



CML now accepting nominations for Sam Mamet Good Governance Award



Applications are now open for the 2021 Sam Mamet Good Governance Award. To apply, please visit bit.ly/Mamet21.

In 2019, CML announced the creation of the Sam Mamet Good Governance Award in honor of retired CML Executive Director Sam Mamet. Beginning in 2020, the award

is given annually to one to three individuals who exemplify and seek to expand the application of principles of good governance, which may include:

1. Efficiency and effectiveness of government
2. Responsiveness to need
3. Openness and transparency
4. Respect for the rule of law
5. Accountability to self and others
6. Inclusivity
7. Ethical behavior and conduct
8. Innovation
9. Representation of all constituencies
10. Fiscal accountability

The award will be presented during the CML Annual Conference. Recipients will

be given a complimentary registration to the following year's annual conference and invited to assist in presentation of the award to their successor or successors. A plaque containing the names of all recipients and the year of the award will be maintained at CML.

Any municipal elected official, staff member, or other individual in public service who exemplifies principles of good governance is eligible to receive the award. Eligible individuals may be presented for consideration through the completion and submission of the form at bit.ly/Mamet21, or CML Board members and the CML executive director, with approval from the CML Board president, may also add nominees for consideration.

Final selection of the recipient will be made by the CML Executive Board at its regular April meeting prior to the Annual Conference, and recipients will be notified and provided with a per diem reimbursement for expenses and one night of lodging, if not already registered to attend the conference.

Deadline for submissions is Wednesday, **March 31, 2021**.

Information about last year's winner, Colorado Springs Mayor John Suthers, is available at bit.ly/3aKawpp.

CML mourns the loss of local government family members

The Colorado Municipal League joins the Town of Eagle and Eagle County in mourning the loss in a tragic backcountry avalanche of three leaders who dedicated themselves to the Eagle Valley and public service.

Town of Eagle Mayor Pro Tem Andy Jessen and Council Member Adam Palmer both served as municipal officials, and both Palmer and Seth Bossung were employed by Eagle County. Jessen was also

co-founder of the popular Bonfire Brewing in downtown Eagle. They were all together with a larger group skiing in the backcountry of San Juan County on Feb. 1 when an avalanche was triggered.

"The family of Colorado local governments, while diverse, is very tight knit," said Kevin Bommer, CML executive director. "These were all people who cared about their community and chose to make a difference through public service and work with

local businesses. All of us at the Colorado Municipal League extend our deepest condolences to each family, as well as the extended local government family."

Separate donation pages have been set up on GoFundMe for those who may wish to help support the families of Bossung (bit.ly/3aNE59x), Jessen (bit.ly/3rzLj81), and Palmer (bit.ly/2Lu2fgK).

Congratulations

CML congratulates Mark Vanderbrook, who celebrated his work anniversary in February.



Mark Vanderbrook
Database Specialist
2 years

Member news

New Associate Members

ABM Technical Solutions

Kate Sipla, bundled energy solutions, southwest region
720-318-0640
kate.sipla@abm.com
www.abm.com

ABM assists public agencies in reallocating, preserving and generating resources to fund their mission, vision and goals. Our clients use those resources to address deferred capital and maintenance needs, update historical infrastructure, improve indoor air quality, invest in technology, upgrade security, renovate facilities, and plug budget shortfalls caused by funding reductions.



COLORADO
MUNICIPAL
LEAGUE **NEWSLETTER**

CML Newsletter (ISSN 7439903) is published biweekly by the Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207, for Colorado's municipal officials. (USPS 075-590) Periodical postage paid in Denver, Colorado.

Designer and editor: Leslie Hough
Circulation/mailling lists: Mark Vanderbrook

POSTMASTER: Send address change form 3579 to Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207; (p) 303-831-6411 / 866-578-0936; (f) 303-860-8175.

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

Get this newsletter by email. The *CML Newsletter* is available by email three days before it arrives in the mail! Sign up at bit.ly/CMLNewsletter.

CML releases updated *How to Hire a Local Government Manager or Administrator*

For many governing board members, hiring a local government manager may be the most important decision you will make during your tenure. A recently updated CML publication, *How to Hire a Local Government Manager or Administrator*, provides step-by-step guidance on the hiring process, from finding the best match to sealing the deal. This latest edition also includes updated appendices with sample job notices, position descriptions, and open records considerations.

