Prospective CML Executive Board candidates are encouraged to apply early

By Kevin Bommer, CML executive director

While applications for members interested in the CML Executive Board will be accepted through 5 p.m. on Wednesday, June 10, members planning to seek a position on the Board are encouraged to submit their application and endorsement as soon as possible.

Due to the cancelation of the CML Annual Conference, the Annual Business Meeting will take place virtually at 10 a.m. on June 25. Having candidate information early will help staff with logistical preparation.

The seats up for election in each population category are:

- one position from municipalities with a population of 250,000 or more for a two-year term;
- four positions from municipalities with a population of at least 60,000 but less than 250,000 for three two-year terms and one one-year term;
- three positions from municipalities with a population of at least 8,000 but less than 60,000 for two-year terms; and
- three positions from municipalities with a population of less than 8,000 for two-year terms.

CML Executive Board members must be elected or appointed officials of member cities and towns. Any official who desires to be nominated for a position on the CML Executive Board must:

- file an application for nomination, in letter or other written form, with the CML Nominating Committee by 5 p.m., Wednesday, June 10; and
- include an endorsement in writing from the applicant's city council or board of trustees by 5 p.m., Wednesday, June 10.

Please note that a city council or board of trustees may endorse the nomination of only one official from the city or town. Municipal officials who meet the above qualifications will be placed on the ballot after affirmation by a nominating committee (to be appointed by CML President Liz Hensley).

New for 2020

Individuals submitting applications for nomination are also encouraged to submit a headshot and candidate statement (100 words or less), which will be included on the CML website. Additionally, candidates may choose to submit a short video (two minutes or less) explaining why they are running for the executive board and why members should vote for them. If you choose to submit a video, that video will also be posted on the CML website.

Written applications and endorsements must be received by 5 p.m. on Wednesday, June 10 and can be mailed to the CML office at 1144 Sherman St., Denver, CO 80203, or faxed to 303-860-8175. Materials sent by regular mail should be sent a week early, due to delays in mail delivery. Applicants are strongly encouraged to email materials to execassistant@cml.org.

Questions about the CML Executive Board or the election process may be directed to Kevin Bommer, executive director, at 303-831-6411, or 866-578-0936, or emailed to kbommer@cml.org.

Empowered cities and towns, united for a strong Colorado
In memory

During the morning hours of April 27, former Firestone Trustee George Heath passed away peacefully at home with his loved ones by his side. The Board of Trustees invites the public to view the sculpture that was recently finished for the dedication of the McClure Avenue Heath Bridge and pay tribute to a man who selflessly served this community for over 20 years.

"George was very active as a member of CML and a fixture at every Policy Committee meeting," said Kevin Bommer, CML executive director. "I enjoyed visiting with him, and it was so obvious how much he cared about Firestone and its future."

Congratulations

CML congratulates David Broadwell, who celebrated his work anniversary in April.

David Broadwell
CML general counsel
1 year

Help for local governments a cornerstone of the HEROES Act: CML advises members to manage expectations, communicate impacts

By Kevin Bommer, CML executive director

On Friday, May 15, the U.S. House of Representatives passed the "Health and Economic Recovery Omnibus Emergency Solutions Act" or "HEROES Act," a comprehensive and massive bill intended by Speaker Nancy Pelosi to be CARES Act 2.0. Of great interest to municipalities is the $187.5 billion in stabilization just for municipalities, as well as the additional stabilization for states and counties.

However, the future of the HEROES Act depends on whether or not the U.S. Senate is willing to take up the legislation in an expedited manner or subject it to the normal process any legislation would be required to go through. While the House brought the bill directly to the floor in two days, Senate Majority Leader Mitch McConnell is likely to send the bill through the traditional committee markup process.

Regardless of whether or not local stabilization comes through the HEROES Act or some other legislation, CML is working hard with the National League of Cities (NLC) to ensure they understand the importance of providing direct funding to municipalities struggling with the loss of sales tax revenue as a result of shuttered stores, restaurants, and restricted business activities.

