



Flexibility for American Rescue Plan Act funds advances but likely depends on infrastructure deal



By Kevin Bommer, CML executive director

On October 28, President Joe Biden announced he will present a scaled-down version of his Build Back Better Act following negotiations between key factions in the House and Senate. While it isn't immediately clear that it will satisfy differing demands from within the Democratic party, its successful passage would likely allow an up or down vote in the House on the bipartisan Investment in Infrastructure and Jobs Act (IIJA). Efforts at reasonable compromise have been supported by numerous organizations, including the National League of Cities (NLC) and the National Association of Counties (NACo).

Likely tied into the success of Build Back better and IIJA discussions is another important bill related local assistance. The Senate recently passed (without objection) legislation that would allow local governments to use local Coronavirus Aid, Relief, and Economic Security (CARES) Act and American Rescue Plan Act (ARPA) dollars to use the funds, with certain limitations, for eligible uses that include infrastructure, disaster relief, housing, community development, and other

investments that will have a long-term economic return.

A key feature of the bill is permission for eligible government entities to spend the greater of \$10 million or 30% of their total fiscal relief funding on infrastructure and other new categories, some of which would be created by the IIJA, upon its passage. In addition, several types of local infrastructure funding categories would be eligible for funding by local ARPA and CARES dollars.

Again, S. 3011 still needs to pass the House along with the adoption of IIJA and, likely, the hotly contested budget reconciliation package. Meanwhile, the League – along with Colorado Counties, Inc, and the Special District Association – continue to advocate to state legislators and Gov. Jared Polis to do more to allow local governments to leverage their local dollars against state funding, especially related to infrastructure. S. 3011 presents a significant red carpet for state leaders walk down toward stronger state-local collaboration.

For more information, contact Meghan Dollar (mdollar@cml.org) or Kevin Bommer (kbommer@cml.org).

CML releases updated 2021 Election Book publication

CML recently released the *2021 Election Book*, which is designed to assist municipal clerks in both towns and cities, statutory and home rule, in managing their municipal elections.

The publication explains the Municipal Election Code and guides readers through each step in the election calendar. It offers information on special elections, an overview of coordinated elections, and an updated Frequently Asked Questions section. It also addresses a wide variety

of issues including UOCAVA, FCPA, recall, referenda, and initiatives.

The League would like to express sincere appreciation to Karen Goldman, MMC, for her work in substantially editing the 2021 edition. Karen has provided training for municipal clerks in the elections arena during her almost 20 years as a municipal clerk in Colorado and currently runs the League Municipal Clerk Advisor Program.

While the publication should not be taken as legal advice, we believe you will find

it to be a valuable resource. One copy of the publication was sent to all member municipalities. Additional printed copies of the *Election Book* may be ordered from CML at cml.org. The publication may also be downloaded in PDF format.

CML continues to produce reference guides and best practices publications addressing key issues facing Colorado municipalities. For a complete list of CML publications visit cml.org.

Recognition

CML recognizes Thornton Councilmember Sam Nizam, who will be leaving office at the conclusion of his current term. Nizam served on council for eight years, and we thank him for his service to his community.

OIT launches website accessibility guide

Following the passage of HB21-1110 (bit.ly/2YXFDLU), which requires state and local governments to meet specific website accessibility standards by July 1, 2024, the Colorado Office of Information Technology (OIT) has launched its new guide to accessible web services. The guide can be accessed on OIT's website bit.ly/3aMjJ11. The website also includes an explanation of what is required by HB21-1110, information on how to begin with accessibility compliance, links to free website evaluation tools, and an accessibility how-to guide. We encourage all municipalities to sign up for the OIT State of Colorado Accessibility Newsletter to stay informed at bit.ly/3DUdXXL. If you have any questions, please contact Heather Stauffer at hstauffer@cml.org.



COLORADO MUNICIPAL LEAGUE NEWSLETTER

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Lifelong Colorado: Our state's population of older adults is growing rapidly. Is your community prepared?

