



## Application period for CML Executive Board open through June 8

By Kevin Bommer, CML executive director

CML is now accepting applications for members interested in running for the CML Executive Board. Applications will be accepted through 5 p.m. on **Wednesday, June 8**. Candidates submitting complete applications and endorsements will be placed on the ballot by the CML

Nominating Committee. The election will take place at the CML Annual Business Meeting scheduled for **Thursday, June 23**, during the 100<sup>th</sup> Annual Conference. Voting procedures will be detailed in the Notice of Annual Business Meeting that will be sent to all member municipalities later this month. CML Executive Board members are elected at-large, which means each

member municipality is entitled to vote at the CML Annual Business Meeting for their choices in all population categories.

More information and directions for submitting candidate materials can be found at <https://bit.ly/3JCChzJ>. Questions should be directed to Kevin Bommer, CML executive director, [kbommer@cml.org](mailto:kbommer@cml.org).

## American Rescue Plan dollars to fund behavioral health initiatives

By Jaclyn Terwey, CML legislative and policy advocate

The American Rescue Plan Act (ARPA) of 2021 allocated \$450 million in unrestricted funds to Colorado that the state is choosing to spend on behavioral health. Throughout the interim, they convened the Behavioral Health Transformational Task Force, of which CML was an active participant. The task force determined six goals they would try to address with the funding recommendations they would be

putting forward to the legislature with an aim of putting people first:

- People with the highest needs get the care they need when they need it.
- People can access a service when they need it and as early in the continuum as possible.
- People with behavioral health needs are connected to services across the continuum.
- Equitable, culturally responsive, inclusive, effective, and high-quality services are available in all regions across

Colorado or are connected to the highest acuity needs throughout the state.

- The state has a trained, qualified, and diverse workforce that is sufficient to meet the needs of Coloradans.
- There is integration and parity between physical and behavioral health.
- The legislature has a package of bills related to behavioral health this year based on the recommendations released by the task force.

Continued on page 5



## UPCOMING EVENTS

**April 25**

<https://bit.ly/3DwECL5>

Housing Needs Assessments  
Webinar

**April 26**

<https://bit.ly/3Ifmo1C>

Colorado Unify Challenge

**May 3**

<https://bit.ly/38FzJE7>

Election Webinar Series:  
Debrief and Tales to Tell

**May 16**

<https://bit.ly/373fDmu>

Effective Governance  
Webinar

**May 19**

<https://bit.ly/3ifaeuQ>

Webinar: Overview of CHFA's Colorado  
Affordable Housing Developers Guide

## Job posting

### REGIONAL MANAGER (ANALYST V), DIVISION OF LOCAL GOVERNMENT

The regional manager is recognized as a state authority regarding all aspects of local government operations and management as well as community and economic development challenges and opportunities in the assigned region. Applications may be filed online at <https://cdola.colorado.gov>. Closing date is **May 3** at 11:59 p.m.



Register now!

[cml.org/conference](https://cml.org/conference)



### COLORADO MUNICIPAL LEAGUE NEWSLETTER

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## IN MEMORIAM

### BILL FRIES, former Ouray mayor & celebrity

Also known by his stage name, C.W. McCall, Bill Fries passed away at his Ouray home on April 1. Fries was mayor from 1986 to 1992 and called Ouray home. He was well known for his song "Convoy" which was the basis for a 1978 movie of the same name starring Kris Kristofferson as "Rubber Duck." Fries released nine albums.

"Bill was our celebrity mayor," said former CML Executive Director Sam Mamet. "I joked that Carmel, California, might have Clint Eastwood as mayor, but we had C.W. McCall! He was quite a guy and



a wonderful CML supporter and good friend. We got him to perform at the annual conference in Snowmass one year, and he tailored

all his songs to his municipal and CML experiences. Bill was a huge hit. He loved Ouray and cared deeply about the community. May his memory be a blessing."

The New York Times published an extensive obituary of Fries on April 3, <https://nyti.ms/3KFeINn>. The League expresses our condolences to his family.

### PATRICK SWONGER, former Silverton trustee

CML recently learned that Patrick Swonger, who served on the town council in Silverton from 2006 to 2014, passed away Feb. 27 at the age of 68. A former colleague said that he was instrumental in getting fiber into the remote town. After serving on the town council in Silverton, Swonger was a candidate for the Colorado



House in 2012. He continued his work at improving broadband access and was working as director of public/private partnerships

for Highline Internet at the time of his death. CML extends our condolences to his wife, Amy, and his three sons, ages 22, 18, and 14.

