



What You Need to Know about the Recent FCC Cable Order

By Brandy DeLange, CML legislative and policy advocate

On Aug. 1, the Federal Communications Commission (FCC) voted 3–2 to approve a report and order (bit.ly/2kkonNj) that will make dramatic changes to the way franchise fees are calculated under cable franchise agreements granted by local governments. The degree to which your municipality will be affected by the new order depends on the details of your particular franchise.

- Franchise fees, charged by municipalities on cable providers, were set at a limit of up to 5% of cable revenues by the Cable Act of 1984. In many cases, jurisdictions also negotiate additional non-cash provisions when creating franchise agreements with cable companies, such as a build-out of infrastructure for broadband access between and among

municipal facilities, often referred to as I-Net systems.

- Once the order goes into effect, cable providers will be able to deduct the "fair market value" of any in-kind franchise obligations from their cash franchise fee payments. This includes any obligation other than build-out requirements, customer service requirements, PEG capital costs or channel placement value. This also includes the value of service or infrastructure to government buildings or schools.
- In addition to the proposed changes to the calculation of franchise fees, the FCC order also preempts cities and towns from requiring a franchise or license for non-cable services provided over a cable system. This includes internet services.

What to expect and next steps:

- The order will take effect on Sept. 26.
- Familiarize yourself with and review your franchise agreement, side letters, settlements, operator offerings (marketing versus requirements), and institutional network and service agreements.
- Make note of current franchise revenues and possible losses/community impacts.
- Engage with both internal and external stakeholders.
- Be prepared to hear from your operator. Once contacted, a shot clock of 120 days will begin.

More information and the NLC FCC Franchise Fee webinar can be found at bit.ly/2m1R3Ln.

Both CML and the Colorado Communications and Utility Alliance will continue to be actively involved in this issue and will provide members with ongoing updates.

CML Board Members Attend Energy Summit



Thornton Mayor Pro Tem Jan Kulmann moderated the Energy Summit "Local Control, The Final Frontier!" session and CML Executive Board members Kristie Melendez, Windsor mayor (fourth from left), and Jessica Sandgren, Thornton councilmember (second from left), participated as panelists.

On Aug. 28, CML Executive Board members Windsor Mayor Kristie Melendez and Thornton Councilmember Jessica Sandgren participated on the Colorado Oil and Gas Association's Energy Summit "Local Control, The Final Frontier!" panel moderated by

Mayor Pro Tem Jan Kulmann. During this panel discussion, Mayor Melendez and Councilmember Sandgren each discussed both the challenges and necessity of finding a balanced approach to regulation following the adoption of SB 19-181. Both also

highlighted the importance of developing robust relationships with local elected officials and encouraged members of the audience to become more engaged with their cities and towns.

CML District Meetings



Join CML for an evening of conversation and connections in your region!

Each fall, CML staff members hit the road for a series of regional meetings throughout the state, hosted by a city or town from each district. These meetings begin at 4 p.m. with a business meeting where you will hear about CML's policy process and be able to provide your input as we prepare for the 2020 legislative session. You will also be invited to share what is happening in your municipality.

The connection continues after the business meeting, with a social hour and dinner arranged by the district's host municipality. There is a nominal fee to attend these meetings.

RSVPs are required. For more information and to RSVP, visit www.cml.org/outreach.

Sept. 24 – District 8, San Luis

Sept. 25 – District 9, Cortez

Sept. 26 – District 10, Montrose

Oct. 1 – District 5, Cheyenne Wells

Oct. 3 – Districts 7/14, Pueblo

Oct. 3 – District 2, Windsor

2020 Census Support Program

The Colorado Department of Local Affairs, State Demography Office has developed the Colorado 2020 Census Support Program to support local governments in the promotion of Census 2020. This \$220,000 program will provide outreach and marketing support help local governments and communities promote Census 2020 by directly providing promotional support or services (banners, flyers, cups, pens, and other Census 2020 promotional materials). Local entities will be limited to requests of up to \$2,500. The goal

of the program is to produce community-specific materials, so be creative and create messages and materials that will resonate with your neighbors.

