

COLORADO MUNICIPAL LEAGUE

Newsletter

Vol. 46, No. 13, July 3, 2020

New members elected to CML Executive Board; Centennial City Attorney Bob Widner named president

At the virtual Annual Business Meeting on June 25, around 90 voting delegates cast their municipality's votes for candidates in CML's four population categories where 11 of the 21 Board seats were up for election. The following Executive Board members were reelected for two-year terms:

- Sharon Craig, Ignacio trustee
- Kathi Meyer, Steamboat Springs council president pro tem
- Darrin Tangeman, Woodland Park city manager
- Larry Atencio, Pueblo councilmember
- Jessica Sandgren, Thonton councilmember
- Wynetta Massey, Colorado Springs city attorney

In addition, the CML Executive Board welcomes five new members, all for two-year terms except as noted:

- Rick Bain, Brush mayor
- Katie Sickles, Bayfield town manager
- Leah Dozeman, Wheat Ridge
 councilmember (one-year term)
- Charles Willman, Glenwood Springs
 councilmember
- Andrea Samson, Loveland councilmember

Sickles is a returning Board member, after going off the Executive Board in 2019 prior to transitioning to her new position Bayfield's town manager.

Subsequent to the Annual Business Meeting, the newly constituted Executive Board met first in executive session to select executive officers. President Liz Hensley, Alamosa councilmember, moved to immediate past president and passed the gavel to the new president, Bob Widner, Centennial city attorney. The Executive Board also selected Kathi Meyer as vice president and Dale Hall, Greeley mayor pro tem, as secretary/ treasurer.

CML wishes to express gratitude to Liz Hensley for her leadership throughout her entire term, especially in the past few tumultuous months. CML will honor her appropriately during the Virtual Conference in late August, since this year's annual conference was cancelled.

More information on the entire Executive Board is available at *bit.ly/2Vy3yNB*, which will soon include more information about the new Board members as well. Photos of the new board members appear on page 6.

Challenge builds resiliency

by Kevin Bommer, CML executive director

Had it been a normal year, June 23–26 would have been full of municipal officials from around the state gathering at the Westin in Westminster for educational sessions, a ballroom full of exhibitors, and networking opportunities all intended to enrich the spirit of service of elected officials and staff alike.

This is not a normal year.

The staff at CML is inspired by all 270 member municipalities — all of which have had to ensure the business of governance and providing services to citizens goes on. 100 municipalities conducted elections in April without a hitch and without having to be told how to do it by anyone else. Cities and towns established programs to help businesses survive Stay at Home and Safer at Home orders and to keep employees employed. Some painful decisions have been made along the way as well, while most cities and towns learned on the fly how to continue to govern virtually.

So, while the loss of the CML Annual Conference that belongs to all of our members certainly hurts, the staff at CML has adapted as well. I could not be more proud of them and the CML Executive Board. On June 25, we

were able to pull off holding our Annual Business Meeting and electing five new Executive Board members. The information provided and webinars hosted over the past three months (and counting) have been excellent and timely, based on feedback from members. And even though we did not gather at the Westin, CML will host a three-day virtual conference in August that will knock your socks off.



St. Francis of Assisi was quoted as saying "Start by doing what is necessary; then do what is possible; and suddenly you are doing the impossible." A year ago, we all might have said it would be impossible for municipal government and good governance to survive a pandemic that kept nearly all of us in our homes for weeks on end.

Well, look at us now - and see you in August.

Save the date

CML Virtual Conference

CML is excited to announce our first Virtual Conference on **Aug. 25–27**. This conference will have plenty of opportunities for interaction with your fellow municipalities, a virtual exhibit hall, and of course a wealth of valuable sessions to help your municipality adjust to the new normal.

We have worked to keep costs for this conference low and thank our sponsors for their generous support. Costs for the virtual conference are:

- Municipal members: \$99
- Associate members: \$129
- Non-members: \$199

Please keep an eye on our website and future editions of this newsletter for registration information. We hope to "see" you there!

Waking up municipal facilities after prolonged closures

In June, CML hosted a webinar with McKinstry discussing the best practices for "waking up" municipal buildings and facilities before opening to the public and users return. The session focused on fact-based practices across engineering, commissioning, issue detection, operations and maintenance, and more. View McKinstry's checklist at *bit.ly/3eEZbYz* and watch the webinar at *bit.ly/3dC6Jdd*.