Colorado is the second fastest aging state in the country and, statewide, Coloradans aged 60 and over are projected to outnumber those aged 18 and under as soon as 2023 – it is possible this “demographic switch” has already occurred in your community. Our state's demographic reality is a first and will become our new normal as generations of Coloradans continue to live long and productive lives. It also requires us to confront, and boldly address, the challenges that adequately supporting an aging population raises.

Lifelong Colorado is the Governor's statewide initiative to support aging in the community with local, regional, and state strategies. Central to this initiative are locally and regionally organized livable community efforts. Without livable community efforts, Lifelong Colorado would be impossible. Now is our time to plan, prepare, and invest in our communities through livable community, or age-friendly, efforts.

Whether we look to Colorado Springs, Fort Collins, Denver, Las Animas, Eagle County, or Fruita, some towns, cities, and counties are already taking locally driven steps. Livable community planning includes policies and practices that enable people of all ages and abilities to navigate and thrive in their communities of choice across the lifespan. Livable community efforts rely on partnerships and coalitions of leaders ranging from government agencies, local elected officials, faith communities, non-profit organizations, academic institutions, local businesses, and self-directed volunteers with the goal of aligning and catalyzing local and regional efforts.

Researchers seeking input from Colorado municipal officials

Researchers from Michigan State University (who are also Colorado State University alumni) are trying to understand how the COVID-19 pandemic impacted local governments in the state. Anyone who has worked in local government in Colorado in the past two years is eligible to participate.

Without livable, age-friendly communities characterized by access to reliable transportation, safe and affordable housing, economic opportunities in later life, social engagement, and access to health care, we will have missed our opportunity to better support our communities and our families. Lifelong Colorado embraces the diversity of our great state, acknowledges our interrelated issues, and encourages decision-making through collaborative and inclusive local strategies. Through Lifelong Colorado, we have an opportunity to transform our communities and redefine later life across our great state.

We believe that a Colorado well adapted for aging is a Colorado where all individuals can thrive. At the state level, we are taking steps to modernize our aging network and expand our capacity to better meet the demands, and capitalize on the opportunities, we have coming our way. In addition to these state efforts, we must continue to build out local coalitions of leaders who can coordinate existing efforts and embark on new initiatives that are important in your community.

Check out the Lifelong Colorado State Plan at bit.ly/3CHOaDP and reach out to Jarett Hughes, Senior Policy Advisor on Aging with the Governor's Office, at Jarett.Hughes@state.co.us to learn more about how your community can get started on this work and become a Lifelong Colorado partner.

As the saying goes, it takes a village, and we are stronger when we work together.

Participation is completely voluntary, and responses are anonymous. To share your experience, please fill out the survey at bit.ly/31aq4BU. Summary results will be shared with CML and our municipal members in six months. If you have any questions, please contact Adam Mayer at mayerada@msu.edu.

Colorado Department of Local Affairs awards \$6.7 million to stimulate downtown investment



The Colorado Department of Local Affairs (DOLA) is supporting efforts by local governments to engage in small business relief through the Main Street: Open for Business (MSOB) program.

The program supports façade improvements and energy efficiency projects for businesses in the state's traditional downtowns with funding set aside by Senate Bill 21-252 for the Colorado Main Street program. The initiative is designed to increase sales and revenue for rehabilitated buildings, reduce energy consumption and lower utility bills, and create jobs while retaining existing ones.

A general grant round open to all municipalities, counties, and councils of government across Colorado prioritized communities with multiple projects to improve visual appeal and spark investment in their downtown districts. The following projects were awarded funding in the first round of grants:

- **The Town of Center** was awarded \$114,588 to improve five buildings, four of which house traditionally disadvantaged business enterprises (DBEs). Projects range from a new sign at the carniceria to lighting upgrades at the grocery store.
- **Central City** was awarded \$327,727 to support new businesses in three buildings, including the second-oldest

property in this historic town, with energy-efficiency upgrades and façade improvements. The city is heavily reliant on the gaming industry, which experienced severe losses during closures in 2020.

