



Framework for transportation funding legislation unveiled



By Kevin Bommer, CML executive director, and Meghan MacKillop, CML legislative and policy advocate

On Thursday, March 18, legislative leaders released new details on legislation that will be introduced in the weeks ahead intended to be a "comprehensive transportation funding plan to modernize our state's transportation system," according to one of the bill's sponsors, Sen. Faith Winter, D-Westminster. The other bill sponsors are Senate Majority Leader Steve Fenberg, D-Boulder; Speaker of the House Alec Garnett, D-Denver; and Rep. Matt Gray, D-Broomfield. The proposed legislation raises nearly \$4 billion in revenue over 10 years by implementing nine new fees beginning July 2022:

- **Road Usage Fee:** New fee on fuel applied to fuel sale to offset consumer impact on roadway and transportation system. \$.02 per gallon increase, increasing every two years, capped at \$.08.
- **Truck Fee Additional Diesel Fee:** Applied to the sale of fuel to offset the additional impact of trucks on the roadway. \$.06 per gallon increase, increasing \$.01 every two years, capped at \$.08.
- **Electric Vehicle Fee:** Index the existing \$50/year electric vehicle (EV) registration

fee and assess an additional fee to establish parity with the amount of gas tax paid by a driver. \$9 annual battery electric vehicle (BEV) fee, increasing to \$90 by year 10; \$3 annual plug in hybrid electric vehicle (PHEV) fee, increasing to \$27 by year 10

• **Transportation Network Company Fee:** Fee on transportation network companies to

offset congestion and emission impacts on the transportation system for new transportation services and increased trips. \$.30 per trip.

- **Online Retail Order Fee:** Fee on online deliveries to offset the impact on the transportation system, air quality, and congestion. \$.25 per delivery.
- **Personal Car Share Fee:** Lift exemption on \$2/day rental fee (index to consumer price index (CPI)). Lift the \$2 per day exemption.
- **Rental Fee:** Index existing fee to ensure users of the road pay their share. Index existing \$2 per day rental fee to CPI.
- **Taxi Fee:** Fee on taxis to offset consumer impact on the transportation system. TBD.
- **Autonomous Vehicle Safety Fee:** Assess a safety fee on autonomous vehicles based on vehicle miles traveled (VMT). TBD.

Nearly 70% of new revenue would be distributed under the existing Highway Users Tax Fund (HUTF) distribution formula, and municipalities will have access to specialized funds created from much of the remaining 30% of the new funding. While the plan calls for reducing Funding Advancement for Surface Transportation

Economic Recovery (FASTER) vehicle registration fees for two years for a total \$90 million reduction in HUTF revenue, legislative leaders stated that the state would backfill the local governments' resulting reduction. In late February, amid swirling rumors about what might be included in the legislation, CML sent a letter to Gov. Polis and legislative leaders to affirm CML's existing policy from the League's 2020-2021 Policy Statement. The goal was to ensure no reduction in proportional municipal share while affirming that CML remained open to working collaboratively on the proposal. The feedback received from those close to the drafting of the legislation was positive, but it was also conveyed that no one would get exactly what they wanted. Upon initial review, the funding package would create significant new funding for municipal transportation needs through increased HUTF revenues. In addition, it appears there will be a substantial increase in multimodal funding available to municipalities. However, League staff will need to do a thorough analysis of the proposal to determine that new programs allow for maximum flexibility in the use of funds at the local level, as well as whether or not the new HUTF revenue and specialized programs will address specific concerns of municipalities with greater total population impacts and infrastructure challenges. We expect to work closely with our local government association partners and their respective members. For further reading on the draft proposal, head to CPR News (bit.ly/3urTTHA) and *The Colorado Sun* (bit.ly/3wwjJfi).

As additional details and information become available, CML will share them. Please direct any questions you may have at this time to Meghan MacKillop at mmackillop@cml.org.

Congratulations

CML congratulates Laurel Witt, who celebrated her work anniversary in April.



Laurel Witt
Associate counsel
3 years

Member news

New Associate Members

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John McKenzie, director of business development
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FLO is an employee-owned consulting company with offices in the Pacific Northwest, Boston, and Denver. We use GIS and data analytics to do the number crunching, analysis, and problem solving that provides our clients with the best possible data-driven solutions.

SAVE
THE
DATE

SCBA Cylinder Technology April 13, noon to 1 p.m.

