



Bills aim to provide money for municipalities to fight homelessness

By Meghan Dollar, CML legislative advocacy manager, and Eleni Angelides, legislative advisor in the governor's office

Local governments are struggling to gather resources to provide help to persons experiencing homelessness. As a result, CML has advocated for many years for the state to provide funding for local governments to provide services. To address these challenges, a substantial package has been introduced in conjunction with the governor's office that invests \$200 million from the Economic Recovery and Relief Cash Fund for homelessness response.

These investments will further help build a system to provide necessary resources and target them to those who need them. This will ensure all Coloradans are fully recovering from the effects of the COVID-19 pandemic and have the best opportunities to thrive in the future.

Homeless Response Grants Program (Rep. Woodrow, Rep. Sullivan, Sen. Gonzales, Sen. Kolker)

This bill creates a grant program to connect Coloradans experiencing homelessness with services, treatment, and housing support.

It invests \$105 million to support local communities to access funding, matched with local and private resources, to build out a continuum of solutions focused on quickly connecting people experiencing homelessness to supportive services, treatment, temporary shelter or housing, and — ultimately — permanent housing.

It aims to reduce the rate of homelessness by helping communities develop and implement an adequate continuum of services and support for homelessness response.



Denver-metro Regional Campus Grant "Request for Application" (Rep. Jodeh, Sen. Coleman, Sen. Hansen)

This bill provides \$50 million for one or more local governments in the Denver-metropolitan area (or a community partner in conjunction with a local government) to build or acquire and facilitate a regional navigation campus to respond to and prevent homelessness.

The Division of Housing in the Department of Local Affairs, in collaboration with the Department of Human Services and the Behavioral Health Administration, would establish the application requirements, review applications, select a grant recipient, and ensure the grant is only awarded after a fair and rigorous open competition among eligible applicants.

The goal of this bill is to create an opportunity for Denver-metro regional local governments and partners to apply for the \$50 million grant to build and facilitate a

supportive residential campus with the following objectives:

- Access to behavioral and mental health services, recovery, and stabilization services
- Access to medical care, including oral and physical health
- Access to outpatient services
- Permanent supportive housing or transitional housing
- Access to homeless services to support and address the physical and behavioral health needs of residents
- Housing stability and a path to economic self-sufficiency once an individual exits the campus.

Applicants must be in the Denver metro area (Denver, Adams, Arapahoe, Jefferson, Douglas, and Broomfield counties).

For questions, please contact Meghan Dollar at mdollar@cml.org.

IN MEMORIAM

The League is saddened to report the passing of two prominent Colorado figures and prior Denver council members, Dennis Gallagher and Bill Himmelmann. "These two guys really enjoyed coming to CML events and loved connecting with other municipal leaders across the state. They were both great personal friends, and it was a joy to know and work with them both," stated retired CML Executive Director Sam Mamet. CML extends our condolences to the Gallagher and Himmelmann families and friends.

Dennis Gallagher



DENVER POST

Gallagher, 82, was a lifelong Denver resident. He was a Regis University professor of oratory and was elected to the Colorado House of Representatives in 1970. After two terms, he was elected to the Colorado Senate and served 20 years. In 1995, he was elected to the Denver City Council for two terms and then served as Denver City Auditor from 2003 to 2014.

Bill Himmelmann



Himmelmann, 83, was born in Brooklyn, NY. In 1969, he moved to Denver and became a prominent figure in the labor movement

starting with the Communications Workers of America before being elected six times to head the metro Denver AFL-CIO as president of the Denver Area Labor Federation. He retired in 1992 and was elected to the Denver City Council from 1995 to 1999.

Robert McVay



HOT SULPHUR SPRINGS

CML was saddened to hear of the unexpected passing of Hot Sulphur Springs Mayor Robert McVay on April 14. He was 73 years old. Prior to his two terms as mayor, McVay also served two terms as trustee on the town board.

McVay was born in Denver and grew up on the Front Range. He attended Arapahoe Junior College before enlisting in the Navy. After his service, he lived and went to school in Maine and then lived in Key West before ultimately moving to Hot Sulphur Springs in 2010. He began service on the town board not too long thereafter.