Importantly, the HEROES Act is only a starting point. The dense legislation has a price tag that came as a shock to many, and it has many other components beyond assistance to states and local governments. It is all but certain that anything that might pass the Senate will have to be greatly constrained, and the vehicle could be a bill other than the HEROES Act. CML will keep focused on Colorado’s delegation using, in part, NLC’s projected revenue shortfalls for the next three years. The findings of a recent analysis of the shortfalls finds:

- Predicted shortfall will result in a $360 billion loss in revenue for cities, towns and villages over the next three years.
- Municipalities in some states could reach up to 40% in total revenue loss.
- 52% of cities are reporting police will be affected, 38% are reporting fire/EMS will be affected, and 35% are reporting sanitation and waste management will be affected.

The focus of CML will be on the outcome and not any specific bill, since there are several in both the House and Senate that could become the preferred vehicle for what is expected to be the final push for significant federal assistance. Using NLC data and data from members, CML urges municipalities to communicate with their members of Congress to support an outcome that provides revenue stabilization and to back it up with impacts on individual municipalities.

Additional information is located on CML’s COVID-19 page at www.cml.org/covid19, as well as NLC’s ‘Cities Are Essential’ page at bit.ly/2ycvpKi.

HEROES Act local government relief fund

The bill provides $375 billion to be split 50/50 between cities and counties over two years.

The city portion is allocated as follows:

- Entitlement cities (Cities with more than 50,000 residents)
  - $131.25 billion will be allocated to CDBG entitlement cities.
- $87.5 billion of the overall allocation to entitlement cities will be paid within 30 days of enactment of the bill (1st year).
- $43.75 billion is paid not earlier than April 15, 2021, but not later than May 3, 2021 (2nd year).
- $56.25 billion will be allocated to the states for mandatory pass-through to the municipal governments of each and every non-entitlement city, town, and village.
- Two-thirds of the allocation for non-entitlement communities will be distributed within 30 days of the bill’s passage (1st year).
- The remainder of the fund shall be disbursed between April 15, 2021, but not later than May 3, 2021 (2nd year).
- If a state chooses to not pay the applicable amount to non-entitlement communities, the U.S. Treasury will allocate the funds to the non-entitlement communities of that state.
Gov. Jared Polis announces Governor's Advisory Committee for Cooperation and Implementation membership

On May 4, Gov. Jared Polis announced the membership of the Governor’s Advisory Committee for Cooperation and Implementation. This committee will advise the Governor and the Colorado Department of Public Health and Environment (CDPHE) on policies and regulations that are designed to maximize social distancing at the local level. It will also focus on how local governments and local public health can coordinate with the state on educating the public about these regulations, and maximizing compliance and enforcement efforts during the COVID-19 crisis.

A key emphasis of this committee will be on compliance and how local governments and the state can best work together to ensure Coloradans are following Safer-at-Home rules and protecting their health and safety. Membership includes:

- Mayor over 100,000 — Nick Gradisar, Pueblo
- Mayor under 100,000 — Barbara Bynum, Montrose
- County Commissioner over 250,000 — Steve Johnson, Larimer County
- County Commissioner under 250,000 — Hilary Cooper, San Miguel County
- Local Public Health over 100,000 — Robert McDonald, City and County of Denver
- Local Public Health under 100,000 — Heath Harmon, Eagle County
- Sheriff — Jeffery Shrader, Jefferson County
- Fire Chief — Thomas DeMint, Poudre Fire Department
- Police Chief — Gary Creager, Broomfield
- Executive Director of Department of Public Health and Environment, Jill Ryan
- Executive Director of Department of Public Safety, Stan Hilkey
- Governor’s Chief of Staff, Lisa Kaufmann
- One Representative of the Economic Recovery and Stabilization Council — Kyle Martinez, Olathe

They will join the following state officials on the council:

- Governor's Chief of Staff, Lisa Kaufmann
- Executive Director of Department of Public Safety, Stan Hilkey
- Executive Director of Department of Public Health and Environment, Jill Ryan
- Executive Director of Department of Regulatory Agencies, Patty Salazar

2021 State Revolving Fund eligibility survey opens June 1

This survey is conducted on an annual basis by the Colorado Department of Public Health and Environment’s Water Quality Control Division for the purpose of identifying water and sewer infrastructure improvements that are eligible for funding through the State Revolving Fund (SRF) grants and loans program. All municipalities, counties, districts, public water systems, not-for-profit water systems, and other special districts that own or operate public water, sewer, or stormwater systems in the State of Colorado are encouraged to participate. The survey will remain open from June 1 through the submittal deadline of June 30.

