



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

Vol. 48, No. 11, June 3, 2022

Deadline to apply for CML Executive Board candidacy is June 8

By Kevin Bommer, CML executive director

As a reminder, CML is accepting applications for members interested in running for the CML Executive Board. Applications will be accepted through 5 p.m. on **Wednesday, June 8**.

Members submitting applications and endorsements that meet the necessary criteria will be placed on the ballot by the CML Nominating Committee. The election will be held during the CML Annual Business Meeting scheduled for **Thursday, June 23** at the 100TH Annual Conference. CML Executive Board members are elected at-large, which means each member municipality is entitled to

vote their choices in all the population categories.

The Notice of Annual Business meeting, which will soon be emailed to all elected officials, managers, and clerks in towns without managers, will detail voting procedures. All municipal clerks will also receive a hard copy of the notice.

The vacancies to be filled at the election are:

- one position from municipalities with a population of 250,000 or more for a two-year term
- three positions from municipalities with a population of at least 60,000 but less than 250,000, each for two-year terms

● three positions from municipalities with a population of at least 8,000 but less than 60,000, each for two-year terms

● three positions from cities and towns with a population of less than 8,000, each for two-year terms.

Additional information—including a sample application and endorsement—can be found on CML’s website at <https://bit.ly/3JCChzJ>. All material and any questions should be sent to Kevin Bommer, executive director, via email at kbommer@cml.org.



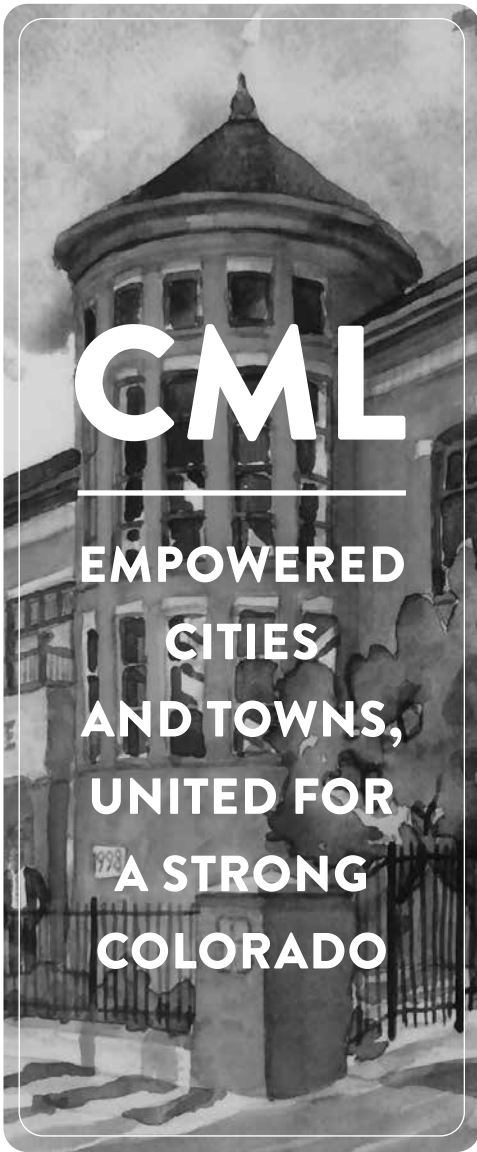
REGISTER NOW!

CML 100TH Annual Conference June 21 - 24, 2022 | Breckenridge, CO

CML’s 100TH Annual Conference is sure to be one to remember. With more than 40 sessions, two keynotes, and a 100TH Conference celebration on Wednesday, you won’t want to miss it. See you there!



Empowered cities and towns, united for a strong Colorado



100TH Annual Conference Sponsor Highlight: CIRSA



CIRSA is a municipality-owned and operated self-insurance pool that serves the property, liability, and workers' comp coverage needs of 282 Colorado cities, towns, and affiliated entities.

Be sure to attend the CIRSA-sponsored CML 100TH Annual Conference opening general session, "Hurdle Adversity: Embrace Your New Normal Mindset," featuring Colorado Springs resident, Gulf War Army Veteran, and Paralympic silver medalist John Register on **June 22**. And don't miss CIRSA General Counsel Sam Light's presentation, "Land

Use Liability and the Basics of Quasi-Judicial Decision-Making" on **June 23**. The content of the presentations will be timely and informative and sure to provoke lively discussion.

Stop by the CIRSA booth at the conference to learn more about membership.

