



## Current CML Executive Board holds final scheduled meeting, new Executive Board elections this June



By Kevin Bommer, CML executive director

On Friday, April 23, CML hosted the last scheduled meeting of the current Executive Board. Under the leadership of CML President Bob Widner, Centennial city attorney, CML navigated through COVID-19, social change movements, a renewed focus on equity and diversity, and representing member municipalities on a statewide and national level through it all. The accomplishments are even more impressive considering the Executive Board was never able to meet in person after the election at the virtual CML business meeting in June 2020.

The 2021–2022 CML Executive Board will have its first meeting after the election at the Annual Business Meeting later

on June 26. CML is currently accepting applications for members interested being placed on the slate for election to the CML Executive Board. If you are interested being a part of leading CML and representing municipal interests on the Executive Board, now is your chance to apply. Applications will be accepted until June 6. All information and sample letters are available at [bit.ly/3tgwmrX](https://bit.ly/3tgwmrX).

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.

Under CML bylaws, population figures for the June 2021 election will be based upon population estimates from the Colorado Department of Local Affairs (DOLA). These are the same figures that were used in computing 2021 municipal dues for member municipalities, which was done in April 2020.

CML bylaws also require CML Executive Board members be elected or appointed officials of member municipalities, and only one candidate from a municipality is allowed. Any official who desires to be placed on the ballot by the nominating committee should:

- Submit an application for nomination, in letter or other written form, with the CML Nominating Committee. The application must be received at least 15 days prior to the Annual Business Meeting; and
- include with the application an endorsement in writing from the applicant's city council or board of trustees, which also must be received 15 days prior to the Annual Business Meeting. Please note, again, 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](mailto:kbommer@cml.org).

## Congratulations

CML congratulates David Broadwell, who celebrates his work anniversary in May.



**David Broadwell**  
General Counsel  
2 years

## Take steps now to ensure readiness to receive ARP funds



the U.S. government. All federal financial assistance recipients must register on SAM.gov and renew their SAM registration annually to maintain an active status to be eligible to receive federal financial assistance. There is no charge to register or maintain a SAM registration, but the process can take up to three weeks.

With these preliminary steps taken, if needed, municipal leaders will want to discuss how funds might be used. While clear guidance from Treasury is required to verify which planned uses will be allowed, municipalities can benefit from preliminary discussions of current operations and needs in the community. CML and our partner associations of local governments also encourage collaboration with other local governments, as well as state and federal resources, to explore opportunities to leverage ARP funds with other sources of funding. The associations have also pledged to provide assistance to members.

While ARP directed Treasury to distribute funds within 60 days of the March 11 enactment of the legislation, it is not clear if Treasury will meet that goal. Unlike the perpetually changing CARES Act guidance last year, it appears that Treasury intends to get clear guidance for ARP in place before issuing funding. That process may push the department past the deadline to issue funds, but there is general agreement that clear, unchanging guidance is critical, even if it means waiting a few extra weeks for funds to come in. With an expenditure deadline of **December 31, 2024**, there is much less pressure as compared to CARES.

Finally, CML is advising members to discuss and implement ARP funding transparently through social media, newsletters, citizen forums, and official websites. A clear recovery plan that includes benchmarks and metrics will be important to demonstrate how the funds are used to create effective outcomes in Colorado municipalities.

If your municipality needs some ideas on planning and use of ARP funds, the National League of Cities (NLC) created an excellent resource that can be found at [bit.ly/3eNFFek](https://bit.ly/3eNFFek). For questions or more information, contact Kevin Bommer, CML executive director, at [kbommer@cml.org](mailto:kbommer@cml.org).

*By Kevin Bommer, CML executive director*

Recently, CML passed along preliminary information from the U.S. Department of Treasury regarding steps municipalities should take to ensure seamless receipt of American Rescue Plan (ARP) Act funds. The most immediate steps include ensuring registration for a DUNS number and SAM, if required.