- **The Town of Flagler** was awarded \$146,135 for façade and energy improvements on three buildings, including the historic Flagler Theatre. Located on the Eastern Plains, Flagler has a population of just 700 with an average income of \$27,500.
- **The Town of Granby** was awarded \$757,140 for energy-efficiency upgrades, façade improvements and ADA accessibility on 11 buildings, after suffering the impacts of regional wildfires in 2020 in addition to the COVID-19 pandemic.
- **The Town of Grand Lake** was awarded \$958,782 for projects ranging from adding energy efficient HVAC units to paint and stain on 23 buildings including 15 DBEs, in an area also ravaged by wildfires in addition to COVID-19.
- **The Town of Hugo** was awarded \$602,169 for a complete renewal of their small downtown, with 11 buildings containing 11 DBEs. Improvements include increased energy-efficiency with new storefront windows and doors, new decorative awnings, and new signage that will make businesses more visible from State Highway 287.
- **The City of La Junta** was awarded \$391,566 to improve six buildings, which includes doubling the retail space of one business by reclaiming an attractive storefront, and the restoration of the iconic Fox Theatre.
- **The Town of Mancos** was awarded \$457,333 for six buildings, five of which are home to woman-owned businesses. Others include a historic opera house, and full rehabilitation of commercial storefronts to serve as a performance venue and event retail space.
- **The Town of Rangely** was awarded \$53,126 for improvement to the aesthetic of the downtown automotive care center and better signage to attract more business on the western edge of the state.
- **The Town of San Luis** was awarded \$560,722 to invest in five key businesses all owned by minorities and women including the R&R Market, the state's oldest family-run business dating back

to 1857. Fresh paint, new signs, windows, doors, exterior lighting, and energy efficiency improvements will provide the oldest downtown in Colorado with a facelift.

- **The Town of Silverton** was awarded \$612,849 to help preserve eight buildings through façade improvements, while looking toward the future of this National Historic District with several energy efficiency upgrades including windows and solar panels.
- **The Town of Wellington** was awarded \$569,626 for painting, awnings, windows, brick repair, roof replacements, new signage, and energy efficiency upgrades to 11 buildings in hopes to attract more of its growing population to downtown.
- **The Town of Windsor** was awarded \$392,660 to improve the aesthetics of four buildings downtown including the removal of false fronts, seeking to increase foot traffic in the historic downtown Main Street.

In addition to the general MSOB grant awards outlined above, \$750,000 was set aside for an even split between three Heritage Energy Pilot Projects, competitively selected by an interagency team in January 2021. The goals of this initiative align with those provided by Main Street: Open for Business, including historic preservation and upgraded energy efficiency. Those awardees are:

- **City of Leadville:** Herald Democrat Building
- **Town of Ridgway:** Bank Building
- **City of Trinidad:** Fox West Theatre

These larger-scale holistic projects seek to integrate existing resources such as historic tax credits, History Colorado State Historical Fund grants, Commercial Property Assessed Clean Energy (C-PACE) financing, and Energy Performance Contracting through an interagency partnership of the Colorado Energy Office and History Colorado's State Historic Preservation Office. MSOB funding was an unexpected and welcome addition to these projects' incentive mix, helping demonstrate the power of reinvestment for more vibrant Main Street districts, greater economic resilience, healthier living, and better working environments in Colorado.

Congratulations to all the grant recipients!



Deadline to submit public comment on CDOT greenhouse gas rulemaking extended

The Transportation Commission of Colorado, within the Colorado Department of Transportation (CDOT), has proposed a new rule to reduce greenhouse gas emissions from the transportation sector, improve air quality and reduce smog, and provide more travel options.

The draft rule would require CDOT and the state's five Metropolitan Planning Organizations to determine the total pollution and greenhouse gas emission increase or decrease expected from future transportation projects and take steps to ensure that greenhouse gas emission levels do not exceed set reduction amounts.

The Commission has been conducting public hearings to allow for public comment across the state and held its final public hearing on Oct. 7, 2021. The initial deadline to submit written public comments was Oct. 15, 2021. Based on written comments

and public testimony that has already been received, the Commission has elected to extend the time period to submit written comments on the proposed rule to **Nov. 18, 2021**, by noon MST. You can submit written comments on the proposed rules directly to dot_rules@state.co.us.