Associate Member Highlight: AVR



AVR maintains the philosophy that innovation in the information technology industry will always be the driving force in providing the best software solutions to government agencies. AVR continuously invests time and resources in research and development and understands that governments and utilities must do more with less. AVR's modern Cloud Utility Billing software—uVisionPLUS™—is flexible, scalable, reliable, easily configurable, and intuitive. Third-party interface capabilities and mobile technologies are integrated into AVR software for field operations, work orders,

and payment options. AVR also offers solutions for records management, eSign and eFile, court collections, property tax solutions, permitting and licensing, municipal-wide payment processing, reporting and reconciliation, a public safety and law enforcement suite, and more.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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UPCOMING WEBINARS



Resilient Leadership: Tools for Elected Officials & Executive Leaders

A two-part webinar series

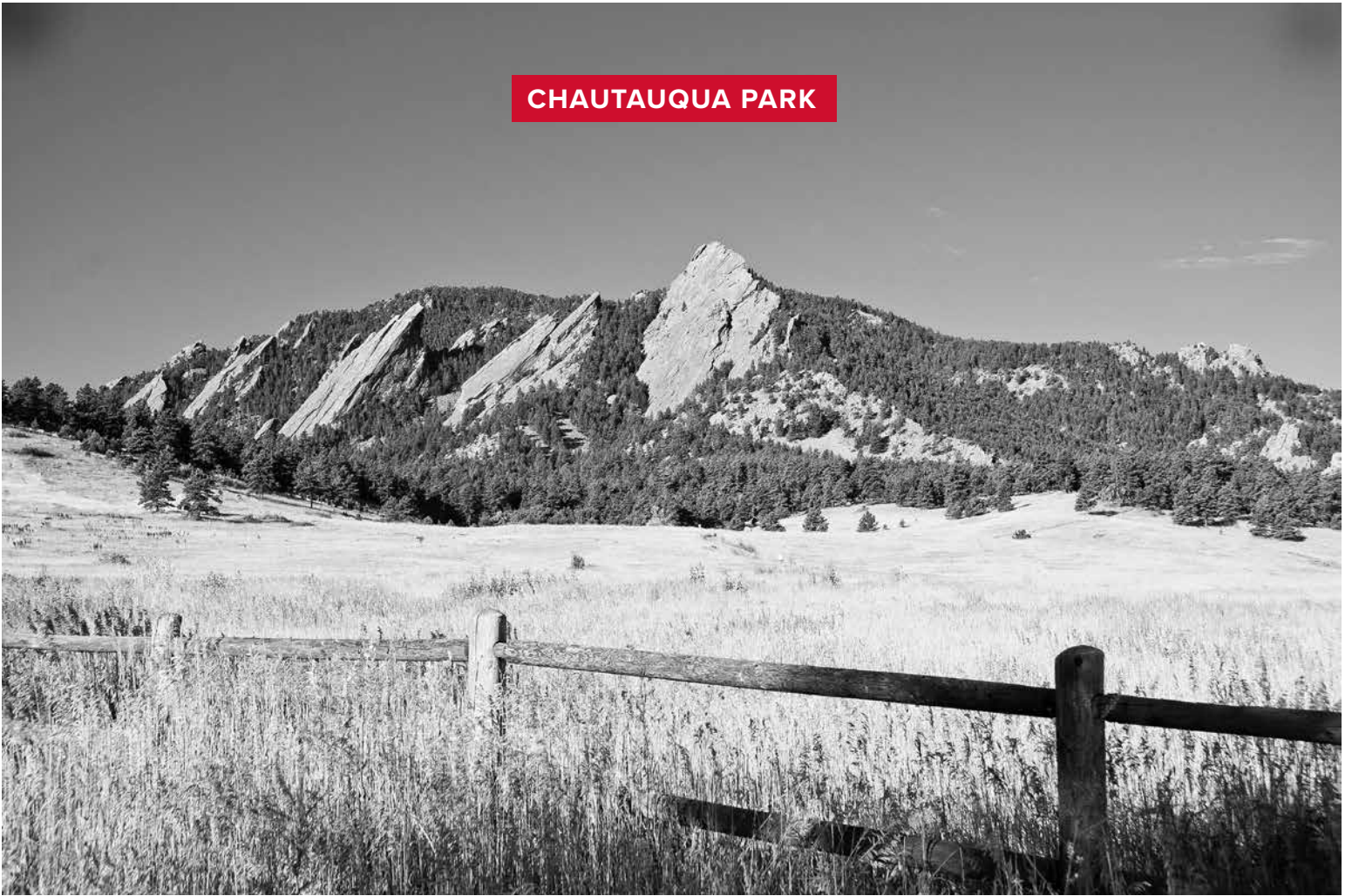
Colorado has recently experienced more intense and frequent disasters, and this trend is expected to continue. Is your community prepared to face and recover from these events? CML, CCI, and the Colorado Resiliency Office are hosting a two-part webinar to discuss how your community can plan for and recover from disaster.