A DUNS number is a nine-character identification number issued by Dun & Bradstreet, and all municipalities will need to have one in order to receive ARP funds. The federal government uses the DUNS number to track how federal money is allocated. A DUNS number is required prior to registering with the SAM database, which is outlined below. Registering for a DUNS number is free of charge. For municipalities without a DUNS number, go to [bit.ly/3vE1rr7](https://bit.ly/3vE1rr7) or call 1-866-705-5711 to start the process.

Only municipalities over 50,000 population require a SAM registration since non-entitlement municipalities will receive funds after they pass through the state. SAM is the official government-wide database to register with in order to do business with



**WaterNow Demand Strategy**  
Two-part Series  
Part I - 21st Century Solutions to Water &

**Growth Challenges in the Front Range, May 11, noon to 1 p.m.**

Register at [bit.ly/3vAnDT5](https://bit.ly/3vAnDT5)

**Part II - Stories from the Field - Innovative Water Sharing Agreements, May 13, noon to 1 p.m.**

Attendees registered for Part I will automatically be registered for Part II.

**Drought Preparedness for Colorado May 11, noon to 1 p.m.**

Register at [bit.ly/3ta3HVq](https://bit.ly/3ta3HVq).

**SCBA Cylinder Technology May 25, noon to 1 p.m.**

Register at [bit.ly/3uhLXJc](https://bit.ly/3uhLXJc).

Unless otherwise noted, these webinars are free to CML municipal members.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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## SB21-110 allocates \$30M for Revitalizing Main Streets program



On March 19, Governor Jared Polis signed SB21-110, allocating \$30 million in economic stimulus funding for the Revitalizing Main Streets program. The program now has two grant opportunities: Larger Safety Infrastructure Grants and Small Multimodal & Economic Resiliency Projects. More information can be found below and at [bit.ly/2Pfraqe](http://bit.ly/2Pfraqe).

The Colorado Department of Transportation (CDOT) has launched this grant program with two separate applications:

### Grant opportunity 1: Larger Safety Infrastructure Grants

- Up to \$22 million available statewide.
- Applicants may be awarded up to \$2 million to improve user safety along urban arterials or “main street” corridors, especially for vulnerable users such as pedestrians, bikers, motorcyclists, transit users, elderly adults, and people with disabilities. Applicable roadways must be non-freeway corridors that accommodate multiple modes of transportation.
- Safety is worth 30% of the evaluation criteria. CDOT encourages applicants to include data such as crash history data and traffic/ped counts. When quantitative data are not available, provide a clear explanation using diagrams, maps, and

narrative descriptions of the current and future state of your proposed project. More details are included in the Safety Information Sheet located at [bit.ly/3vhyb9E](http://bit.ly/3vhyb9E).

### Grant opportunity 2: Small Multimodal & Economic Resiliency Projects

- Up to \$8 million available statewide.
- Applicants may be awarded up to \$150,000 per project to support infrastructure projects that provide improved spaces for mobility, community activities, and economic development in the wake of the COVID-19 emergency.

In case you missed it, CDOT held two Pre-Application Workshops in April. All potential applicants are encouraged to watch the recording at [bit.ly/3azkz1r](http://bit.ly/3azkz1r), which covers details about both grant opportunities.

## \$6.5 billion in loans available for water infrastructure projects



For fiscal year 2021, the U.S. Environmental Protection Agency (EPA) has approximately \$6.5 billion in credit that could finance over \$13 billion in water infrastructure

projects through the Water Infrastructure Finance and Innovation Act (WIFIA) program ([bit.ly/3ecHykV](http://bit.ly/3ecHykV)).

Prospective borrowers seeking WIFIA credit assistance must submit a letter of interest by **July 23**.

Learn more in this year's WIFIA Notice of Funding Availability at [bit.ly/3xKsy5O](http://bit.ly/3xKsy5O).

New resources are available to assist prospective borrowers with the Letter of Interest, including:

- Letter of Interest form at [bit.ly/3vEIF3W](http://bit.ly/3vEIF3W) (for WIFIA and SWIFIA).