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Immediate attention: New laws affecting Colorado municipalities

The Second Regular Session of the 72nd General Assembly adjourned *sine die* on June 15. This was much later than usual due to the impact of coronavirus. CML would like to bring to the attention of our members several new laws that have an immediate impact on municipal interests, with short summaries included. Several bills await final action by Gov. Jared Polis and are not effective unless signed, or become law, without his signature.

If you have any questions, contact the lobbyist indicated in the summary by email: Meghan Dollar (mdollar@cml.org), Morgan Cullen (mcullen@cml.org), and Heather Stauffer (hstauffer@cml.org), or at 303-831-6411 and toll-free at 866-578-0936.

SB 20-032 — Employee Age to Sell Alcohol in Retail Liquor Store

The act permits employees of a retail liquor store or liquor-licenses drugstore, who are between the ages of 18 and 21, to sell and otherwise have contact with alcohol under the supervision of an employee who is 21 or older. Additionally, the act clarifies that the employees between 18 and 21 cannot deliver alcohol. Effective: March 20. Lobbyist: Brandy DeLange (contact Meghan Dollar).

SB 20-061 — Yield to Bicycles in Bike Lanes

The act creates a new traffic offense for failing to yield to a bicycle or other authorized user in a bicycle lane. The offense is a class A traffic offense unless it is the proximate cause of a crash or if it causes bodily injury, then it is careless driving and is punished under the careless driving offense. Effective: July 1. Lobbyist: Morgan Cullen.

SB 20-078 — Dogs on Restaurant Patios

The act allows restaurants to allow dogs in an outdoor dining area so as long as the local government allows such practice, a separate entrance is available, the area is not used for food/drink preparations, the dog is leashed or in a carrier, and the restaurant follows all other local ordinances. Effective: **Sept. 13**. Lobbyist: Brandy DeLange (contact Meghan Dollar).

SB 20-083 - Prohibit Courthouse Civil Arrest

The act protects an individual from civil arrest while the person is present at a courthouse or on its environs, or while going to, attending, or coming from a court proceeding. A judge or magistrate may issue a writ of protection to prohibit a civil arrest, but a writ of protection is not required for the protection to apply. A person who violates this prohibition is liable for damages in a civil action and commits contempt of court. The Attorney General may bring a civil action for violating this law and a person arrested or detained may seek a writ of habeas corpus. The act does not apply to criminal arrests. Effective: March 23. Lobbyist: Meghan Dollar.

SB 20-086 — Alcohol Beverage License and Permit Expiration

The act allows the Liquor Enforcement Division (LED) to set a renewal fee for liquor licenses and permits. Additionally, the act allows the LED to notify licensees of expiration dates through more effective means other than first class mail. Effective: **Sept. 13**. Lobbyist: Brandy DeLange (contact Meghan Dollar).

SB 20–096 – Remote Notaries Protect Privacy

The act authorizes a notary public to perform a notarial act on behalf of an individual who is not in the notary's physical presence, but only with respect to an electronic document. A notary must use an electronic system that conforms to standards established by the Colorado Secretary of State, which include using real-time audio-video communication. The act also establishes specific standards that a notary must comply with in order to confirm the identities of individuals. The act also prohibits the use or sale of personal information of a remotely located individual by the remote notary and the provider of a remote notarization system. The bill also immediately extends the Secretary of State's current emergency rules for remote notaries until Dec. 31. Effective: June 26, except that sections 1 through 6, and section 8 of the bill take effect Dec. 30. Lobbyist: Heather Stauffer.

Continued on page 3.

"Immediate attention ... " continued from page 2

SB 20-110 — Penalties for Liquor Law Violations

The act allows both the state and local licensing authority to assess a fine for a liquor license violations, regardless of whether the licensee has petitioned for a fine instead of a license suspension. Additionally, the act requires the Liquor Enforcement Division to adopt rules establishing categories of violations and ranges of penalties for state and local licensing authorities. Effective: Immediately upon the Governor's signature. Lobbyist: Brandy DeLange (contact Meghan Dollar).