During this webinar, you will learn:

- The top five things you are encouraged to do right now to be ready for a crisis
- Lessons from your peers who have experienced disasters
- How land use planning can reduce your risk before and after disasters
- How to connect to available resources and state support

Join us for part one on **June 8** at noon, and part two on **June 15** at noon. Visit <https://bit.ly/3PHwXPP> to register.

CHAUTAUQUA PARK



Chautauqua Park wins 2022 Best Places in Local Government award

We all know Boulder's Chautauqua Park is a beautiful and amazing place. Now it's also a national award-winning site! Every year, the Engaging Local Government Leaders (ELGL) network celebrates the best places in local government. From a field of 32 nationwide locations and through five rounds (similar to March Madness), voters crowned Colorado Chautauqua with the ELGL Knope Award (<https://bit.ly/3NBLPNJ>).

And, yes, the award is named after Leslie Knope, the character from the show *Parks and Recreation*.

Each year, this recognition program showcases and celebrates places that local government maintains and manages. This year's focus was historic and cultural sites, recognizing that governments are on the front lines of finding ways to honor history while also reflecting the reality of that history.

Colorado Chautauqua was nominated by the City of Boulder's Parks and Recreation Director Ali Rhodes and

Assistant City Manager Pam Davis. The site is owned by the city and operated by both the city and long-term leaseholder, Colorado Chautauqua Association (CCA).

Colorado Chautauqua offers cultural, educational, social, and recreational experiences. Did you know:

- More than a million people visit every year
- CCA has been hosting concerts and music festivals in the auditorium since 1898
- CCA held an "Art in the Park" event where blank bear statues were made into works of art and raised \$36,800 for nonprofit partners, the Boulder County Wildfire Fund, and the Colorado Chautauqua nonprofit.

The playground was renovated in 2021 and designed by city staff to include a refurbished playhouse, new play structure, hill slides, swing set, and a large climbing boulder dubbed the "sixth flatiron."

Colorado is growing older: Local governments should get involved

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 for representatives from local governments to be involved in this work and 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. We can only address the issues associated with Colorado's shifting demographics by bringing together state, regional, and local partners—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 for more information or if you are interested in applying.

Colorado communities and CDPHE receive \$4.5 million in EPA funds to advance environmental cleanups

The U.S. Environmental Protection Agency (EPA) announced that the Colorado Department of Public Health and Environment (CDPHE), the City and County of Denver, the City of Evans, Huerfano County Economic Development, the City of La Junta, and the City of Lamar will receive \$4.5 million to advance the cleanup and revitalization of priority sites. All projects will include site assessments which will examine current and historical uses of properties and sample soil, water, air, and building materials, to evaluate potential contamination, determine cleanup options, and initiate reuse planning.

CDPHE will receive a \$2 million brownfields assessment grant for sites in the cities of Longmont, Lyons, Cortez, Firestone, and Evans. Priority sites are historic, vacant commercial and industrial buildings, gas stations, dry cleaners, a site with abandoned construction equipment and vehicles, and a former turkey farm that contains 25 abandoned structures. CDPHE will inventory and prioritize sites and conduct up to 48 environmental site assessments. Additionally, grant funds will be used to support community outreach activities, ensuring the involvement of communities with environmental justice concerns.

The City and County of Denver will receive \$500,000 for properties at priority sites along the Federal Boulevard corridor within the cities of Denver and Sheridan. Priority sites include South Federal Boulevard, a former college campus, a vacant commercial property, and a former gas station. The City and County of Denver, including the Denver Department of Public Health and Environment (DDPHE) and the Denver Economic Development and Opportunity

agency, along with the City of Sheridan and the Urban Land Conservancy, plan to use community-wide grant funds to conduct 20 environmental site assessments and prepare cleanup plans. Additionally, grant funds will be used to prepare community outreach materials in multiple languages and provide a translator at meetings.