Many local government officials have contributed to the publication over the years. CML thanks Mark Deven, Arvada city manager, and Jennifer Fairweather,

Jefferson County human resources director, for their contributions to the latest edition. CML Associate Member CPS HR Consulting and CML General Counsel David Broadwell contributed to updated appendices.

One copy of the publication was sent to all member municipalities. Additional printed copies of *How to Hire a Local Government Manager or Administrator* may be ordered from CML at 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 cml.org.

New CML publication offers tips for enhancing professionalism during virtual meetings of local government

To reduce the risk of person-to-person transmission of the COVID-19 virus, nearly all Colorado local governments at least occasionally resort to alternative meeting platforms to conduct what we now call "virtual meetings." Recognizing it is likely that the use of web-based virtual meeting platforms will continue into the future, CML has published *Tips for Enhancing Professionalism during Virtual Meetings of Local Government*, authored by Executive Board President Robert (Bob) Widner. This new publication offers suggestions that will help CML members project an image of engagement, attention, and professionalism during virtual meetings.

In addition to serving as CML Board President, Widner is a founding partner of the Colorado local government law firm of Widner Juran LLP in Centennial. During his more than 32 years of representing local governments, Widner has served as the city, town, or county attorney for communities throughout the state and has served as the city attorney for Centennial since 2004.

A copy of the *Tips for Enhancing Professionalism during Virtual Meetings of Local Government* publication will be mailed to all recipients of the CML Newsletter and is also available for download at bit.ly/36UFELH.

Release of Census 2020 redistricting data file delayed to July 30

The Census Bureau will release its first data product, state total counts, used for reapportionment of the Federal House of Representatives, by **April 30, 2021**. This date remains fluid and could continue to change as data processing continues.

The Census 2020 redistricting data file with census block counts of the population, race, ethnicity, and housing units will be delayed due to COVID-19 until **July 30, 2021**, at the earliest. This product is the first

detailed release from Census 2020, and its results can be aggregated to municipalities, counties, and other geographies.

This delay may impact several redistricting, data release, and research plans. If your organization uses Census data and has any timing requirements, be aware of this delay and plan accordingly.

Colorado Department of Local Affairs processing \$42M in housing assistance requests, awards \$1.2M for affordable housing in January



The Colorado Department of Local Affairs (DOLA) Division of Housing (DOH) now offers a direct online application for the Emergency Housing Assistance Program (EHAP), and awarded \$1.2 million through the Colorado State Housing Board (SHB) for affordable housing in January.

DOLA allocated more than \$35 million in state and federal relief funds to help prevent evictions and foreclosures in 2020 through its EHAP and Property Owner Preservation (POP) programs, for which demand has increased significantly. In January alone, Coloradans requested another \$42 million of assistance. In response, DOLA has created an application

portal for homeowners and tenants to apply directly on DOH's website (bit.ly/3jiQCpl).

"We are excited about program improvements we have made to POP and EHAP, including an administrative firm we have brought on to assist us and our partners with the high volume of applications," said Director of Housing Alison George. "We served over 16,000 households in 2020 in response to the pandemic, and we already have nearly 14,000 requests in January."

Also in January, DOLA awarded Artspace Projects, Inc. \$650,000 to assist with construction of 30 new units of affordable rental housing in downtown Ridgeway. The Ridgeway Space project is a mix of 24 one-

and two-bedroom apartments available to households with incomes averaging between 30% and 80% of the Area Median Income (AMI). The development is rent and income restricted for a minimum of 50 years to ensure long-term affordability in Ouray County.

DOLA awarded Gunnison Valley Regional Housing Authority \$255,000 to expand their down payment assistance program to assist qualifying households in Gunnison and Hinsdale Counties. Borrowers will attend a HUD-approved homebuyer education class given by a certified housing counseling agency. The department also awarded NeighborWorks of Southern Colorado \$290,000 for their down payment assistance program in Pueblo, which will provide DPA loans to households in that area. Both programs help families with incomes between 80% and 100% of the AMI.

