



Application period for CML Board open through June 6



By Kevin Bommer, CML executive director

Municipal leaders, both elected and staff, are encouraged to consider applying to run for the CML Executive Board and be part of charting the direction of the League. CML President Bob Widner, Centennial city attorney, shares his experience:



"I found service on the CML Executive Board to be a challenging and rewarding way to elevate my commitment to the important work of local government.

The Executive Board is a group of exceptional leaders representing all of Colorado dedicated to the common goal of service to the public.

Service on the board enabled me to focus on significant statewide municipal issues and to understand and help guide CML's mission in both the General Assembly and our state courts. Board service deepened my knowledge of municipal government

and afforded me the opportunity to see problems through the eyes of a wide variety of communities. My fellow CML Board members' knowledge and experience, coupled with an exceedingly knowledgeable and helpful CML staff, generated a collaborative, collegial, and respectful forum for the open discussion of problems facing our municipalities. I greatly enjoyed opportunities to engage our state and federal government leaders and to assist them in understanding the needs of our municipalities. Not surprisingly, working alongside members with a commitment to a shared cause created deep and lasting relationships with people from across Colorado. In short, my experience on the CML Executive Board was invaluable."

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.

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.

CML bylaws require CML Executive Board members 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 letter or other written form, with the CML Nominating Committee. The application must be received in writing by the CML office by 5 p.m., Sunday, **June 6**; 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 5 p.m., Sunday, **June 6**. 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 or questions to Kevin Bommer, CML executive director at kbommer@cml.org.

More information and resources are available at bit.ly/3tgwmxX.

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 MUNICIPAL LEAGUE **NEWSLETTER**

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CML says a warm goodbye to Law Clerk Samantha Byrne



Over the past year, Samantha "Sam" Byrne has provided excellent service to CML members as CML's law clerk. Byrne has completed her second year of law school at the University of Denver's

Sturm College of Law and is clerking for Judge Myers, 2nd Judicial District Court Judge, for the summer.

Originally from the Chicago area, Byrne moved to Denver in 2016 to pursue a master's degree in Public Policy at the University of Colorado Denver. While working toward her degree, she served as the assistant town administrator for the Town of Lochbuie though DOLA's Best & Brightest Internship Program. Through

serving the town, Byrne discovered an affinity for municipal government and hopes to pursue municipal law after graduating.

While at CML, Byrne worked on a variety of projects including helping with the recently-released Beer and Liquor Book, assisting with *amicus curiae* briefs for filing with the Colorado supreme and appellate courts, authoring articles for the CML newsletter and attorney e-newsletter, answering legal inquiries, assisting with conferences, and much more. "Byrne has been such an asset to CML and our members, especially during the challenges of the past year," said Kevin Bommer, CML executive director. "She has a very bright future!" CML wishes Byrne luck in her future endeavors.



Effective Governance Workshop

Friday, June 18, 9 a.m to 3:15 p.m.

New to local government? This annual training is a great introduction to your role as a newly elected official. Topics include

managing effective relationships with the media, open meetings laws and standards, and more. Speakers include Bob Widner, CML executive board president, David Broadwell, CML general counsel, Tami Tanoue, CIRSA executive director, and more. Register at bit.ly/3onIDv3

Tips for effective use of ARPA funding



By Kevin Bommer, CML executive director

The U.S. Department of Treasury started the release of complete guidance on use of the Coronavirus State and Local Fiscal Recovery Fund dollars from the American Rescue Plan Act (ARPA) with details for "metropolitan cities" – generally, those over 50,000 population – with guidance for "non-entitlement units" of local government (NEUs) coming shortly thereafter. It is the first step in a process that should lead to targeted, effective use of ARPA funding by Colorado municipalities.

NEUs will receive their funds after they are first delivered to the state to pass on. Guidance still outstanding as of press time should resolve questions about that process, as well as provide explicit instructions to states. While some states are petitioning Treasury for more time to pass along funds they have not yet received, Colorado is not among them. CML's expectation is that the Department of Local Affairs (DOLA) will be the conduit to NEUs with the established relationships the department already has with Colorado municipalities.

As all municipalities contemplate allowable uses of funding, the League and our partners at Colorado Counties, Inc., DOLA, and our federal delegation are urging moving slowly and intentionally to ensure the maximum impact of ARPA dollars. Along with the National League of Cities (NLC), CML is suggesting members consider the following tips in local discussions.