### CHARLES "CHUCK" ANDERSON, former Lakewood city manager

The League learned recently that Charles Swanson "Chuck" Anderson passed away at home on Jan. 9 at the age of 81. Anderson was city manager in Lakewood over 40 years ago, following a distinguished military career. He also served as manager in Liberty, Missouri, and Dallas, Texas, and was appointed Executive Director of the Dallas Area Rapid Transit (DART) where he led the team that designed the system, acquired the right of way, and commenced rail



construction on what is today considered among the most effective and longest transit systems in the nation. He also worked

for the International City and County Management Association (ICMA) in Washington, D.C., and lived and worked in Michigan before moving back to Texas before retiring after a 54-year career. The League expresses our condolences to his family.

## IN RECOGNITION

The League recently learned that Longmont Deputy City Manager Dale Rademacher retired in March after nearly four decades working for the city. He started at the age of 23 as a civil engineer and worked his way up through

the organization until becoming deputy city manager. The Longmont Daily Times Call recently published a story about his career, <https://bit.ly/3vgdaxF>. CML wishes Rademacher the very best in his retirement!

# Voters in cities and towns weigh in on sales taxes, marijuana, broadband

On April 5, voters in almost 100 cities and towns across Colorado cast their votes for city and town councils and boards of trustees. Twenty-seven of those municipalities also had tax or revenue issues or other questions on the ballot. Ballot issues and questions included:

## Tax and bond issues

Sales tax questions passed in:

- Burlington — increase to be used for street improvements
- Grover — increase to be used for town operations
- Nederland — extension of sales tax to be used for town's community center
- Hugo — expansion of use of revenue from existing sales tax for street and storm drainage improvements to also be used to finance capital assets
- Crestone — reallocation of dedicated sales tax for water and sewer enterprise funds to a capital projects fund in order to preserve enterprise status

Lodging taxes passed in Larkspur, New Castle, Silt, Silverthorne, and Simla.

Frisco voters approved a short-term rental tax to be used for affordable housing projects and programs.

Both property tax questions on the ballot failed:

- Bethune — for town operations
- Glendale — for constructing and maintaining public improvements

Carbondale voters authorized an increase in debt up to \$8 million for park and recreation facilities, including a new aquatic center.

## Revenue retention

Estes Park voters granted authority to collect, retain, and spend all revenues as allowed by voter approval under the Taxpayer's Bill of Rights (TABOR) and removed any limitation on the uses of the retained revenues previously imposed by the town's 2000 ballot initiative.

## Governance

Creede and Kersey voters approved reducing the number of trustees on the board from six to four.

A recall of the Crestone mayor failed.

## Broadband



Timnath voters authorized the town to become the 119th municipality to be exempted from the statutory restriction on providing broadband or telecommunications services that also prohibits most uses of municipal funding for infrastructure to improve local broadband or telecommunications services. These elections are also known as "SB 152 elections," named for the 2005 bill that implemented the restriction.

## Marijuana

Marijuana businesses were on the ballot in:

- Burlington – rejected retail stores, in a question that would have also authorized a marijuana sales tax
- Hooper – rejected retail stores, medical stores, and medical marijuana delivery in three separate questions, while separately approving a sales tax on retail marijuana and an excise tax on retail marijuana
- Ignacio – rejected retail stores and an occupation tax on the sale of retail marijuana and, in a separate question, rejected medical stores and an occupation tax on the sale of medical marijuana
- La Veta – rejected medical and retail businesses
- Morrison – approved one retail store and a marijuana sales tax

A marijuana sales tax increase passed in Glendale. A tax increase on marijuana sales in Ordway failed by one vote.

## Publication requirements

Estes Park voters passed both questions related to publication: authorization to no longer publish in the newspaper the bills list or contracts awarded and authorization

to publish ordinances by title only, provided the information be published on the town website instead. Hotchkiss also received voter permission to publish ordinances by title only in the newspaper and instead publish the ordinance in full on the town's website.

## Election changes

Kersey voters approved moving their regular elections to November of even-numbered years.