"We understand the anxiety and frustration that comes with the struggle to pay your housing costs," George added. "We are working tirelessly to try and support every Coloradan who needs help to remain stably housed."

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/3cSjSiL. For complete information on DOH COVID-19 housing assistance, visit bit.ly/3ju3jOl.

DOLA invites municipalities to participate in 2020 land use survey

By Beauclarine Thomas, CML legislative and policy advocate

The Colorado Department of Local Affairs (DOLA), in partnership with the Colorado Municipal League, Colorado Counties, Inc., and the Colorado Chapter of the American Planning Association, has opened its 2020 Land Use and Planning Capacity Survey (LUPCS) to local governments. The LUPCS is administered every five years and is an opportunity for DOLA to identify the planning priorities, trends, gaps, and needs of Colorado's communities so that it can share best practices and direct its services to provide the most benefit. The results from

the 2015 municipal and county surveys can be found at bit.ly/3jvxSTZ. Like the 2015 survey, the 2020 LUPCS is the first part of a new two-step approach. Information collected from this survey will guide voluntary individual follow-up with communities to discuss their specific needs, resulting in the creation of best practice reports that address the most pertinent planning issues statewide.

The LUPCS should be completed by the staff member who is most familiar with your municipality's planning/land use policies and regulations. If you are not the staff member best suited to complete this survey, please forward this invitation to staff member who is.

Only one survey should be submitted for each municipality. If you are having trouble accessing the survey or have questions about any part of it, please contact sean.rusnak@state.co.us. The LUPCS is an inventory, so your jurisdiction's response is critical to its validity and impact. It takes approximately 35 minutes to complete. Take the survey at bit.ly/39YgVOM and please complete it by **March 31, 2021**. So far only 33 municipalities have completed the survey. Please make sure you complete this survey by the deadline as it will provide critical information for DOLA'S investments and services.

Now is the time to prepare for summer drought conditions

By Heather Stauffer, CML legislative and policy advocate

On Nov. 30, 2020, Gov. Polis expanded activation of the State Drought Plan to Phase 3 and enacted the Municipal Water Task Force. The objective of this task force is to coordinate with over 700 water providers across the state to best prepare for anticipated drought-related challenges in 2021. The task force will assess pending and current drought impacts on municipal water supply and public health and recommend and help implement mitigation and response actions. Findings and recommendations of this task force will facilitate effective response capabilities, as well as provide documentation for any emergency declaration. CML serves as one of the core members of this task force.

Water year 2020 was the third driest water year on record, exceeded only by 2002 and 2018. According to the U.S. Drought Monitor,

100% of the state of Colorado is currently experiencing abnormally dry conditions, with 70% of the state currently experiencing extreme drought. SNOTEL estimates the current snowpack for most water basins in the state is around 70%–80% of normal (the exception being in the Upper Rio Grande and Arkansas basins who have received 97%–107% of normal snowpack).

If you have not started preparing for summer drought conditions, winter months are critical planning periods before the increased water demands of summer months arrive. A municipal needs survey conducted by the municipal water task force showed that while 58% of respondents reported having a drought plan, 31% reported having no drought plan, and 10% were unsure.

Wondering how to start putting together a municipal drought plan? The Colorado Water Conservation Board's Office of Water Conservation and Drought Planning

has a number of resources available on their website at bit.ly/3jtDmhQ, including the municipal drought management plan guidance document (bit.ly/2YUqUyi), the drought management planning guide for water providers (bit.ly/2MJOBXq), and a worksheet template for drought response actions (bit.ly/3jtDmhQ). CWCB also provides year-round drought management planning grants; applications are on their website at bit.ly/2YUyBEA. The Department of Local Affairs also offers assistance to communities whose water systems are impacted by drought conditions. Contact DOLA's water & wastewater program manager Desi Santerre at 303-864-7733 or desiree.santerre@state.co.us for more information.

If you have questions, or suggestions for the municipal water task force on resources municipalities need to help more effectively prepare for drought, please contact Heather Stauffer at hstauffer@cml.org.