SB 20–181 — Measures on Competency to Proceed

The act makes several changes to the competency statute.

Additionally, the act specifies that when a defendant is found incompetent to proceed or where civil commitment proceedings are initiated in a municipal case, the municipal court shall dismiss the case. Effective: Immediately upon the Governor's signature. Lobbyist: Meghan Dollar.

SB 20-205 — Employee Paid Sick Leave

The act sets requirements for both public and private employers to provide sick leave. The act sets specific paid leave thresholds that an employer must meet. If a municipal employer provides higher amounts of paid leave, quicker accrual time frames, and allows paid leave for the reasons listed below, this act may not affect current policy. Through Dec. 31, every Colorado employer, regardless of size, must provide paid sick leave as required under the federal Families First Coronavirus Response Act. Beginning Jan. 1, 2021, employers with 16 or more employees must provide one hour of paid sick leave for every 30 hours worked, up to a maximum of 48 hours per year. For employers with 15 or fewer employees, the act goes into effect on Jan. 1, 2022. The act outlines the circumstances when an employee may take sick leave. The act requires employers to provide employees with additional paid leave during a public health emergency. Employers must provide employees who normally work 40 or more hours a week with at least 80 hours of additional paid sick leave. For employees who work less than 40 hours a week, employers must provide additional paid sick leave in the amount of time the employee is scheduled to work in a 14-day period or the amount of time

the employee actually works on average in a 14-day period. Employers are required to notify employees of the amount of paid sick leave to which they are entitled and the terms of its use. The act provides both an administrative and civil remedy for employees who feel they have been retaliated against or their employer disciplines them for taking the allowed leave in this act. Employers are required to retain records documenting hours worked, paid sick leave accrued, and paid sick leave used for each employee for a two-year period. Employers are to provide reasonable access to records to the CDLE. Effective: Immediately upon the Governor's signature. Lobbyist: Meghan Dollar.

SB 20-207 — Unemployment Insurance

The act expands and increases qualifications for unemployment insurance (UI) benefits and increases the amount of money workers can make (from 25% of the benefit amount to 50%) and still receive UI benefits. The legislation expands "good cause" reasons for workers to guit their jobs and still be eligible for benefits, including employers failing to follow health and safety guidelines, a childcare crisis due to the public health emergency, or caring for sick or quarantined family members. Additionally, the act codifies standards for a person refusing to return to work due to health concerns, to still gualify for UI benefits. Effective: Immediately upon the Governor's signature. Lobbyist: Morgan Cullen.

SB 20-213 — Alcohol Beverage Retail Takeout and Delivery

The act creates a temporary process (set to expire July 1, 2021) to allow certain liquor licensees to provide both takeout and delivery when the Governor has not declared an emergency. In this time, orders may be no more than 750 milliliters for wine/spirits and no more than 72 ounces for beer, hard cider, etc. Additionally, the act allows local licensing authorities to establish a local permitting process and permit fee (the local fee amount may not exceed the state permit fee). If the local authority does not establish a permit, the licensee is only required to obtain the state permit. Finally, the act directs the Liquor Enforcement Division to promulgate rules, including the creation of the permit application and the permit fee. Effective: Immediately upon the Governor's signature. Lobbyist: Brandy DeLange (contact Meghan Dollar).

SB 20–217 – Enhance Law Enforcement Integrity

This act makes several policy changes related to law enforcement practices. Per the definition of peace officer in the legislation, most of the provisions of the act apply to any person employed by a local government who is required to be Peace Officer Standards and Training (P.O.S.T.)-certified, a Colorado State Patrol (CSP) officer, and noncertified deputy sheriffs.

The act creates a civil action for deprivation of rights by a local law enforcement officer that can be brought in state court. Qualified immunity is not a defense. The act also requires an employer to indemnify an officer for liability, except the employer may require an officer pay up to 5% of the judgment or \$25,000, whichever is less, if the officer acted in bad faith. The act prohibits the use of a chokehold by law enforcement and makes significant changes to statutes regarding "fleeing felon." The act also specifies mandatory disciplinary actions by employers, as well as mandatory internal reporting. Data must be collected on all contacts and other law enforcement actions. All officers must by trained on the new use of force requirements by Sept. 1. The act contains numerous other provisions that are effective Sept. 1, and other later dates. Effective: June 19. Lobbyist: Meghan Dollar.