- Letter of Interest Example and Checklist at [bit.ly/3vEIF3W](http://bit.ly/3vEIF3W).
- Sample financial pro forma at [bit.ly/3vEIF3W](http://bit.ly/3vEIF3W).
- Updated WIFIA Program handbook at [bit.ly/3ec6XeM](http://bit.ly/3ec6XeM).
- Template term sheet at [bit.ly/3nHbIFL](http://bit.ly/3nHbIFL).

New resources to learn more about WIFIA Program benefits:

- High-level presentation and factsheets ([bit.ly/3teAKHZ](http://bit.ly/3teAKHZ)).
- Annual Report ([bit.ly/33ad6Sf](http://bit.ly/33ad6Sf)).

Interested in speaking to the WIFIA staff about project financing? Email [wifia@epa.gov](mailto:wifia@epa.gov) to schedule a meeting.

## 2020 Census population counts released

On April 26, the U.S. Census Bureau released the final population count for the 2020 Census. Colorado's official count is 5,773,714, an increase of 744,518 or 14.8% from the 2010 Census.

Colorado saw the ninth highest absolute population growth and sixth highest growth rate among all states in the past ten years,

and has passed Minnesota to become the 21<sup>st</sup> largest state.

The resident population of the United States, which includes the total number of people living in the 50 states and Washington, D.C. on April 1, 2020, was 331,449,281, an increase of 22,703,743 or 7.4% from 2010.

Based on the Census 2020 apportionment counts, Colorado will gain an eighth congressional seat. The U.S. Census Bureau will release the data used for congressional and state redistricting in August.

To explore the initial release of 2020 Census data, please visit [bit.ly/3gWRxg8](http://bit.ly/3gWRxg8).

## SIPA's service survey

Is your website ADA compliant? Does it have broken links or readability issues? Siteimprove is an easy-to-use solution to help keep websites compliant and error-free.

The State Internet Portal Authority is asking local governments to take this survey ([bit.ly/3efNhqi](http://bit.ly/3efNhqi)) in order to determine if this is a service that Colorado governments are interested in procuring.

For more information, please contact SIPA directly at 720-409-5634 or [sipa@cosipa.gov](mailto:sipa@cosipa.gov).



## CML UPDATE

### 2021 Spring Outreach Meetings canceled

CML has canceled the planned 2021 Spring Outreach Meetings due to the COVID-19 pandemic. We will miss the opportunity to visit your communities and talk about legislation and other emerging topics. As always, you are welcome to contact any

member of CML staff if you have questions or need assistance. A staff list is available at [bit.ly/3ex8N98](https://bit.ly/3ex8N98).

We are planning to hold our 2021 Fall District Meetings in person in September and October. These meetings are an opportunity

for you to meet CML staff, contribute to CML policy, and network with colleagues from neighboring communities. Keep your eyes on this newsletter and the CML website ([cml.org](https://cml.org)) for more information on these meetings later this summer.



## ASSOCIATE MEMBER NEWS

### Fort Collins-based hydraulic engineers obtain licensure and promotions

Two Ayres professionals based in Fort Collins recently received promotions after obtaining their professional engineer licensure in January – one in Colorado and one in Wyoming.

Dylan Armstrong has earned his Wyoming professional engineer license and has received a promotion within Ayres' Western Division. Armstrong, whose new title is hydraulic engineer, joined Ayres in 2017, bringing specializations in stream rehabilitation and river mechanics.

Ryan Rohlifing has earned his Colorado professional engineer license and also was promoted to hydraulic engineer. Rohlifing joined Ayres in January 2020 and provides client analysis and design services on water resources and civil engineering projects.

Armstrong has worked on a diverse range of projects, including the planning, analysis, design, and construction administration phases of water resource and civil engineering projects. Armstrong's duties include 1-dimensional and 2-dimensional hydraulic modeling and analysis, bridge scour analysis, habitat analysis, stream rehabilitation and river corridor grading, scour countermeasure analysis and design, data management, technical

report writing, permitting applications, and field investigations.

