



Public sector collective bargaining bill coming soon



By Kevin Bommer, CML executive director, and Meghan Dollar, CML legislative advocacy manager

The Colorado General Assembly will take up sweeping legislation soon that seeks to mandate collective bargaining rights on local governments, higher education, and other public employers. Preliminary discussions with proponents and sponsors confirm the intent to confer rights on all employees and set for all employers every aspect of collective bargaining in state statute.

The League has consistently and firmly held that employment decisions should be made by local citizens and their elected representatives and has opposed legislation

in the past that either mandated or prohibited collective bargaining. Fifteen municipalities have chosen collective bargaining and crafted the aspects of it appropriate to local conditions. A one-size-fits-all approach threatens existing agreements and would force them on those that do not have collective bargaining – even in municipalities whose voters have voted against it.

While the proponents disagree, the legislation may be unconstitutional as applied to home rule municipalities. Personnel practices and policies are specifically reserved to home rule municipalities in the state constitution. However, there is no such protection for statutory municipalities and other local governments. In 2009, Gov. Bill Ritter vetoed a nearly identical bill that would have applied only to firefighters. Ritter cited a need to respect home rule and local control and noted a pathway to collective bargaining already exists at the local level.

Finally, discussions with proponents reveal the intent for this legislation to supersede

SB13-025, which purported to establish most of these same provisions for firefighters but only after voter-approval requirements that then-Gov. John Hickenlooper insisted on to ensure local control. The process was fraught with problems, including numerous conflicts with existing initiatives and referenda requirements, and it has never been utilized at the municipal level. Instead, firefighters have gone directly to elected officials or voters, which is the pathway that existed before and since SB25 and exists for municipalities and other local governments.

CML will advocate keeping local control local and home rule at home. Once the legislation is introduced and comes up for consideration, CML will have extensive coverage of it in the CML Statehouse Report and CML Action Alerts, if necessary. You may sign up to receive the Statehouse Report at www.cml.org. For questions on this legislation, contact Kevin Bommer, executive director, at kbommer@cml.org or Meghan Dollar, legislative advocacy manager, at mdollar@cml.org.

Spring municipal election results

Municipal elections for city and town council members were held on April 6 in Colorado Springs, Durango, Fort Collins, Glenwood Springs, Grand Junction, and Ward. Larkspur held a special election.

Voters also had their say on several ballot questions.

Tax issues

Durango voters approved a lodging tax increase.

Municipalities have passed 61% of tax questions since voter approval was first required in 1993.

Marijuana

Grand Junction voters approved two marijuana-related questions — one to lift the

moratorium on marijuana businesses, and a second authorizing both a sales and use tax and an excise tax on marijuana.

Charter amendments

Four of the five charter amendments on the Fort Collins ballot passed. Voters approved amendments pertaining to organizational matters of the council, city council appropriations, publication of the annual independent audit, and updating obsolete language. The amendment that failed would have removed the stated prohibition on campaign contributions and expenditures from the charter to instead provide that campaign contribution prohibitions, requirements, and limitations be established by ordinance.

Colorado Springs voters approved a request to allow ballot titles for tax or bonded debt increases to exceed thirty words.

Other issues

Grand Junction voters approved a question modifying conditions placed on the development of certain property. In Fort Collins, a citizen-initiated question related to the rezoning of the former Hughes Stadium property passed.

Fort Collins voters also approved a ban on large grocers from providing disposable plastic bags and a fee on the use of disposable paper bags.

In Larkspur, voters successfully recalled the mayor and a councilmember.



The Town of Gypsum is selling a 2014 Dodge Charger police vehicle. Information on the vehicle is below. The town is asking \$25,000 or best offer. Please contact Melvin Valdez at 970-524-3128 or mvaldez@townofgypsum.com for more information.

Vin# 2C3CDXKT4EH279980
Engine: 5.7 L 345 CID V8 Hemi 16 valve
ID: 279980
Body type: 4 door sedan
Trim Level: POLICE
Driveline type: All wheel drive
Class: Luxury traditional full size
Fuel Type: Gas



Municipal HR professionals meet to discuss post-pandemic return to work

On April 15, more than 50 municipal HR professionals met via Zoom to discuss what returning to work will look like in their municipalities. The meeting consisted of four 30-minute breakout sessions on the following topics:

- Culture versus compliance
- Telecommuting
- When/how to move back to the office
- Liability/Vaccinations/When/how to open to the public

Following the breakout discussions, the group gathered to discuss key takeaways from each breakout, along with the next steps. The group will now review the notes and recordings from the meeting and decide when and if to hold another discussion.