Be clear on allowable uses

Treasury's intent is to allow substantial flexibility for local governments to meet local needs, but it is not absolute. Municipal leaders should be clear how funds may be used to support revenue replacement, households, small businesses, impacted industries, essential workers, and infrastructure investments in water, sewer, and broadband. Uses are clarified along with additional requirements in Treasury's Interim Final Rule at [bit.ly/3fsh9yW](https://www.federalregister.gov/documents/2020/12/23/2020-26346/interim-final-rule).

Maximize other dedicated grants and program funding first

Because the allowable uses of ARPA dollars are more expansive and local governments have significant flexibility in interpretation of application of the funds, looking at other dedicated funds with stricter guidelines is advised. For example, as NLC points out, FEMA's Public Assistance grant program also provides 100% reimbursement to local governments for premium pay for essential workers. A municipality may want to apply to FEMA first before using ARPA funds for premium pay.

Network with other local governments, the state, and federal agencies

Local needs and priorities may be compatible with counties, neighboring municipalities, and the state. Pooling of resources, investigating state stimulus funding, and looking into other federal sources may yield a more impactful outcome than just going it alone.

Don't forget services provided by special districts

Unlike with CARES funding, special districts were not eligible recipients of ARPA funding. Municipalities should avoid thinking "more for us" and consider working and assisting special districts that provide services within municipalities. Again, collaboration with counties and the state may be critical here, as state programs and stimulus may help boost the impact.

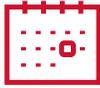
Tell your story

Transparency and accountability are paramount, and local leaders should document how funds are being used, the extent of any collaborative relationships, and successes. Strive to create a record that is open for all to see, and make sure that CML, as well as your state and federal legislative delegations are on your distribution list.

CML and NLC will continue to educate local leaders on how to access and use the Fiscal Recovery Funds in the coming weeks. Municipal leaders may be interested in watching NLC's first webinar on the release of the Treasury Guidance that was held on May 12. Access the video and presentation at bit.ly/3hvCNFc. Additional NLC resources may be found on NLC's COVID-19 Pandemic Response & Relief page at bit.ly/3tUdbEG.

Please contact Kevin Bommer, CML executive director, at kbommer@cml.org with any questions or problems.

SAVE THE DATE



SCBA Cylinder technology

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 25th to learn about the technology and new Colorado law making it possible for your city. Register at bit.ly/3uhLXJc.

WaterNow Project Accelerator application cycle now open

Project Accelerator offers municipalities, water agencies, and other organizations the

opportunity to jumpstart a sustainable water project. They provide free, high-value capacity and expertise that helps make meaningful progress toward more affordable, community-oriented solutions. Learn more and apply now at bit.ly/3exOoSf. Applications are due by **May 24, 2021**.

2022 state revolving fund eligibility survey, Open June 1 - June 30, 2021

Visit the Water Quality Control Division's website for program details, instructions and other useful information regarding this annual process at bit.ly/3ygYIQ8. If you have questions or require assistance, contact Erick Worker at 303-692-3594 or by email at erick.worker@state.co.us.

CDPHE seeking input on Employee Traffic Reduction Program

The Air Pollution Control Division will request a rulemaking hearing before the Air Quality Control Commission **May 20-21**, with an anticipated rulemaking hearing on **Aug. 19-20, 2021**. The division is currently evaluating strategies and listening to stakeholder feedback. Written comments may be submitted at bit.ly/3fmxkkk (please select "Employee Traffic Reduction Program" for your comment topic), or mail written comments to Lauren McDonell, Colorado Department of

Public Health and Environment Air Pollution Control Division, 4300 Cherry Creek Drive South Denver, CO 80246.

Colorado and the Census of Governments, June 17, noon to 1 p.m.

The Census of Governments is the only comprehensive source of uniform statistics on economic activity of state and local governments. During this webinar, Census Bureau experts will provide an overview of the Census of Governments and its components. Additionally, it will help you understand the importance and the practical uses of these data and help you learn about the available resources and data tools. Register at bit.ly/2Qroqqz.

What's Your Community Plan for Electric Vehicles?, June 22, noon to 1 p.m.