Armstrong holds a master's degree in civil engineering and a bachelor's degree in environmental engineering, both from Colorado State University.

Rohlifing's duties include hydraulic and hydrologic analysis and modeling, report writing, data management, report preparation, technical support, CADD work, and field data collection. Rohlifing has experience providing SWMM modeling, site design, drainage analyses for detention ponds and outlet structures, trail and bridge project coordination, hydraulic and hydrologic analysis of riverine and tidal bridges, roadway and sidewalk design, railroad crossing design, and storm sewer and water main design.

Rohlifing holds a bachelor's degree in environmental engineering from Colorado State University.

Ayres is a nationwide team of 300-plus experts and innovative problem-solvers that stands behind thousands of projects that strengthen communities and the nation's infrastructure, economy, and environment every day. Ayres provides the following services: civil and municipal engineering,

architecture, transportation, structural design and inspection, environmental, geospatial, landscape architecture, planning and development, river engineering and water resources, and telecommunications and subsurface utility engineering.

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#### Reimagining resilience: How to adapt and prepare our communities for more efficient recovery.

Join Ayres Associates' Planning & Development experts for a free webinar series focusing on community resilience through the lens of leadership, economy, quality of life, environment, and physical infrastructure. Each one-hour session will equip you with creative and actionable ideas to help your community:

- Adapt to shifting conditions.
- Prepare for projected hazards and recover rapidly.
- Preserve your local character and encourage growth.

The first event, presented via GoToWebinar, will be held **June 29**. More details are available at: [bit.ly/AyresRIR](https://bit.ly/AyresRIR).

For more information about Ayres, visit [AyresAssociates.com](https://AyresAssociates.com).

# State stimulus overview: Affordable housing and water



By Meghan Dollar, CML legislative advocacy manager, and Heather Stauffer, CML legislative and policy advocate

In previous newsletters, CML staff wrote about an impending state stimulus package to provide economic, infrastructure, public health, and housing dollars to existing and new state programs. Many pieces of legislation have since been introduced and several of these programs positively impact municipalities. To ensure our members have up-to-date information, CML staff will provide overviews of specific state stimulus legislation in this and the next newsletter. This newsletter article will focus on housing and water infrastructure.

## Affordable housing

### **HB21-1271: Department of Local Affairs innovative affordable housing strategies**

HB21-1271 creates three different grant programs in the Department of Local Affairs (DOLA). The first program is called the Local Government Affordable Housing Development Incentives Grant Program. The program allows a local government to apply for a grant if they adopt at least four policies included in the "menu of options" listed in the legislation. Some examples of these policies are lessening permitting or tap fees, or providing density bonuses. As introduced, municipalities that have already adopted these types of policies are eligible for the grant program. The menu of options in the legislation is significant and allows local governments the flexibility to adopt policies that work best in their community.

The second grant program is the Local Government Planning Grant Program.

This program will provide grants to local governments that lack one or more of the policy and regulatory tools that provide incentives to promote the development of affordable housing that forms the basis for a grant under the Housing Development Incentives Grant Program and that could benefit from additional funding to be able to create and make use of these policy and regulatory tools. Money under the planning grant program will be available to a local government to enable the government to retain a consultant or a related professional service to assess the housing needs of its community or to make changes to its policies, programs, development review processes, land use codes, and related rules to become an eligible recipient of a grant under the housing development incentives grant program. Finally, the legislation creates The Affordable Housing Guided Toolkit and the Local Officials Guide Program. The purpose of the housing toolkit program is to provide local governments the tools to begin the process to identify their housing needs. CML generally supports funding toward affordable housing and to local governments to create new affordable housing and supports HB21-1271.

## Water infrastructure

In response to Colorado's 2020 wildfires, the state's largest and most catastrophic wildfire season on record, coupled with serious drought conditions impacting nearly the entire state, the Colorado General Assembly has prioritized stimulus funding this session for water. Following are two bills CML is working on related to water stimulus funding.