This discussion was a first-of-its-kind meeting created and led by CML members. If you have a topic you would like to discuss with your fellow professionals, or if you would like more information on the HR discussion, please email swerner@cml.org.



MEMBER NEWS

New Associate Members

Cobb, Fendley & Associates, Inc.
 Darren Leveille, senior project manager
 720-216-1922
 6800 S. Dawson Cir., Suite 101
 Centennial, CO 80015
dleveille@cobbfendley.com
www.cobbfendley.com
 CobbFendley's mission is to collaborate with employees and clients to provide engineering solutions that further our commitment to growth in the community.

Arapahoe Park & Recreation District
 Lynn H. Cornell, district manager
 303-269-8412
 16799 E. Lake Ave.
 Centennial, CO 80016
lynncor@aprd.org
www.aprd.org

The Arapahoe Park and Recreation District (APRD) was formed in 1982 by the Arapahoe County Commissioners and area land holders for planning, acquiring, developing, maintaining and programming parks, open space, trails and recreational amenities for the residents of unincorporated Arapahoe County (City of Centennial) who were not being served by adjacent entities.

Theatre Projects

Gena Buhler, head of new business development
 303-209-7890
 3858 Walnut Street
 Denver, CO 80205
gbuhler@theatreprojects.com
www.theatreprojects.com
 Theatre Projects is an international team of designers, planners, and innovators that develop and enhance gathering spaces. For over 60 years, Theatre Projects has worked closely with clients to create flexible, intimate, efficient, and innovative spaces that promote dialogue, encourage shared experiences, and inspire human interaction. We provide strategic planning and design advice on gathering spaces of all kinds, performance equipment, audiovisual and integrated technology, and venue operational management.

Marijuana Industry Group

Truman Bradley, executive director
 720-383-3009
 P.O. Box 342
 Wheat Ridge, CO 80034
admin@marijuanaindustrygroup.org
www.marijuanaindustrygroup.org
 MIG represents the interests and advocates on behalf of the rapidly evolving needs of the regulated marijuana industry in Colorado. We have a reputation of working with state and local regulators and policymakers to solve issues facing the industry.



COLORADO MUNICIPAL LEAGUE NEWSLETTER

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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.

The Economic Development Council Of Colorado & Downtown Colorado, Inc. host International Economic Development Week celebration



The Economic Development Council of Colorado (EDCC) and Downtown Colorado, Inc. (DCI) are teaming up to bring a week-long celebration of Colorado's economic development ecosystem and its partners during International Economic Development Week from **May 9-15**. The week is designed

to celebrate the contributions of positive economic development, explain the role of the profession in our local communities, and increase an understanding and awareness of economic development's contribution to the state's business climate, job retention and growth, local tax base, and the overall quality of life in Colorado.

International Economic Development Week, #EDW2021, was created by the International Economic Development Council (IEDC) in 2016 in order to increase awareness of local programs and services that create jobs, advance career development opportunities, and increase the quality of life among our communities. Over the span of five years, more than 450 campaigns have been created, generating millions of impressions, hundreds of news stories, blog entries, videos, events, and other activities. Cities, counties, and states recognized the week in past years through official proclamations,

local community events, and informational campaigns online and through social media.

The EDCC and DCI, along with their program partners, Colorado Office of Economic Development & International Trade (OEDIT), Colorado Department of Local Affairs (DOLA), United States Department of Agriculture – CO (USDA), Colorado Workforce Development Council (CWDC), and IEDC, have put together a week of activities including local social media campaigns and educational webinars for everyone to participate in. Now is the time to plan your local celebrations! To find out how your community can participate, please visit bit.ly/3ehlGMQ.

Economic development professionals and stakeholders are invited to participate along with their elected officials, board members, new professionals to the industry, and anyone who just wants to know more about how economic development is done in Colorado.



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.

Drought preparedness for Colorado May 18, noon to 1 p.m.

The ongoing drought in Colorado has demonstrated the importance of integrated coordination and communication between

water providers, municipalities, and various levels of government. Join us for a presentation on the impacts of drought throughout the state and how various agencies have adapted. In addition to hearing about the state-level response, there will also be information about drought preparedness and lessons learned from Aurora Water and Denver Water. Register at bit.ly/3tKswbq.