FEMA to retroactively reimburse costs for COVID–19 expenses

By Meghan Dollar, CML legislative advocacy manager

Since August of 2020, the National League of Cities (NLC), along with other state and local groups and emergency management organizations, have advocated to FEMA and Congress to increase the federal cost share for the COVID–19 Emergency Major Disaster declarations to 100%.

During his first week in office, President Biden issued a memorandum that increased FEMA's cost share to 100% federal. Initially, it

was not clear if this adjustment would be retroactive.

On Feb. 2, the Biden Administration clarified that FEMA will be "retroactively reimbursing states fully for the FEMA-eligible services – including masks, gloves, emergency feeding actions, sheltering at risk populations and mobilization of the National Guard – back dated to the beginning of the pandemic in January 2020."

You can find the full memorandum at bit.ly/3q5ufq7. It states that FEMA shall provide a 100% federal cost share for all

work eligible for assistance under Public Assistance bit.ly/2Oe70vT. Category B, pursuant to sections 403 (42 U.S.C. 5170b), 502 (42 U.S.C. 5192), and 503 (42 U.S.C. 5193) of the Stafford Act performed from Jan. 20, 2020, through Jan. 20, 2021.

To get more information, contact your regional field manager with the Department of Homeland Security and Emergency Management. You can also contact Meghan Dollar at mdollar@cml.org for more information to ensure you receive the full reimbursement for the cost share adjustment.

Telluride's Kipfer retires after 27 years



Diane Kipfer, administrative services director for the Town of Telluride retired last month after a lifelong commitment of 27 years. Kipfer moved to Telluride with her husband Stanley in 1979. Kipfer started her career in the Finance Department with the Town of Telluride after

working at FAS Glass and as a teacher with the Telluride School District. After several years with the Finance Department, Kipfer became the administrative services director. Throughout her career, she took care of her employees, always offering them support and guidance. She really cares about her Telluride family, with some employees calling her, "Our Mama". In addition to a large employee family, she also has two children and two

grandchildren. She enjoys hiking, camping, boating, and spending time with her family. Diane is a huge Colorado Avalanche fan! Diane's plans for retirement are traveling in the family motorhome and exploring national parks. Happy retirement, Diane! You mean so much to so many people in the Town of Telluride, thank you for your amazing commitment to the Town! This isn't goodbye, just see ya later!



Colorado Waste Diversion Grant: Building opportunities to maximize waste diversion and create jobs in Colorado

By Meghan MacKillop, CML legislative and policy advocate

The Recycling Resources Economic Opportunity (RREO) Program is currently accepting applications for the Colorado Waste Diversion Grant to fund implementation projects that create opportunities to increase waste diversion and create jobs. Eligible projects should focus on waste reduction, recycling, composting, anaerobic digestion, repurposing, or reuse for a wide variety of materials. In addition to waste diversion projects, proposed projects with a focus on reduction, or stopping the creation of waste in the first place are encouraged.

Other eligible projects may focus on reuse, recycling, composting, repurposing or anaerobic digestion for a wide variety of materials.

The RREO Program provides funding that promotes economic development through

the management of materials that would otherwise be landfilled. Since its inception in 2007, the program has awarded nearly \$25 million to businesses, local governments, nonprofit organizations, and schools and universities to develop recycling infrastructure and promote sustainable behavior change in communities across Colorado. Funds are distributed via grants and rebates, approved by the Pollution Prevention Advisory Board.

For this funding cycle, a total of \$2 million is available to fund multiple projects. Public and government agencies, including special districts and intergovernmental partnerships, are eligible to apply.

For more information and application instructions and requirements, visit the program website at bit.ly/3rDfiMb.

Applications for this grant are due by 3 p.m., **March 1, 2021**.

Front Range Waste Diversion Program Grant now accepting applications

By Meghan MacKillop, CML legislative and policy advocate

The Front Range Waste Diversion (FRWD) (bit.ly/3aK119Y) program was approved by the Colorado state legislature in 2019. The program collects funds from an increase in user fees at Front Range landfills and provides grants and technical assistance to Front Range communities to encourage an increase in recycling, composting, and waste reduction. The first cycle of grants was awarded over \$2 million, with \$2.5 million available in this second cycle.