### **HB21-1260: General Fund Transfer Implement State Water Plan**

HB21-1260 authorizes a \$20 million transfer from the general fund to the Colorado Water Conservation Board in order to help implement the state water plan. The transfer includes \$15 million for the water plan implementation cash fund, of which 5% can be used for grants which municipalities are eligible to apply for. The transfer also includes \$5 million for the water supply reserve fund which is used to provide grants and loans to assist Colorado water users, including municipalities, with funds to complete critical water supply projects. CML is supporting this bill.

### **SB21-240: Watershed Restoration Grant Program Stimulus**

SB21-240 transfers \$15 million from the general fund to the Colorado Water Conservation Board Construction Fund to fund a statewide watershed analysis and fund the watershed restoration grant program. Municipalities and other local governments are eligible to receive funds through the Colorado Watershed Restoration Program. The bill directs the CWCB to use the money transferred for the grants specifically for projects which address restoration, mitigation, and protection of stream channels and riparian areas which are susceptible to flood hazards and sediment erosion after a wildfire. This will include expenditures for repair, replacement, modification, maintenance, and installation of water and debris-control structures. CML is supporting this bill.

# CML LEGAL CORNER



## Regulation of single-use plastic bags in Colorado



By David W. Broadwell, CML  
General Counsel

On April 6, Fort Collins voters adopted a referred ordinance regulating single-use grocery bags in their city. The ordinance imposes a ban on the distribution of plastic grocery bags by large grocery stores starting next year, as well as a 12-cent fee on paper bags. Meanwhile, a bill that would impose similar restrictions on a statewide basis is pending on the floor of the Colorado House of Representatives. If adopted, HB21-1162 would ban the use of plastic bags by a much wider range of retailers and foodservice establishments, and impose a fee on paper bags as well.

In this column, we will touch on the history of plastics regulation by Colorado municipalities and some key current events.

### The latest plastic bag ban in Fort Collins

The new ordinance in Fort Collins is particularly notable for several reasons. Fort Collins becomes the ninth municipality in Colorado to adopt a ban since 2011, but the city is by far the largest and is also the first municipality on the Front Range to do so. Until now, all of the adopters of plastic bag bans have been mountain communities: Aspen, Avon, Carbondale, Crested Butte, Ridgway, Steamboat Springs, Telluride, and Vail.

Different from some of the other cities and towns, Fort Collins decided to ease into the regulation of bags by focusing its ordinance

solely on large grocery stores, not every type of retailer that might distribute single-use bags.

The Fort Collins ordinance also comes with a bit of local historical context. In 2014, the city council adopted an ordinance imposing a 5-cent bag fee which triggered a referendum push by local citizens opposed to the ordinance. However, instead of calling an election in 2014, the council simply decided to repeal the ordinance two months after adopting it. This history explains why the council in 2021 decided to put the new measure to a vote rather than just adopting the ordinance directly.

### Plastics preemption in Colorado?

The first rumblings of potential municipal bans on plastics started in the 1980s, but in those days much of the outcry was about plastic beverage bottles, not grocery bags, particularly given the remarkable advent of single-serving water bottles. The plastics industry and the General Assembly launched a preemptive strike against municipal regulation in 1989 by adopting HB89-1300. The bill was actually about promoting recycling, imposing the requirement that recyclable plastic containers sold in Colorado must henceforth bear the now-familiar triangular symbol and code. But tucked within HB89-1300 was this sentence: "No unit of local government shall require or prohibit the use or sale of particular types of plastic materials or products."

None of the municipalities in Colorado that have adopted plastic bag bans in the past decade have ever been challenged under the 1989 law. If a challenge were to occur, these communities could mount some credible home rule arguments. Other municipalities have taken a more conservative approach, imposing fees or special taxes to discourage plastic bag use but stopping short of a total ban (for now). These municipalities include Boulder, Breckenridge, Denver, Fraser, Frisco, Louisville, and Nederland.