The City of Evans will receive \$500,000 for properties along a 1.5-mile stretch of the US85 corridor, beginning at the South Platte River and ending at Highway 34. This funding is in addition to the grant awarded to CDPHE for Evans mentioned above. Priority sites will include several car repair and sales lots and sites previously used for oil and gas equipment storage, fracking fluid creation and disposal, rig cleaning, and equipment manufacturing. Using the community-wide brownfields assessment grant funds, the City of Evans will conduct 25 environmental site assessments and prepare five cleanup plans at properties targeted for redevelopment. The city will also use the grant funds to host two multi-day community workshops.

Huerfano County Economic Development will receive \$500,000 in grant funds to conduct 17 environmental site assessments and prepare three reuse plans. Grant funds will also be used to prepare a brownfields revitalization plan and community involvement plan, conduct meetings with site owners and potential developers, and conduct other community outreach activities. The target area for this grant is the Seventh Street/Highway 160 brownfields corridor, which includes sites within the City of Walsenburg's downtown business district. Priority sites include the St. Mary's campus, a former gas station,

and a former youth camp previously used for agriculture.

The City of La Junta plans to utilize \$500,000 in grant funds to conduct 17 environmental site assessments and develop five cleanup plans. Grant funds will also be used to prepare an inventory of brownfield sites, develop a community involvement plan, and conduct other community outreach activities. Grant funds will target the city's downtown, including a former auto repair shop, dry cleaners, metal shop, and a vacant school.

The City of Lamar will receive \$500,000 and intends to conduct 24 environmental site assessments and develop five cleanup plans. Grant funds will be used to provide outreach materials in Spanish and provide Spanish language interpreters at public meetings. Priority sites include many up and down Main Street. This grant will continue the city's successful work from a previous brownfields grant, which funded the assessment of the Troy Manor Motel, leading to its ultimate cleanup and demolition to prepare it for redevelopment.

The Brownfields Program (<https://bit.ly/3wEoISH>) advances President Joe Biden's Justice40 Initiative (<https://bit.ly/3NuJDb0>), which aims to deliver at least 40% of the benefits of certain government programs to disadvantaged communities. Approximately 86% of the communities selected to receive funding as part of this announcement have proposed projects in historically underserved areas. EPA's brownfields grants and other technical assistance programs like the RE-Powering America's Land Initiative (<https://bit.ly/3lxj5dc>) are helping to build the clean energy economy.



Spring Outreach Meeting on May 24 in Buena Vista.



Spring Outreach Meeting on May 26 in Craig.



District 1 Spring Meeting on May 26 in Yuma.



Spring Outreach Meeting on May 18 in Glenwood Springs.

CML holds Spring Outreach Meetings for the first time since 2019

By the CML advocacy team

For the first time since 2019, CML staff had the pleasure of participating in Spring Outreach Meetings. From May 16-26, CML visited 14 municipalities and met with many more. It was a fantastic opportunity to convene with members across the state of Colorado and hear about their priorities and needs.

As with each year's outreach meetings, we spent some time talking about the 2022 legislative session and how municipal

interests fared in the statehouse. CML staff reported on several new funding opportunities through the state and noted specific legislation affecting Colorado's municipalities.

The meetings were also a chance for municipalities to share their triumphs and problem solve with neighboring communities. All over the state, municipalities are working hard to not only provide fundamental services but to boost their communities and improve the lives of their constituents.

CML staff also took this opportunity to solicit ideas for trainings and publications from members. Members provided feedback on any gaps where CML can provide more information and training. CML staff is excited to take this information and create more resources for members.

Look for CML to be on the road again in the fall for the Fall District Meetings.

Photos by Makenna Sturgeon, CML training and marketing Specialist

Proposals sought for Technical Assistance Service Provider program

The Front Range Waste Diversion (FRWD) program is piloting a new model to help advance communities up the zero waste ladder. The FRWD board is seeking proposals for the second phase of the Technical Assistance Service Provider

(TASP) program. This consultant will provide technical assistance to local governments that have an interest in establishing a new recycling program.

Proposals are due by 3 p.m. **Friday, July 1.** Visit <https://bit.ly/3as91jv> to read the final

report from Phase 1. Read the request for proposals at <https://bit.ly/3wSJ9oc>. Written inquiries must be submitted via email to cdphe.frwd.program@state.co.us by 3 p.m. **June 3.** Questions will be answered on the FRWD webpage **June 10.**

CML LEGAL CORNER



Enigmatic herb: An introduction to kratom and efforts at regulation

By Rachel Bender, CML associate counsel

Kratom (typically pronounced KRAT-um or KRAY-tum)—a plant that grows naturally in Thailand, Malaysia, Indonesia, and Papua New Guinea—is garnering attention and much conversation these days, especially in Colorado. This highly controversial herb belongs to the coffee family, and data suggest it has opioid properties. Most commonly, kratom leaves are crushed and then smoked, brewed with tea, or placed in gel capsules. An estimated 10-16 million Americans use kratom as an alternative to opioids, most commonly to treat pain or as a substitute for street drugs. There is much we do not know about kratom, but as it continues to grow in popularity and accessibility, communities will need to consider how they want to regulate this substance, if at all.

