



Build Back Better Act heads to U.S. Senate



By Kevin Bommer, CML executive director

After weeks of political wrangling between the various factions of Congressional Democrats, the U.S. House of Representatives on Nov. 19 passed the

budget reconciliation bill commonly known as the Build Back Better Act (BBBA). In the end, the vote was party line, except for one Democrat who sided with the Republican opposition.

The legislation heads to an evenly divided Senate where some moderate Democrats have quietly tapped Sen. Joe Manchin, D-W. Va., to be the spokesperson for fiscal concerns that they have. With many of the provisions of BBBA more targeted toward social spending, in contrast to the recently enacted Infrastructure Investment and Jobs Act (IIJA), it is all but certain that the Senate will remove some components of the bill to lower its overall price tag. Municipal interests advocated by the National League of Cities (NLC) include workforce development, housing affordability, and climate resilience.

The Senate's parliamentarian may strike provisions that violate Senate budget

reconciliation rules, but most of the bill is expected to be introduced intact in the Senate. Key provisions that are expected to be targeted for removal by Manchin and fellow Democrat Kyrsten Sinema, D-Ariz., are paid family and medical leave and an increase in corporate income taxes. Changes to the bill will affect its overall cost and revenue offsets, and they would also require the bill to go back to the House for approval. With no Republicans expected to support the bill, its passage in the Senate can only be secured with all 50 Democrats in support and Vice President Harris's delivery of a tie-breaking vote.

Senate and House leaders are working to have all of this done before Congress leaves Washington in December. With so many moving parts, it is not yet clear if they will succeed. In the meantime, CML and municipalities are already looking at how IIJA funds will start to roll out and be available at the local level.

Three elected to NLC Board



From left to right: John Fogle, Loveland councilor, Stephanie Piko, mayor of the City of Centennial, and Kevin Bommer, CML executive director.

By Jennifer Stone, CML engagement and communications manager

At the recent 2021 National League of Cities (NLC) virtual City Summit, three Coloradans were elected to serve on the NLC board of directors by NLC's membership. Board members are selected by a 15-member nominating committee and are confirmed by a vote from NLC's

membership at the organization's annual business meeting.

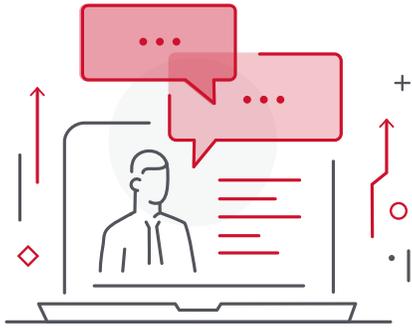
Stephanie Piko, mayor of the City of Centennial, just completed a two-year term on the board and was reelected. John Fogle, Loveland councilor, was elected to a two-year term. Piko and Fogle have significant involvement in NLC, both having chaired individual NLC federal advocacy committees prior to being elected to the board.

Piko and Fogle will be joined by Kevin Bommer, CML executive director. NLC was originally founded by state leagues, and a state league director from each of NLC's eight regions serves on the board.

NLC board members provide strategic direction and guidance for NLC's federal

advocacy, governance, and membership activities. NLC is the largest and most representative organization for cities, their elected leaders, and municipal staff, and advocates for city priorities in Washington by building strong federal-local partnerships. Board meetings will be held in March, June, and November to guide NLC's strategic direction.

Bommer was also appointed to serve on the NLC board's Executive Committee by newly elected NLC President Mayor Vince Williams of Union City, Ga., along with Larry Hanson, executive director of the Georgia Municipal Association. The committee is a small group of board members who provide specific strategic and policy feedback to the board's leadership and NLC staff.



CML's Election Webinar series is back!

We're excited to provide clerks with essential information concerning elections throughout the next few months. CML will host Karen Goldman, MMC, on a series of webinars focused on essential election practices. Goldman 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. You can register for the next webinar at bit.ly/3nto9RL.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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National Civic League accepting applications for 2022 awards

The National Civic League is accepting applications for the 2022 All-America City awards until Mar. 1. The theme for 2022 is "Housing as a Platform for Early School Success and Equitable Learning Recovery." Learn more at bit.ly/3G0hJQd.