CDPHE Launches New PFAS Takeback Program

Following the passage of SB20-218, The Colorado Department of Public Health and Environment has announced its new PFAS takeback program. Through the new program, CDPHE will pay eligible Colorado fire departments to take unspent firefighting foam containing PFAS out of service and temporarily store it until a safe disposal method is identified.

Payment: \$40 per gallon for unspent firefighting foam containing PFAS to help support fire departments with the purchase of PFAS-free replacement foam.

Eligible entities: Colorado fire departments that are registered through the certificate of registration program.

Eligible materials: Unspent firefighting foam containing PFAS (bit.ly/3jK3Exy).

Proper disposal method: Applicant to follow EPA's Interim PFAS Destruction and Disposal Guidance by providing interim storage until a safe disposal method is identified.

Application period: Through **Feb. 28, 2022**

Payment distribution: Oct. 1, 2021 - Mar 31, 2022

How To Apply:

1: Fill out the sign-up form (bit.ly/3Crzu9V) to receive an application to participate in the takeback program.

2: Once you fill out the sign-up form, a CDPHE project manager will reach out to you to begin next steps.

For more information, please contact David Dani at David.Dani@state.co.us.

Small Multimodal & Economic Resiliency Grants Opportunity is paused until early 2022

As of Oct. 1, 2021, the Small RMS Grant Opportunity (up to \$150,000) will have a short pause on accepting applications through the upcoming winter months. CDOT is taking this approach to ensure there is funding available for projects in spring and early summer of 2022.

An updated Opportunity 2 RMS notice of funding opportunity (NOFO) will be released in early 2022. That information will be posted on the Revitalizing Main Streets web page and shared with anyone who has signed up for the program newsletter. Please contact cdotmainstreets@state.co.us if you have any questions.



Associate member news

New Associate Member

Environmental Works, Inc.

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Jay Perry
jperry@environmentalworks.com
www.environmentalworks.com

EWI is a comprehensive environmental consulting and contracting firm with a strong reputation for providing expert, service-ready solutions for both public and private sector clients. EWI offers environmental consulting, industrial services, emergency response, and much more. The large variety of services we offer allows us to be flexible and cost

effective while streamlining operations and project management for our clients.

When our clients have a need we dive in, diagnose, and apply the right combination of science, safety, grit, and ingenuity to get the job done safely and correctly.

CML LEGAL CORNER



Why do municipalities in Colorado conduct non-partisan elections?

By David W. Broadwell, CML general counsel

Just call it another sign of the times. In the weeks leading up to the Nov. 2 elections, reporters from two different media outlets quizzed CML Executive Director Kevin Bommer on the question of whether the party affiliation of candidates for municipal offices should be included on the ballot. Kevin explained the practical and philosophical reasons municipal government in Colorado has been non-partisan in nature for a very long time.

In this hyper-partisan day and age, it's understandable that even regular citizens may wonder sometimes why state and county elections are usually contested between nominees from the two major political parties, while other entities like municipalities and school districts require no party affiliation or endorsement to run for office. A review of "ancient history" in Colorado provides part of the explanation.

The roots of non-partisanship in municipal elections

The City and County of Denver, Colorado's first and largest home rule municipality, was organized when voters approved a home rule charter in 1904. The first few years of the City and County's existence were tumultuous, with the state persistently trying to dictate Denver's governance structure. Multiple political parties were seeking to gain control of the city, but Denver wanted to establish a non-partisan structure to get away from the tradition of party patronage and to reform city government for the new century.

The state legislature adopted a law forcing Denver to conduct partisan elections. This led to a state constitutional amendment securing to Denver and all other home rule municipalities the power to decide

for themselves whether they wanted to keep their elections non-partisan. To this day, home rule charters across Colorado commonly require that municipal elections be conducted on a non-partisan basis.