Eligible projects can secure competitive, low interest loans with repayment terms of up to 30 years. Completion of a survey is the first simple step towards obtaining funding. It is not an application and it does not obligate an entity to apply for financial assistance; however, identifying capital improvement needs is a required prerequisite of securing funding offered through the SRF programs. SRF loans and grants cannot be extended to applicants who have not responded to this important survey.

For program details, instructions, and other useful information regarding this annual process, visit bit.ly/2Wx1UwE.

Be sure to opt into the notification service using the “Stay informed” link to receive timely information about SRF and other funding opportunities available through both state and federal sources, including information for any potential federal stimulus funding that may be made available.

If you have questions or require assistance, contact Erick Worker at 303-692-3594 or email at erick.worker@state.co.us.

How to reset your password on the CML website

As CML has begun to offer more services virtually, our members have been using our website more to register for events and find information. As a reminder, if you have forgotten your username and/or password, you can find your username via self-service on the CML website by following the instructions below:

- Go to www.cml.org. Click login on the top right corner of the screen. On the login page, you will find links labeled “Forgot username?” and “Forgot password?”. Please use the appropriate link, if applicable.

- If you have forgotten your username, you will be prompted to enter your email address. An email will be sent to you with your username.

- If you have forgotten your password, you will be prompted to enter your username. An email will be sent to you with a link that will allow you to reset your password.

Please note: User accounts are established under your work email address. If you have forgotten your password, use the instructions above rather than establishing a new account under an alternate email address. If you are registering for an event and notice that your registration fee does not match the advertised price, please contact Mark Vanderbrook at mvanderbrook@cml.org before completing your registration.

2020 Census field operations resume in Colorado

The U.S. Census Bureau is resuming 2020 Census field operations in Colorado within the upcoming weeks. For the health and safety of Census employees and the public, field staff will observe social distancing protocols and will wear Personal Protective Equipment.

U.S. Census Bureau field employees will begin dropping off 2020 Census invitation packets at front doors of households in areas that do not receive mail at their homes. This field operation follows current federal health and safety guidelines and does not require interaction between households and Census Bureau employees.

Continued on page 6.
Small Communities Water and Wastewater Grant Fund

By Heather Stauffer, CML legislative and policy advocate

As the Colorado General Assembly’s Joint Budget Committee (JBC) continues to take significant actions to balance the state’s budget, one fund being impacted is the Colorado Department of Public Health and Environment’s Small Communities Water and Wastewater Grant Fund. This grant program assists the suppliers of water and domestic wastewater treatment works that serve a population of not more than 5,000 people. These grants are funded through the severance tax perpetual base fund and can be used for the planning, design and construction of public water systems or domestic wastewater treatment works. For small communities trying to finance a large multi-million dollar infrastructure project, this grant program provides significant benefit. Last week, following the recommendation of the Office of State Planning and Budget, the JBC voted to transfer $5.6 million from the Small Communities Water and Wastewater Grant Fund for fiscal year 2019–2020 in order to fund the state’s immunization outreach efforts which will complement expected federal funds from the CARES Act. The transfer leaves CDPHE’s Small Communities Water and Wastewater Grant Fund with approximately $7.3 million for FY 19–20. While having some money left in the fund this fiscal year is something to be thankful for, it is a disappointing impact to Colorado’s small communities who are left with very few choices when financing their essential infrastructure.

Moving forward on building in difficult times

By Jonathan Gesick, ProCode Inc. and Cascade founder

Without a doubt, the economic impacts of COVID-19 are going to impact municipalities’ budgets and processes for the next few years. But even in difficult times, the simple truth remains, building leads to revenue.

As we transition from Stay at Home to Safer at Home and onto the next steps after that, it is a good time to evaluate your building and planning departments and their productivity. Here are three considerations while you complete that process.