Since 1949, the National Civic League has designated over 500 communities as All-America Cities for their outstanding civic accomplishments. The 2022 awards program will be co-convened by the Campaign for Grade-Level Reading and will focus on robust efforts that seek measurable improvement around one or more of the following areas of focus:

- Digital equity
- Relational supports
- Afterschool, summer and out-of-school learning opportunities
- Transforming non-school places and spaces into learning-rich environments
- Promoting school readiness, regular attendance and summer learning
- Parents succeeding as essential partners
- Parents succeeding in their own journey

During the past 18 months, the closure of schools, early childhood programs, and childcare centers in response to COVID-19 was a significant setback for all children's early school success. The adverse impact has been disproportionately devastating, however, for children of economically challenged, fragile, and marginalized families. Left unattended, learning loss of this scale and magnitude could further compromise the prospects for a generation of children whose future is already at risk.

Public housing and affordable housing programs are high-potential platforms for regaining momentum for early school success and for accelerating equitable learning recovery. Public housing authorities and affordable housing organizations can serve as focal points that bring together public, corporate, and community-level stakeholders to support children, adults, and families using a system of 24/7/365 wraparound services and supporting a two-generation approach.

Applications are due Mar. 1 and finalists will be announced in early May and invited to assemble a community team to present at the virtual All-America City event in July. Teams of residents; nonprofit, business, and government leaders; and young people from communities across the country will share insights with peers, learn from national thought-leaders, and present the story of their work to a jury of nationally recognized civic leaders. The transformational experience equips, inspires, and supports leaders and communities to achieve more than they ever believed possible.

The All-America City Award shines a spotlight on the incredible work taking place in communities across the country. By celebrating the best in local innovation, civic engagement, and cross-sector collaboration, the All-America City Awards remind us of the potential within every community to tackle tough issues and create real change.



CML announces scholarships for 2022 Annual Conference

Plans are underway for the Colorado Municipal League's 100th Annual Conference, being held **June 21–24, 2022**, in Breckenridge.

This conference is the signature event of the year where municipal officials from around the state gather to network and exchange ideas. Year after year, attendees rave about the valuable experience and how inspired they are to get back to work to put their newfound knowledge to use.

CML is pleased to offer 10 conference scholarships to the 100th Annual Conference.

Scholarships are open to all member municipalities. Applicants can be a manager, clerk, mayor, councilmember, town board member, or key department head. Scholarship recipients (one application per municipality) will receive complimentary registration; lodging (arranged by CML at a contracted hotel); tickets for lunch on Wednesday and Thursday and one of the following on Friday: Elected Officials breakfast, Managers lunch, or Attorneys lunch; and a travel stipend. *(Note: Municipalities that had a scholarship*

awarded to someone in their city or town in 2021 are not eligible to receive a scholarship for 2022.) For more information and to apply, visit bit.ly/2YGO4M5.

Complete the application, include all necessary paperwork, and return to CML by **Friday, Feb. 25, 2022**. Incomplete applications will not be considered.

If you have any questions about the conference or scholarship opportunity, contact Karen Rosen at 303-831-6411 or krosen@cml.org.

State seeking family-friendly sites for vaccine clinics

The Colorado Department of Public Health and Environment (CDPHE) is looking for family-friendly, community-centric locations to host pop-up COVID-19 vaccine clinics for 5- to 11-year-olds in late November and December.

CDPHE is partnering with libraries, recreation centers, children's museums, and holiday events around the state to meet families where they are and make vaccines for kids more accessible. If you know of a business or

a community event in your area that would be excited to host, want additional information, or have questions, please contact Olivia Stitilis, 5-11 Vaccine Campaign Director, at olivia.stitilis@state.co.us or (203) 589-1116.