Request forms are required and applicants can be reimbursed for purchases, or the program can pay vendors directly. Visit demography.dola.colorado.gov/census-acs/2020-CCSP for program guidelines, or contact Adam Bickford (adam.bickford@state.co.us) or Justine May (justine.may@state.co.us) for assistance.

HUD Webinar on Opportunity Zones

The Housing and Urban Development (HUD) Region 8 team has created a webinar on the Opportunity Zone program, a community investment tool established by the Tax Cuts and Jobs Act of 2017. This informational webinar is primarily intended to provide a brief overview of the program and explain HUD's role in Opportunity Zones and as part of the White House Opportunity and Revitalization Council. HUD is one of 14 federal agencies in the council that leads efforts to find ways to better use public funds to revitalize urban and economically

distressed communities. This webinar also describes a number of program changes which HUD has introduced to leverage public funds in order to maximize the potential positive impact of this program in qualified Opportunity Zones within our region. This webinar can be accessed at bit.ly/2lGd7uD.

If you have any further questions or would like to host an informational roundtable in your community, please reach out to your local HUD office of Field Policy and Management, which can be found by visiting hud.gov.

September Knowledge Now Looks at Hemp Regulation

The ban is lifted and the race kicks off as farmers and businesses around the United States begin to grow hemp, America's newest cash crop. The swirl of excitement around the legalization of hemp has every layer of government asking what it can do to regulate the plant, ensuring the safe cultivation, production, and, in the case of CBD, consumption. The September CML *Knowledge Now* white paper offers a municipal perspective on hemp regulation, with articles by Laurel Witt, CML staff attorney, and guest authors Brian Koontz, Colorado Department of Agriculture industrial hemp program manager; Jeff Lawrence,

Colorado Division of Environmental Health and Sustainability director; and Hunter Buffington, Hemp Feed Coalition program director.

Knowledge Now white papers are sent to all recipients of this *CML Newsletter*, and are also available at www.cml.org.

CML is interested in hearing about how municipalities are regulating hemp around Colorado. If your municipality is considering or has adopted ordinances or regulations concerning industrial hemp, please let CML know by contacting CML Staff Attorney Laurel Witt at lwitt@cml.org.

Constitution Day

Liberty Lives Forever is asking CML members to volunteer time to speak to classes of students, with a focus on eighth grade and high school students, about the contents of the U.S. Constitution in honor and celebration of Constitution Day, **Sept. 17**.

Volunteers can distribute copies of the Liberty Lives Forever pocket Constitution books to students. The cost per book is \$1 plus shipping. To order the books, contact Liberty Lives Forever at 303-989-4833 or email andy@libertylivesforever.org.



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Newsletter

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

Course Notebook

Downtowns

Bring your expertise and experience to the Town of Silverton, **Sept. 18**, as Downtown Colorado Inc. continues to tackle the Southwest Corridor initiative toward a sustainable business ecosystem. At this all-day workshop, attendees will learn about strategies to support local business and contribute the downtown activation discussion. For more information or to register, visit www.downtowncoloradoinc.org.

MetroLab Summit

MetroLab, a national network of 40 city–university partnerships focused on urban innovation, is holding its annual summit in Boulder, **Sept. 19–20**. The national event attracts leading policymakers, academics, and relevant industry and nonprofit professionals. Register by **Sept. 16** at metrolabnetwork.org/annual-summit.

Municipal Law

The 2019 CML Annual Seminar on Municipal Law takes place **Sept. 27–28** at the DoubleTree by Hilton Greeley at Lincoln Park. This seminar provides expert Colorado-specific information that is directly relevant to the daily practice of municipal attorneys in the state, as well as opportunities to network with peers. To register, visit www.cml.org.