The number of electric cars and trucks in our communities grows every day as prices fall and model options increase. Many cities celebrate this transition. But, to fully realize the potential of electric vehicles, communities need careful planning to ensure equity across socioeconomic groups. Smartly managing this transition starts with a plan. Join us and learn how to get started and why it's important to start developing your EV preparedness plan. Register at bit.ly/3hCqozp.

In memory



Ray Aguilera, City of Pueblo

Pueblo Councilmember Ray Aguilera passed away on May 9 in hospice and with his family. Aguilera was on the city council

for over 10 years, representing District 4 which is largely comprised of the Bessemer area of Pueblo. The City of Pueblo said that he was a "heroic advocate for Pueblo's Bessemer neighborhoods," according to a statement from the city announcing his hospice care. He was a public servant of the highest caliber. CML extends condolences to his numerous family members and his extended family on the council and staff in Pueblo.

Del Beattie, Town of Limon

CML was saddened to learn of the passing of former Town of Limon Mayor Del Beattie, who also served on the CML Executive Board from 1998 to 2004.

"Del loved Limon and he loved being on the CML Board," said Kevin Bommer, CML executive director. "When I started at CML in 1999, he was one of the first Board members I met and he taught me so much about Limon and the Eastern Plains municipalities of the state." The memorial service for Mayor Beattie is scheduled for May 21. CML extends our deepest sympathies to his wife Avril, who currently serves as a trustee for the town, as well as the rest of the staff and elected officials in Limon.



Mayor Val Carr, City of Woodland Park

The public memorial service for Woodland Park Mayor Val Carr, who passed away due to complications from COVID-19 on Feb 16, 2021, has been announced by the City of Woodland Park for June 6. The service will take place

at noon at the Memorial Park Pavillion at 200 North Park Street. All are welcome.

Longmont City Manager Charlie Klarich

CML recently learned of the passing of former Longmont City Manager Charles "Charlie" Klarich at the age of 86. Klarich was city manager from 1964 to 1977, which has been described as one of the city's most significant growth periods. Former CML Executive Director Sam Mamet recalled having contact with Charlie over the years, particularly when he served a stint as the manager in the Town of Frederick.

CML extends condolences to his wife, Beverly Stokes-Klarich. According to an article in the Longmont Times-Call, Stokes-Klarich said, "His whole career was pretty much in government." According to the article, a grandson, Adam Klarich, works as an operator at the city's wastewater treatment plant.

Economic development stimulus bills



By Meghan MacKillop, CML legislative and policy advocate

We are continuing our summary of state stimulus bills in this week's newsletter with a summary of the various bills addressing economic development, as well as a bill addressing homelessness in the state. The General Assembly introduced nine bills addressing economic development in all parts of the state. Here are a few bills that are most impactful for our municipalities:

Economic development

HB21-1263: Meeting and Events Incentive Program. HB21-1263 creates the Colorado Meeting and Events Incentive Program in the Colorado Tourism Office. The bill provides rebates and direct support to eligible events and eligible personal events in Colorado to assist in the state's recovery from the COVID-19 pandemic. The bill would also award rebates for additional costs incurred for COVID-19 related costs that are related to complying with public health orders and requirements issued in response to the COVID-19 pandemic. HB21-1263 would encourage cities and towns to resume important community events, including music

festivals and other events that would provide economic benefits. Getting people to travel to our municipalities to spend money at local restaurants, business, hotels, and throughout the community is an important step in recovering from the economic downturn of 2020.

SB21-204: Rural Economic Development Initiative Grant Program Funding. This bill appropriates funding to the Department of Local Affairs for the Rural Economic Development Initiative Grant Program. The program provides grants that create new jobs in rural communities through a new employer or an expansion of an existing employer, or that create diversity and resiliency in a rural community's local economy. The funding appropriated in the bill may also be used for the Rural Economic Advancement of Colorado Towns Program, which assists the state in responding to significant economic impacts in rural communities. The bill provides direct relief to rural cities and towns experiencing economic downturns due to the COVID-19 pandemic.

SB21-229: Rural Jump-Start Zone Grant Program. SB21-229 creates the Rural Jump-Start Zone Program within the office of Economic Development and International Trade (OEDIT). Under this program the Colorado Economic Development Commission may issue grants to new businesses located in designated areas called rural jump-start zones. The bill offers relief from state income taxes, state sales and use tax, and county and municipal business personal property tax for eligible businesses. Additionally, new employees of eligible businesses may also receive a 100% income tax credit for work performed in a rural jump-start zone. Last year, 14 companies participated in the program and 16 counties have formed rural jump-start zones. Providing meaningful economic relief to areas hit hardest by the economic impact of the COVID-19 pandemic is essential for statewide recovery.