In 2019, the General Assembly authorized the use of federally

approved SCBA cylinder life extension technology. Come hear how this can be used to save your fire departments tens of thousands of dollars and keep perfectly good air pack cylinders out of your landfills. Register at bit.ly/31OX0go.

Steps to transition your fleet to electric vehicles April 15, 1 p.m.

Join us for a discussion on transitioning fleets to electric vehicles with charging infrastructure. This webinar is for public sector officials with fleet operations who are interested in exploring opportunities to upgrade their operations and reduce carbon emissions. Topics include:

- **Trends & insights** - Learn about EV trends & emerging markets.
- **Challenges & resolutions** - Discuss issues around the adoption of EVs.
- **Public programs & funding** - Identify available state programs for coaching, grants, implementation plans, and financing.

Register at bit.ly/31LH52r.

El Pomar Foundation, Colorado Municipal League and Colorado 50-50 Present "Women in Politics" April 24, 4 p.m. to 6:30 p.m.

In partnership with the Colorado Municipal League and Colorado 50-50, El Pomar Foundation will host a virtual Women in Politics event through its Forum for Civic Advancement. The event kicks off with a youth forum and continues with a general session and networking breakouts. The event is free to attend. Register at conta.cc/31OLzoM.

The 2020 Census & Local Government Redistricting – What you need to know May 6, noon to 1 p.m.

When people think about redistricting, the first thing that comes to mind is usually congressional districts. However, many local government agencies are also required to reapportion their voting districts every ten years. Due to challenges with the latest census, this year's data release has been delayed and there is still uncertainty about when the data will become available. Unfortunately, this delay could mean that local governments will be working within a compressed timeline to adopt their new district boundaries. Despite the uncertainty surrounding the timeline, there are a few things local governments can do now to prevent a last-minute redistricting scramble. Register at bit.ly/3dDAEUq.



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NEWSLETTER

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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 listservs are a great resource

CML has seven listservs targeted towards municipal staff. Listservs allow groups of individuals signed up for the service to share information and ideas by email. Any subscriber can post a question or provide information to the listserv, which then is automatically emailed to all the members of the group. All responses from other members of the group are emailed to all subscribers. All listserv subscription requests are subject to CML approval and municipal membership status.

Listservs are available for:

- attorneys
- clerks

- finance officers
- human resources
- managers
- public information officers
- public works and utilities directors

If you cease to represent a municipality, you must unsubscribe from the list. To unsubscribe, email cml@cml.org and ask to be removed from the listserv.

CML reserves the right to remove anyone from the listserv for violation of the CML Listserv Rules & Guidelines (bit.ly/3bzSo3l) or for any other reason.

To sign up, visit bit.ly/3cib8U6 and click on the listserv that matches your role.

Colorado Main Street launches energy project



Colorado Main Street, a program of the Colorado Department of Local Affairs (DOLA) Division of Local Government (DLG), has launched the Heritage Energy Pilot Project offering interagency collaboration to combine quality historic preservation with statewide energy goals.

In rural towns, Main Street districts have long been the heart of community life and key to economic success. Although these places offer an iconic image of local heritage, they are notoriously hard to reach with either historic preservation or energy efficiency incentives. The Heritage Energy Pilot Program will streamline processes and infuse state agency incentives and technical assistance to catalyze increased public-private investment into rural communities.

Colorado Main Street is working with the Colorado Energy Office and History Colorado's State Historic Preservation Office to create the Heritage Energy Leadership Partnership (HELP) team, which will facilitate access to incentives and technical assistance for the preservation and sustainable

reinvestment of unique cultural landmarks in rural downtowns.

"It may be the first time all three agencies have shared a collective project," said Main Street Architect Larry Lucas. "This special relationship will help bridge the longstanding gap between historic preservationists and energy professionals, under a common goal to make Colorado stronger and more sustainable."

The HELP team will work intensively with three pilot projects, one public and two private, to integrate existing resources and high-impact environmental preservation methods such as historic tax credits, History Colorado State Historical Fund grants, Commercial Property Assessed Clean Energy (C-PACE) financing, Energy Performance Contracting for public-owned properties, and utility incentives. These pilot projects will help develop a refined cost-savings strategy and timeline for future projects to improve building infrastructure and incorporate energy efficiency and renewable energy opportunities into preservation efforts.