- Vision: Has the vision of your town or city been communicated to this department? Having a clear vision and understanding of their role within that goal can help unite and progress your team. Many times, it is helpful to allow your team at least a half-day to focus on that goal and allow them to create the steps to achieve it.
- Staffing: Within this category, multiple questions could be asked. Are there enough staff members for this department? What is their expertise and where do you see them shine? Where could they use development or assistance? Do they have the skills to build relationships with your builders and community partners? Do you need to consider outsourcing? If given more time by outsourcing, what large projects could they focus on instead?
- Tools: There are multiple tools that can help municipalities with growth and within the building and planning process; a concise, easy to use software can transform your department. Digitizing the permitting and review process increases productivity and builds transparency with all your partners.

Taking time to evaluate this important department now will put you on the path to accomplishing your goals while saving you time and money. CML members are invited to have a conversation with ProCode Inc. and Cascade to help develop a plan that fits your community’s needs. Learn more at www.procodeinc.net or www.4r3software.com.

USDA announces cooperative agreements for community compost and food waste reduction projects available

By Heather Stauffer, CML legislative and policy advocate

The USDA has announced a funding opportunity aimed at assisting local and municipal governments with projects that develop and test strategies for planning and implementing municipal compost plans and food waste reduction plans. Cooperative agreements support projects led by local governments that:

- generate compost;
- increase access to compost for agricultural producers;
- reduce reliance on and limit the use of fertilizer;
- improve soil quality;
- encourage waste management and permaculture business development;
- increase rainwater absorption;
- reduce municipal food waste, and
- divert food waste from landfills.

The USDA’s Natural Resources Conservation Service will provide assistance for conservation related activities.

Submit applications at www.grants.gov until midnight on June 26. Projects should span two years with a start date of Oct. 1, 2020 and completion date of Sept. 29, 2022. Priority will be given to projects that anticipate or demonstrate economic benefits; incorporate plans to make compost easily accessible to farmers, including community gardeners; integrate other food waste strategies, including food recovery efforts; and collaborate with multiple partners.

The USDA will host a webinar on June 4, from 2 p.m. to 4 p.m. Eastern Daylight Time, which will provide an overview of the cooperative agreements’ purpose, project types, eligibility, and basic requirements for submitting an application. You can register for the webinar at adobe.ly/2Zf0JDR or listen to the recording, which will be posted at www.farmers.gov/urban. Questions about the cooperative agreement opportunity can be sent to UrbanAgriculture@usda.gov.
Jack Arrowsmith announces retirement as SIPA executive director

Jack Arrowsmith, executive director and inaugural board member of the Statewide Internet Portal Authority (SIPA) recently announced his retirement. His last day will be May 29. Arrowsmith has been with SIPA since it was created. In 2004, Gov. Bill Owens first appointed Arrowsmith to the Board of Directors to represent local government. He was reappointed as the local government representative by Govs. Bill Ritter and John Hickenlooper. In 2015, Arrowsmith stepped into the executive director role and grew SIPA’s staff and technology solutions to better reach governments of all sizes across Colorado.

EPA announces Brownfields Program grants

By Heather Stauffer, CML legislative and policy advocate

The EPA has announced the selection of 155 grants for communities and tribes totaling over $65 million in EPA Brownfields funding through the agency’s Assessment, Revolving Loan Fund, and Cleanup Grant Programs. EPA’s Brownfields Program empowers states, communities, and other stakeholders to work together to prevent, assess, safely clean up, and sustainably reuse brownfields. A brownfield site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The Small Business Liability Relief and Brownfields Revitalization Act of 2002, as amended by the Brownfields Utilization, Investment and Local Development Act of 2018, was passed to help states and communities around the country clean up and revitalize brownfield sites. Under this law, EPA provides financial assistance to eligible applicants through five competitive grant programs: Multipurpose Grants, Assessment Grants, Revolving Loan Fund Grants, Cleanup Grants, and Job Training Grants. Additionally, funding support is provided to state and tribal response programs through a separate mechanism. To learn more about brownfields and land revitalization in EPA Region 8, and opportunities that exist for funding visit the EPA’s website at bit.ly/2LIN4Nv.

Save the date

Effective Governance Workshop part II

On May 27, from 11 a.m. to 2 p.m., CIRSA and CML continue their partnership to provide insight into key leadership challenges municipal elected officials might face. This webinar series for the Effective Governance workshop will cover topics related to budgets, social media, and staff and council relationships. For more information and to register for this event, visit bit.ly/2LyU5JL.

