



Spring municipal election results

On April 7, clerks in approximately 100 Colorado municipalities executed their carefully crafted plans to keep voters and election judges safe while ensuring that municipal elections could occur as scheduled. In addition to selecting their city council members and trustees, voters in more than 40 cities and towns also had tax issues or other questions on the ballot.

Tax and bond issues

Sales tax questions passed in:

- Center – for downtown revitalization, capital improvements, and public safety;
- Creede – for capital improvements;
- Crestone – for water and sewer operational expenses;
- Evans – for streets;
- Johnstown – for streets and transportation-related projects;
- Limon – for capital improvements;
- Silver Cliff – for streets and alleyways;
- Westcliffe – for capital improvements;
- Wiley – for general operating expenses.

Sales tax questions were defeated in:

- Burlington – for capital improvements;
- Grover – for the general fund;
- Platteville – for economic development.

Firestone received authorization to expand the purposes for which a sales tax was approved in 2017, to include construction, operation, and maintenance of town facilities beyond the police and municipal court facility.

Tobacco tax questions were approved in Carbondale, Eagle, and Red Cliff.

Both of Pitkin's requested property tax questions, the first to fund streets and the second for the town hall fund, failed.

A lodging tax was approved in Fruita, while lodging tax questions failed in Mead and Yuma.

Nederland voters approved a tax on short-term rentals. Revenue will be used for health and human services and law enforcement.

Creede voters approved up to \$1 million in debt authority, and Hugo voters approved up to \$3.6 million in debt authority, for improvements to their respective wastewater treatment facilities.

Revenue retention

Berthoud received permission to retain excess revenue collected by a previously approved parks and recreation sales tax. Akron received permission to waive the statutory 5.5% property tax limitation.

Governance

Eagle voters adopted the home rule charter drafted by its home rule charter commission, becoming the 103rd home rule municipality in Colorado. Severance voters said yes to an advisory question concerning whether the town should initiate the process to become a home rule municipality.

Pitkin voters chose to reduce the number of trustees on the town board from six to four, while Ault voters elected not to do so. Montezuma voters passed a question eliminating term limits for local elected officials.

Recalls in Elizabeth, Idaho Springs, and Wiggins failed, while the recall of a trustee passed in Ordway.

Broadband

Frederick, Johnstown, and Monument each received approval to provide broadband

service or partner with the private sector to provide that service. This election brings the total number of municipalities opting out of S.B. 05-152 to 112.

Marijuana

Retail and medical marijuana questions were on the ballot in:

- Dolores – voters approved stores and dispensaries, cultivation, manufacturing and testing, and approved a marijuana occupation tax and an excise tax;
- Kremmling – voters rejected stores and dispensaries, and rejected a marijuana sales tax;
- Norwood – voters approved stores and dispensaries, manufacturing and testing, and approved an excise tax and a sales tax on retail marijuana;
- Pierce – voters rejected medical and retail marijuana stores and dispensaries, cultivation, manufacturing and testing;
- Platteville – voters rejected stores and dispensaries, cultivation and manufacturing, and rejected a marijuana sales tax;
- Severance – voters rejected stores and dispensaries, manufacturing and testing, and approved a retail marijuana sales tax.

A marijuana question on the ballot in Olney Springs failed with a tie vote.

Sedgwick voters passed a question clarifying its 2016 marijuana excise tax ordinance's language, without any change in the tax rate. In separate questions, Sedgwick voters also approved a retail sales tax to replace the existing occupation tax and an occupation tax on wholesale transactions.

Continued on page 3.

CML scrapbook: The Bommers welcome a new family member, Pistol Pete



CML Executive Director Kevin Bommer and his wife, Gabriella, recently started fostering a Dumb Friends League shelter dog with the intent to adopt. Once adopted, his name will be Pistol Pete.

Considering cuts to your personnel budget? Unemployment benefits expanded under federal legislation

By Laurel Witt, CML associate counsel



With the onset of COVID-19 and quarantines imposed statewide, municipalities are seeing significant drops in sales tax revenue. Many are looking at budgets to cut costs in response to the drop in revenue, including personnel budgets. If you are considering cutbacks to your personnel, this article will address options for employees, including expansion of unemployment benefits under recent federal legislation to assist employees laid off during this pandemic.

How can an employee qualify for unemployment?

Municipalities are taking a variety of approaches to help lower the cost of personnel budgets. Using the term furlough, some municipalities are suspending work for subsets of employees until a certain date, at which time they will either bring back staff or lay them off. Some municipalities are using this term to cut salaries by a certain percentage or require the employee take unpaid time off every month. Each of these decisions has impacts on what employees can qualify for. While none of these decisions are easy, municipalities can take steps to ensure that employees qualify for unemployment.