### HB21-1162 and the future of plastic bag laws in Colorado

An increasing number of Colorado municipalities are expressing an interest in regulating or prohibiting other single-use plastic products within their communities, beyond just grocery bags. CML has joined these communities in supporting a repeal of the preemption language embedded in the 1989 recycling statute in order to clarify municipal authority to adopt these kinds of ordinances.

As introduced this year, HB21-1162 would have done just that. However, on March 29, the repeal of the old preemption language was stricken from the bill in the House Finance Committee. If the language is not restored and the bill is adopted as is, it will have the effect of banning plastic bags and imposing bag fees, as well as regulating certain styrofoam takeout containers on a statewide basis. However, the legislation would also allow local bag ordinances to coexist with the new state law, and even impose stricter local requirements or higher fees. Watch for updates on HB21-1162 in CML's Statehouse Report, and expect the contents of the bill to evolve and change further if it survives the legislative process.

*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.*

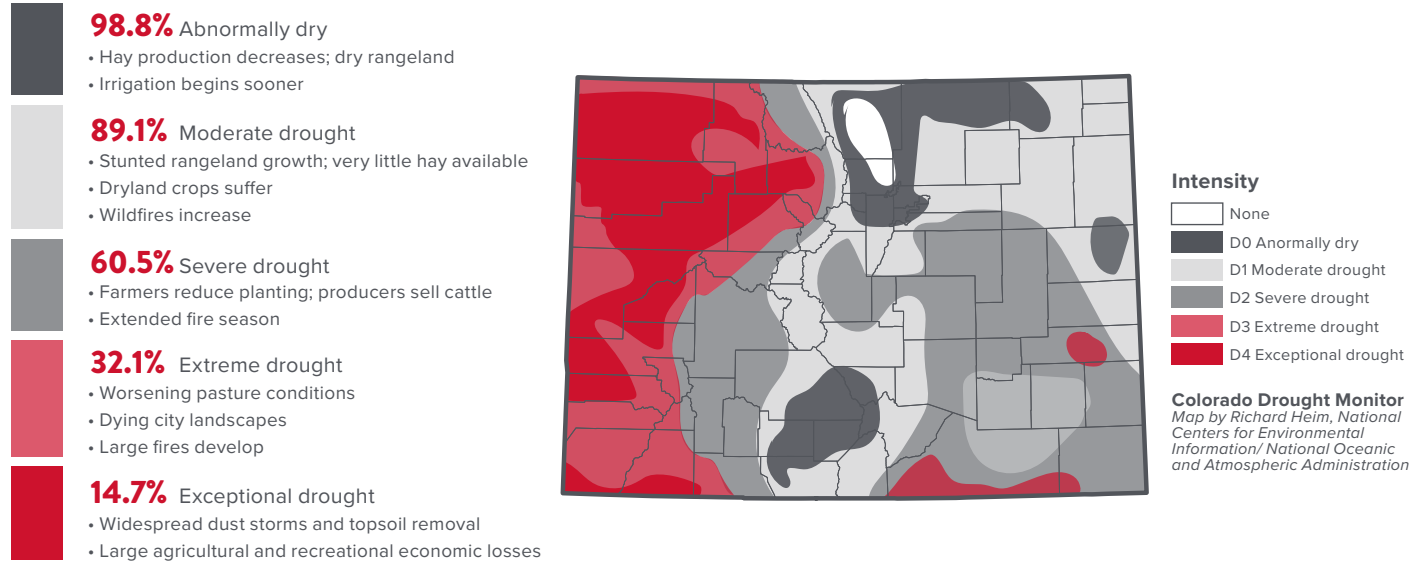
## Research Corner: Drought and wildfire risk and mitigation

In August 2020, the Pine Gulch fire in Mesa and Garfield Counties became the largest wildfire in Colorado's recorded history, ultimately burning 139,007 acres. By October, it was only the third-largest; both the East Troublesome fire in Grand County (193,812 acres) and Cameron Peak fire in Larimer County (208,913 acres) had surpassed it. Prior to 2002, there had never been a fire larger than 100,000 acres in Colorado.<sup>1</sup>