## Charter amendments

Several charter amendments passed in home rule municipalities around the state:

- Glendale voters approved two charter amendments: to update language to be gender neutral and to implement term limits for the mayor and council members of four consecutive terms.
- Johnstown voters approved a charter amendment requiring that the proponents of initiative and referendum petitions be represented by three registered electors of the town.
- Larkspur voters approved all 13 charter amendments up for approval, including several amendments updating language to be gender neutral, clarifying language relating to registered electors, and making changes to conform to state election codes. The amendment updating sections relating to powers and duties of the council and mayor also passed.
- Pagosa Springs voters approved a citizen-initiated amendment that would impose a short-term rental fee to be used for workforce housing.
- Timnath voters approved the two amendments on the ballot: to re-establish term limits for elected officials as set forth in the Colorado Constitution, except that the terms considered to be consecutive shall be at least two years apart, and to change certain election-related deadlines to conform to the Colorado Municipal Election Code of 1965.

● Woodland Park's three amendments passed: regarding conflict-of-interest provisions, filling council vacancies, and removal of elected and appointed officials from office.

CML thanks the city and town clerks who assisted CML staff in compiling this election information.

## SolSmart webinar on fostering solar development

Local governments across Colorado are seeking solar for a variety of reasons such as local economic opportunities, resilience, and reducing greenhouse gas emissions. Local governments can foster solar development by joining the SolSmart program ([www.solsmart.org](http://www.solsmart.org)) a technical assistance program that helps local governments take high-impact steps to streamline adoption processes, reduce costs, and create clarity for residents. Visit <https://bit.ly/3jCOqKi> to register for the webinar, which will be hosted **April 29**, 11 a.m. to noon.

## Colorado Parks and Wildlife offers grants for projects to reduce human-bear conflicts

Colorado Parks and Wildlife (CPW) is offering up to \$1 million in grants for projects that reduce human-bear conflicts. The grant program is open to individuals but also to local governments, NGOs, homeowners' associations, community groups, and businesses. The funding was provided by the passage of HB21-1326 in 2021 (<https://bit.ly/3E7nDPS>). Projects should have local support, be designed to prevent conflict with bears, and have tangible outcomes with realistic timelines. Local support can be demonstrated through cost-sharing, in-kind contributions, letters of support, participation in public meetings, membership in local organizations, and partnerships. From 2019-to 21, CPW received over 14,000 reports of sightings and conflicts with bears. Nearly one-third of those involved trash cans and dumpsters as an attractant, which will be a target area CPW looks to address when awarding grants. The deadline is **May 6**. For more information and the online application, visit <https://bit.ly/37Fbu8D>.



## CML is coming to a municipality near you!

The CML team is excited to get back on the road for in-person Spring Outreach meetings! Beginning **May 16** and running through **May 26**, this is your opportunity to meet with neighboring communities and get an update on the recent legislative session and what it means for your community. As always, Spring Outreach

meetings are free and only for CML members. Online registration is required. Elected officials who attend will earn one MUNiversity credit. Please direct any questions about Spring Outreach Meetings to Karen Rosen at [krosen@cml.org](mailto:krosen@cml.org). Register at <https://bit.ly/3JG53iT>. We look forward to seeing you!

### MONDAY, MAY 16

- Fort Collins, 10–11:30 a.m.

### TUESDAY, MAY 17

- Grand Junction, 3–4:30 p.m.

### WEDNESDAY, MAY 18

- Glenwood Springs, 10–11:30 a.m.
- Lamar, 3–4:30 p.m.

### THURSDAY, MAY 19

- Colorado Springs, 10–11:30 a.m.
- Pueblo, 10–11:30 a.m.
- Limon, 3–4:30 p.m.

### TUESDAY, MAY 24

- Buena Vista, 10–11:30 a.m.

- Idaho Springs, 3–4:30 p.m.

- Craig, 3–4:30 p.m.

- Alamosa, 3–4:30 p.m.

### WEDNESDAY, MAY 25

- Kremmling, 10–11:30 a.m.
- Durango, 10–11:30 a.m.
- Montrose, 3–4:30 p.m.

### THURSDAY, MAY 26

- Gunnison, 10–11:30 a.m.
- Yuma, 4–8 p.m. District 1 Spring Meeting. Additional details and separate registration information coming soon to those in District 1. Visit <https://bit.ly/3xnubBF> for registration details.

## Colorado is growing older, and local governments should be involved in planning

Gov. Jared Polis recently signed House Bill 22-1035, supported by CML, which modernizes the Older Coloradans Act. Part of this update involves retooling the Colorado Commission on Aging to be the citizen-led state commission that works with state agencies, legislative leaders, and community partners on the development and implementation of strategies that will support our families and communities.