"He was a fixture in the community," said Kevin Bommer, CML executive director, "and he loved the people and making the town a better place. He was very active within CML, and he sure will be missed."

CML extends our condolences to his family and everyone in Hot Sulphur Springs.

IN RECOGNITION

CML recognizes the following long serving elected officials who will be leaving office at the conclusion of their current terms. We thank them for their service to their communities.

- Town of Center Trustee Adeline Sanchez has been involved with the

Board in different capacities since 1987 where she filled a vacancy. Ms. Sanchez served 13 years as mayor and many more as trustee.

- Town of Morrison Mayor Pro Tem Debora Jerome will be leaving office due to term limits after serving two terms.

Applications sought for housing funds

The Department of Local Affairs Division of Housing is requesting applications for funding for the acquisition of land and/or existing properties suitable for the purpose of providing or developing non-

congregate shelter, supportive housing, or affordable housing. Applications are due on the **15th of every month**. Visit <https://bit.ly/3uF9bLV> for more information.



Register now!

cml.org/conference

CML's 100TH Annual Conference is sure to be one to remember.

With over 40 sessions, two keynotes, and a 100TH Conference celebration, you won't want to miss it. See you there!



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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Get this newsletter by email. The *CML Newsletter* is available by email three days before it arrives in the mail! Sign up at bit.ly/CMLNewsletter.

Safety stop law changes rules for bicycles, scooters across the state

By Rachel Bender, CML associate counsel

HB 22-1028 was signed into law on April 13, 2022, effective immediately. For those municipalities that had not previously adopted an ordinance allowing bicycle, e-bike, and electric scooter riders to treat a stop sign as a yield sign and a stop light as a stop sign under C.R.S. § 42-4-1412.5, these provisions have been revised slightly and now apply statewide to all operators of such low-speed conveyances, except for those under the age of 15 who are riding without an adult. These statutory provisions now allow the following actions statewide.

At stop signs

Riders must slow down and, if required for safety, stop before entering the intersection. If a stop is not required for safety, the rider must slow to 10 miles per hour (unless posted at 20 miles per hour) and yield the right of way to any traffic or pedestrian in or approaching the intersection.

At lighted/traffic control signal intersections

- Riders going straight or turning right must stop at a red light before entering the intersection and must yield to all other traffic and pedestrians. After yielding, the rider may cautiously proceed straight through the intersection or turn right. If the light is red, the rider may not proceed straight or turn right if an oncoming vehicle is turning or about to turn left in front of the rider.



- Riders may only turn left on a red light if turning onto a one-way street and only after stopping and yielding to other traffic and pedestrians. Riders may not turn left if an oncoming vehicle is turning or preparing to turn right.

Exception

If a municipality has placed a traffic sign or control signal dedicated to one or more specified types of low-speed conveyances at a controlled intersection (i.e., intersection

with a stop sign or traffic control signal), the rider must obey those instructions.

If your municipality had not previously passed an ordinance allowing these actions, you should cease writing tickets for any actions that are now allowed statewide under this bill. Additionally, you should consider whether there are intersections in your municipality where you wish to place a traffic sign or control signal specifically directed to controlling the actions of one or more low-speed conveyances.

CML webinar on housing needs assessments

In the most recent installment of CML's housing webinar series, we covered housing needs assessments with Heidi Aggeler, managing director of Root Policy Research. This webinar is for communities who are interested in conducting a housing needs assessment or have not completed an assessment recently. Aggeler discussed how to scope a study, best practices in drafting RFPs, reasonable costs of assessments, tradeoffs with different types of community engagement, when it makes sense to involve an advisory committee, what staff should expect, and how to ensure your study contains tailored strategies. If you missed it, don't worry! You can still watch it at <https://bit.ly/3OH79CL>.



Spring edition of the National Civic Review now available

Communities succeed when they leverage the power of civic engagement and take collaborative approaches to local challenges such as the lack of affordable housing.

The current issue of the National Civic Review borrows some old ideas — organizing local civic leagues and publishing local monthly newsletters — and explores some newer ones — community-oriented real estate development and the use of public housing agencies to promote literacy.