CML presents at member conferences

CML staff recently attended several conferences to update the membership on adopted and proposed legislation. It was an honor to attend the Colorado Municipal Clerks Association (CMCA) conference in the City of Greeley to provide updates on election, beer and liquor, immigration, and other laws. During the conference, Kevin Bommer, CML executive director, accepted the Outstanding

Contribution by an Entity Award from CMCA. Additionally, CML legislative staff recently presented to the Colorado Municipal Court Administrators in the City of Black Hawk and updated them on further changes in criminal justice. Finally, Meghan Dollar, legislative advocacy manager, presented to the Colorado Government Finance Officers Association earlier this month and provided an update

on tax and other legislation that may impact municipal budgets. She was joined by Gini Pingenot, director of external affairs for Colorado Counties Inc., and Kate Watkins, chief economist for Colorado Legislative Council. CML deeply appreciates our partnerships with these key organizations.



Preview of benefits of Infrastructure Bill for Colorado

By Meghan Mackillop, CML legislative and policy advocate

The recently signed federal Infrastructure Bill has been touted as one of the largest long-term investments in infrastructure in nearly a century. The benefits of this landmark legislation will not only improve infrastructure across the country but improve and modernize infrastructure in Colorado. For decades, infrastructure in Colorado has suffered from a systemic lack of investment. And along with the recent passage of SB21-260, which will provide \$5 billion in transportation funding over the next five years, the federal Infrastructure Bill will improve transportation throughout the state, invest in electric vehicle infrastructure, and modernize and update multimodal systems.

Following is a preview of the funding Colorado will likely see because of the legislation:

There will be money dedicated to repairing and rebuilding roads and bridges, with a focus on climate change mitigation, resilience, equity, and safety for all users, including cyclists and pedestrians. Based on formula funding alone, Colorado can expect to receive approximately \$4 billion over five years in federal highway formula funding for highways and bridges. On an average annual basis, this is about 28.5% more than the state's federal-aid highway formula funding under current law. Colorado can also compete for the \$12.5 billion Bridge Investment Program for economically

significant bridges and \$15 billion of national funding in the law dedicated to megaprojects that will deliver substantial economic benefits to communities. The state can also receive approximately \$86 million over five years in formula funding to reduce transportation-related emissions, in addition to about \$98 million over five years to increase the resilience of its transportation system.

Over five years, Colorado will receive approximately \$33 million in funding for highway safety traffic programs, which helps states improve driver behavior and reduce deaths and injuries from motor vehicle-related crashes. In addition, Colorado can expect to receive approximately \$39.5 million over five years in funding to augment commercial motor vehicle safety efforts to reduce crashes through the Federal Motor Carrier Safety Administration's Motor Carrier Safety Assistance Program (MCSAP) formula grant.

Colorado may see an estimated \$950 million over the next five years under the bill to improve public transportation options across the state, a 34% increase from previous years. And Colorado can expect around \$57 million over five years to support the expansion of an electric vehicle charging network. The bill also includes funding for the expansion of the passenger rail and to improve Colorado's airport infrastructure.

State and local governments can look forward to the following new and expanded

competitive grant programs in the federal Infrastructure Law, which are anticipated to launch over the course of the next year:

- **Safe Streets for All** (\$6 billion, new): Providing funding directly to local and tribal governments to support their efforts to advance "vision zero" plans and other improvements to reduce crashes and fatalities, especially for cyclists and pedestrians;
- **Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grants** (\$15 billion, expanded): Support surface transportation projects of local and regional significance;
- **Infrastructure for Rebuilding America (INFRA) Grants** (\$14 billion, expanded): Aid to freight infrastructure by providing funding to state and local government for projects of regional or national significance, and will include an increase to the cap on multimodal projects to 30% of program funds;
- **Federal Transit Administration (FTA) Low and No Emission Bus Programs** (\$5.6 billion, expanded): Provides funding to state and local governmental authorities for the purchase or lease of zero-emission and low emission transit buses as well as acquisition, construction, and leasing of required supporting facilities;
- **FTA Buses + Bus Facilities Competitive Program** (\$2 billion, expanded): Provides competitive funding to states and direct recipients to replace, rehabilitate, and