SB21-241: Small Business Accelerated Growth Program. SB21-241 creates the Small Business Accelerated Growth Program in the Colorado Office of Economic Development to provide business development support to small businesses with 19 or fewer employees. The office is required to develop a marketing initiative for the program in coordination with the minority business office, the small

business development center, and local and regional economic development entities to promote the program. This bill is another tool that will spark economic development in local communities.

SB21-252: Community Revitalization Grant Program. This bill takes \$65 million in state stimulus funding and puts it toward projects that create or revitalize mixed-use commercial centers in small Colorado towns. Senate Bill 21-252 creates the Community Revitalization Grant Program in the Division of Creative Industries in the Office of Economic Development and International Trade. There are 26 creative districts in Colorado that would receive preference for grants, but any local government is eligible to apply for the grant funding under the bill. Local governments, which include cities, counties, special districts, and school districts, may use grant funding to develop creative projects that revitalize or construct mixed-use commercial centers. This bill would help our cities and towns revitalize main streets throughout the state using a creative industry strategy. These kinds of projects can support local small businesses and could become tourist destinations in some towns. Municipalities across Colorado will benefit from this program and see an immediate economic impact.

Affordable housing

SB21-242: Housing Development Grants for Tenancy Support and Persons Experiencing Homelessness. SB21-242 expands the use of the Housing Development Grant Fund in the Department of Local Affairs (DOLA). The funds may be used for tenancy support services, including those that target individuals experiencing homelessness, and for grants and loans to local governments and non-profits for the rental, acquisition, or renovation of underutilized hotels, motels, and properties to provide noncongregate sheltering or affordable housing. The bill transfers \$15 million from the General Fund to the Housing Development Grant Fund for this purpose. CML supports additional funding from the state to aid local governments in providing housing to persons experiencing homelessness and some local governments have already retrofitted motels and hotels into housing. The program will provide much needed funding for local governments to utilize existing infrastructure for housing.

CML LEGAL CORNER



Alcohol delivery and takeout in Colorado extended to 2026



indoor dining profits for the duration of the pandemic. The executive order allowed these establishments to sell alcohol in sealed containers to those over 21 years of age. Additionally, in the case of restaurants, customers were required to purchase food when ordering takeout alcohol.

Under both the 2020 and 2021 bills, local licensing authorities may create a permitting process with a permit fee, which does not exceed the state permit fee, for takeout and delivery of alcohol beverages. If the local authority does not establish a permit, the licensee is only required to obtain the state permit.

Opponents to the bill raised concerns about the ongoing provision for alcohol delivery and takeout. For example, the Colorado Licensed Beverage Association wants to-go cocktails to be sealed with proper labeling to prevent drinking and driving. The association considers the current method of sealing the container to be inadequate. The sponsors of the bill are stating that the state liquor board will establish more rules to address this issue. Liquor stores are also concerned about the financial impact to their revenue due to the ongoing allowance of alcohol delivery and takeout.

This bill continues to evolve as it works its way through the statehouse. Watch for updates on HB21-1027 in CML's Statehouse Report, available at cml.org or delivered weekly into your email inbox.

A note on other forms of alcohol delivery

The other liquor license types previously permitted to deliver alcohol beverages to consumers off premises are fermented malt beverage licenses, retail liquor store licenses, and liquor-licensed drug store licenses. The delivery under these types of licenses will not change under the above-mentioned bills. A bill did surface this session on permitting third-party services to deliver beer, but that bill has been postponed indefinitely.

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



By Laurel Witt, CML
associate counsel

Colorado alcohol laws have been rapidly evolving in the past several years, changing traditional regulation at both the state and local level. Recent changes to the beer and liquor code include modifications to the special event permitting process, alterations to the ages of employees serving or selling alcohol, and the creation of new licenses including alcohol beverage licenses for distillery pubs and licenses for lodging and entertainment facilities. The latest revolution in this area is a result of changes made during the COVID-19 pandemic: delivery and takeout of alcohol beverages.