To access this edition, visit <https://bit.ly/3viyXG1> and enter access code CML22.

CML Knowledge Now breaks down Colorado's FAMLI program

Colorado municipalities must make decisions regarding their participation in Colorado's Paid Family Medical Leave Insurance (FAMLI) program.

A recently-released CML Knowledge Now white paper offers a brief explanation of the FAMLI program, examines anticipated costs for municipalities and costs and benefits for

employees, and summarizes the declination process, including hearing and notice requirements.

Program participation will affect your municipal budget, operations, and employee relations and is automatic for any municipality unless your council or board formally votes to decline participation or opt

out. The FAMLI Division must be notified by the end of 2022 to avoid premium liability.

CML is not encouraging municipalities to participate or to decline participation in the program. Each municipality should assess the program for themselves. The publication was sent to all recipients of this *CML Newsletter* and is also available at <https://bit.ly/38336QT>.

Colorado holds climate action workshops

The state is hosting a series of workshops throughout Colorado to hear from communities about their concerns, priorities, and ideas for state climate action. Community members and historically underrepresented groups are strongly urged to attend. Dinner will be provided, and participants will receive a \$75 Visa gift card as a thank you for their time and input. Childcare stipends are also available. All workshops will be accessible in English and Spanish. Space is limited.

Background

Colorado's Greenhouse Gas Pollution (GGP) Reduction Roadmap (<https://bit.ly/3xLeV8G>).

Workshop locations

- Greeley..... May 19, 5-8 p.m.
- Pueblo May 25, 5-8 p.m.
- Trinidad June 1, 5-8 p.m.
- Lamar..... June 2, 5-8 p.m.
- Delta June 8, 5-8 p.m.
- Durango..... June 9, 5-8 p.m.
- Virtual..... June 16, 5:30-7:30 p.m.
- Virtual..... June 22, 5:30-7:30 p.m.

Space is limited for the virtual Zoom workshops. Participants of virtual workshops will receive \$45 Visa gift cards as a thank you. Visit <https://bit.ly/3vCSxf7> to register for in-person or Zoom workshops.

2022 Great Places in Colorado program seeks nominations

The American Planning Association (APA) Colorado chapter is proud to continue the Great Places Colorado program in 2022.

Modeled after APA's Great Places in America program (<https://bit.ly/3KjYdQv>), the Great Places in Colorado award program is an annual selection of places that represent the gold standard in terms of having a true sense of place, cultural and historical interest, community involvement, and a vision for tomorrow.

Nominations may be submitted by individuals, local governments, and organizations and will be reviewed by a panel of experts from across the state.

Selected places will be honored and celebrated during the fall Colorado Planning Conference and October's National Community Planning Month.

The deadline for nominations is **May 31**. Visit <https://bit.ly/3OIzMPY> to submit a nomination.

Applications sought for public asset program

The Government Finance Officers Association will choose five local governments for the opportunity to participate in a year-long incubator where they will receive tools to

take advantage of the hidden wealth in public assets.

Want to know how public assets affect the financial stability of your community? Visit <https://bit.ly/3Lrme9Q> to apply. Applications are due by **May 27**.



UPCOMING EVENTS

May 16

<https://bit.ly/373fDmu>
Effective Governance Webinar

May 16-26

<https://bit.ly/3kjF9Y6>
Spring Outreach Meetings

May 19

<https://bit.ly/3ifaeuQ>
Overview of CHFA's Affordable Housing Developer's Guide

New associate member highlight: DHE Computer Systems

Established in 1989, DHE Computer Systems is a nationally accredited technical sales and services company with offices in Centennial, Colorado, and Tempe, Arizona. It is a certified woman-owned small business as well as a family-owned business. DHE provides end-to-end IT solutions and services, including imaging, enrollment, deployment, quick spares, delivery, and maintenance. Clientele includes enterprise, small and medium-sized businesses, healthcare,



education (K-12 through higher ed), federal, state, and local governments, as well as end-users.

DHE actively participates in government contracts, which makes it easy and convenient for the public sector to work with them.

Meet a 100th Annual Conference sponsor!