This history is recounted in a 1971 Colorado Supreme Court case called *Hoper v. City and County of Denver*. The *Hoper* decision addressed a charter amendment decisively approved by Denver voters at a special election in September of 1968, an amendment that would have returned Denver to conducting city elections on a partisan basis. However, the amendment was struck down by the court because the ballot question gave no clue as to the true "nature" of the measure. Thereafter, no one ever mounted a successful effort in Denver or in any other home rule municipality to switch to partisan elections. Today the Denver charter continues to say as it has for over a century, "The administration of the City and County of Denver shall be nonpolitical, with economy and good service as its aim and purpose."

Practical barriers to true partisan elections in municipalities

Without mentioning the word, the Colorado Municipal Election Code solely contemplates non-partisan elections as well. We know this because, unlike the Uniform Election Code that governs state and county elections, the Municipal Election Code does not mention political parties at all. No mention of party nominating processes; no mention of county assemblies or state conventions; no provision for primary elections for municipal candidates.

The process for any candidate to win a spot on a municipal election ballot is remarkably egalitarian in both statutory and home rule municipalities. Sometimes only a few dozen or, at most, a few hundred signatures on a

nomination petition will suffice to become a candidate for any municipal office in the state. This open petitioning process can lead to long and diverse field of candidates in a municipal election.

A true partisan election system in a municipality would require candidates to win the favor of a political party and run the gauntlet of the party's nomination process, presumably resulting in the appearance of only one singular Democratic and one singular Republican nominee for each office. Switching to a system in which the major parties controlled the key spots on a municipal ballot would be particularly ironic at a time when more and more Colorado voters are choosing not to affiliate with either of the parties.

A truly partisan structure would lead to a major practical dilemma. All of the current partisan election laws for county and state officials culminate in the state general election every two years. All of these laws are grounded in a county level party structure where nominations originate. Municipal partisan elections would require the parties to create nomination processes at a more granular level for cities and towns, and mobilize the process for all sorts of different election dates, not just once every two years as they do today.

A much more simplistic approach might be to allow municipal candidates to simply list, for informational purposes only, their party affiliation on the ballot. Watch for this idea to crop up in some communities in the coming years.

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

Research Corner: Diversity, equity, and inclusion in the public service workforce

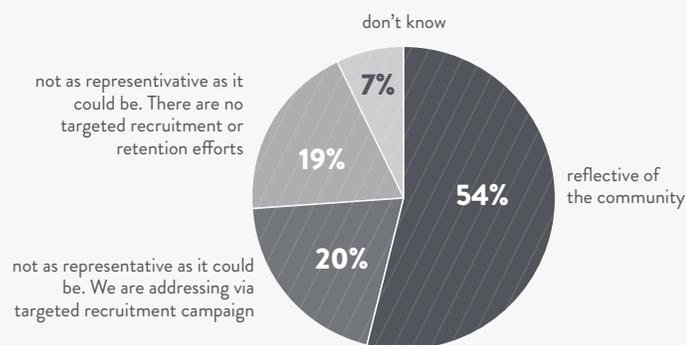
“Diversity, Equity, and Inclusion in the Public Service Workforce,” a recent report by MissionSquare Research Institute (formerly the Center for State and Local Government Excellence at ICMA-RC), provides a comprehensive analysis of the diversity, equity, and inclusion (DEI) landscape across the public sector workforce. The study includes historical and projected data for a wide variety of occupations, and indicates areas where certain gender, racial, or ethnic groups are statistically under- or over-represented.

MissionSquare Research Institute promotes excellence in state and local government and other public service organizations to attract and retain talented employees. The organization identifies leading practices and conducts research on retirement plans, health and wellness benefits, workforce demographics and skill set needs, labor force development, and topics facing the not-for-profit industry and education sector.