Allowing alcohol delivery and takeout during a pandemic

At the beginning of the COVID-19 pandemic, it became clear that some of the hardest hit businesses under the public health emergency orders would be bars and restaurants. In response to the dire needs of the business community, Gov. Jared Polis signed Executive Order 2020-011 in March of 2020 allowing certain license holders, including restaurants and bars, to provide alcohol delivery and to-go as a means of making up for lost

The executive order not only helped businesses stay afloat during the pandemic, it is helping with recovery efforts as consumer confidence for indoor dining remains much lower than it was prior to the start of the pandemic. In 2020, the state legislature passed SB20-213, which extended alcohol takeout and delivery to July 1, 2021. This timeline turned out to be unnecessary, however, as the governor extended the executive order into 2021 with the pandemic ongoing. As the businesses continued to rely on alcohol delivery and takeout to increase revenues in 2021, it became clear that the legislature would take up the question of whether to allow for permanent to-go alcohol from bars and restaurants.

2021 bill on alcohol delivery and takeout

The state legislature introduced HB21-1027, which extended the benefits of alcohol delivery and takeout that originated in the 2020 executive order and SB20-213. The sponsors originally introduced the bill without a sunset date, however, during negotiations, the legislature added a sunset to the bill to allow alcohol delivery and to-go until July 1, 2026. The bill also increases the amount of alcohol that is permitted to be delivered or provided for takeout.

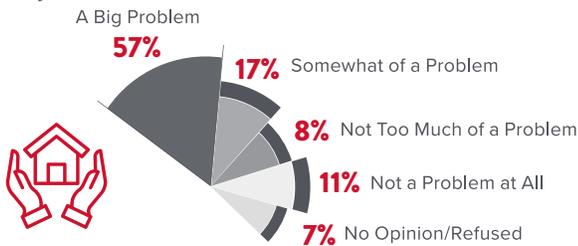
Research Corner: Magellan Strategies releases affordable housing survey results

CML Associate Member Magellan Strategies recently released the results of an online survey of registered voters in Colorado regarding affordable housing. The survey was conducted from March 30-April 2, 2021, and results were weighted to be representative of the demographics of the registered voter population in Colorado. Findings show that Coloradans agree with what many municipal officials have told CML: in many communities across the state, it is critical to take action on affordable housing.

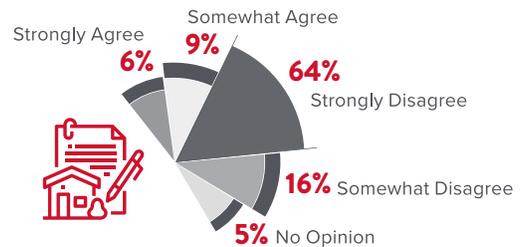
The survey toplines, crosstabs, verbatim responses and presentation can be downloaded at bit.ly/3ybd3E0.

Respondents report difficulty finding affordable housing and do not believe that affordable housing is widely available in their community.

How much of a problem is it for you to find affordable housing in your community?



Do you agree or disagree with the following statement? The community I live in has housing available for anyone who wants to purchase a home.



Respondents support their local governments taking action to support affordable housing.



- 69% believe their local government should do more when it comes to affordable housing in their area
- 69% support requiring a percentage of new housing units to be designated as affordable
- 68% support rent control
- 79% support mortgage and rent assistance due to COVID-19

AFFORDABLE HOUSING LEGISLATION

HB21-1271

Grant Program to Incentivize Policies that Promote the Development and Supply of Affordable Housing (Support)

- Creates the Housing Incentives Grant Program within the Department of Local Affairs.
- 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, including:
 - lessening permitting or tap fees or
 - providing density bonuses.
- Allows local governments the flexibility to adopt policies that work best in their community.
- Grant programs will be available for planning and consulting for housing assessments.

HB21-1117

Local Government Authority to Promote Affordable Housing Units (Support)

- CML-initiated legislation.
- Clarifies statutes that inclusionary zoning for new rental housing developments is not a form of rent control otherwise prohibited by state law.
- Does not allow rent control on existing housing.
- Requires that before a local government may adopt an ordinance promoting affordable housing in new developments, it must have demonstrated a commitment to density by, for example:
 - passing a regulatory measure that is expressly designed and intended to increase the supply of housing within a local government's jurisdictional boundaries;
 - changing zoning regulations to increase the number of housing units allowed on a particular site; or
 - promoting mixed-use zoning that permits housing units to be incorporated in a wider range of developments.





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NEWSLETTER

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