COLORADO Department of Local Affairs

All of Colorado's communities are constantly changing, adapting, and working to address the concerns of citizens. The Department of Local Affairs (DOLA, cdola.colorado.gov) is the state agency that is available to help strengthen these efforts.

DOLA works in partnership with local governments to provide funding for projects as well as disaster recovery relief. DOLA also provides expertise through robust technical assistance programs to help with community planning, property taxation, and tax appeals.

Within DOLA, the Division of Local Government (DLG) advocates for self-reliance, local empowerment, resilient practices, and strong local leadership, which leads to establishing the vision and goals to strengthen economic

development for long-lasting stability and an environment in which every resident can thrive.

To provide the best possible service throughout the state, the department has regional managers and field staff (<https://bit.ly/3ILxsVn>) to help local governments and community agencies define issues, evaluate options, identify solutions, and achieve results. They also offer management, planning, community development, and technical assistance.

DOLA values its relationship with the Colorado Municipal League, an organization that has provided a united voice for the state's cities and towns for nearly a century. Together, we empower local governments to help build a stronger Colorado for all.

Smart Cities Week, May 23–25 in Denver

Uniquely positioned to explore real smart cities projects and solutions, Smart Cities Week, produced with Wireless Infrastructure Association's Connect(X), is the only smart cities event west of the Mississippi in 2022. Attendees will have the opportunity to engage in a variety of sessions about the future of urban innovation and will be empowered to

network with other smart cities trailblazers. Additionally, attendees will have access to the exposition hall featuring cutting-edge companies in the business of enhancing connectivity. Colorado Smart Cities Alliance members can register for free by contacting Chelsea Barrett at chelsea@coloradosmart.city. Visit <https://bit.ly/3NFgZEI> to learn more.

CML Spring Outreach meetings

The CML team is excited to get back on the road for 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 legislative session and what it means for your community. Spring Outreach meetings are free and only for CML members. Online registration is requested; however, feel free to show up if you have not had a chance to register. Elected officials will earn one MUNiversity credit. Please direct questions about Spring Outreach meetings to Karen Rosen at krosen@cml.org. Register at <https://bit.ly/3JG53IT>. We look forward to seeing you!

SPRING OUTREACH MEETINGS

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.

DISTRICT 1 SPRING MEETING

The District 1 Spring Meeting will be 4–8 p.m. May 26 in Yuma. Details and registration information are available at <https://bit.ly/3xnubbF>.

CML LEGAL CORNER



U.S. Supreme Court weighs in on municipal sign regulations

By Rachel Bender, CML associate counsel

Most municipalities maintain sign codes for a variety of purposes including vehicle and pedestrian safety, identification, aesthetics, and more. One of the most prominent cases on sign codes in recent history came out of the U.S. Supreme Court in 2015 — *Reed v. Town of Gilbert*, 576 U.S. 155. *Reed* led to sign code overhauls in many jurisdictions and had far-reaching impacts on local government regulation of speech.

While *Reed*'s ramifications were seemingly quite broad — suggesting that many types of sign regulation would be presumptively unconstitutional under the Court's newly established standard — the narrow subject matter of the case left many wondering about the full extent of the decision's impact. One area lacking clarity was the ability to differentiate between on- and off-premises signs. On April 21, 2022, the U.S. Supreme Court issued its opinion in *City of Austin v. Reagan National Advertising*, answering this question and confining the bounds of *Reed*. This decision is a win for local governments around the country and makes clear that the on-/off-premises distinction is a content-neutral regulation and, therefore, is not presumptively unconstitutional.

Reed v. Town of Gilbert

In *Reed*, the Court struck down an ordinance applying distinct size, placement, and time restrictions on ideological, political, and temporary directional signs. *Reed* established that any regulation of speech based on the content of the speech (e.g., subject matter) is presumptively unconstitutional under the First Amendment and subject to strict scrutiny. This standard requires the challenged regulation to be narrowly tailored to serve a compelling governmental interest.

Strict scrutiny presents such a high bar that most regulations will be deemed unconstitutional. *Reed* essentially relegated the regulation of noncommercial signage to content-neutral time, place, and manner restrictions.