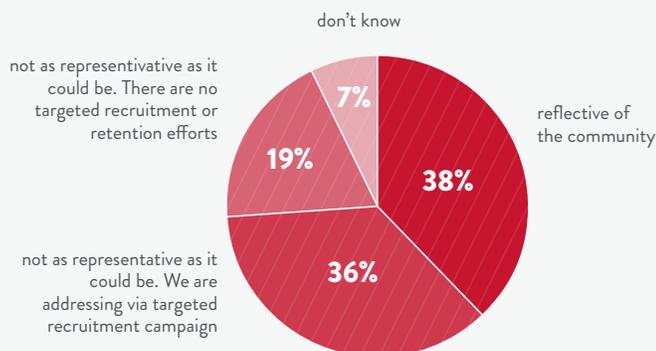
Selected findings are included in this Research Corner. View the full report at bit.ly/3GtTxqx.

THE 2021 WORKFORCE SURVEY ASKED STATE AND LOCAL HUMAN RESOURCES MANAGERS:

How would you describe the gender composition of your workforce?



How would you describe the racial/ethnic composition of your workforce?



HR directors of organizations over 500 FTE were twice as likely as those under 500 FTE to indicate that their workforce is reflective of the community.

PERCENTAGE REPRESENTATION IN 2020

CATEGORY	WITHIN TOTAL POPULATION*	WITHIN TOTAL WORKFORCE**	WITHIN PUBLIC ADMINISTRATION**
Women	50.8%	46.8%	46.4%
Black/African American	12.4%	12.1%	17.5%
Asian American	6%	6.4%	4.6%
Hispanic/Latino	18.7%	17.6%	13.1%

*2020 U.S. Census

**U.S. Bureau of Labor Statistics

Even as targeted campaigns seek to recruit a diverse workforce, factors both inside and outside the workplace can continue to lead to inequitable outcomes. For example:

- While research shows that 85% of municipalities have employment protections for sexual orientation and /or gender identity, almost 10% of lesbian, gay, bisexual, or transgender (LGBT) employees have left an employer due to feeling unwelcome.
- State and local government secretarial employment due to office productivity software improvements and other workforce changes is projected to decline by 18%. 93% of these jobs are held by women.
- In public safety, African Americans represent 33% of all corrections employees (median annual salary of \$47,410), but only 13.9% of detectives (median annual salary of \$67,290) and 7.5% of police supervisors (median annual salary of \$92,970).
- Pay inequity tends to compound over time, which can lead to low morale, turnover, and inequities in retirement readiness.
- Small sample sizes, a lack of historical data, and the difficulty in coding potential categories has led to limited research analyzing the compounding discriminatory effects of intersectionality in the workforce. However, research has shown that lesbian, gay, bisexual, and transgender (LGBT) women of color and LGBT Asian Americans and Pacific Islanders experience more frequent workplace discrimination than LGBT people generally. As another example, job applicants who are both over age 45 and from underrepresented communities tend to require more job interviews before receiving a job offer than their younger peers.

MISSIONSQUARE OFFERED THE FOLLOWING NEXT STEPS TO CONSIDER

- Designate a DEI officer, whether there are the resources to do so as a stand-alone position or a need to start with those duties added to an existing staff person's responsibilities.
- Evaluate the diversity of current staffing and areas where there's room for improvement.
- Think creatively about recruitment. Even if the local labor market may not include a wide range of diverse candidates, consider internships, hackathons, virtual project teams, and other strategies that can help build relationships across a wider region, raise awareness of career opportunities, and emphasize the value and satisfaction of working in public service.
- Reach out to potential job candidates via proactive recruitment efforts, such as through Historically Black Colleges and Universities (HBCUs) or Hispanic Serving Institutions (HSIs), community groups, non-English language media and other specialty outlets, and military liaison offices.
- Establish a regular engagement process for gathering employee input to assess not just overall satisfaction, but also issues around discrimination, equity, and inclusion.
- Build an inclusion program, considering what employee resource groups, mentoring, or sponsorship opportunities might help diverse employees feel more engaged with the organization or among demographic or professional peers.
- Add an equity lens to policy discussions to identify and eliminate potential differential treatment based on protected classes of employees or intersectional segments of the workforce (e.g., administrative vs. operational staff).
- Don't wait until exit interviews to find out there's a problem that needs to be addressed.



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- Colorado Department of Local Affairs awards \$6.7 million to stimulate downtown investment
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NEWSLETTER

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