Main Street solicited nominations from communities across the state and selected three projects. They are the Fox Theatre in Trinidad, the Bank Building in Ridgway, and the Herald Newspaper Building in Leadville. These three projects differ in size and scope. Their differences will help prove the pilot's concept. The long-term vision is to use lessons learned to develop a statewide network of Heritage Energy Main Street districts.

Anticipated project outcomes include preservation of community heritage, enhancements to local economic development, and reduction of energy consumption within buildings to improve local carbon footprints. A successful pilot will lead to a rollout of a similar project elsewhere in the state. This will create more vibrant Main Street districts, greater economic resilience, healthier living, and better working environments for owners and tenants across Colorado.

"Working together with the HELP team, we are eager for the Heritage Energy Pilot Project to reach these important goals," added Lucas.

To learn more about Colorado Main Street, visit bit.ly/3rZiWy. To learn more about the Colorado Energy Office, visit bit.ly/3rTmaEW.

To learn more about the History Colorado State Historical Fund, visit bit.ly/3dAkuLJ.

HB21-1025: Nonsubstantive Emails and Open Meetings Law clears legislature, heads to governor's desk

By Heather Stauffer, CML legislative and policy advocate

In October 2020, CML heard from members of the CML Policy Committee about the need to clarify language in the Colorado Open Meetings Law around nonsubstantive emails exchanged between elected officials. Colorado Open Meetings Laws stipulate that emails exchanged which include three or more local elected officials or a quorum of the public body, whichever is smaller, that are used to discuss pending legislation or other public businesses are subject to the requirements of Colorado Open Meetings Laws. However, emails exchanged between elected officials which do not relate to pending legislation or other public business, regardless of the number of elected officials

that are included in the email, are not subject to the requirements of the Colorado Open Meetings Laws.

HB21-1025 can help elected officials better understand exactly which emails are considered nonsubstantive, or not related to pending legislation or other public business. The language in the bill states specifically that electronic mail communication regarding scheduling and availability, or electronic mail communication that is sent by an elected official for the purpose of forwarding information, responding to an inquiry from an individual who is not a member of the state or local public body, or posing a question for later discussion by the public body, shall not be considered a "meeting" within the meaning of the Open Meetings Law.

After quickly passing through the Colorado General Assembly, this bill is headed to the governor's desk for signature. While the new language certainly does not cover every example of nonsubstantive emails, the examples are by far the most common types of nonsubstantive emails which are exchanged. It's important to note also that the bill does not change any language in the Colorado Open Records Act. So while these nonsubstantive emails may not require a public meeting, they are still discoverable and available to the public under Colorado Open Records Laws.

Remember, if you are ever in doubt as to whether an email triggers open meetings law requirements or not, check with your municipal attorney for guidance.

Colorado Safe Routes to School — Introducing the FY-2021 grantees



We are excited to introduce our FY-2021 Colorado Safe Routes to School (SRTS) grantees! These 12 applicants were selected via a highly competitive process through which we are awarding just over \$6 million in support of safe, accessible, active transportation routes to and from school throughout the state. Thank you to all who applied!

NON-INFRASTRUCTURE GRANTS

Denver Department of Transportation and Infrastructure, Advancing a Culture of Active Transportation in Schools (ACATS):

This project will build a sustainable SRTS network in Denver's K-5 public schools by pairing the City and County of Denver's active transport infrastructure priorities with safety education modules delivered by trained teacher champions. Piloting at three schools over two program years that are scheduled to receive nearby mobility infrastructure, ACATS will transform the long-term effectiveness of Denver SRTS programs.

Center Consolidated Schools 26JT, Center Schools Safe Routes to School: This project will expand existing SRTS programs to include additional crossing guards. It will further enhance safety programming through curriculum delivery aligned to new Colorado Health and PE standards through programming taking place both in and out of school. Finally, it will promote walking and biking through the Center SRTS Coalition. Additional efforts will be placed on understanding and addressing safety concerns toward the goal to reduce in-town bus routes during warm months.

Grand Valley MPO, Grand Valley Safe Routes to School Smart Project: Mesa County aims to expand upon its 2017 SRTS project, updating existing safe routes maps and further integrating them into an interactive website and mobile app. These new platforms will allow students and parents to look up local safe routes, report safety hazards along routes, and receive encouragement to walk and bike through

level-based challenges. The project will also create a countywide educational campaign that will utilize a variety of marketing strategies to help educate students and drivers.