No matter what a municipality labels their reduction in workforce, an employee must meet certain criteria to qualify for state unemployment. To qualify, employees must:

- Have been terminated, laid off, or had a reduction in hours through no fault of their own;
- Have made more than \$2,500 in the previous calendar year, 01/01/2019 – 12/31/2019*;
- Be working less than 32 hours per week;
- Be earning less weekly than the unemployment benefit would be; and
- Be actively seeking work.

*Note that if an employee did not earn at least \$2,500 in wages during the base period, then the employee may still be eligible to file a claim based on wages earned during an alternate base period. The alternate base period is defined as the most recent four completed calendar quarters. C.R.S. § 8-73-102(1)(b).

If the city or town employee qualifies, then that employee could get 60% of weekly benefits for up to 26 weeks. The first week they are unemployed is an unpaid "waiting week." Also, employees can qualify for unemployment if they receive a reduction in hours, as long as the employee meets the above criteria. C.R.S. § 8-73-102.

Colorado unemployment law allows the employee to earn up to 25% of their weekly benefit amount and still be paid the full benefit amount. After that, the Colorado unemployment amount is reduced by one dollar for every dollar earned. C.R.S. §§ 8-73-103; 104.

Recent federal changes to unemployment benefits

The federal government recently passed H.R. 748, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which expanded the benefits available to those receiving unemployment benefits. Under the CARES Act, qualifying employees can now receive \$600 more per week of unemployment pay for up to four months, or until July 31, whichever is sooner. Unemployment benefits now run an additional 13 weeks, bringing the length of time someone can receive unemployment benefits to 39 weeks. Both of these benefits will be funded to the state by the federal government. Additionally, the unpaid "waiting week" has been waived. The employee is no longer required to be actively looking for work, but must register through the state website, www.connectingcolorado.com, or with a local workforce center if the office is accepting in-person customers. This must be done within the first four weeks of filing a claim, or the employee risks losing unemployment benefits.

How employees can file for unemployment benefits

Employees can apply for Colorado unemployment through the Colorado Department of Labor and Employment (CDLE) as soon as the individual becomes unemployed. The employee can file online or through the Colorado unemployment phone number.



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Newsletter

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"... election results" continued from page 1

Publication requirements

To save money on publication costs, Lyons and Palisade voters granted authorization to no longer publish the bills list or contracts awarded, while Lyons and Keenesburg voters also granted permission to publish ordinances by title rather than in full.

Delta received approval to publish city documents on the city's website rather than in a newspaper.

Election changes

Keenesburg and Mead voters approved moving their regular town elections to November of even-numbered years.

Burlington voters approved an update to the nominating petition period in their election code to align with state statutes.

Charter amendments

Johnstown and Woodland Park voters passed questions eliminating, clarifying, or

otherwise updating various provisions of their home rule charter.

Certain Woodland Park charter amendments did not pass, and these included providing a stipend for city council members, editing the charter to include gender-neutral language, removing penalties for violation of the charter, removing budget requirements from the charter to be instead codified by ordinances, and modifying the standard for citizens initiative petitions.

Delta voters elected not to amend certain charter provisions relating to contracts, debt, and the electric light and power system.

Glendale voters approved an amendment adjusting the city manager residency requirements.

Other issues

Other issues included:

- Dolores — rejected the operation of off-highway vehicles on designated public streets;

- Estes Park — approved the sale of public property;
- Lyons — rejected authorization for the town to enter into a contract to provide waste hauling services, and approved an ordinance requiring an election before entering into such a contract in the future;
- Montrose — approved the granting a nonexclusive franchise to Black Hills Energy for natural gas distribution;
- Rangely — approved continuing the fluoridation of the town's water.

The Colorado Municipal League (CML) wishes to thank the city and town clerks for their extraordinary efforts in ensuring that April's elections were conducted safely and a further thank you to those who assisted CML staff in compiling this election data.

CML provided COVID-19 guidelines to municipalities holding elections in April. To view these guidelines, visit www.cml.org/covid19 and look under election information.

A letter from Department of Local Affairs Director Rick Garcia

By Rick Garcia, Department of Local Affairs director



Thank you for your partnership and collaborative efforts over the last several weeks as we deal with the COVID-19 pandemic.