SCBA cylinder technology for firefighters, May 25, noon to 1 p.m.

In 2019, the General Assembly authorized the use of federally approved SCBA cylinder life extension technology. Find out how using new technology can cut expenses in your fire department by over half, while significantly reducing waste going to your landfill. Join this great Colorado-based business on **May 25** to learn about the technology and new Colorado law making it possible for your city. Registration coming soon.

New certificate of registration for PFAS firefighting foams

HB20-1119 made amendments to the laws created under HB19-1279 and adds a requirement that entities using or storing

Class B PFAS firefighting foam obtain a Certificate of Registration by **June 1, 2021**, or 6 months after first obtaining the foam. The bill also adds requirements for the capture and disposal of PFAS firefighting foam that is used to test firefighting suppression systems. Register at bit.ly/3mZzF5g.

U.S. Census Bureau Data Summit series

The U.S. Census Bureau has designed a series of summits for data users to provide organizations and businesses a high-level overview of several data products and how they can be used to solve various challenges. Webinars are scheduled from April through August and will cover topics such as Accessing Census Bureau Data for Rural Communities, Economic Recovery: Workforce Patterns, Census Bureau Data About Housing Characteristics, Census Bureau Data for Emergency Management, and more. Please visit bit.ly/3x7XPPJ to register, and be sure to select "Show More" to see all upcoming webinars. To schedule a customized general overview of Census Data products, please contact Lily Griego, U.S. Census Bureau partnership specialist, at lily.romero.griego@2020census.gov.

CHAMP (Colorado Hemp Advancement and Management Plan) report released



By Beauclarine Thomas, CML legislative and policy advocate

Gov. Jared Polis, in partnership with the Colorado Municipal League, Colorado State University, Colorado Department of Agriculture, Colorado Department of Public Health and Environment, Colorado Division of Regulatory Agencies, and Colorado Office of Economic Development and International Trade, has released the Colorado Hemp Advancement and Management Plan (CHAMP) report.

Using the CHAMP Initiative as a blueprint, Colorado state and local agencies, in partnership with higher education and industry, will begin to implement large-scale initiatives to advance and manage this new industry. This includes promoting research and development in seed genetics and cultivation, developing and advocating increased industrial processing and uses, privatizing laboratory testing, and increasing access to financial and insurance resources.

Eighteen months in the making, the CHAMP report is the result of a rigorous and collaborative stakeholder-based initiative that brought together top subject matter experts from the hemp industry, higher education, and regulatory fields to explore important questions regarding the economic advancement and regulatory management of the hemp industry in Colorado. Stakeholders were part of guided discussions that provided important perspectives and recommendations on several critical issues at every stop on the hemp supply chain.

The result is a comprehensive, informed roadmap on how to further advance Colorado's hemp industry.

The CHAMP process has already begun to affect change at the federal level. The 2018 farm bill essentially allowed for the legal cultivation of hemp under the regulatory authority of the United States Department of Agriculture (USDA). Based on numerous CHAMP discussions with stakeholders, Colorado provided written comments to the USDA that effectively changed the federal regulations to provide more appropriate and sensible oversight of this new emerging agricultural crop, including the allowance for the remediation of non-compliant plants into complaint plant biomass to help farmers mitigate against financial loss. CSU's College of Agricultural Sciences and Regional Economic Development Institute will continue to partner with USDA, CDA, and various communities across the state to provide applied research, technical assistance, economic development guidance, and education motivated by what was learned from the CHAMP project.

Read the full report and recommendations at bit.ly/3tKuSHi.

Xcel Energy announces new building code compliance initiative

Xcel Energy announces a significant expansion of an initiative to help communities improve their building code compliance and adoption. The new effort will support builders, architects, residents, and others looking for education, training, and technical tools to comply with current codes and adopt new, more stringent codes as they evolve.

From mechanicals to plumbing, building codes exist to help homeowners and builders comply with construction rules for the health and safety of everyone. But compliance is hard and enforcing it is harder.

Xcel Energy's new effort aims to help those interested in improving their compliance, and subsequently, their uniformity and resiliency. Additional benefits to code compliance include higher build quality, improved sustainability and energy efficiency, and a lower environmental impact.

Part of Xcel Energy's plan is to proactively reach out to communities to help them address their unique challenges and provide one-on-one customized support. This will supplement the existing Colorado Energy Office website on code enforcement, which contains webinars, tools, and resources.