INFRASTRUCTURE GRANTS

Town of Center, Center Safe Routes to School Project:

The Town of Center is collaborating with the Center School District to increase the safety for walking and biking to school through planned improvements including two sidewalks running directly through town to Center Consolidated School and a crossing light south of the school.

City of Cañon City, Safe Routes for Washington and Cañon Exploratory Students:

Washington Elementary and Cañon Exploratory School are both located on one of the busiest streets in Cañon City. Cañon City plans to provide a safe route for students of both schools to walk or bike by installing and replacing sidewalks along 9th street.

Denver Department of Transportation and Infrastructure, Smith Elementary Intersection Improvements: DOTI will open up safe routes to Smith Elementary School by addressing the lack of safe crossings through the construction of eight pedestrian refuge islands at four key intersections. Included in the project design are epoxy continental crosswalk markings, advanced yield markings, and pedestrian crossing signage. The design of each crossing treatment will include ADA-compliant curb ramps.

City of Gunnison, Ohio Avenue Safewalk:

The City of Gunnison's project consists of the construction of a protected bike and pedestrian corridor. This corridor will provide a safe, easy, and obvious route to connect Gunnison schools, residential neighborhoods, Western Colorado University, the downtown business district, existing local trail systems and north/south sidewalks and bike lanes.

City of Salida, Bicycle and Pedestrian Connectivity Improvements for Longfellow

Elementary and Salida Montessori Charter School: This project will address the lack of easy connections for residents in the fast-growing southwestern part of the City of Salida to The Monarch Spur Trail, the backbone of the city's off-street bicycle and pedestrian transportation system, and a crucial safe route to access both Longfellow Elementary and Salida Montessori Charter School. The city will create and enhance safe routes to school via shared-use paths and sidewalks connecting to the trail.

City of Arvada, Secrist Elementary Safe Routes to School Sidewalk:

The City of Arvada's project will construct approximately 1050 linear feet of sidewalk and associated ADA curb ramps along a key area of Pierce Street. Pierce is a collector street with approximately 1,400 vehicles per day which serves a residential area as a connector to the entrance to Secrist Elementary School, where nearly all the students are in the walk zone.

Town of Mead, Town of Mead Regional Trail Extension:

The Town of Mead will install a half mile of the 8-foot-wide concrete trail which will serve as an extension of an existing trail network and provide a safe route for students living north of the downtown area to reach the Mead Elementary and Middle schools. The trail will be detached from the existing two lane rural asphalt roadway, where currently no sidewalk exists.

City of Pueblo, Safe Routes to Haaf Elementary School:

The City of Pueblo will provide safe and accessible routes to Haaf Elementary school by 1) constructing multi-use sidewalks and connections to give students a direct route to the school entrance; 2) installation of high visibility crosswalks to alert motorists of pedestrian activity; and 3) installation of ADA curb ramps to improve accommodations for all users.

Town of Hayden, Highway 40 Pedestrian/Multi-Modal Safety Project:

This project specifically targets youth access to Hayden schools, but will provide the enhanced ability for all ages to walk and bike within the town via the installation of 6-foot pedestrian sidewalks where they do not currently exist along Highway 40. The sidewalks will enhance pedestrian safety and multi-modal access, and also solidify non-motorized vehicle transportation along Highway 40 with increased safety to those non-motorized travelers.

Department of Local Affairs updates emergency housing programs, receives grant for supportive housing, awards \$2.06M for affordable housing in March

The Colorado Department of Local Affairs (DOLA) Division of Housing (DOH) in March launched the new Emergency Rental Assistance Program (ERAP), received \$800,000 from Kaiser Permanente, and awarded \$2.06 million for affordable housing.

DOH recently merged the Emergency Housing Assistance Program (EHAP) and Property Owner Preservation (POP) program into ERAP to meet new requirements for the \$247 million Colorado received as part of the Bipartisan-Bicameral Omnibus COVID Relief Deal. New procedures are required for all landlords and tenants through an updated website portal, while an expanded team of customer service administrators continues to work at a feverish pace to

process a significant backlog of rental assistance applications.

Also in March, Kaiser Permanente awarded DOH \$800,000 to provide additional Tenant Support Services (TSS) for new and existing supportive housing projects in Colorado. Supportive housing combines affordable community-based housing with access to flexible voluntary services to help extremely low-income individuals and families, a solution recently highlighted in the DOLA *Making Homelessness History Playbook*.