SB 20–222 – CARES Small Business Grant Program

The act creates a small business COVID-19 grant program, financed with \$20 million from money allocated to the state pursuant to federal funding from the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The Colorado office of economic development will administer the grant program. To be eligible for a grant, a small business must have fewer than 25 employees and have been affected by economic hardship caused by the COVID-19 pandemic. A preference is given for a small business that did not qualify for or receive a paycheck protection program loan; is majority owned by veterans, women, or minorities; or is in a rural area. \$5 million is earmarked until Oct. 1, for tourism businesses. The federal money must be spent by Dec. 30. Effective: June 23. Lobbyist: Morgan Cullen.

Continued on page 4.

"Immediate attention ... " continued from page 3

HB 20-1001 — Nicotine Product Regulation

The act increases the minimum statewide purchase age of nicotine products from 18 to 21. In addition to increasing the minimum age, the act creates a dual state and local licensing process. If a city or town has opted to license retailers, they may impose more stringent requirements than the state. Additionally, the state shall not issue a license to a retailer until the retailer has obtained local licensing approval and is able to provide a copy of that local license to the Liquor Enforcement Division. State and local licensing authorities will also work in tandem to conduct compliance checks and respond to complaints. Finally, the act allows for delivery of vaping products, so long as the delivery is made by an individual 21 or older and the delivery person checks the identification for age verification of the person receiving the delivery. Effective Immediately upon the Governor's signature. Lobbyist: Brandy DeLange (contact Meghan Dollar).

HB 20–1048 — Race Trait Hair Style Anti-Discrimination Protection

The act specifies that an individual's hair style cannot be used to discriminate on the basis of race in the context of employment, housing, and public accommodation. The act specifies that race includes hair texture, hair type, and protective hairstyles that are commonly or historically associated with race, such as braids, locs, twists, corn rows, tight coils or curls, Bantu knots, Afros, and headwraps. Effective: **Sept. 13**. Lobbyist: Meghan Dollar.

HB 20-1196 — Mobile Home Park Act Updates

The act makes changes to statutes regarding mobile home parks. The act defines new terms for the Mobile Home Park Act and the Mobile Home Park Act Dispute Resolution and Enforcement Program. The act also adjusts the conditions under which a tenancy may be terminated, changes management's duties concerning park maintenance and

Course notebook

The Colorado Resiliency Office is inviting you to their Adaptions and Future webinar series that will focus on real-time topics and actionable advice from communities around the state. repair, and requires management to provide documentation to tenants regarding water usage and acting. The act also prohibits management from retaliatory actions, puts constraints on how management may amend park rules, and establishes a right to privacy for tenants. A mobile home park cannot have its use changed without necessary approval. Effective: Immediately upon the Governor's signature. Lobbyist: Meghan Dollar.

HB 20–1201 – Mobile Home Park Residents Opportunity to Purchase

The act gives homeowners in a mobile home park, or an association representing a majority of homeowners, the opportunity to make an offer to buy the park if the landlord or management anticipates selling it or changing the use of the land. Effective: Immediately upon the Governor's signature. Lobbyist: Meghan Dollar

HB 20–1293 — Emergency Telephone Service Charges

The act makes several changes to both state and local surcharges for 911 emergency telephone services. Currently, local 911 emergency telephone charges are capped at \$0.70 per month. This cap has been eliminated and will now be set annually by Public Utilities Commission (PUC). If a local 911 authority finds this new amount is not sufficient to cover costs, the local authority may obtain approval from the PUC to charge a higher rate. The bill also changes the 911 surcharge rate, repeals the prepaid 911 wireless surcharge and sets it to be based on the average amount of local emergency telephone charges and the 911 surcharge, and finally, creates a reporting system for violations that occur. Effective: Immediately upon governor's signature. Lobbyist: Brandy DeLange (contact Meghan Dollar).