On- vs. off-premises signs

Whether a sign is on- or off-premises has to do with whether it has a connection to the site where it is located. For example, an on-premises sign promotes or identifies a business, activity, or service with a connection to the site where the sign is located; an off-premises sign, in contrast, promotes a business, activity, or service located off-site, or directs people to off-site locations. Although this distinction commonly impacts commercial speech, it extends to noncommercial speech as well. The *Reed* court did not specifically address the on-/off-premises distinction; however, it suggested that such signs may be subject to strict scrutiny because people must read the content of the sign to determine whether it is on- or off-premises.

City of Austin v. Reagan National Advertising

The sign code at issue in *City of Austin* allowed installation of on-premises signs but not off-premises signs. While pre-existing off-premises signs were allowed to remain in place, the city's sign code prohibited conversion of those signs to digital form while on-premises signs could be digitized. As a result, an outdoor advertising company with pre-existing off-premises signs sued after the city denied their application to convert the signs to digital form.

The Fifth Circuit Court of Appeals interpreted *Reed* to mean that a regulation cannot be content neutral if the sign's content must be read to know if it is an off-premises sign subject

to the regulation. The Supreme Court expressly rejected this interpretation, finding it to be "too extreme." Unlike the regulations at issue in *Reed*, the "off-premises distinction requires an examination of speech only in service of drawing neutral, location-based lines. It is agnostic as to content. Thus, absent a content-based purpose or justification, the City's distinction is content neutral and does not warrant the application of strict scrutiny."

In short, the Supreme Court rejected *Reed*'s "need to read" test and held that the city's distinctions between on- and off-premises signs are content neutral and not subject to strict scrutiny. Instead, these regulations are subject to intermediate scrutiny, which requires the regulations to be narrowly tailored to serve a significant government interest. As a result, the case will be sent back to the Fifth Circuit to determine whether the city's sign code survives under this less rigorous test.

For those municipalities whose sign code distinguishes between on- and off-premises signs, these regulations are now far more likely to survive a constitutional challenge. For those municipalities that never made this distinction or omitted it following *Reed*, it is worth considering whether there is value in adopting such regulations to further the purposes of your sign code. But remember, this case is not a free pass — it is still important to tie your regulations to strong purpose statements to show that the regulations are "narrowly tailored to serve a significant government interest."

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

Public Service Recognition Week

Celebrated annually during the first week of May since 1985, Public Service Recognition Week (PSRW) is time set aside to honor the individuals who serve our nation as federal, state, county, and local government employees.

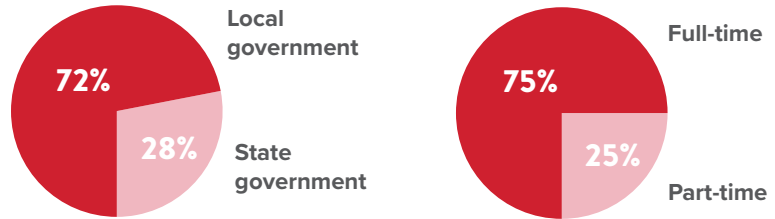
Throughout the country, mayors, governors, agency leaders, communities, and public service organizations participate in PSRW by issuing proclamations, hosting award ceremonies and special tribute events, and delivering messages about the value of public service.

Except where otherwise noted, figures below are taken from the U.S. Census Bureau's 2019 Annual Survey of Public Employment and Payroll (ASPEP). See more at <https://bit.ly/3Lj5Gkh>.

Visit <https://bit.ly/3KjypnJ> for tools and resources to celebrate public servants in your community.

EMPLOYMENT

In March 2019 state and local governments employed **19.7 million** people nationwide, an increase of **0.4%** from the 2018 total.



COLORADO

Approximately a quarter of a million people in Colorado work in local government for a total payroll of over **\$1 billion**. Of them, **186,063** are in full-time positions, and **68,084** are in part-time positions.