The Colorado Department of Human Services and the Governor's Office hope

representatives from local governments will be involved in this work, and they are asking interested local leaders to apply. This will involve a monthly meeting and subcommittee work that builds out the implementation strategies that can be pursued either through the state or tailored specifically to regional and local government efforts. Now is your chance to have a seat at the table. Please reach out to CML Legislative and Policy Advocate Jaclyn Terwey at [jterwey@cml.org](mailto:jterwey@cml.org) for more information or if you are interested in applying.

## FAMLI to air webinar for local governments

On **April 29**, the FAMLI Division will air a webinar for local governments. The webinar will be pre-recorded and posted at <https://bit.ly/3uAI71n>. Local government officials are invited to submit questions ahead of the webinar at <https://bit.ly/3uEKH5r>.

Past webinars are also available for viewing. They cover topics including how FAMLI interacts with other types of leave.

A **June 30** webinar will cover calculating premiums as well as provide a live Q&A open forum.

Look for a Knowledge Now publication by CML coming soon as well as updates from the FAMLI Division (<https://bit.ly/3iQmNNN>) for more information.

## Celebrate Colorado with free & discounted activities

Gov. Jared Polis and the State of Colorado are planning a Celebrate Colorado weekend, **May 6-8**, aimed at invigorating Coloradans by showcasing a range of free and discounted activities that they can safely enjoy in their communities and across our great state. With magnificent outdoor recreation, world-class art,

incredible historical attractions, and more, the State of Colorado wants to thank Coloradans for their resiliency and strength with a weekend out with friends, family, and neighbors.

Can you help get the word out about any free and discounted activities/events going on in your municipality during the weekend

of May 6-8? If you have activities planned during that weekend, please add them to this form <https://bit.ly/3JhxC6c>, and the state will promote it on the Celebrate Colorado website <https://bit.ly/3uz3Wgx>.

If you have any questions, please reach out to [Danielle.Oliveto@state.co.us](mailto:Danielle.Oliveto@state.co.us).

## Vail Fire's Paul Cada receives national Wildfire Mitigation Award

Paul Cada, wildfire program administrator for Vail Fire and Emergency Services, has been selected as one of six individuals and organizations across the country to receive a Wildfire Mitigation Award in recognition of his exemplary commitment to community wildfire risk reduction. The Wildfire Mitigation Awards program was established in 2014 by the National Association of State Foresters (NASF), the International Association of Fire Chiefs (IAFC), the National Fire Protection Association (NFPA), and the USDA Forest Service to help demonstrate the societal value wildfire mitigation efforts provide.

Cada was nominated by Vail Fire Chief Mark Novak for leading fuels reduction projects on over 250 acres across the community and completion of a multi-year wildfire risk assessment on every property in Vail. He has also been responsible for facilitating the Wildfire Ready campaign that resulted in 88 new resident registrations with the Community Connect online database program and a 100% increase in registrations for the county-wide emergency notification program EC Alert. "Thanks to Paul's tireless community outreach efforts, he has inspired awareness not only among permanent

residents of Vail, but also among vacation homeowners and thousands of annual visitors," said Novak.

The 2022 Wildfire Mitigation Awards were presented at the Wildland-Urban Interface Conference in Reno, Nevada, on March 22. In addition to Cada, award recipients included Schelly Olson from Grand Fire Protection District 1 in Granby; representatives from Kentucky Division of Forestry; Chelan Fire District 1 in Wenatchee, Wash.; Tahoe Fire and Fuels Team in the Lake Tahoe Basin of Nevada and California; and Florida Forest Service.

### Continued from page 1

**HB 22-1278** (<https://bit.ly/3Enuuow>) Behavioral Health Administration is the central bill of this entire program. It creates the Behavioral Health Administration (BHA) in the Department of Human Services and charges it with creating a coordinated, cohesive, and effective behavioral health system in Colorado.

**SB 22-181** (<https://bit.ly/3OhII5W>) Behavioral Health Care Workforce requires BHA to collaborate with multiple state agencies to create and implement a plan to improve the behavioral health care workforce. It allocates \$52 million for the workforce plan, strategy development, educational programming in community colleges, peer support professionals, licensing collaboration, and online training.

**HB 22-1303** (<https://bit.ly/3rynxeU>) Increase Residential Behavioral Health Beds, requires an increase in the number of residential behavioral health beds, creates a new Medicaid provider type, and includes an appropriation of \$65.0 million from the Behavioral and Mental Health Cash Fund in the Department of Human Services.