HB 20–1415 — Whistleblower Protection Public Health Emergencies

The act prohibits an employer, including public employers, from discriminating, retaliating,

or taking adverse action against any worker who raises any reasonable concern, in good faith, about workplace health and safety practices or hazards related to a public health emergency. It also prohibits an employer from discriminating, retaliating, or taking adverse action against a worker who voluntarily wears personal protective equipment (PPE) if it is more protective than what is provided by the employer. The requirements of this act are only applicable if an employee accuses an employer of violating government health or safety rules as it relates to either a disaster emergency declared by the governor based on a public health concern, or a public health order issued by a state or local public health agency. An employer is required under this act to post notice of a worker's rights under the act in a conspicuous location on the employer's premises. An employee is required to exhaust administrative remedies before bringing an action in district court. An employee may, within 90 days after exhausting administrative remedies, bring an action in district court. A court may order affirmative relief it deems to be appropriate, including punitive and compensatory damages against an employer. Reasonable attorney's fees may also be awarded. Effective: Immediately upon the Governor's signature. Lobbyist: Heather Stauffer.

HB 20–1421 — Delinquent Interest Payments Property Tax

This act allows, under certain conditions, a board of county commissioners or a city council to reduce or waive delinquent property tax interest payments and aid local taxing jurisdictions in paying bonds or monthly operational costs if the taxing jurisdiction provides notice. The act is repealed **Dec. 31**. Effective: June 14. Lobbyist: Meghan Dollar.

Shortly, CML will publish the 2020 Colorado Laws Enacted Affecting Municipalities, which will summarize these bills and additional legislation of municipal interest. The publication will be presented free online at *bit.ly/2BMDI19*, where several prior editions are also available.

Upcoming webinars are scheduled on July 9, July 23, Aug. 6, and Aug. 20 from 11 a.m. to noon.

Topics are still to be determined, but will be announced at *bit.ly/3eKQtYG*. On this webpage, you will also find links to recordings of past webinars.

DOLA grants \$7.3M in May and June for Colorado affordable housing

The Colorado Department of Local Affairs' (DOLA) Division of Housing (DOH) awarded \$7.3 million through the Colorado State Housing Board for affordable housing in the months of May and June.

In May, DOH granted La Veta Village, Inc. \$3 million for the adaptive reuse of a former cheese factory in La Veta, to create a certified assisted living residence that offers seniors and persons with disabilities health services in a community setting. The project will house 16 low-income Coloradans with six units set aside for people on Medicaid. It will include 24-hour protective oversight, daily living skills assistance, and personal care services.

DOH awarded St. Francis Center and Blue Line Development \$2.1 million for adaptive reuse of the former Warren United Methodist Church built in 1909, to construct a supportive housing community in the historic Wyman neighborhood of Denver. Warren Residences will provide 48 single-occupancy units for people experiencing homelessness with a disabling condition who are extremely low income — at or below 30% of area median income (AMI.) The project will include on-site case management and supportive services provided by St. Francis Center.

DOH granted \$1 million to Health Solutions and Cardinal Capital for construction of the first supportive housing development in Pueblo called The Right Place. The project will consist of 35 one-bedroom units serving formerly homeless individuals with a focus on veterans and people exiting corrections. Health Solutions will provide services on site as well.

In addition, \$440,000 was awarded to Jefferson County Housing Authority to assist with the construction of The Flats at Ford Street, a 44-unit affordable housing development in Golden. The project will consist of 19 one-bedroom, 20 two-bedroom and four three-bedroom apartments for households earning 30% – 60% of the AMI.

In June, DOH granted \$750,000 to Douglas County Housing Partnership to assist with the construction of Oakwood II in Castle Rock, a 53-unit development for seniors with incomes between 30% – 60% of the AMI.

"DOLA is committed to our mission of strengthening communities even in the face of unprecedented challenges," said DOLA Deputy Executive Director Natriece Bryant. "The State Housing Board through our Division of Housing has answered the call of that challenge and will continue to as we all get through the pandemic and adjust to our new normal together."