As we develop this resource, Xcel Energy is interested in hearing your thoughts on how we can continue to support building code compliance and adoption in 2021.

Your ideas, comments, and thoughts will help us strengthen this valuable resource and create a one-stop-shop for code compliance.

To submit your questions, comments, or concepts, please email Xcel at buildingcodes@xcelenergy.com.

COLORADO CMCA

52ND ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK

The 52nd Annual Municipal Clerks Week, first initiated in 1969 by the International Institute of Municipal Clerks, is approaching quickly! Municipal Clerks Week is an excellent opportunity to help your community have a more complete understanding of the essential services that municipal clerks are responsible for.

Take a look at the IIMC website (www.iimc.com) for more information, promotional ideas, and materials that can be used to celebrate the Clerk's Office during the week of May 2-8, 2021.

UPDATE

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CML SPECIAL CONFERENCE

WESTMINSTER | SEPT. 22-24



In case you missed it, CML will be holding a **Special Conference on Sept. 22–24** at the Westin Westminster and a **Special Virtual Conference on Sept. 30–Oct. 1**. Because things have changed since CML last held an in-person event, the Conference Planning Team has curated frequently asked questions about the conferences below. For more information, including full agendas for both conferences, please visit cml.org/conference.

1. Is the CML Special Conference happening in person this year?

Yes! We were disappointed to not be able to meet in person this June in Snowmass Village, but CML is planning to hold a special in-person conference at the **Westin Westminster from Sept. 22–24**.

2. What is the expected attendance?

We are not sure what public health guidelines will look like in September, but we hope to host between 500-700 in-person attendees at the Special Conference.

3. Are networking events still happening?

Yes! CML is ramping up opportunities for in-person networking at the Special Conference, including:

- A welcome outdoor reception with a cash bar on Tuesday before the conference kicks off on Wednesday.
- Hot topic discussions during breakfast and lunch outside while enjoying the fabulous Colorado fall weather.
- Our signature opening reception on Wednesday.
- Roundtable breakout sessions.
- Extended exhibit hall hours.
- A special exhibitor showcase on Thursday.

4. What measures is the hotel taking to ensure safety?

The Westin Westminster is a part of Marriott International, which has implemented rigorous cleaning standards. The Westin Westminster also recently upgraded its HVAC system for improved air circulation and offers marked prompts for safe social interactions, expanded access to hygiene stations, and more frequent cleaning of the hotel's meeting space. Plus, mobile check-in, mobile key, and service requests via the Marriott Bonvoy app are also available.

We will be updating our members regularly as we get closer to the conference in September.

5. If food is being served, how is that happening?

Food will be served at both breakfasts and lunches, as well as during the Wednesday reception. The hotel has a heightened focus on safe food handling procedures. If these plans need to change, we will follow local health requirements and procedures around food safety and serving.

6. Are there any requirements from CML? Masks? Vaccines?

CML is following all public health guidelines that will be in place at the time of the event. If masks and social distancing measures are required for indoor gatherings at the time of the event, CML will require that attendees wear facial coverings and adhere to social distancing measures. CML encourages everyone who is eligible to get vaccinated to do so, but we will not require a vaccine to participate in the conference. As we learn more from public health officials, we will share that information. As of now,

we encourage attendees to bring a mask, wash your hands frequently, consider your own health, and be aware of others. CML will share regular updates as we get closer regarding seating arrangements for general sessions, meals, and concurrent sessions.

7. What is taking place at the Virtual Special Conference?

CML understands that not everyone will feel comfortable traveling to Westminster in September and that many are facing budget cuts that could impact your ability to attend the conference in person. We are planning to offer a Virtual Special Conference **Sept. 30–Oct. 1**. This virtual event will re-broadcast some of the sessions from the in-person event, in addition to offering 16 new sessions, including two CLEs; a live general session keynote with Clarence Anthony, president and CEO of the National League of Cities; and a limited virtual exhibit hall. All in-person conference registrants will receive a complimentary registration for the Virtual Special Conference and separate Virtual Special Conference registration will also be available.

8. When does conference registration open?

Registration for the Special Conference will open in early June. The hotel room block and overflow hotel room blocks will open at the same time. To view the agenda for the Special Conference in September, go to bit.ly/3uY1dKY. To view the agenda for the Virtual Special Conference, go to bit.ly/3n32FsX.

We hope to see you in Westminster **Sept. 22–24** and virtually **Sept. 30–Oct. 1**.