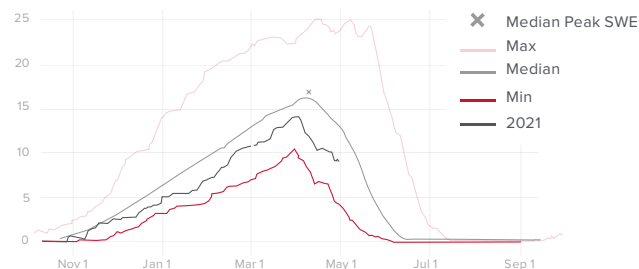
Looking ahead to the 2021 fire season, the Rocky Mountain Area Coordination Center's Large Fire Potential Outlook, issued April 1, 2021 covering through July 2021, warns of "above normal significant fire risk" across southeast Colorado for April into the first half of May, and also over southwest Colorado in May. The Western slope could see above normal fire risk by July, "due to expectations of drought intensification and earlier than average spring snowpack runoff."<sup>2</sup>

Information on the funding available for mitigation projects through the **Forest Restoration and Wildfire Risk Mitigation Grant Program** can be found below.

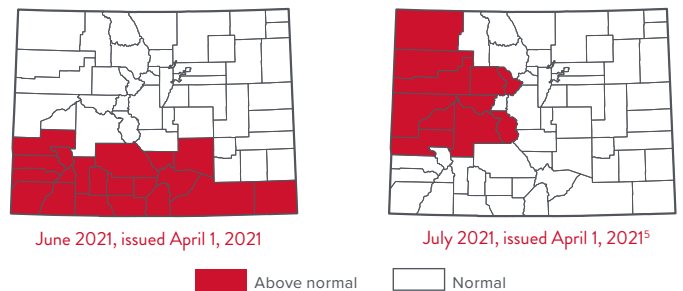
### Percentage of land area in Colorado experiencing dry conditions or drought, April 27, 2021<sup>3</sup>



The 2021 snow water equivalent (dark gray line) is below the median (light gray line) level between 1980 and 2010. Additionally, the runoff started several days earlier than average.<sup>4</sup>



### Significant Wildland Fire Potential Outlook



### Forest Restoration and Wildfire Risk Mitigation Grant Program

- Created by Senate Bill 17-050 and further funded by Senate Bill 21-054
- Application deadline: **May 19, 2021**
- \$6 million available
- All grant funds must be utilized for projects on non-federal lands in Colorado for the purposes of:
  - Fuels and forest health projects, and/or
  - Capacity building projects
- Eligible applicants include local governments, local community groups; public and private utilities, state agencies, and non-profit groups.

For more information, visit [bit.ly/3tXOMAt](http://bit.ly/3tXOMAt).

### Wildfire-related legislation

#### House Bill 21-1008 (Support)

The summer of 2020 was Colorado's largest documented wildfire season on record and highlighted the need to clarify legal authority for local governments to accomplish fire mitigation and forest improvement projects. Proposed legislation by the Southwest Wildfire Improvement Fund will clarify that local intergovernmental authorities can provide the same functions and services that an individual participating political subdivision can provide on its own, and intergovernmental authorities can establish special improvement districts to finance forest health projects. No municipalities would be required to participate or enter into a wildfire mitigation IGA; this legislation would only provide an opportunity for local governments to participate if they choose.

<sup>1</sup>Incident Information System, [bit.ly/3u9JUa9](http://bit.ly/3u9JUa9). <sup>2</sup>Rocky Mountain Area Coordination Center, [bit.ly/2QsOR5](http://bit.ly/2QsOR5). <sup>3</sup>National Integrated Drought Information System, [bit.ly/3ez9X3F](http://bit.ly/3ez9X3F). <sup>4</sup>USDA Natural Resources Conservation Service National Water and Climate Center. <sup>5</sup>National Interagency Coordination Center. National Significant Wildland Fire Potential Outlook, [bit.ly/3glUYak](http://bit.ly/3glUYak).



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# NEWSLETTER

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