DOLA awarded Southeast Health Group \$889,000 to assist in the construction of the First Street Apartments, a 12-unit Supportive Housing project in Lamar. The one- and two-bedroom apartments will be modular

units constructed offsite, and an on-site behavioral health case manager will provide access to optional supportive services for residents. First Street is open to individuals or families experiencing homelessness with incomes at or below 30% of the Area Median Income (AMI).

DOLA awarded Jefferson County Housing Authority \$1.17 million for Alison Village, a 100-unit development in Arvada. Two buildings three and four stories in elevation will contain one- and two-bedroom apartments with a shared common area for fitness, bike repair, dog grooming, and more. Alison Village is open to those with incomes between 30% and 70% of the AMI with 30 units restricted to those below 30%.

USDA seeks applications to support technical assistance and improve rural transportation systems

U.S. Department of Agriculture (USDA) Deputy Under Secretary for Rural Development Justin Maxson announced that USDA is accepting applications for grants to improve rural transportation systems.

USDA is making the grants available under the Rural Business Development Grant program. Eligible applicants are organizations seeking to provide rural communities with

training and technical assistance to improve transportation services and facilities. USDA does not provide funding directly to individuals under this program.

Applications will be scored, reviewed, and selected on a competitive basis. Applications must be submitted to the applicant's nearest USDA office (bit.ly/2R9BWPz) by **June 30, 2021**, at 4:30 p.m. local time.

Additional information is available on page 17112 of the April 1, 2021, Federal Register (bit.ly/31OpfvA).

Applicants are encouraged to consider projects that provide measurable results in helping rural communities build robust and sustainable economies through strategic investments in infrastructure, partnerships, and innovation.

CML now accepting Executive Board applications



CML is now accepting applications for members interested in running for the CML Executive Board. Applications will be accepted through 5 p.m. on **Wednesday, June 9**.

The vacancies to be filled at the election are:

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

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

CML bylaws require CML Executive Board members to 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 can ensure nomination by:

- filing an application for nomination, in a letter or other written form, with the CML Nominating Committee. The application must be received in writing by the CML

office at least 15 days before to the annual business meeting, that is, by 5 p.m.,

Wednesday, June 9; and

- including with the application an endorsement in writing from the applicant's city council or board of trustees, which also must be received by the CML office by Wednesday, **June 9**. Please note that a city council or board of trustees may endorse the nomination of only one official from the city or town for election.

Please email application materials to Kevin Bommer, CML executive director at kbommer@cml.org.

For more information, including sample materials, visit bit.ly/3du2Vgf.

CML LEGAL CORNER



Implementing marijuana social equity programs



*By Laurel Witt, CML
associate counsel*

As the licensed commercial distribution of marijuana in Colorado becomes widespread, state and

local governments are investigating social equity programs and the impact those programs have on people from communities disproportionately harmed by marijuana prohibition.

The Colorado General Assembly lays the groundwork

The Colorado General Assembly took up the issue of social equity in 2019 by adopting legislation creating an Accelerator Program (Senate Bill 19-224). Then, during the 2020 session, House Bill 20-1424 amended the Accelerator Program to include social equity licenses. The law defines a social equity applicant as someone who has been arrested or convicted of a marijuana offense, suffered asset forfeiture due to a cannabis-related investigation, or who has lived in an economic opportunity zone for at least 15 years between 1980 and 2010, among other qualifications.

Social equity licensees are entitled to incentives from the Department of Revenue, including participation in the Accelerator Program from the 2019 legislation. The Accelerator Program allows individuals who have faced barriers to entry in Colorado's retail marijuana industry to own and operate a marijuana business license as part of an agreed-upon partnership with an existing marijuana business. Social Equity Licensees participating in the accelerator program receive technical compliance and/or capital assistance pursuant to an equity partnership agreement between the existing marijuana business and the social equity licensee. The program and new license structure became effective at the start of 2021.

City of Aurora case study

The City of Aurora took the opportunity given by the state to create a social equity program at the municipal level. The city decided to combine the social equity license with the newly-enacted marijuana delivery. This program allows Aurora licensed marijuana stores and transporters with delivery permits to conduct deliveries to Aurora consumers

and to other consumers in jurisdictions that allow delivery.