Tourism

The Colorado Tourism Office presents the Colorado Governor's Tourism Conference **Sept. 29–Oct. 1**, in Denver. The conference is an ideal environment for tourism experts and industry leaders to explore avenues to build upon past successes and discuss future directions. Participants may assess current activities and formulate new, innovative approaches to market the state and their individual locales and businesses. For more information and to register, visit www.coloradotourismconference.com.

Outdoors

Nathan Fey and the Colorado Office of Outdoor Recreation Industry invite you to join outdoor industry champions from across the state for the Colorado Outdoor Industry Leadership Summit (COILS), **Oct. 3–4**, in Glenwood Springs. Who should attend? CEOs, Colorado government officials, executive directors, entrepreneurs, students, and leaders from across the state who represent the outdoor economy in Colorado. For more information and to register, visit bit.ly/2IZfEjP.

Economic Development

Drive, Lead, Succeed Conference is an annual conference that aims to provide the knowledge, tools, and connections that are vital to foster a growing Colorado economy. This year's event by the Economic Development Council of Colorado takes place **Oct. 9–11** in Colorado Springs. Visit edconline.org/conferences for more information and to register.

Housing

Attend the Housing Colorado Now Annual Conference, **Oct. 9–11**, in Keystone. In 2019, the Housing Colorado Now Annual Conference will celebrate 31 years as Housing Colorado's signature event, which gathers affordable housing professionals for creative, inspiring, and thought-provoking education. For more details and to register, visit www.housingcolorado.org/page/now_registration.

Preservation

Join the National Trust for Historic Preservation for its PastForward National Preservation Conference, **Oct. 10–12**, in Denver. There are educational tracks on saving urban neighborhoods, adopting next-generation small community preservation strategies, and preserving women's history. More than 1,000 preservationists, architects, planners, developers, environmentalists, students, and scholars will come together at PastForward to ask questions, challenge assumptions, debate solutions, and learn new skills and new approaches. For details and to register, visit savingplaces.org.

CMCA Conference

Attend the Colorado Municipal Clerks Association Annual Conference on **Oct. 16–18**, in Durango. For more information and to register, visit bit.ly/2Y3ntHC.

Sustainable Tourism

The Global Sustainable Tourism Council Sustainable Tourism Training Program, **Oct. 28–29**, in Vail, offers participants the opportunity to learn about global trends in sustainable tourism and sustainability best practices. The intensive and interactive learning experience is a valuable training opportunity for professionals in tourism, hospitality, destination management and marketing, and sustainability. For more information, visit walkingmountains.org/sttp.

Leadership

Effective local leadership is essential to successful communities. The Building Better Places training, Nov. 6–8, in Grand Junction, helps local leaders develop the skills they need to effectively plan for growth and change. Over two and a half days, community teams will cultivate leadership abilities and an understanding of planning, policy, development tools, community engagement, and strategies for implementation. Each team will leave the training with a shared understanding of market conditions, opportunities for quality growth, key barriers impacting projects in their community, and how to overcome them. Communities across the American West, including Colorado, New Mexico, Wyoming, Montana, Idaho, and Utah are invited to apply to attend. Team applications are due **Sept. 16**. Visit communitybuilders.org/how-we-help/programs/training.

Mayors' Summit

Save the date for the annual CML Mayors' Summit, **Nov. 15**, from 8:30 a.m. to 5 p.m. More details, including registration and agenda information, will be available soon.

NLC City Summit

The National League of Cities (NLC) City Summit, **Nov. 20–23**, in San Antonio, is where local leaders convene and collaborate on solutions to the common challenges facing America's cities and towns. The conference offers tangible and new best practices for government officials to improve their conditions back home. For more information and to register, visit citysummit.nlc.org.

Land Use Law

Now in its 25th year, Tom Ragonetti's Annual Conference on land use law takes place **Dec. 5–6**, in Denver. This conference gathers the top experts and land use professionals from across the state to discuss the most important topics in land use law. In just two days, this conference gives new and veteran practitioners the opportunity to discuss critical current issues presented from a wide range of perspectives. To register, visit bit.ly/326YqAV.