This funding cycle will largely focus on sustainable construction and demolition waste diversion and reduction, as well as end markets. Applications that address

deconstruction are a focus of this grant offering, although end markets for the material must also be available. End markets and infrastructure are also a priority for this cycle and the program invites applicants to utilize innovation to create new markets and build on existing markets. Entities that are eligible to apply include municipalities, counties, private sector entities in the Front Range and schools, colleges, and universities.

For further information on eligibility requirements, funding amounts and project requirements, visit the FRWD program website at bit.ly/3aK119Y.

Applications for this grant are due by **March 15, 2021**.

CML LEGAL CORNER



Keeping municipal sidewalks safe and sound



By David W. Broadwell,
CML general counsel

One great thing about 19th century townsites in Colorado: the old street grids were always platted with a system of detached public sidewalks in mind. Even with the advent of the automobile, public streets within municipalities were usually designed to include detached sidewalks for the safety and enjoyment of pedestrians well into the 20th century.

These legacy sidewalk systems are subject to the ravages of nature, of course. The freeze/thaw cycle, expansive soils, upheaval due to tree roots, all are facts of life in Colorado. To what degree is a municipality responsible for maintaining and repairing sidewalks when they deteriorate over time?

New Boulder case

On Jan. 19, the Colorado Supreme Court agreed to review a new sidewalk liability case captioned *Maphis v. City of Boulder*. This will be the latest in a long line of cases exploring the question of who is responsible for injuries caused by

dangerous or defective conditions of public sidewalks. Boulder responds to citizen complaints about the condition of sidewalks,

but the city also proactively inspects sidewalks and sends out crews to make repairs. In the *Maphis* case, a city inspector found a two-and-a-half-inch displacement of a sidewalk slab on a quiet residential street. He marked the hazard with paint, and a few weeks later city crews repaired the sidewalk. But in the short time between the inspection and repair, a pedestrian allegedly tripped on the displaced slab, injured herself, and sued the city.

Governmental immunity

The Colorado Governmental Immunity Act has always provided that a municipality can be sued for negligence related to a "dangerous condition" of its streets and sidewalks, but only if the condition creates an "unreasonable hazard" to the public. The Supreme Court has recently signaled that it is not reasonable to expect municipalities to always and forever keep their streets in perfect, like-new condition. Budgets are limited; repairs must be prioritized.

In the Boulder case, the lower court ruled for the city based on this principle. The city discovered the defect in the sidewalk, marked it, and repaired it a short time later. Under these facts, the city did

not create or tolerate an "unreasonable hazard" according to the court. Moreover, if cities were held to a standard requiring immediate repair whenever a defect is discovered, it might have the perverse effect of disincentivizing cities from proactively doing periodic inspections.

Americans with Disabilities Act

When the ADA was originally adopted in 1990, nothing about the new law required municipalities to retrofit or upgrade their aging sidewalk systems. But cities learned quickly that any improvements to the existing system, or even the adjacent streets, would trigger the need to meet ADA standards, particularly the need to install curb ramps. In recent years, several major cities in Colorado have dealt with claims that they need to invest more to reduce barriers and comply with the ADA. Just last year, the City of Trinidad reached a settlement in a federal lawsuit in which a wheel-chair bound plaintiff claimed that the deteriorated condition of some sidewalks impaired his ability to move about town.

Adjacent property owners

Some cities have ordinances requiring the adjacent land owner to maintain public sidewalks, including snow removal and even structural repairs. Colorado courts have repeatedly held that these ordinances can impose civil liability upon the owner when an accident occurs. In practice, however, many plaintiffs sue both the property owner and the municipality, which is exactly what occurred in the new Boulder case headed to the supreme court.

Note: This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.

Research Corner: Eight places to celebrate Black history in Colorado

BLACK HISTORY MONTH

By Lydia Hooper. Reprinted with permission from History Colorado. Originally published at bit.ly/39YVoWc.

Those looking to discover and celebrate the often-overlooked stories and experiences of Black Americans need only explore the unique landscapes of Colorado. The places listed here demonstrate that Black Coloradans have been and continue to be pioneering, disciplined, daring, and resilient, mirroring Colorado history as a whole.