CML LEGAL CORNER



Ranked choice voting and Colorado



By Samantha Byrne, CML law clerk

Election reform has become a prevalent news topic and a model receiving increased attention in Colorado is "ranked-choice voting" (RCV), due in part to pending state legislation on the matter. RCV is a system where voters rank candidates for a particular office in order of preference rather than select one candidate, with the goal of electing someone who has obtained a majority percentage of total votes cast, rather than one who has simply received the highest percentage of votes. With amplified interest, RCV may seem like a new concept, but Colorado municipalities have a history of experimenting with this system over the last century.

Past

In Sept. 1909, RCV debuted in Grand Junction's first city charter. The system, termed "preferential voting," was included to "restore majority elections and truly representative government." The system was tested soon after in the November mayoral election. A well-known business owner led in both first and second rounds but did not achieve a majority of the total votes cast, and once third-choice votes were added, to much surprise, a less popular candidate won. Ultimately, Grand Junction voted to repeal its preferential voting system in 1921.

Since 1909, many Colorado municipalities have tested RCV. Denver added RCV to its charter in 1916 before replacing it with a conventional runoff election system in 1935. In 2009, Aspen City Council adopted RCV for both mayoral and city council elections. But while this change was initiated by residents who voted to eliminate separate June runoff elections, it was repealed by the voters, after just one use, in 2010.

Present

RCV is a means to select a candidate that the majority of voters approve of rather than simply selecting the candidate who receives the most votes. For example, in a plurality election with nine candidates, a candidate receiving an overall minority percentage of the total votes cast, even less than 15%, could be elected. Though that hypothetical is dramatic and rare, RCV eliminates the possibility by requiring the winning candidate to obtain a majority percentage of all votes cast in the election. Rather than select one candidate, voters rank candidates, often top three, in order of preference. Then, when votes are tallied, if no one candidate obtains a majority percentage of total votes cast, contenders with the fewest votes are eliminated, and those who ranked them first have their second choice added to the remaining candidates' totals. This continues until one candidate receives a majority percentage of the total votes cast. RCV is often utilized for only certain offices or in the event of a large number of candidates.

Proponents of RCV say it fosters a more democratic process, encourages candidates to be issue-focused and connect with the community rather than rely on popularity contests, and that it can help weed out

intentional spoiler candidates. However, disadvantages include cost and resources needed for implementation, public education, and concern that confusion could impact participation, and that RCV isn't failproof; if voters do not assign rankings, the election may never reach a true majority.

Today, four Colorado municipalities utilize RCV. Telluride (2008) and Basalt (2002) use RCV for mayoral elections with three or more candidates. Carbondale also adopted RCV in 2002 for mayoral races with three or more candidates, but it has not yet been needed. Boulder voted in 2020 to adopt the system for mayoral elections beginning in 2023.

Future

Recently, RCV has splashed Colorado headlines, with pundits theorizing it could be a solution to circumvent low voter turnout, extreme partisanship, and eliminate the cost of runoff elections. Today, Colorado municipalities are permitted to convert to RCV, but cost and time likely preclude this endeavor. Holding an election is an enormous task and many of our members elect to coordinate with their county to do so, but Colorado counties are not permitted to conduct RCV elections. However, HB21-1071 is aimed at improving access to RCV for municipalities. The bill will allow municipalities to opt into RCV but continue to coordinate through their county. Further, the legislation compels the Secretary of State to establish, test, and implement an RCV system option and dedicate funding towards necessary voting software upgrades.

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.