**SB 22-147** (<https://bit.ly/3vuhQzQ>) Behavioral Health-care Services for Children appropriates funds to three new and existing programs related to behavioral health care for children. The bill creates the Colorado Pediatric Psychiatry Consultation and Access Program at the University of Colorado. This program will receive \$4.6 million and requires that \$5.0 million be appropriated to the existing Behavioral Health Care Professional Matching Grant Program in the Department of Education.

**HB 22-1283** (<https://bit.ly/3jPJS3r>) Youth & Family Behavioral Health Care, requires the Colorado Department of Human Services to create an in-home and residential respite care program, provide operational support for psychiatric residential treatment facilities, and build a neuro-psych facility, with an appropriation of \$53.4 million.

**HB 22-1281** (<https://bit.ly/3Ok8Ifc>) Behavioral Health-care Continuum Gap Grant Program creates a grant program in the Behavioral Health Administration to be awarded to nonprofits, community-based organizations, and local governments for community investment grants and children,

youth, and family services grants, with a \$90 million appropriation.

**SB 22-188** (<https://bit.ly/3jNoHPF>) Behavioral Health Support for Criminal Justice Advocates, creates the Public Defender and Prosecutor Behavioral Health Support Grant Program in the Department of Local Affairs to provide grants to the Office of the State Public Defender and district attorney's offices.

**SB 22-148** (<https://bit.ly/3OkkjWI>) Colorado Land-based Tribe Behavioral Health Grant Program creates the Colorado Land-based Tribe Behavioral Health Services Grant Program in the Department of Human Services to fund the renovation or construction of a behavioral health facility with an appropriation of \$5 million.

There may be additional bills coming forward in this behavioral health package still to come, but the legislature has determined this issue to be increasingly important to our citizens. We appreciate the investment they are choosing to make in our communities and will continue to be active partners in the conversations moving forward.

# CML LEGAL CORNER



## Applying term limits to municipal elected officials in Colorado

By Robert Sheesley, CML general counsel

In 1994, Colorado voters approved Amendment 17 and imposed term limits on local elected officials, including in all municipalities. Since that time, municipalities have either adopted local term limit laws or relied on state standards without significant dispute. A lawsuit pending before the Colorado Supreme Court, however, may change the understanding of term limits for municipal officials.

### Colorado's constitutional term limits

Municipal elected officials are generally limited to two consecutive terms in office (three terms if the term is defined as two years or less). After four years, they can run again. Art. XVIII, § 11(1) of the Colorado Constitution ("Section 11") provides, "no nonjudicial elected official of any . . . city and county, city, town, . . . or any other political subdivision of the State of Colorado . . . shall serve more than two consecutive terms in office, except that with respect to terms of office which are two years or shorter in duration, no such elected official shall serve more than three consecutive terms in office. . . . terms are considered consecutive unless they are at least four years apart." The application of these provisions to municipal officials has never been interpreted by the courts.

Local voters can modify or eliminate term limits through a local election. Municipalities that establish local term limits often clarify the application of those limits. Beyond eliminating or modifying term limits, many local rules will explicitly separate term limits for a mayor or set term limits for overall service on the board or council. Some local rules also clarify whether a partial term of service, due to resignation or appointment to vacant seat, counts toward the term limit.



### Salazar v. City of Thornton

Municipalities that have not established clear local term limits will be affected by the Colorado Supreme Court's clarification of ambiguities in the constitution. The Court will consider two questions as to the City of Thornton: 1) whether terms served as mayor (at least in the City of Thornton) are counted separately from terms served as a council or board member, and 2) whether a term from which an official resigns for legitimate reasons is counted as a term of office.

Thornton has no local term limits rule. Last year, a Thornton resident sued to challenge the eligibility of that city's mayor to hold office based on Section 11. The mayor had been elected twice as a ward council member in 2013 and 2017. After she was elected as mayor in 2019, she resigned from her council office in the middle of the second term.

The trial court held that the office of mayor and office of council member, in that city, were not distinguishable for term limits purposes and terms in either office should be counted together. The court held,

however, that the incomplete second term as council member did not count. The appeal will determine whether both rulings were correct.

CML is supporting the positions that the mayoral office is distinct under Section 11 and that Section 11 does not count partial terms. The decisions will broadly affect municipal governments and many current and future mayors, council members, and board members.

### Establishing local term limits

Section 11 allows voters to "lengthen, shorten or eliminate" term limits. Governing bodies can refer the question to voters or it can be initiated by citizens. Dozens of municipalities have referred questions to voters regarding term limits since 1994. Most recently, voters in the Town of Timnath reinstated term limits this month after previously eliminating them.