Virtual meetings for governments

This webinar, on May 28 from 11 a.m. to noon, will show government entities how to conduct virtual city council meetings. The webinar will demonstrate features of Zoom, YouTube, and OpenMedia, to promote government transparency, foster civic engagement, and maintain social distancing during COVID-19. For a description and to register, visit bit.ly/2yQw8So. To access the webinar, visit bit.ly/2y5SkxD at the time of the meeting. This webinar is free; donations can be made at bit.ly/3cA6KyT.

CDOT seeks to modify outdoor advertising rules

The Colorado Department of Transportation (CDOT) desires to modify a portion of the rules governing outdoor advertising in Colorado, 2 CCR 601-3 (Outdoor Advertising Rules). CDOT invites you to participate in a virtual webinar workshop to provide input on CDOT’s proposed four rule changes and offer any suggestions. To register for the virtual webinar workshop on June 1 from 1 p.m. to 3 p.m., visit bit.ly/361Y5T6. To register for the webinar on June 3 from 8:30 a.m. to 10:30 a.m., visit bit.ly/2X328KL. If you need assistance registering for a virtual workshop, please contact CDOT at 303-757-9441.

Making Smart City simple — Resiliency for new normal

On June 4 from 12:30 p.m. to 1:30 p.m., join HR Green to learn how converged and intelligent infrastructure are key to transforming your cities and your entire urban fabric. Gain a crystal-clear understanding of how progressive communities are aligning efforts across multiple priorities to reduce costs, enable economic development, and create the foundation to support these radical changes. For more information and to register, visit bit.ly/2AwY10W.

Continued on page 7.
Households that receive the 2020 Census invitation packets are strongly encouraged to respond promptly — using the census ID included in the questionnaire packet. Coloradans can still respond online at www.2020census.gov, by phone, or by completing and returning the paper form by mail. For more information about responding by phone, visit bit.ly/2Z5bo3S. Responding online with the Census ID or completing and returning the paper questionnaire helps ensure an accurate count of Colorado communities.

**About the 2020 census**

- It has never been easier to respond to the #2020Census on your own — all without having to meet a census taker. Respond today and make Colorado the state with the highest #2020Census self-response rate in the nation. Go to www.2020census.gov or call 1-844-330-2020.
- The 2020 Census is a short questionnaire that asks about who lives in your household as of April 1.
- The 2020 Census requires counting a diverse and growing population in the United States and the five U.S. territories.
- The 2020 Census is important because it will determine the number of seats each state has in the U.S. House of Representatives, inform hundreds of billions of dollars in federal funding, and provides data that will impact communities for the next decade.

**CML releases updated Municipal Prosecutor Handbook publication**

*By Laurel Witt, CML associate counsel*

The material in this handbook has been developed for use by prosecutors practicing in Colorado municipal courts. The 2020 edition has been updated by several authors, to whom CML extends sincere appreciation:

- Al Dominguez, P.O.M. Consultants
- Anshul Bagga, Denver City Attorney's Office
- Bronwyn Scurlock, Fort Collins City Attorney's Office
- Christopher D. Randall, Wheat Ridge Municipal Court presiding judge
- Colette Cribari, Louisville, Mead, and Superior municipal prosecutor
- J.B. Cannafax, Boulder City Attorney's Office
- Jason Meyers, Woodland Park city attorney
- Jesse Lucido, Colorado Springs City Attorney's Office
- Jill Hueser, Fort Collins City Attorney's Office
- Kelly Rostum, Colorado Springs City Attorney's Office
- Kimberly Skaggs, Aurora City Attorney's Office
- Kristina Bush, Denver City Attorney's Office
- Michael Curran, Colorado Springs City Attorney's Office
- Michelle Kline, Keenesburg Municipal court judge; Windsor, Hudson, Westminster, and Brighton associate municipal judge; Denver County Court part-time magistrate
- Paul Basso, Firestone Municipal Court judge
- Sara Arfmann, Colorado Springs City Attorney's Office
- Sarah Simchowitz, Denver City Attorney's Office
- Ted DeRosa, Colorado Bureau of Investigation

CML would like to extend a special thanks to the reviewer of this publication, Robert Frick, Longmont Municipal Court judge, who provided valuable critiques and suggestions. One copy of the publication was sent to all member municipalities. Additional printed copies of the Municipal Prosecutor Handbook may be ordered from CML at www.cml.org. The publication may also be downloaded in PDF format. CML continues to produce reference guides and best practices publications addressing key issues facing Colorado municipalities. For a complete list of CML publications visit www.cml.org.