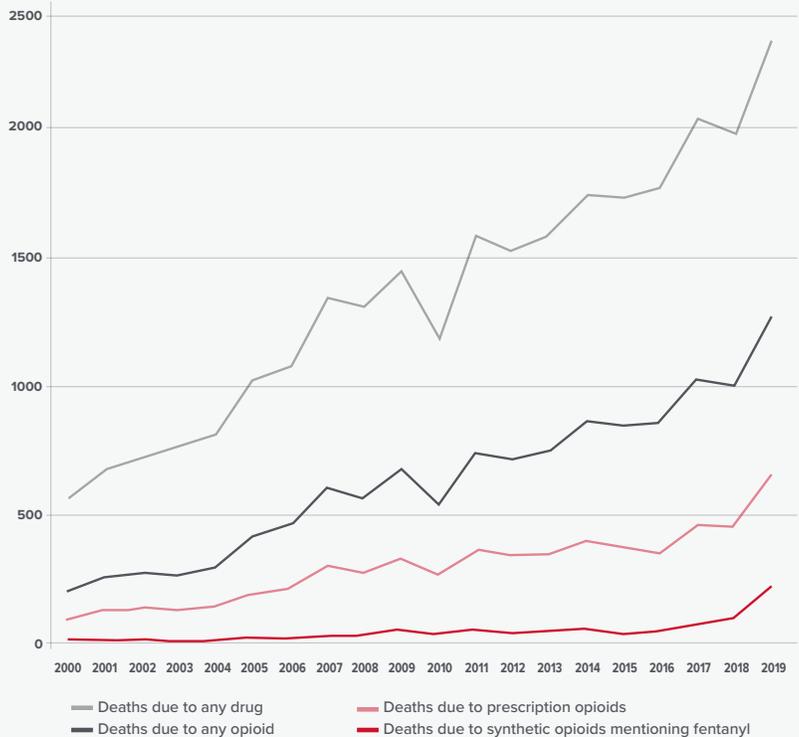
Research Corner: Opioid use in Colorado

Colorado saw a 200% increase in drug overdose deaths between 2000 and 2019, and the percentage of those deaths involving fentanyl increased from 1% to 21% in that same time frame.¹

According to the *Colorado Sun*, preliminary state data shows another increase in 2020, with all overdose deaths up nearly 20% and fentanyl-related deaths up 111%.² Colorado is not alone in facing this challenge: NPR reports that fatal drug overdoses have increased by almost 20% nationwide.³

Funding is available from the Colorado Department of Public Health and Environment for eligible entities to purchase opiate antagonists, such as naloxone or Narcan, at low or no cost.

DRUG OVERDOSE DEATHS AMONG COLORADO RESIDENTS, 2000-2019



PERCENT CHANGE IN OVERDOSE DEATHS INVOLVING FENTANYL, BY AGE, 2018-2019



15-24 years	25-34 years	35-44 years
125%	124%	212%
45-54 years	55-64 years	65-74 years
38%	42%	100%

Source: Colorado Department of Public Health and Environment

OPIOATE ANTAGONIST-NALOXONE BULK PURCHASE FUND

- Created by **Senate Bill 19-227**
- **Covers 100%** of the cost of naloxone or Narcan for eligible entities, including local governments, local public health agencies, school districts, and law enforcement
- Funding available through **September 2021**, or until it runs out

Learn more and apply at bit.ly/3geGkHC

IN FISCAL YEAR 2019-2020, THE FUND DISTRIBUTED



\$336,639



to **90 entities**



to purchase

10,454 dose of naloxone



OPIOID-RELATED LEGISLATION

The League supports collaborative relationships with the state on substance abuse issues and welcomes legislation that provides funding to local governments to address the opioid epidemic.

SENATE BILL 21-011

- Increases access to naloxone by requiring pharmacists who dispense opioids to inform individuals of the potential dangers of a high dose of an opioid, and offer to dispense them an opiate antagonist if:
 - the individual is also prescribed a benzodiazepine, a sedative hypnotic drug, carisoprodol, tramadol, or gabapentin; or
 - the opioid prescription being dispensed is 90 morphine milligram equivalent or greater.

SENATE BILL 21-122

- Current law allows certain entities to purchase opiate antagonists through the Opiate Antagonist Bulk Purchase Fund, and allows other entities to receive opiate antagonists pursuant to standing orders and protocols. The bill aligns eligibility so all of these entities are eligible for both the bulk purchase fund and for standing orders.
- Allows the Colorado Department of Public Health and Environment (CDPHE) to prioritize purchases from the bulk purchase fund based on need and availability of opiate antagonists.
- Clarifies that local governments have immunity when administering an opiate antagonist.

¹Colorado Department of Public Health and Environment. Colorado Drug Overdose Dashboard at bit.ly/2RyJNwV.

²The *Colorado Sun*. "Fentanyl overdoses are surging in Colorado as the powerful opioid is disguised as other drugs." February 4, 2021, bit.ly/3mRBxgl.

³NPR. "Drug Overdose Deaths Surge Among Black Americans During Pandemic." March 3, 2021, n.pr/3gdG3o5.



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- Municipal HR professionals meet to discuss post-pandemic return to work
- Colorado Hemp Advancement and Management Plan report released
- Legal corner: Ranked choice voting & Colorado
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NEWSLETTER

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