Looking forward during these unprecedented times, DOLA is

developing solutions to support you in planning, housing, long-term recovery, and resilience. The Department of Local Affairs (DOLA) is partnering with local governments, state agency partners, and the philanthropic community to develop resources to address needs and make plans for how to best support your long-term recovery.

DOLA is focused on what the future will look like for Colorado communities and how to make strategic changes and coordinated actions for everyone. The initial plan includes DOLA's Division of Local Government's programmatic support for transition from COVID-19 with deployment of technical assistance and a relief package to local governments. The following highlights the details of the package:

- The Colorado Resiliency Office (CRO) and regional managers will develop long-term recovery efforts to help communities

navigate state and federal resources available to support community needs.

- We are coordinating the use of state resources to create streamlined funding and educational resources, and utilize staff time to help address COVID-19 issues across the state.
- We are available to work with partners to hold regional workshops to support development of recovery roadmaps.
- Provide immediate access to financial assistance for relief and recovery through:
 - Expediting the Severance Direct Distribution by three months to assist you in receiving this revenue more quickly.
 - Colorado Main Street communities across the state will be able to access up to three years of mini-grant funds and scholarship money to address critical projects related to downtown businesses' recovery.
 - Focusing on long-term continuity of operations for local governments:
 - The CRO will participate in and coordinate the COVID-19 Rural Economic Adaptation and Futures Committee to focus on strategies to build business and workforce resilience.
 - Colorado Main Street consultants will be available to support relief efforts

and develop recovery strategies for downtown Main Street reactivation.

- Providing technical assistance to help navigate fiscal uncertainty and determine a long term financial recovery plan.
- Reduce administrative reporting burdens with all programs by:
 - Extension of the current Conservation Trust Fund (CTF) status report deadline from March 31 to Dec. 31.
 - Local governments will not have their property taxes ordered withheld for failing to file their adopted 2020 Annual Budget.

Finally, the DOLA team is evaluating how best to adjust the regular and upcoming Energy Impact Assistance Fund application cycles to be in position to better address the capital project needs the COVID-19 pandemic has presented to local governments. It is important to me to keep the lines of communication open as DOLA continues to respond to your needs. Please contact your DOLA regional manager with questions, concerns, and ideas regarding your community needs as we navigate the recovery phase caused by this pandemic. We are here to assist you with recovery and getting back to our new normal as quickly as possible.

Scrapbook corner: April elections across Colorado



The Town of Basalt counting and collecting the ballots from their voters.



The Town of Basalt's election judges showing the steps they took to protect themselves during the election.



The Town of Fredrick taking safe measures for the April election.



Akron was able to have a one-way path for voters to travel with all doors open so no one had to touch handles. There were three doorways to access the voting area. Akron had 65 polling place voters and 125 absentee ballots completed.



Akron judges usually set up farther into the council room. This time, the judges positioned themselves closer to the door where people would come in. Two of the judges are a mother/daughter pair, so they were not concerned about sharing germs.

"Scrapbook corner ... " continued from page 4



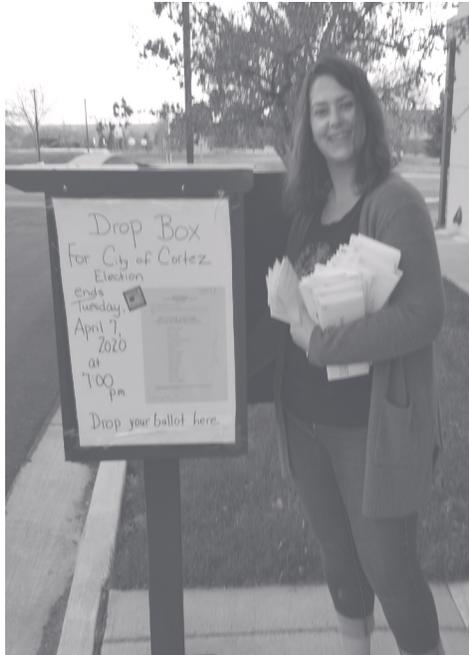
The Town of Foxfield's drive-through/walk-up polling place.



Bob Trezise, playing piano, has been a Red Cliff election judge for multiple decades.



One of the "reachers" Foxfield devised so the judges can remain far away from the voters in their cars.



Sara Coffey, Cortez deputy city clerk, collecting many ballots received overnight in Cortez's water drop box, which was turned into mail ballot drop box for Election Day.



The Town of Ignacio practicing a safe election. Pictured above are signs preventing electioneering near the polling location.



The Town of Ignacio practicing a safe election. Pictured above are signs indicating where to find the polling location.