Depending on the Supreme Court's decision, your municipality may wish to consider asking voters to establish local term limits and clearly address the questions raised in that case. Some communities may want to remove barriers to elections if they have difficulty finding candidates or cancel elections for lack of vacancies. Others may want to ensure that voters have an option to retain experienced officials, especially in a leadership role. On the other hand, communities may want to clearly restrict eligibility for office in some way, like establishing lifetime limits.

CML can provide examples of local term limits standards and other resources to help you define the policy that is right for your municipality.

*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

### Colorado Department of Transportation driver behavior survey

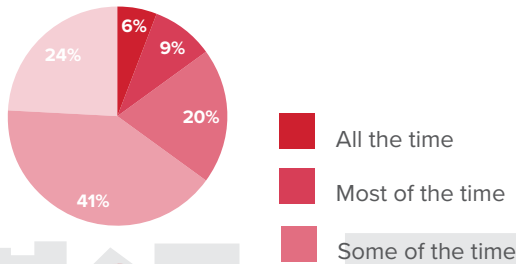
Each year the Colorado Department of Transportation (CDOT) conducts several media campaigns to encourage safe driving habits. In support of these campaigns, CDOT uses a survey of Colorado adults to assess current attitudes and driving behaviors related to seat belt use, speeding, distracted driving, as well as alcohol, cannabis, and prescription medication use.

Key findings from the 2021 survey, released in September, are below. View the full report at <https://bit.ly/3vdRrpT>

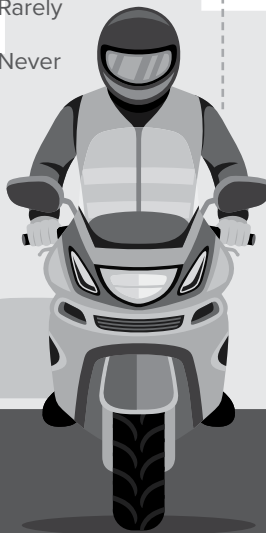
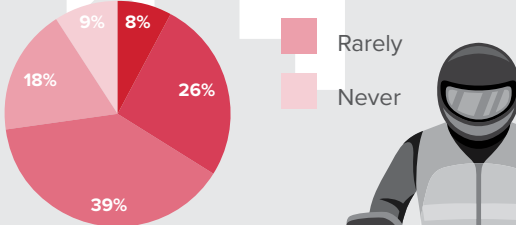
#### SPEEDING

► The faster the speed limit, the more people sped. The survey asked drivers how often they drove over the speed limit:

► On a neighborhood road (speed limit 25-30 mph)



► On a highway or interstate (speed limit 65 mph)



#### PEDESTRIAN & MOTORCYCLE SAFETY

**83%**

report always stopping for pedestrians at a crosswalk

**51%**

report always stopping for pedestrians not using a crosswalk

**63%**

always give motorcyclists extra space when following them

**90%**

know motorcycles can be hidden in blind spots of their vehicles

#### UNDER THE INFLUENCE

► Respondents who, in the past 30 days, reported driving after:

**18%** drinking alcohol

**7%** consuming cannabis

**5%** taking prescription medications

**5%** using alcohol and another drug together

► Number of drinks respondents feel comfortable consuming within 2 hours of driving:

**40%** 1 drink

**20%** 2 drinks

**6%** 3 drinks

**2%** 4 drinks

**1%** 5 drinks

**0%** 6 drinks

#### DISTRACTED DRIVING

► Among survey respondents, in the last seven days while driving:

**83%** ate food or drank beverages

**75%** selected entertainment on a phone or other device

**67%** talked on a hands-free cell phone

**54%** read a message on a phone

**41%** sent a message on a phone

► The General Assembly is considering a bill, Senate Bill 22-175 (<https://bit.ly/38Gp7F0>), that aims to curb distracted driving related to mobile electronic device usage. The Colorado Municipal League supports the measure.

#### SEAT BELTS

► Seat belt usage when driving primary vehicle:

**86%**

All the time

**7%**

Most of the time

**4%**

Some of the time

**2%**

Rarely or never



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- Municipal voters cast ballots on taxes, marijuana, and broadband
- Colorado to boost behavioral health system with money from American Rescue Plan
- CML is taking applications for Executive Board elections through June 8
- Research Corner: Survey gauges drivers attitudes on speeding, distracted driving
- Legal Corner: State Supreme Court to hear case on term limits for municipal officials

Featured in this issue:

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# NEWSLETTER

COLORADO  
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