CML Scrapbook



Attendees at the CML Fall District Meetings: Brighton (left) and Westcliffe (right).

Funding and Technical Assistance

Rural Communities

The Laura Jane Musser Fund Grant wants to encourage collaborative and participatory efforts among citizens in rural communities through rural initiative grants, which range from \$5,000 for planning to \$25,000 for implementation; applications accepted **Sept. 3–Oct. 3**.

Intercultural Harmony Initiative supports projects that promote mutual understanding and cooperation between groups of community members of different cultural backgrounds; applications accepted **Sept. 16–Oct. 16**.

The Rural Arts Initiative helps nonprofit arts organizations to develop, implement, or sustain exceptional artistic opportunities for adults and children; deadline **March 11**. The Environmental Initiative is a community-based approach to solving environmental problems and encouraging environmental stewardship; applications due **March 18**. For more information, visit www.musserfund.org.

Free Concerts

Each year, the Levitt Foundation awards \$25,000 matching grants to U.S.-based nonprofits serving small to mid-sized towns

and cities to present the Levitt AMP Music Series, 10 free concerts that inject new life into public spaces and create vibrant community destinations. Through online public voting, your votes determine the top 25 finalists. For more information, visit bit.ly/2k3HOER. Apply by **Sept. 20**.

Preservation

The State Historical Fund (SHF) provides competitive grants for historic preservation projects in the areas of acquisition and development, survey and planning, education, and archaeology. Grant application deadlines are typically every April 1 and **Oct. 1**. There are two levels of funding: mini-grants provide support of up to \$35,000 and big grants are for projects requesting from \$35,001 up to \$200,000. For more information, visit www.historycolorado.org/apply-grant.

Arts

Colorado Creative Industries is offering the following opportunities: Arts in Society (letter of intent due **Sept. 16**), Colorado Creates 2020 (due **Sept. 23**), and Career Advancement (due **Oct. 1**),

Arts in Society is a collaborative grant making program established by Bonfils-

Stanton Foundation, Hemera Foundation, and Colorado Creative Industries in partnership with RedLine Contemporary Art Center.

This program is designed to build capacity for social practice projects that implement artistic excellence to engage social issues. This program has an expressed mission to foster cross-sector work through the arts and to build capacity for social practice projects that implement artistic excellence to engage social issues in communities across Colorado.

Colorado Creates grants are general operating support for organizations and communities to produce arts and cultural activities, impacting people in all regions of the state and enhancing the quality of life. Efforts are made to ensure distribution of funds throughout the state, with a specific goal of increasing investment in rural communities.

The Career Advancement grant offers reimbursable, matching funds up to \$2,500 to support Colorado creative entrepreneurs and artists by stimulating their commercial creative business. The goal is that awardees will achieve tangible business benefits such as increased revenue, new audiences, or improved management practices.

Now Accepting Applications for Transforming Local Government Conference

Innovation, at its core, is about making things better in ways that are useful and valuable. It is about changing our services, our processes, our tools, or our products to add value that matters to the people that use them. It is about discovering challenges or opportunities, designing possible enhancements, evaluating and selecting the best ones, and then using our ideas,

our skills, our talents, our data, and our relationships to serve ever better.

Each year during the Transforming Local Government (TLG) conference, the best of the best in local government are highlighted through various presentations and awards at the event. Alliance for Innovation wants to hear about your innovations – whether

they are big, small, incremental, or disruptive. It is looking to hear about transformational programs you have created and implemented in the past five years.

Applications for TLG presentations and awards are open now through **Oct. 4**. Visit www.transformgov.org/innovation-awards for more information.