The Town of Ignacio set up the polling booths on the left side of the street and the judges on the right side of the street.



The Town of Ignacio's walk-up station.

The economy and cities: What America's local leaders are seeing

Local leaders understand the needs of their residents and are best positioned to make emergency management decisions related to allocation of resources.

The federal government MUST act to ensure every city, town and village impacted by this pandemic—regardless of size—has direct access to emergency funding.



UNDER THE CURRENT CARES ACT:

Only municipalities of more than **500,000** residents will receive direct funding through the Coronavirus Relief Fund

Only **36 of 19,000** American cities, towns and villages are 500,000+

That equals less than **0.5%** of all municipalities

And only represents **14%** of the country's total population

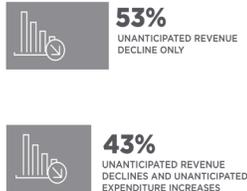
MUNICIPALITIES OF ALL SIZES WILL FEEL THE ECONOMIC IMPACT OF COVID-19.

Nearly 100% of cities with populations above 50,000 will see a revenue decline this year.

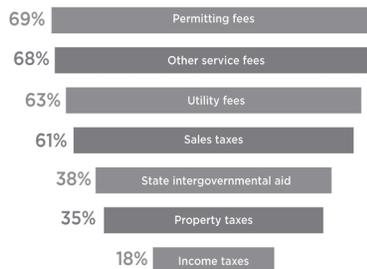


96% OF ALL CITIES REPORT THAT BUDGET SHORTFALLS ARE THE RESULT OF UNANTICIPATED REVENUE DECLINES.

PRIMARY FACTOR FOR SHORTFALL



LOCAL LEADERS ARE REPORTING AN IMMEDIATE ECONOMIC IMPACT FROM LOSS OF REVENUE SOURCES THEY DEPEND ON TO FUND ESSENTIAL SERVICES.



PUBLIC SERVICES WILL BE IMPACTED BY THE ECONOMIC STRAIN OF COVID-19.



MORE THAN HALF OF ALL CITIES OF ALL SIZES REPORTED THAT POLICE WILL BE AFFECTED.

CORONAVIRUS WILL HAVE A STAGGERING IMPACT ON ALL MUNICIPAL EMPLOYMENT.

THERE WILL BE FURLOUGHS



AND THERE WILL BE LAYOFFS



Save the date

CML will be hosting a number of informational webinars to provide our members with valuable information surrounding COVID-19. Featured below are a couple of the upcoming topics. More information will be announced on the CML website at www.cml.org.

Navigating the process for FEMA reimbursement

The webinar will review tracking expenses and what a municipality needs to know in order to increase the likelihood of FEMA reimbursement for expenses due to COVID-19. The webinar will be **April 28** from 1:30 p.m. to 2:30 p.m. and will have speakers from the Division of Homeland Security and Emergency Management and DOLA. To register, visit bit.ly/34NMcQm.

Resources for USDA rural communities impacted by COVID-19

The USDA will give a full overview of the resources they have available for COVID-19 impacted communities. This webinar will be held on **April 29** from noon to 1 p.m. with speakers from the USDA. To register, visit bit.ly/34SFGaU.

Member news

Town of Walden

The Town of Walden is offering an opportunity to learn a trade. Walden will pay to learn a trade, pay for schooling, and provide a medical plan.

Walden has an opening in its Public Works Department with a starting salary of \$31,000 per year, including full family medical coverage, cost-of-living raises every year, and possible bonuses every year. For each new certification, Walden will increase the employee's salary by \$1,500 per year.

Other opportunities include learning how to operate heavy equipment, repair water and sewer lines, and many other town maintenance tasks. Walden will pay for the tests for those wanting to earn a CDL.

For more information on Walden's program, or for those interested in learning a trade, contact Jim Dustin at 970-723-4344.

Methodology: Data are drawn from a survey of 2,463 cities, towns and villages conducted by NLC and USCM from April 1 - April 7, 2020 on the immediate and longer term fiscal impacts of coronavirus. 2,191 of the responding cities are under 50,000 population; 181 are between 50,000 and 199,999; 56 are between 200,000 and 499,999; and 35 have a population of 500,000 and above -- a group that includes 19 of the nation's 20 largest cities. These cities represent 57% of the nation's municipal finance sector and 10% of its municipal governments. Their population totals 93,015,252, which is 28% of the total U.S. population.