The State Housing Board and DOLA's Division of Housing continue to support the creation of affordable housing that is accessible, safe and secure for all Coloradoans. For complete information on Housing Board grant approvals, visit *bit.ly/2BKjzsJ.*

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CML welcomes Leslie Hough



CML is excited to introduce Leslie Hough, our new publication and design specialist. Leslie has joined the Communications and Engagement Team, where she will lay out, design, and coordinate the production of all of CML's publications. Leslie was born and raised in Lima, Peru, where she graduated from the Institute of Peruvian Arts and Design with a degree in graphic design. She moved to Florida in 2008 and began her career working in the print and custom engraving industry, while developing her skills as an amateur photographer in her free time. In 2013, she moved to Minnesota for an opportunity to work for the Minnesota Department of Natural Resources (DNR) as a graphic designer and photographer, where she created several media campaigns from the ground up, including print, online and large scale expos with her original design

and photography. From the DNR, she was identified as a high-level performer and was brought into Explore Minnesota to create tourism media and advertisements to be distributed worldwide. In 2018, she moved to Colorado where she was the lead designer for an emerging cybersecurity company and developed all-new branding and media designs to vault them into the fast-paced segment. Leslie has been pivotal in using her vast past experience in the creation of new branding and identity for CanaGlobe and Dish Network. In her free time, Leslie enjoys hiking and exploring national parks.

CML scrapbook: Newly elected CML Executive Board members



Sharon Craig, Ignacio trustee



Kathi Meyer, Steamboat Springs council president pro tem



Darrin Tangeman, Woodland Park city manager



Larry Atencio, Pueblo councilmember



Jessica Sandgren, Thonton councilmember



Wynetta Massey, Colorado Springs city attorney



Rick Bain, Brush mayor



Charles Willman, Glenwood Springs councilmember



Katie Sickles, Bayfield manager



Andrea Samson, Loveland councilmember



Leah Dozeman, Wheat Ridge councilmember

CML would like to extend a special thank you to the Clerk Election Committee. This committee was instrumental in the success of CML's Annual Business Meeting and the voting process.

- Wanda Winkelmann, city clerk, City of Grand Junction;
- Cheryl Aragon, city clerk, City of Greeley;
- Lynette Beck, city clerk, City of Lafayette;
- Christian Samora, town clerk, Town of Berthoud.

We would also like to thank, Kristen Rush, city clerk, City of Arvada for running the Executive Board election process.

Research corner: NLC releases new survey data on COVID-19 fiscal impacts

The National League of Cities (NLC) has released new survey data from over 1,100 municipalities across the country that shows our national economic recovery is at even greater risk of stalling if Congress fails to provide direct federal aid to America's cities, towns and villages. The survey, which focuses on local spending cuts and service adjustments, found:

- 74% of municipalities have already started making unavoidable cuts and adjustments in response to the projected \$360 billion revenue loss for cities over the next three years
- 65% of cities are being forced to delay or completely cancel capital expenditures and infrastructure projects
- 32% of cities indicate they will have to furlough or lay off employees
- Nearly 70% of cities have not received CARES Act funding

These cuts drastically impact the people who live and work in these communities, and the infrastructure and essential services that are critical to the national economic recovery. While \$275 million of the CARES Act funding received by the state will go to municipalities and counties, it only represents 16% of the total controlled by the state and cannot be used for revenue stabilization. The NLC survey results underscore the urgent need for Congress to provide direct federal funding for revenue stabilization to municipalities affected by the COVID-19 pandemic.

The infographic on the right shows more results. Visit *bit.ly/2NGYOMw* for the NLC Cities are Essential resources page, where you can find tools and suggested actions, including other survey results and guidelines and messaging suggestions for letters to the editor and op-eds, to help tell the story of how Colorado's cities and towns have been impacted by COVID-19.

Our national economic recovery is at risk.

Cities across the nation are forced to make cuts that drastically impact not only the people who live and work in these communities, but also the infrastructure and essential services critical to the national economic recovery.

A NEW SURVEY OF 1,100 MUNICIPALITIES from across America shows that our nation's economic recovery is at risk of stalling if Congress fails to provide direct federal aid to cities, towns, and villages.



^{*} https://home.treasury.gov/system/files/136/Census-Data-and-Methodology-Final.pdf

Methodology: This survey was conducted between June 8-June 16, 2020. A total of 1,117 cities, towns and villages from all 50 states, the District of Columbia and Puerto Rico provided information to NLC.



LEAGUE MUNICIPAL COLORADO

Vol. 46, No. 13, July 3, 2020

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