Continued on page 5

Continued from page 4...Preview of benefits of Infrastructure Bill for Colorado

purchase buses and related equipment and to construct bus-related facilities including technological changes or innovations to modify low or no emission vehicles or facilities;

- **Capital Investment Grants (CIG) Program** (\$23 billion, expanded): \$8 billion guaranteed, and \$15 billion more authorized in future appropriations, to invest in new high-capacity transit projects that communities choose to build;
- **Federal Aviation Administration (FAA) Terminal Program** (\$5 billion, new): Provides funding for airport terminal development and other landside projects;
- **MEGA Projects** (\$15 billion, new): Support for multi-modal, multi-jurisdictional projects of national or regional significance;
- **Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program** (\$8.7 billion, new): Provides

\$7.3 billion in formula funding to states and \$1.4 billion in competitive grants to eligible entities to increase the resilience of our transportation system, including funding for evacuation routes, coastal resilience, making existing infrastructure more resilient, or efforts to move infrastructure to nearby locations not continuously impacted by extreme weather and natural disasters;

- **Federal Highway Administration (FHWA) competitive grants for nationally significant bridges and other bridges** (\$12.5 billion, new): Assists state, local, federal, and tribal entities in rehabilitating or replacing bridges, including culverts. Large projects and bundling of smaller bridge projects will be eligible for funding;
- **FTA All Station Accessibility Program** (\$1.75 billion, new): Provides funding to legacy transit and commuter rail authorities to upgrade existing stations

to meet or exceed accessibility standards under the Americans with Disabilities Act;

- **Charging and fueling infrastructure discretionary grants** (Up to \$2.5 billion, new): Provides up to \$2.5 billion in funding to develop convenient charging where people live, work, and shop; and
- **Reconnecting Communities Pilot Program** (\$1 billion, new): Provides dedicated funding to state, local, Metropolitan Planning Organizations, and tribal governments for planning, design, demolition, and reconstruction of street grids, parks, or other infrastructure.

All in all, the federal Infrastructure Bill has the potential to provide billions of dollars in transportation funding directly to the state, not to mention billions more available to our municipalities through the above grant programs. CML staff will be following the development of these grant programs closely. If you have any questions about the federal legislation, contact Meghan MacKillop (mmackillop@cml.org).



Grant Writing Workshops

Denver Regional Council of Governments, Grant Writing USA, and other regional hosts will present two grant training sessions this December. The first two-day grant writing workshop will educate participants on finding funding sources and writing winning grant proposals. Beginning and experienced grant writers from city, county, and state agencies, healthcare organizations, nonprofits, K-12, colleges, and universities are encouraged to attend. Grant Writing USA is excited to offer CML members and their staff a special tuition rate of \$425. Please use the discount code "ASSN" to receive this \$30 discount off full price at registration. Tuition includes a downloadable workbook and access to Alumni Forums that are packed full of tools, helpful discussions and

more than 200 sample grant proposals. The first webinar will be held virtually **Dec. 6-7, 2021**. Full details and registration can be found at bit.ly/3d5WLmA. The second will be a grant management workshop on **Dec. 16-17, 2021**. This workshop will review key concepts associated with accepting and managing grant awards including: reporting and record keeping, audit requirements, and program evaluation. Full details and registration can be found at bit.ly/3d0UgIE.

and without excessive fees, as well as how cities can support banking access and free tax preparation efforts during the upcoming tax season. Join experts with CML, the Cities for Financial Empowerment Fund, and CoPIRG on **Dec. 10 at noon**.

Join Zoom Meeting
ID: 97793909357
Passcode: 7e2q&B,i
(US) +1 346-248-7799
Passcode: 80576259

Steps municipalities can take around Colorado's new Office of Financial Empowerment

The Colorado Attorney General is starting up a new Office of Financial Empowerment that will work to support and expand financial empowerment and consumer protections at the local level. Hear from consumer advocates on how municipalities can benefit and help inform what is happening. You'll also hear about a strategy cities can implement now to help expand banking access for unbanked residents, a particularly important financial empowerment strategy to ensure eligible residents are receiving the federal Advanced Child Tax Credit safely

Legislative Preview

CML's advocacy team will be providing a legislative preview on **Jan. 12**. During this webinar, participants will have the opportunity to learn about what to expect during the 2022 Legislative Session, ask questions, and earn MUNiversity credit! You can register for the webinar at bit.ly/3d706li.

CML LEGAL CORNER



Immigration enforcement: By next year, all state mandates on municipalities will be repealed

By David W. Broadwell, CML general counsel

In 2006, a remarkable coalition of both Republican and Democratic state legislators banded together to adopt what many observers called “one of the toughest sets of anti-immigration laws in the country.” These laws were passed at a time when a hotly contested gubernatorial race was looming to succeed the term-limited Bill Owens, with the debate over illegal immigration very much in the forefront of the campaigns. Also, initiative petitioners, including former Governor Dick Lamm, were mounting an effort that year to amend the Colorado Constitution with a sweeping proposal to deny any state benefits to persons who entered or remained in the country without legal authorization.

By July of next year, all state immigration enforcement laws adopted in 2006 will be a thing of the past. Here is a review of the way things were for the past 15 years, and how they will no longer be going forward.

Municipalities called into action; then told to stand down

A consistent feature of the new laws adopted in 2006 was a requirement that local governments assist in various direct and indirect ways with the enforcement of federal immigration laws. None of these mandates were ever legally challenged by municipalities, although various legal attacks were possible. Several of the laws imposed unfunded operational mandates on municipalities; some arguably intruded on home rule authority; and some may have been vulnerable to legal challenge on a federal preemption theory since immigration enforcement is, first and foremost, a federal prerogative and a federal responsibility.

The main mandates reflected in the 2006 legislation were these:

- *Ban on “Sanctuary City” polices.* Although there was no definitive proof in 2006 that any municipality in Colorado had an official policy of non-cooperation with federal immigration officials, the General Assembly banned the practice anyway and threatened to withhold state grants from any municipality that dared to adopt such a policy. This ban was repealed in 2013.
- *Mandatory police reporting to ICE.* Police departments were required to report to federal Immigration and Customs Enforcement (ICE) each time they had a criminal suspect in custody with probable cause to believe the suspect was in the U.S. illegally. Every local law enforcement agency was also required to file an annual report with the state detailing all ICE contacts for the prior year. These mandates were also repealed in 2013.
- *Verification of “lawful presence” for business licenses.* For any professional or commercial license, municipalities were required to obtain an affidavit from the applicant swearing to lawful presence in the U.S. This requirement was repealed effective Sept. 1 of this year.
- *Verification of “lawful presence” for public benefits.* In the same vein, the state imposed a requirement that the recipient of state and local benefits certify their lawful presence, albeit the statute was filled with exceptions and caveats. With the adoption this year of SB 21-199, this requirement will be repealed effective July 1, 2022. Indeed, the new law mandates that “lawful presence” cannot be required by the state or local governments as a precondition for receiving any sort of “benefit” as defined by federal law.
- *Restrictions in contracts for services.* As explained below, two different bills

adopted in 2021 addressed these mandates.

Special focus on immigration-related mandates in public contracts

One key piece of legislation originally adopted in 2006 imposed a variety of mandates in connection with state and local contracting processes. The focus was on contracts for “services” as defined in the statute. Among other things, municipalities were required to obtain from the contractor a certification that the contractor did not employ “illegal aliens,” to include a clause in each contract prohibiting the hiring of “illegal aliens,” and to require the contractor to utilize the recently-adopted federal E-Verify system when hiring new employees. Violation of any of these requirements would be cause for terminating the contract.

