small cell laws, went on to adopt multiple provisions directly in conflict with Colorado's legislation. The FCC rules are being challenged in the Ninth Circuit Court of Appeals. This webinar will suggest various ways local governments can best comply with the federal and state regulatory landscape, assert the regulatory control still available to preserve the aesthetics of our communities, address the status of the legal challenge to the FCC rules, and describe what one Colorado city is doing to manage small cell deployment as it navigates these legal hurdles.

Local government attorneys, planners, public works officials, and managers will all benefit from this in-depth presentation.

Local Government Authority Over Wireless Facilities in the Public Rights-of-Way Wednesday, April 17, 2–3 p.m.

Please submit a separate form for each participant. This form may be copied. **Registration closes on April 16.**

Name _____

Title _____ Representing _____

Phone _____ Fax _____

Email _____

Address _____

City, State, ZIP _____

Payment:

Check enclosed Visa Mastercard

Visa/MC # _____ Exp. date _____

Name on card _____ Signature _____

Registration fees:*

- FREE! — I am an attorney who is an employee of a CML member municipality. (Registration is required.)
- FREE! — I am a municipal official. (Registration is required.)
- \$25 — I am not an employee of a municipality but serve as primary legal counsel (attorney of record) for a municipality, OR my law firm is a CML associate member. (Visit members.cml.org/members/member_directory_search_main.aspx to verify membership)
- \$50 — I am not an employee of a municipality, an attorney of record for a municipality, nor a CML associate member.

Mail or fax this form and send payment to CML, 1144 Sherman St., Denver, CO 80203-2207; fax 303-860-8175.

Make your check payable to Colorado Municipal League. Registration is also available online at www.cml.org.

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RESEARCH CORNER: NATIONAL SURVEY OF MAYORS

By Melissa Mata, CML municipal research analyst

THE 2018 MENINO SURVEY OF MAYORS, released in January by the Boston University Initiative on Cities, reports on findings from interviews of 110 mayors across 37 states who serve municipalities with populations of more than 75,000. Responding mayors answered questions about their top concerns and policy priorities, and readers from smaller towns may be surprised to see similarities to their own challenges.

Key findings include:

- Mayors view a lack of living-wage jobs and high housing costs as the top two obstacles to social mobility.

- A majority of mayors promote workforce skills (62 percent) and a high quality of life (56 percent) when recruiting new business to their cities, while only 16 percent highlight tax breaks.
- Of the mayors in cities dealing with the sharing economy, 89 percent report seeing a positive impact from ride-sharing companies, and 79 percent report the same from bike-sharing. Home-sharing companies received a less enthusiastic rating (45 percent positive, 34 percent neutral).
- The top two health challenges facing respondents' communities are obesity,

- and its associated illnesses, and addiction, especially opioid abuse.
- Most mayors believe that policy decisions concerning housing development, economic development, and policing are best handled at the municipal level, while a majority believed the state or federal government would be the more appropriate venue to address health and environmental policy.

Visit www.surveyofmayors.com to view the full report.

CML EXECUTIVE BOARD MEETS

THE CML EXECUTIVE BOARD CONTINUES to serve your advocacy, information, and training needs. During its Feb. 22 meeting, the board:

- heard a dues update and approved the year-end financial report;
- approved an amicus committee recommendation;

- approved the CML Policy Committee report, including positions on legislation;
- received a report on the 2019 League research agenda;
- heard from Rick Garcia, Colorado Department of Local Affairs executive director;
- and met with current CML Deputy Director Kevin Bommer in an executive session on

his transition to the role of executive director upon Sam Mamet's retirement at the end of March.

The next CML Executive Board meeting takes place **March 21** at the CML offices. Board agendas and approved minutes are available at www.cml.org/executive-board.

CML WELCOMES NEW STAFF MEMBER



CML WELCOMES MARK Vanderbrook, who has recently joined the League as database coordinator. Mark is responsible for maintaining the CML membership database in addition to other technical duties. He has a strong

background in these areas and is a great addition to the CML staff.

CML SCRAPBOOK



CML Executive Director Sam Mamet recently was honored with a "Pride in Dacono" award by former CML Executive Board Member and Dacono Mayor Joe Baker.



CML Executive Director Sam Mamet visits with State House Representative and former CML Executive Board Member Shannon Bird at the Capitol.



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WEBINAR – LOCAL GOVERNMENT AUTHORITY OVER WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY

Registration forms on pages 5 and 6.

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NEWSLETTER