For the first 36 months, beginning Feb. 1, 2021, only social equity licensees will be issued an Aurora transporter license and delivery permit. Fees for the first two years of operation will be discounted by 75%. The social equity requirement would only apply to third-party transporters and not to Aurora's marijuana dispensaries, which are free to set up their own delivery system if they choose.

Denver's proposed approach

Denver is likewise creating a social equity program through a multi-pronged approach that the city is currently developing, funded by a large share of marijuana tax revenue. This approach includes sealing low-level municipal marijuana convictions, lifting the moratorium on new licenses, creating resources, and more.

Included in the draft ordinance is a requirement that Denver only accept applications for new medical marijuana product manufacturers, medical marijuana transporters, and retail marijuana business licenses from social equity applicants until **July 1, 2027**, with a couple of exceptions.

Additionally, only social equity applications may qualify to apply and hold a valid delivery permit under a newly developed delivery program until **July 1, 2024**. Denver will also be substantially reducing the fees for social equity applicants applying for licenses. The draft ordinance will go before the city council sometime during the spring of 2021.

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.*

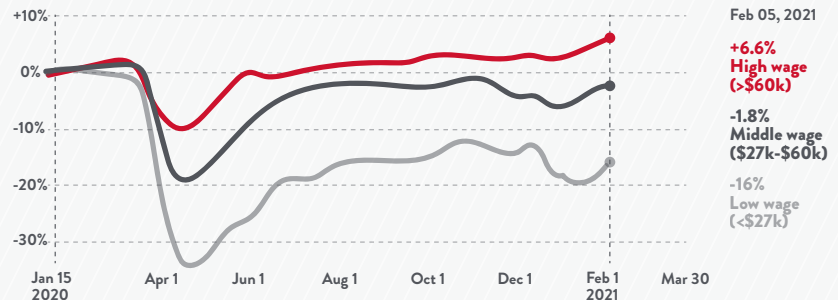
Research Corner: Opportunity Insights Economic Tracker

Opportunity Insights is a non-partisan, not-for-profit organization located at Harvard University that seeks to translate insights from rigorous, scientific research to policy change by harnessing the power of "big data" using an interdisciplinary approach. The Opportunity Insights Economic Tracker attempts to support the recovery from COVID-19 by combining anonymized data from leading private companies - from credit card processors to payroll firms - to provide a real-time picture of indicators such as employment rates, consumer spending, and job postings across counties, industries, and income groups. Sample data from the Opportunity Insights Economic Tracker is below. More data and interactive charts are available at bit.ly/2PqYRoR.

EMPLOYMENT

Nationally, employment rates decreased by 10.9% over the past year. While Colorado's employment rates have returned to January 2020 numbers as of Feb. 5, 2021, the state's jobs rebound has been uneven.

Percent change in Colorado employment



IMPACTS ON SMALL BUSINESSES

Percent change in number of small businesses open in Colorado between January 2020 and March 20, 2021

OVERALL: -38.8%



Education and health services
-35.1%



Leisure and hospitality
-50.5%



Professional and business services
-23%



Transportation and trade
-40.6%

Percent change in Colorado small business revenue



CONSUMER SPENDING

Percent change in consumer spending by industry between January 2020 and March 14, 2021



Arts, entertainment and recreation
-65.6%



Transportation
-39.8%



Restaurants and Hotels
-30.6%



Health Care
+0.7%

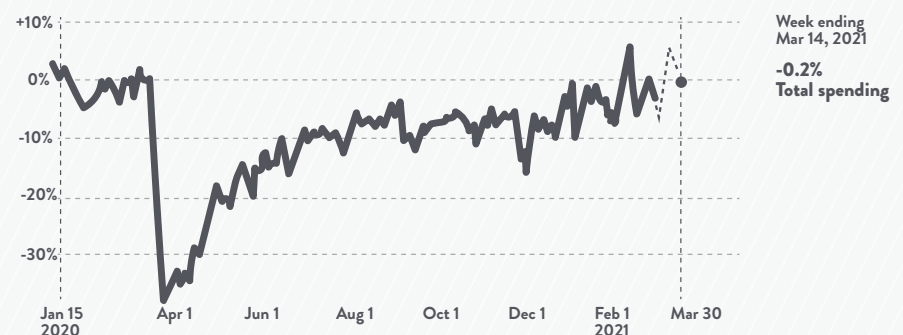


Retail (including online, excluding groceries)
+13.6%



Grocery
+19.2%

Percent change in consumer spending in Colorado





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NEWSLETTER

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