1. El Pueblo History Museum, Pueblo -

One of the co-founders of the El Pueblo Trading Post was Jim Beckwourth, who's featured in the Borderlands of Southern Colorado exhibit in the same spot now known as El Pueblo History Museum.

Beckwourth was born into slavery in Virginia, and as a free young man moved out West. He traded with the Cheyenne out of Fort Vasquez in Weld County before helping to build a trading post and to found the town of Pueblo. He continued to travel all over the West before settling in Denver in 1859.

2. Fort Garland, Costilla County - After the Civil War, many African American soldiers eagerly responded to the government's call for troops to help create permanent settlements in the West. From 1876 to 1879, Buffalo Soldiers were stationed at Fort Garland, where the Fort Garland Museum & Cultural Center houses photos and artifacts today.

3. Cold Spring Mountain, Moffat County - In far northwest Colorado is the place of the remains of Ned Huddleston, also known as Isom Dart, "Black Fox," and "Calico Cowboy." Freed from slavery at the end of the Civil War, Huddleston became a master horseman and stunt rider. He joined a cattle drive to Brown's Hole in the Colorado-Wyoming area, where he ultimately established his own ranch around 1890. In 1900, local ranchers hired detective Tom Horn to shoot and kill Huddleston, whose reputation had always been a bit mixed.



4. Dearfield, Weld County - This African American farming community is the only remaining town in Colorado that exemplifies the national Black colonization movement inspired by Booker T. Washington. It was one

of fourteen rural towns established in the West to provide Americans of African descent with the opportunity to own and work their own land. By 1917, sixty African American families were working its 15,000 acres.

5. The Dry, Otero County - A couple of Homestead Acts also attracted many families to the Colorado plains, including those looking for alternatives to sharecropping. About fifty Black families collectively owned around 8,500 acres in this lesser-known community. They had no school nor church, so students attended Earl School in Las Animas County, which had been built in 1909. Census records show many families had left the area by 1930, likely due to both the Dust Bowl and the Ku Klux Klan's rise in political power across the state.

6. Lincoln Hills, Gilpin County - With the advent of cars, Americans took to the open road, but African American travelers struggled to find hotels and restaurants who'd welcome them. Winks Lodge at Lincoln Hills was a bastion of the West, hosting the likes of Langston Hughes, Count Basie, and many others. It was opened in 1922 by Black entrepreneurs from Denver's Five Points neighborhood and closed in 1965, likely because federal Civil Rights legislation brought demand to a halt. You can still visit this place listed in the National Register of Historic Places or learn more about it in the Colorado Stories exhibit at the History Colorado Center in Denver.



7. Five Points Historic Cultural District, Denver -

Although Denver had no Jim Crow laws in place, Black residents had trouble finding housing and were forced to attend segregated schools. The Five Points neighborhood was the nexus of the Black community, supporting the development of entrepreneurs like Madam C.J. Walker. Churches like Zion Baptist served as centers of political life. In the 1930s, the Rossonian Lounge and Hotel became one of the nation's best jazz clubs, hosting Duke Ellington, Louis Armstrong, Nat King Cole, and Dinah Washington; it was recently awarded a State Historical Fund grant to preserve its legacy. Today's Black American West Museum was once the home of Dr. Justina Ford, who despite being denied a medical license delivered about 7,000 babies during her esteemed career.

8. Former home of Hattie McDaniel, Fort Collins - McDaniel was the first African American to win an Academy Award, for her portrayal of "Mammy" in the movie *Gone With the Wind* in 1940. Her family lived in Denver while she was growing up; she left East High School to perform, including on Denver's KOA radio station. The home she lived in as a young girl still stands in Fort Collins.





COLORADO
MUNICIPAL
LEAGUE

USPS 075-590

Periodical postage
PAID
at Denver, Colorado

1144 Sherman St. • Denver, CO • 80203-2207

Featured in this issue:

- CML now accepting nominations for Sam Mamet Good Governance Award
- Release of Census 2020 redistricting data file delayed to July 30
- Now is the time to prepare for summer drought conditions
- Keeping municipal sidewalks safe and sound
- Research corner: Eight places to celebrate Black history in Colorado

Vol. 47, No. 4, February 12, 2021

NEWSLETTER

COLORADO
MUNICIPAL
LEAGUE