"2020 Census field operations ... " continued from page 3

The Census Bureau is also resuming fingerprinting for new census takers to keep applicants moving through the hiring process. Census staff will also return to Colorado’s four Area Census Offices to support the field operation. For updates on field operations by location, visit bit.ly/2zGle0p. This webpage will be updated weekly as field operations resume in phases across the United States. The U.S. Census Bureau plans to send census takers to visit Colorado households that have not responded to the 2020 Census to help them complete questionnaires.

**CML says a warm goodbye to Law Clerk Ellie LeBuhn**

Over the past year, Elizabeth “Ellie” LeBuhn has provided exemplary service to CML members as CML’s law clerk. LeBuhn is finishing her third year of law school at the University of Denver’s Sturm College of Law and is preparing to take the bar examination. Originally from Ohio, LeBuhn studied Public Affairs and City Planning at The Ohio State University (Go Bucks!) and is excited to apply these two interest areas to municipal legal work once she passes the bar.

While at CML, LeBuhn worked on a variety of projects including the upcoming Open Meetings, Open Records publication, assisting with amicus curiae briefs for filing with the Colorado supreme and appellate courts, writing articles for the CML magazine, assisting in a monthly attorney e-newsletter, answering legal inquiries, assisting with the conferences, and much more. “CML was lucky to land such bright and talented person, and she did much to assist CML members,” said Kevin Bommer, CML executive director. “I am so pleased she plans to pursue a career in municipal law.” CML wishes LeBuhn luck in her future endeavors.
Advocacy, information, and training to build strong cities and towns

Research corner: A year in the life of CML’s law clerk

CML welcomes telephone and email requests from members for general advice, direction, and information that CML may be able to provide in regard to legal questions that members, both attorney and non-attorney, may have in the course of performing their services and duties. CML’s first line of response to legal inquiries is our law clerk. Since May 2019, Ellie LeBuhn has held that position and handled the multitude of requests that came in by phone and by email each week. As LeBuhn leaves CML to begin preparation for the bar exam, CML wanted to take a look at the 146 legal inquiries and other questions LeBuhn received in her time as the CML law clerk.

"Save the date" continued from page 5

COVID-19 and your employees: Impact on leave and benefits

American Fidelity Administrative Services is delivering free presentations across a range of employee benefits and compliance topics. American Fidelity speakers have been featured in engagements across the country, from state and regional meetings to national conferences. For more information and webinar dates, visit bit.ly/3bv4tn6.

This free presentation includes:

- Paid time off: Families First Coronavirus Response Act information on emergency paid sick leave including eligibility, reasons for leave, pay rules, job protection
- Expanded Family and Medical Leave: Families First Coronavirus Response Act information including eligibility, allowable reasons, pay rules and calculations
- Plan design considerations: Health Savings Account guidance, plan document changes, utilization of telemedicine, Coronavirus testing benefits
- HIPAA: Privacy concerns related to Coronavirus diagnosis and access to other leave benefits
- Retirement: Discuss how the stock market conditions may impact the employee’s ability to retire and address financial stress

COVID-19 and your employees: What’s next?

Now that you understand your obligations under recent COVID-19 legislation, the next step is administering them correctly in an environment of shifting duties, hours, and pay.

This can be confusing and distressing for both you and your employees, and you will have to convey key messages to your employees in meaningful ways that help them navigate this time of uncertainty. For more information, including descriptions and dates, visit bit.ly/3bv4tn6.

This scenario-based webinar, hosted by American Fidelity, answers these questions:

- What recent legislative or regulatory developments have occurred and what do they mean for me?
- What options does my organization have for returning to work?
- What options do my employees have if they can not return to work?
- How do I help my employees understand all of this change?
Prospective CML Executive Board candidates are encouraged to apply early.

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How to reset your password on the CML website.

Featured in this issue: