



## Colorado Energy Code Board begins work on electric, solar codes

*By Heather Stauffer & Meghan MacKillop,  
CML legislative and policy advocates*

During the 2022 legislative session, the General Assembly passed HB22-1362, Building Energy Codes law, which was signed into law by the governor in May 2022. The new law requires the Colorado Energy Office and the Department of Local Affairs to jointly appoint a 21-person Energy Code Board, which includes, among others, municipal and county officials representing rural and urban areas of the state. The board is tasked with developing and adopting a new model electric ready code and solar ready code for new buildings by June 1, 2023. Additionally, the code board will develop and adopt a model low energy and carbon code on or before June 1, 2025. The board held its first meeting Oct. 24. You can watch the full recording of that meeting at <https://bit.ly/3f9Dju2>.

The law places a mandate on municipalities and counties with building codes, requiring them to adopt, at minimum, the 2021 International Energy Conservation Code and the state's model electric ready and solar ready code when they update their building codes after July 1, 2023, but before July 1, 2026. Municipalities and counties must also adopt the Energy Code Board's model low energy and carbon code when they update their building



codes after July 1, 2026. Updates to building codes before July 1, 2023, must include adoption of an energy code.

The Colorado Municipal League opposes the preemption of local authority of building and land-use codes. While we were not able to stop the bill from passing the legislature, CML staff in partnership with the Colorado Homebuilders Association worked to secure the maximum amount of flexibility possible for local governments under the law.

The Building Energy Code law further appropriated \$4 million to the Colorado Energy Office to provide code training and assistance, along with \$21 million allocated to support decarbonization of public buildings and communities. Incentives will focus on lower income households and historically disadvantaged communities. Information on those funding opportunities is forthcoming from the Colorado Energy Office.

## Colorado Broadband Office survey and stakeholder meeting

The Colorado Broadband Office is interested in hearing from Colorado communities. As the state prepares to deploy \$500-700 million in broadband grant funding, the office recognizes that many of the communities in need of broadband service may not have the capacity to develop and manage a broadband project or plan.

The office has developed a Community Broadband Needs Survey, online at <https://bit.ly/3SNsLOO>, to better understand the needs of communities looking to improve broadband services. The office welcomes feedback on topics such as grant writing, mapping, engineering, project management, and more. Please respond to the survey by **Nov. 11**.

Additionally, the office is hosting a stakeholder's meeting regarding the Broadband Deployment Board's policies. This is an opportunity to provide feedback about the board's projects and how to make its grant cycle more successful. Meetings are **Nov. 15** at 11 a.m. and **Nov. 16** at 2:30 p.m. online at <https://bit.ly/3DeSqu6>.

## CML staff updates

October saw some changes in staff at CML, as two staff members accepted challenging new positions in other organizations.



**Meghan Dollar**

Meghan Dollar, former legislative advocacy manager, is heading to the Colorado Chamber of Commerce to become the next senior vice president of state and federal relations after 11 years with CML. The Chamber, a close partner with CML on many issues of common interest, is led by Loren Furman, president & CEO.

Makenna Sturgeon, previously CML's training and marketing specialist, took

a position with Raftelis, a national management consulting company focused on local governments and utilities. While only with CML for a little over a year, Sturgeon set a high bar for her successor.



**Makenna Sturgeon**

"I wish Meghan and Makenna the best of luck in their new positions," said Kevin Bommer, CML executive director. "Meghan was the first lobbyist I hired when I became legislative advocacy manager back in 2010, and she has become a highly effective advocate and leader. And Makenna has a bright future ahead. I'm sure all of us at CML have

not heard the last of her!"

While the training and marketing position has not yet been filled, Bommer recently announced that the League hired Mollie Steinemann, manager of government affairs with the Colorado Restaurant Association, as a legislative and policy advocate. Steinemann's first day is Nov. 14. Later this year, the vacant legislative advocacy manager position will be filled from a pool of internal candidates.



**Mollie Steinemann**

## Lafayette named among Best Places to Live by Money.com

Lafayette ranked 31 in Money.com's 50 Best Places to Live in the U.S. For 2022's Best Places to Live list, towns and cities nationwide with a population of at least 20,000 were considered and selections were made based on quality of life, diversity, cost of living, economic opportunity, and education, among other factors. Money.com began as a financial

print magazine 50 years ago and has been publishing the Best Places to Live list for 35 years.

"Lafayette is a great place to live, and if you ask people what makes Lafayette special, it's that warm and welcoming feeling. Our diverse community provides a sense of belonging and has a genuine character all its own," said Fritz Sprague,

Lafayette city administrator. "It's especially rewarding to know the Money.com editorial team took into consideration new data related to diversity, national heritage, and languages spoken at home to select this year's recipients."

Visit <https://bit.ly/3Tlvos0> to read the article. Congratulations, Lafayette!



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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## Salida recognized nationally for logo, branding

In September, Salida was presented with a first-place award from the City-County Communications & Marketing Association for its new municipal logo and the collaborative approach the city took to engage residents and local graphic designers throughout the process.

"The process was well thought out, and it's clear that you went above and beyond to ensure that the community members and stakeholders were included and felt heard," said one judge. "Any city that embarks on a logo redesign process would benefit from following Salida's lead."

Congratulations, Salida!



## Tom Henderson

The Town of Red Cliff lost a truly virtuous soul this year. Tom Henderson was dedicated to this town and its residents. He served on the Red Cliff Board of Trustees for a combined time of over a decade, while concurrently serving on the Town's Planning and Zoning Commission for many of these years. With almost perfect attendance (only missing a vote if he had to recuse himself), his service showed his tremendous dedication, and the town is definitely in a better place because of it. Tom was integral to the important advances Red Cliff has made in the recent past.

Tom was committed to the well-being of the town and showed this through his behind-the-scenes volunteer work with the Water Plant bridge and for the years that he

resigned from the Board in order to work with a local engineer to oversee the Waste Water Treatment Plant project.

Board service is one of the toughest volunteer roles of all, and he performed these roles with dedication and tenacity. He distinguished himself as a judicious steward of the town and never flinched in the face of difficult decisions.

Tom's intimate knowledge of the town and residents, along with the depth of knowledge he brought to the table due to his work experience, were invaluable and were instrumental in the town's ability to persevere through difficult challenges.

Red Cliff is tremendously grateful for Tom's service to the community. We will miss you, Tom.

## Raymond L. Patch

CML extends our condolences to the friends and family of Ray Patch, former mayor of Hudson, who passed away on Oct. 17 at the age of 77. Services were held in Windsor on Oct. 23.

Patch was a decorated veteran, serving three tours in Vietnam during the 1960s. During his time as mayor, he was instrumental in the Veteran's Memorial in Windsor, which he designed and built. He was also involved in the design and construction of



Raymond L. Patch

Hudson's new town hall and was actively engaged in Habitat for Humanity projects for veterans.

Ray is survived by his wife of 55 years, Carol Patch, along with three children, seven grandchildren, and a great grandson.

## Orville H. Tonsing

Mayor Orville Tonsing of Holyoke passed away on Oct. 10, and services were held on Oct. 17. Mayor Tonsing was 85.

As a public servant, he was on the Holyoke City Council for 14 years, 12 of them as mayor until his passing. Tonsing was active in CML, as well as many regional organizations, and he was exceptionally proud of the completion of the Holyoke Municipal Airport's latest project during his time as mayor.

"Orville is the epitome of dedicated public service," said Kevin Bommer, CML executive director. "He always talked about Holyoke, its people, elected officials, and staff with love and pride—and he always lit up any room he



Orville H. Tonsing

was in with laughter. I'll miss seeing him."

Born in Burlington in 1937, Tonsing moved to Holyoke in 1956 and took over Holyoke Cleaners after his father's untimely passing. In the 1970s he and four others became the first certified EMTs in the entire region, and over nearly six decades of active and retired volunteer firefighting, he was instrumental in getting a fire station built in Holyoke. Tonsing was active in the Colorado State Firefighters Association and was president in the early 80s.

## Cañon City receives 2022 APA award

Congratulations to the City of Cañon City for receiving the 2022 American Planning Association Colorado Merit Award.

The "Picture Cañon City 2040—A Pathway to The Future" comprehensive plan and unified development code update project won in the the category of General Planning Project.

The award was presented to City Planner Patrick Mulready on Sept. 29 during the Colorado Planning Conference Awards Ceremony. Eleven merit awards were given out of 23 submissions to this category. This is the first time Cañon City has been professionally recognized for a city planning achievement, which makes this award even more memorable, given that it coincides with the City's Sesquicentennial Anniversary.

In the fall of 2019, Cañon City was awarded a \$150,000 grant by the Colorado Department of Local Affairs to update the city's comprehensive plan for the first time since 2001. The city initiated a competitive bid process in February 2020 to find a consultant to help with the effort. The Houseal Lavigne firm was selected to help with the process of updating the comprehensive plan. An aggressive public outreach campaign was employed to inform the shape of both the comprehensive plan and the new unified development code. This included surveys, interviews, open houses, and a design charette workshop with real-time feedback from those attending in person or virtually.

Jointly overseeing the effort were the city's planning commission and city council. By the end of 2020, not only had the effort amassed enormous amounts of public comment and feedback, but it also engaged in an extensive existing conditions analysis. The comprehensive plan was formally adopted on June 21, 2021, and the new unified development code was adopted on Aug. 16, 2021, thus completing the project in only one year. The comprehensive plan and unified development code were updated in an effort to make Cañon City's land development processes more user-friendly and workable.

## Local governments eligible for federal cybersecurity grants

The Department of Homeland Security announced a first-of-its-kind cybersecurity grant program specifically for state, local, and territorial governments across the country. This State and Local Cybersecurity Grant Program, made possible thanks to President Joe Biden's Bipartisan Infrastructure Law, provides \$1 billion in funding over four years, with \$185 million available for FY22, to support efforts to address cyber risk to information systems. With this funding, state, local, and territorial governments will be better equipped to address cybersecurity risks, strengthen the security of critical infrastructure, and ensure resilience against persistent cyber threats for the services these governments provide their communities.

With the release of a Notice of Funding Opportunity, the application process for the grant program has opened. Applicants have 60 days to apply for a grant, which can be used to fund new or existing cybersecurity programs.

As the nation's front-line cyber defense and resilience agency, the Cybersecurity and Infrastructure Security Agency works hand-in-hand with partners in state, local, and territorial governments who face unique cybersecurity challenges but often lack the resources to address them. The grant program will play a critical role in helping these organizations build their capability. All eligible entities are encouraged to apply.



The program will fund efforts to establish critical governance frameworks across states and territories to address cyber threats and vulnerabilities, identify key vulnerabilities and evaluate needed capabilities, implement measures to mitigate the threats, and develop a 21st-century cyber workforce across local communities.

There will be two funding opportunities for this program. The funding opportunity being announced is for state, local, and territorial governments. As part of this NOFO, local

governments are eligible sub-recipients through their respective states and territories. A separate tribal grant program will be released later in the fall.

For more information and helpful resources on the State and Local Cybersecurity Grant Program, visit CISA's webpage, [cisa.gov/cybergrants](https://cisa.gov/cybergrants).

## Waste reduction grants available

The Front Range Waste Division is accepting grant applications for projects aimed helping communities meet their recycling and organic waste goals.

Eligible applicants range from communities or local institutions taking the first steps of waste audits and initial planning or comprehensive proposals for full program design and policy adoption, to municipalities with more mature programs applying to increase participation and reduce contamination.

The application deadline is 3 p.m. **Nov. 18**. The application document is online at <https://bit.ly/3SLb1DU>.

Anyone intending to pursue a permitted compost facility should contact Jace Driver at the Colorado Department of Public Health and Environment to discuss permitting requirements and timelines before submitting a grant application. Jace can be reached at [jace.driver@state.co.us](mailto:jace.driver@state.co.us).

## Broadband funding, equity Q&A session

Join Sarah Smith, federal program officer with the National Telecommunications and Information Administration, for a question-and-answer session on the Broadband Equity, Access, and Deployment program, as well as the Digital Equity Act programs. Sarah will provide a high-level overview of where the state is in the process and what the next steps are. The session will be held **Nov. 17** from 1-2:30 p.m.

Visit <https://bit.ly/3THcz2K> to register.

## Technical assistance for thriving communities

The Thriving Communities Technical Assistance Program provides funding to help local governments ensure housing needs are considered as part of their larger infrastructure investment plans, while also supporting equitable development and local economic development ecosystems in disadvantaged communities.

The program focuses on identifying and using vacant, abandoned, or underutilized

land on or near transportation projects that is suitable for housing development to create location-efficient housing, preserve affordable housing, and protect residents and businesses from displacement as new infrastructure is deployed.

The deadline to apply is **Nov. 22**. Visit <https://bit.ly/3TJJTX7> for more information.

## Loveland, La Junta receive Historic Tourism Recovery Grants from state tourism office

Gov. Jared Polis and the Colorado Tourism Office, within the Colorado Office of Economic Development and International Trade, announced the recipients of Tourism Recovery Marketing Grant funding. The goal of this grant program is to support the economic recovery of the travel and tourism industry and attract visitors to Colorado cities and towns that are still recovering from the pandemic.

Congratulations to CML member municipalities receiving grants.

### CITY OF LOVELAND-ECONOMIC DEVELOPMENT CORP: \$175,000

The City of Loveland will use the funding to execute a fully integrated marketing plan, which aligns all disciplines of traditional advertising including TV, radio, print, digital, content marketing, social media, public relations, groups sales, and community relations. The goal of this campaign is to regain market share lost during the pandemic. The “What’s Not to Love?” campaign addresses the primary target audiences of overnight leisure travelers, international market, and groups and meetings.

## Brownfields and land revitalization grants

This EPA grant works to change the way communities address and manage contaminated property. The program is designed to empower states, communities, and other stakeholders to work together to prevent, assess, safely clean up, and sustainably reuse brownfields. Current grant opportunities include Multipurpose

Grants, Community-wide Assessment Grants, Assessment Coalition Grants, Community-wide Assessment Grants for States and Tribes, Revolving Loan Fund Grants, and Cleanup Grants. The deadline to apply is **Nov. 22**.

Visit <https://bit.ly/3NgWfDO> for more information.

## EDCC recognizes communities for economic success

Three Colorado municipalities received awards at the Economic Development Council of Colorado’s annual conference in Pueblo.

Pagosa Springs/Archuleta County was named Small Community of the Year, Northglenn was named Medium Community of the Year, and Fort Collins was named Large Community of the Year.

The EDIE awards recognize outstanding achievements in economic development, and the council has awarded them since 1989. The awards honor municipalities as well as the organizations, companies, and legislators that work to keep Colorado economically viable.

“We celebrate and honor the winners of this year’s EDIE awards. Their dedication and hard work towards the progression of our industry, across the state and beyond, is astounding,” said Stacy Miller, 2022 board chair of the EDCC and the director of economic development for the Town of Windsor. “These individuals and organizations’ contributions to our communities will help to advance Colorado’s economy for years to come.”

## Local government capacity survey

The State of Colorado is working on a partnership with the Councils of Government and regional entities to address statewide capacity needs by hiring regional grants navigator specialists. This position will be responsible for supporting all communities within the applicable region by identifying projects that could be funded through the Infrastructure Investments and Jobs Act and American Rescue Plan Act funding opportunities.

Your honest thoughts and input are needed. The state is also exploring other ways to support localities in addition to the regional grants navigator specialists, and your feedback is requested to help guide that conversation. The survey is online at <https://bit.ly/3TQC9mk>.

# CML LEGAL CORNER



## The legal and practical importance of waterwise planning

By Ashlyn DuThorn, CML law clerk

As Colorado's population grows and the reliability of its water supply continues to become less certain, it is imperative for municipalities to plan for responsible water usage and take steps to ensure that new developments have adequate water supplies. Not only is this a practically important concern, but it is also a legal requirement under Colorado statutes. Specifically, C.R.S. §§ 29-20-301 to -306, enacted in 2008 by H.B. 1141, require local governments to determine whether proposed developments have adequate water supplies. If an applicant for a development does not satisfactorily demonstrate to the local government that the development has a legal, adequate, and potable water supply, the local government cannot approve the application.

The General Assembly recognized the long-standing primary role of local government in land use and development approval decisions, expressly declaring those issues to be matters of local concern. C.R.S. § 29-20-301(b). To help that decision-making, state laws regarding water adequacy in land use planning are directed at ensuring that local governments have reliable information to make their planning decisions. The General Assembly viewed these informational requirements relating to the adequacy of water for new developments as a matter of statewide concern.

### WHAT IS "ADEQUATE" UNDER STATE LAW?

State law defines a water supply as adequate if it "will be sufficient for build-out of the proposed development in terms of quality, quantity, dependability, and availability to provide a supply of water for the type of development proposed and may include reasonable conservation measures and water demand manage-

ment measures to account for hydrologic variability." C.R.S. § 29-20-302(1). A local government has flexibility to determine "in its sole discretion" not only whether a water supply is adequate, but also how and when during a development process that determination is made.

An adequate water supply can be demonstrated in one of three ways. First, the developer can provide an expert report discussing, among other things, water supply requirements, physical sources, and water conservation measures. Second, a water utility can provide a similar report that also confirms the utility's commitment and ability to provide water to serve the development. Third, the water utility can provide a water supply plan with a 20-year minimum horizon that discusses broader water availability. A local government can add requirements, consider information from the state engineer, and consider whether the developer paid fees required for water acquisition or infrastructure.

Statute permits the local government to determine when in the approval process the determination is made. The determination can only be made once during the approval process unless water demand or supply for the project materially change. C.R.S. § 29-20-303(1). Generally, the law also only applies to specific projects with new water use of more than that used by fifty-single-family equivalents (unless a local government sets a lower amount). See C.R.S. 29-20-103(1).

### LOCAL FLEXIBILITY FOR WATER PLANNING

By putting smart and specific water adequacy requirements into place now, municipalities can make informed and accurate decisions to ensure a sustainable water supply into the future. Municipalities have the opportunity to strengthen their water adequacy regulations to make

well-informed decisions. Some ways to do this include requiring specific methodologies for calculating a development's water demand, defining specific requirements for proof of water adequacy from water providers, and creating specific zoning requirements based on hydrogeology.

Although not required by state law, local governments may wish to consider whether and when a developer should own, acquire, or fund a proposed water supply or related infrastructure in connection with a development approval. Local governments can coordinate with their water utilities and establish appropriate timelines, service requirements, development conditions, and fee and funding structures.

Municipalities can also address sustainability through water supply planning and local land use regulations. 2020 legislation requires local governments that include a water supply element in their master plan to ensure coordination with water supply entities on water supply and facility planning. C.R.S. § 31-23-206(1)(d) (II). Additionally, C.R.S. § 31-23-206(1)(d) (III) requires the water supply element to include water conservation policies and empowers municipalities to condition development approvals on such measures. If a water supply element is included in a master plan, conservation policies must be included at the first amending of the master plan that occurs after Sept. 14, 2020, and *no later than July 1, 2025*.

From long-range planning to individual development approvals, municipalities and their partners are on the front line of development in Colorado. All cities and towns should be considering and implementing plans that conserve and manage water to ensure sustainability as part of their development processes.

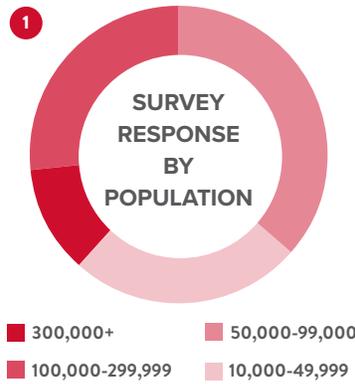
*This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.*

## RESEARCH CORNER

### NLC report finds cities optimistic about finances

**N**ow in its 37th year, NLC's City Fiscal Conditions report presents a snapshot of where municipalities are financially, as they turn the page on the COVID-19 fiscal downturn and get back on their feet. Thanks to crucial federal support in the form of the American Rescue Plan Act, local governments have addressed critical needs, avoiding what could have been years of fiscal struggle to balance their budgets.

With the historic passage of the Bipartisan Infrastructure Law last year, municipalities across the country are getting ready to apply

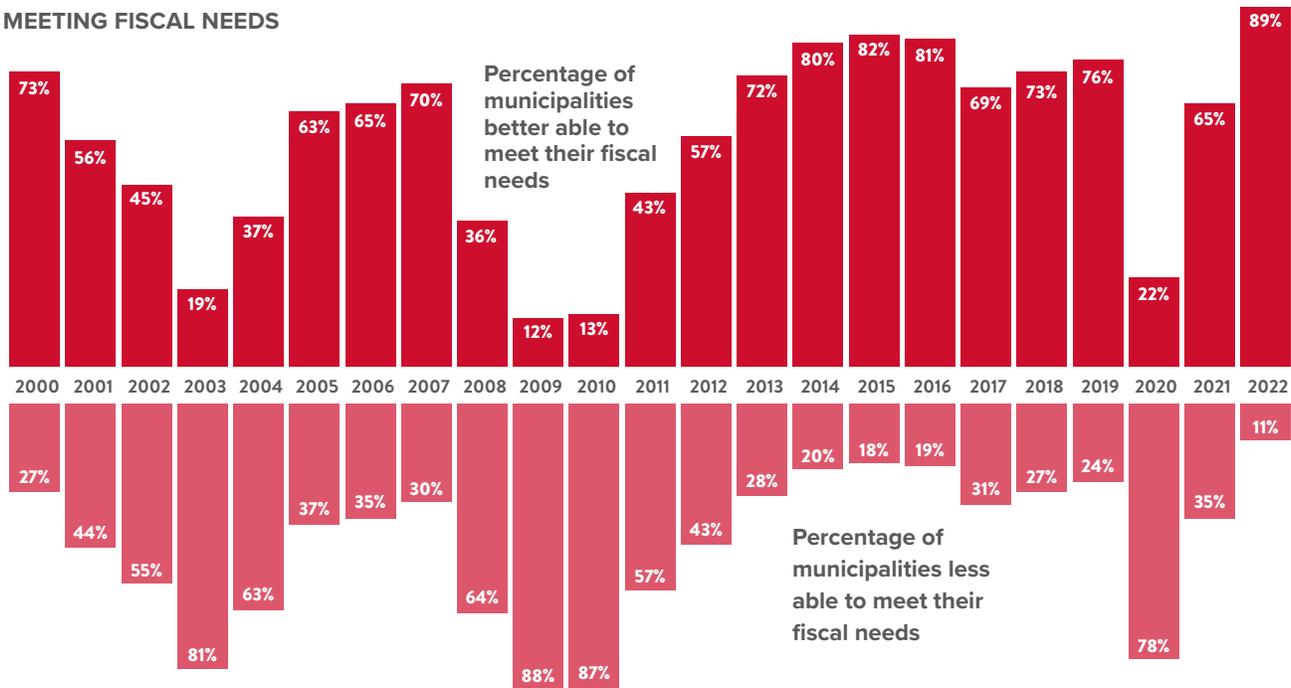


for and receive federal grants that will help them achieve infrastructure goals. These are projects that were, for the most part, postponed during the COVID-19 pandemic, as governments directed most of their declining revenues toward their day-to-day operations to meet their communities' most basic needs.

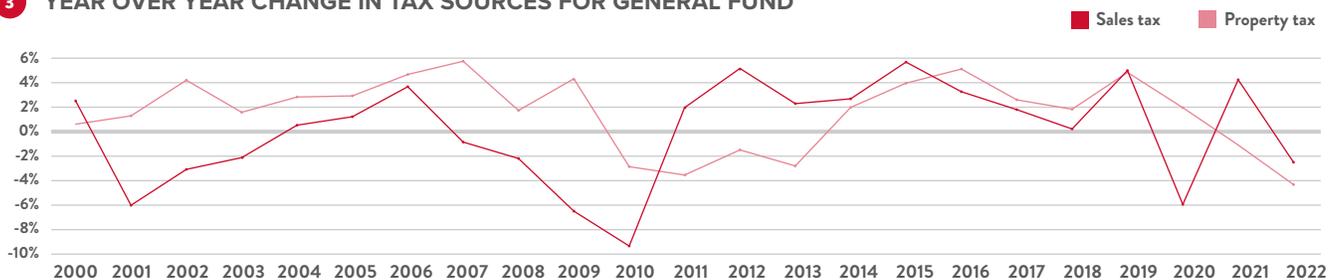
Overall, municipal finance officers remain optimistic about their municipalities' fiscal futures, though they report concern about the impacts of abnormally high inflation rates.

Explore the full report at <https://bit.ly/3gCzyNX>

#### 2 MEETING FISCAL NEEDS



#### 3 YEAR OVER YEAR CHANGE IN TAX SOURCES FOR GENERAL FUND





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# NEWSLETTER

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