The latest on the CML Annual Conference and Fall Attorneys Seminar

By Kevin Bommer, CML executive director

As you may have read in *Colorado Municipalities*, our bimonthly magazine, as well on the CML website, CML has maintained every intention of holding the CML Annual Conference from **June 23–26**, as planned, at the Westin in Westminster.

We have continually evaluated the conference in light of health risks and travel restrictions, both current and anticipated. I recently asked CML's conference planning team to begin planning for contingencies if holding our conference in June was impossible or unrealistic. Since CML and the Westin are bound by contract, these planning discussions have been mutual and have also included our wonderful host, the City of Westminster.

CML also has important organizational bylaws that have to be taken into account, most notably that CML conduct an annual business

meeting at the annual conference, at which CML members vote on annual dues, the annual policy statement, and on candidates for CML Board seats. While the bylaws do not specify when the annual business meeting must occur, having the Board election and approval of dues scheduled much later than June would have other undesirable impacts.

We remain committed to keeping our stakeholders informed of decisions affecting the conference. While no final decisions have been made at this time, we are getting close to a decision on delaying the conference. We are exploring the possibility of having a virtual annual business meeting in June that may include some conference components, and then having a fall conference at the Westin. The fall conference would be a little shorter but have all of the main content that members would normally expect on the busiest days of the normal conference.

While we have reduced our conference cancellation fee to \$25 to allow our attendees greater flexibility, we encourage our members that are currently registered not to cancel. Existing registrations will be carried over to the anticipated later meeting, as the annual business meeting in June would not have any fee associated with participation.

We are grateful and thankful to our sponsors and exhibitors with whom we have agreements, and we are equally grateful to our members for allowing us to keep your best interests in mind as we sort out all of the details.

Finally, CML is still planning on holding our Fall Attorneys Seminar, the premier training event for Colorado municipal attorneys, **Oct. 2–3**, in Pueblo. More details and registration information will be posted on CML's website and sent to attorneys closer to the event.

Congratulations to Commerce City and Grand Junction on adopting the standardized sales tax definition

Commerce City and Grand Junction join the 54 self-collecting sales tax municipalities that have adopted the standardized sales tax definitions in their local tax code. This continues the work undertaken by the municipal tax and finance administration community, originating with a request by the legislature (SJR 14-038) to work on a uniform set of sales tax definitions that could be adopted in the self-collecting jurisdictions for tax simplification.

The following are the cities or towns that have previously adopted the definitions: Alamosa, Arvada, Aspen, Aurora, Avon, Black Hawk, Boulder, Breckenridge, Broomfield, Cañon City, Carbondale, Castle Pines, Centennial, Cherry Hills Village, Colorado Springs, Cortez, Craig, Crested Butte, Dacono, Delta, Denver, Edgewater, Englewood, Evans, Federal Heights, Fort Collins, Frisco, Golden, Glenwood Springs, Greeley, Greenwood Village, Gunnison, Gypsum, La Junta, Lamar, Littleton, Lone Tree, Longmont, Louisville, Montrose, Mountain

Village, Mt. Crested Butte, Northglenn, Parker, Rifle, Sheridan, Silverthorne, Snowmass Village, Steamboat Springs, Timnath, Vail, Westminster, Wheat Ridge, and Windsor.

CML would like to congratulate the staff, appointees, and elected officials of Commerce City and Grand Junction for their work and leadership in adopting their ordinances. We now have a total of 56 self-collecting municipalities that have adopted such ordinances.

Sign up to receive notifications about water and wastewater from the Colorado Department of Public Health and Environment

The Colorado Department of Public Health and Environment (CDPHE) will discontinue the practice of providing information about water and wastewater and COVID-19 through water and wastewater utility councils and the Colorado Rural Water Association. Instead, messages from CDPHE will only be provided through CDPHE email list-serves.

To sign up for notifications, visit CDPHE's stakeholder webpage at bit.ly/3cp9bUs, and

select the topics you would like to receive notifications for. More topics may be added to this list in the coming weeks, so please check it regularly.

Recent stakeholder email lists include information for water/wastewater operators and water utility operators (bit.ly/2VxiScx) and information on construction and stormwater management (bit.ly/3af7UgU). When you sign up to receive these notifications, you may also

receive future stakeholder notifications such as policy updates, requests for feedback on rule changes, or other important information to know.

For resources and more information about COVID-19 and water and wastewater, visit CDPHE's website at bit.ly/2VCWS01.



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- Spring municipal election results
- Considering cuts to your personnel budget? Unemployment benefits expanded under federal legislation
- A letter from Department of Local Affairs Director Rick Garcia
- Scrapbook corner: April elections across Colorado
- Save the date

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