Research Corner: Tourism in Colorado

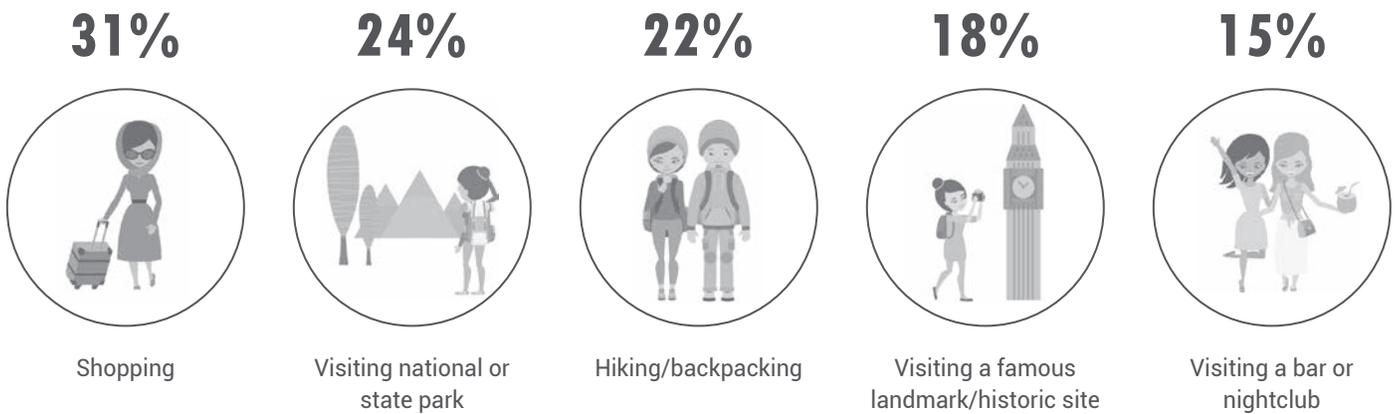
By Melissa Mata, CML municipal research analyst, and Christine Taniguchi, design and communications specialist

The Colorado Tourism Office (CTO), through Longwoods International, conducts an overview of Colorado's travel and tourism market and provides a detailed profile of the state's visitors for each calendar year. This information is based upon data on the day and overnight travel patterns of a representative

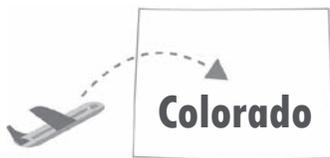
sample of U.S. households, gathered through the syndicated TravelUSA® survey of the U.S. travel market. In June 2019, the CTO released the report for the 2018 travel year.

To view the full report, visit industry.colorado.com/longwoods-international.

Most popular activities for Colorado vacationers



85.2 million visitors



Domestic travel to and within Colorado on overnight and day trips rose to a new record in 2018, an increase of 1% from 2017

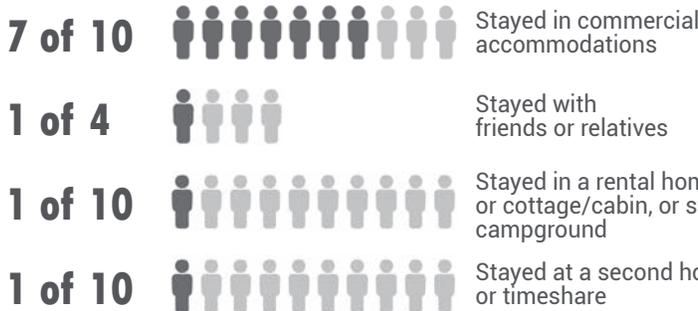
- California
- Texas
- Florida



Top out-of-state markets for overnight Colorado vacations

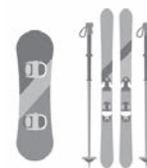
Where Colorado visitors stayed

Values add up to more than 100% because of usage of multiple types of accommodations



4.4 nights

Average amount of time a Colorado leisure visitor spent in the state



20%

Colorado continued to lead all states as the top destination for overnight ski trips, with a 20% share of those trips nationwide



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- CML Board Members Attend Energy Summit
- 2020 Census Support Program
- HUD Webinar on Opportunity Zones
- Research Corner: Tourism in Colorado

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