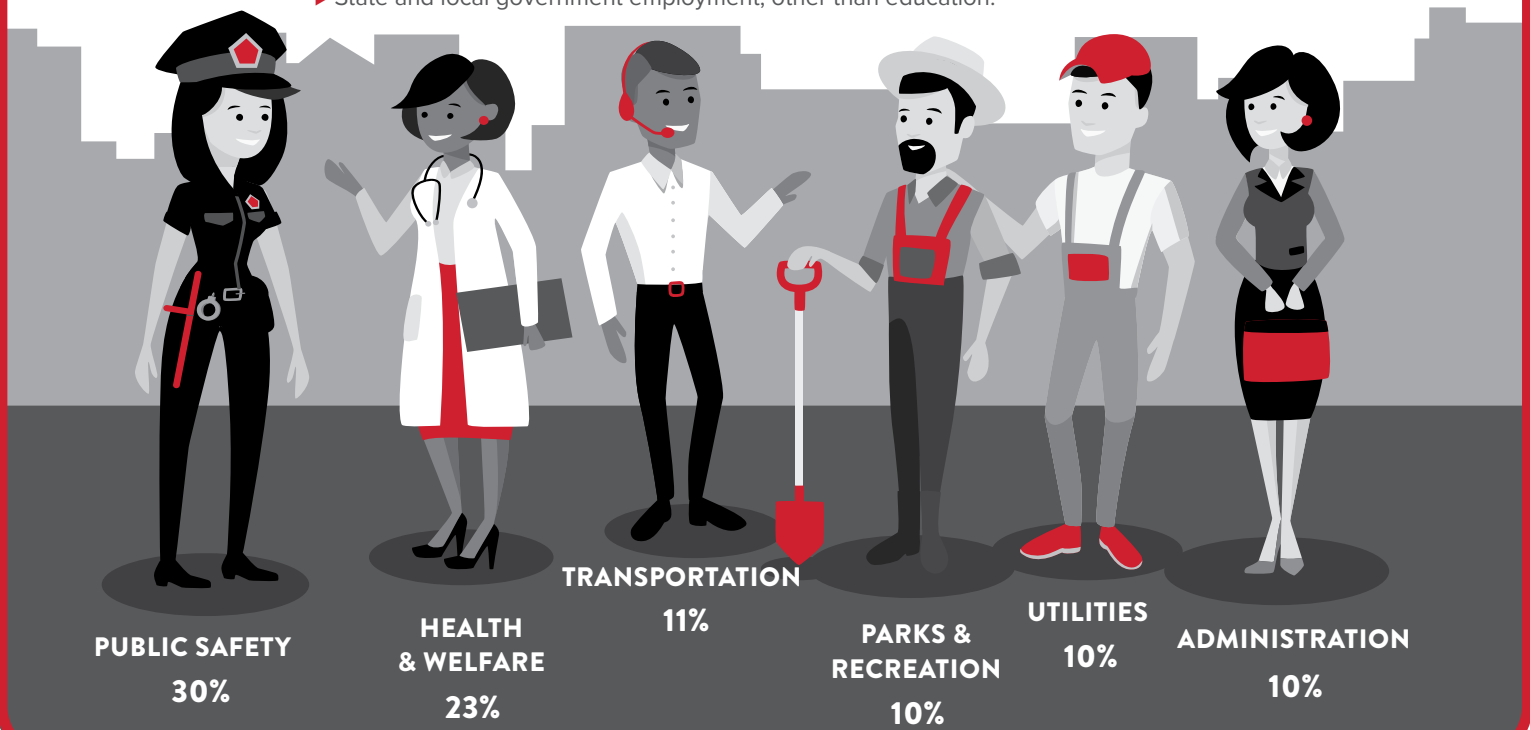
In addition, Colorado is home to:

- **94,675** full-time equivalent state employees
- **36,848** employees of the executive branch of the federal government (source: U.S. Office of Personnel Management, 2017)
- Over **400,000** military veterans (source: U.S. Department of Veterans Affairs, 2017)

PROFESSIONS

Of Colorado's **213,821** full-time equivalent local government employees, the majority (**54%**) work in education.

► State and local government employment, other than education:





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- Package of bills would provide municipalities with resources to reduce homelessness
- Safety Stop Law changes the rules of the road for bicyclists
- Colorado hosts workshops to promote roadmap for reducing greenhouse gas pollution
- Research Corner: Public Service Recognition Week
- Legal Corner: U.S. Supreme Court opines on municipal sign regulations

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