In the 2021 session of the Colorado General Assembly, two different bills addressed these old mandates. The first bill, HB 21-1075, replaced the term “illegal alien” with the term “worker without authorization” in the statute. This change in nomenclature received quite a bit of media attention. But then something much more important happened without any fanfare whatsoever. When SB 21-199 on the subject of “public benefits” was introduced later in the session, tucked within that bill was a repeal of the entire statute mandating immigration-related language in state and local contracts for services. This repeal will be effective July 1, 2022.

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: U.S. Census Bureau Community Resilience Estimates

In the summer of 2020, the Census Bureau launched Community Resilience Estimates (CRE), a new data tool that tracks how at-risk every single neighborhood in the United States is to the impacts of COVID-19 and other local disasters, by measuring the capacity of individuals and households at absorbing, enduring, and recovering from the external stresses of the impacts of a disaster.

To provide context to the estimates and add to the discussion of equity, the CRE program has also created the Community Resilience Estimates Equity Supplement or CRE for Equity. In an easy-to-use dashboard, this new tool pulls together existing data to measure social vulnerability and equity gaps at the community level while providing context about the varying needs of different communities.

Resilience estimates can aid stakeholders and public health officials in modeling differential impacts of a disaster and developing plans to reduce a disaster's potential effects. Select statewide statistics are below. Visit the tools to view statistics local to your community.

Explore the CRE interactive tool at bit.ly/3d706li.

Explore the CRE for Equity interactive tool at bit.ly/3xloELc.

Certain risk factors may decrease the likelihood that an individual or household will have the capacity and resources to overcome obstacles presented during a hazardous event, including:

- Income to poverty ratio
- Single or zero caregiver household
- Crowding
- Communication barrier
- Households without full-time, year-round employment
- Disability
- No health insurance
- Age 65+
- No vehicle access
- No broadband internet access

RISK FACTORS BY HOUSEHOLD IN COLORADO

218,269 households

(10.2%) below poverty level

161,543 households

(7.5%) receiving food stamps/SNAP

466,381 households

(21.7%) with disability

205,054 households

(9.5%) with population 65+ living alone

109,324 households

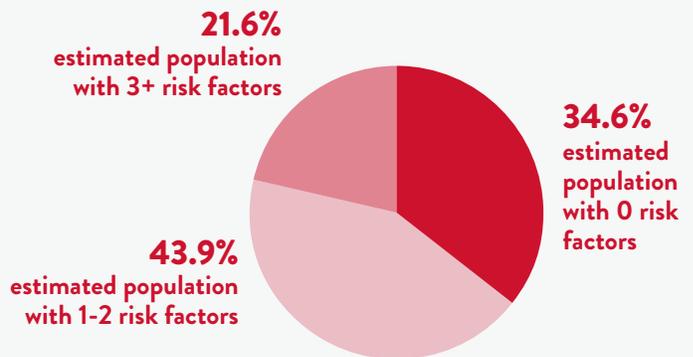
(5.1%) without a vehicle

265,874 households

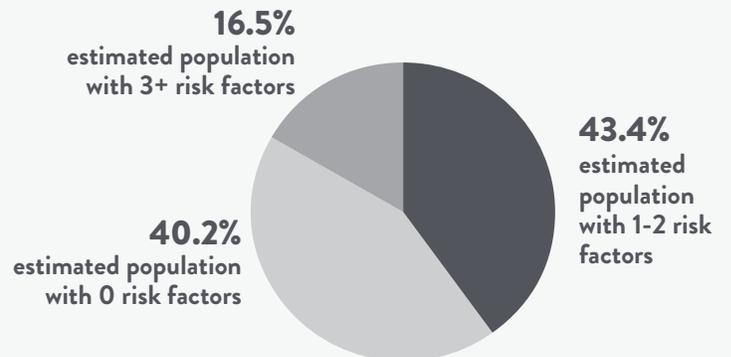
(12.4%) without internet access at home



IN THE UNITED STATES



IN COLORADO



RISK FACTOR BY POPULATION

304,772 Coloradans

(5.4%) speak English at a level less than "very well"

420,782 Coloradans

(7.5%) do not have health insurance





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NEWSLETTER

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