Federal agencies' stances on kratom regulation

In 2016, the U.S. Drug Enforcement Administration (DEA) announced plans to classify kratom as a schedule I controlled substance. Following widespread public backlash, the DEA took unprecedented action in withdrawing its intent to classify kratom. To date, kratom is not controlled under the federal Controlled Substances Act, but the DEA has listed it as a Drug and Chemical of Concern.

The U.S. Food and Drug Administration (FDA) first identified kratom on an import alert for unapproved drugs in 2012. The FDA has not approved any uses for kratom and warns against use of kratom products, but the agency states it is actively evaluating all available scientific information on the safety of this substance. The FDA has issued warning letters to multiple marketers and distributors of kratom products for selling unapproved products containing

unsubstantiated claims about their ability to treat opioid addiction and withdrawal symptoms. Kratom, however, can be sold legally in the United States because of the lax regulation of “health supplements” made from plants.

Despite efforts by some federal agencies to encourage the World Health Organization (WHO) to ban kratom internationally, in December 2021, WHO declined to impose such a ban. The WHO secretary instead recommended kratom be kept at the minimum level of regulatory surveillance.

Statewide and municipal regulation of kratom in Colorado

On May 26, 2022, the Governor signed Senate Bill 22-120 into law, which is the first Colorado state law to address kratom. The bill requires the state to consult with stakeholders, including local governments, and submit a report to the General Assembly in January 2023, analyzing the feasibility of regulating kratom products, processors, and retailers. The bill also establishes minimum requirements for the distribution, labeling, advertisement, and sale of kratom products, which go into effect July 1, 2024. Effective August 10, 2022, the bill prohibits the sale of kratom to individuals under 21 years of age. Finally, the bill clarifies that nothing prohibits local governments from imposing stricter regulations on kratom.

Currently, only a few Colorado municipalities have enacted any kratom regulations. In 2017, Denver restricted the possession and sale of kratom, requiring all kratom products to contain a label stating it is not intended for human consumption. In December 2018, Castle Rock imposed a moratorium on the licensing of any new kratom shops while establishing new rules; in summer 2019,

the town council made its final decision, banning the sale of kratom to anyone under the age of 18. In late 2019, both Parker and Monument passed ordinances prohibiting the retail sale of kratom.

A developing area of regulation

Although kratom is not a new substance, it remains shrouded in mystery as to its safety and effects on people. As a result, the regulation of kratom is a relatively new and developing topic. Interestingly, unlike with the historical regulation of many substances, public pushback thus far has deterred federal agencies from prohibiting kratom. While these conversations are likely to be ongoing, it is unclear if or when federal agencies will develop any formal regulations on kratom, leaving it entirely open to states and local government to regulate—at least for now.

Given the lack of information about kratom, many state and local governments considering regulation of kratom are doing so with caution, considering both the positive and negative aspects put forth by the public. There appears to be a growing need to regulate kratom products and avoid contamination or mixing with obviously illicit drugs that are contributing to the current opioid epidemic. On the other hand, many individuals profess the good that kratom has done in their lives to help them end an addiction to seemingly more harmful substances. Regardless of what your municipality decides to do amongst this uncertain landscape, kratom regulation will be worth keeping your eye on over the coming years.

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

RESEARCH CORNER

THE GAP — A SHORTAGE OF AFFORDABLE HOMES

IN April, the National Low Income Housing Coalition released the 2022 update to The Gap report, examining the national shortage of affordable homes. The U.S. has a shortage of 7 million rental homes available to extremely low-income renters, whose household incomes are at or below the poverty guideline or 30% of their area median income. Extremely low-income renters face a shortage in every state and major metropolitan area. More than 5.5 million renter households reported being behind on rent in March 2022.

Learn more and check out the full report at <https://nlihc.org/gap>.

1 | COLORADO BY THE NUMBERS

160,597

extremely low-income* households

29

affordable and available rental homes per 100 extremely low-income households

74%

of extremely low-income renter households are severely cost burdened

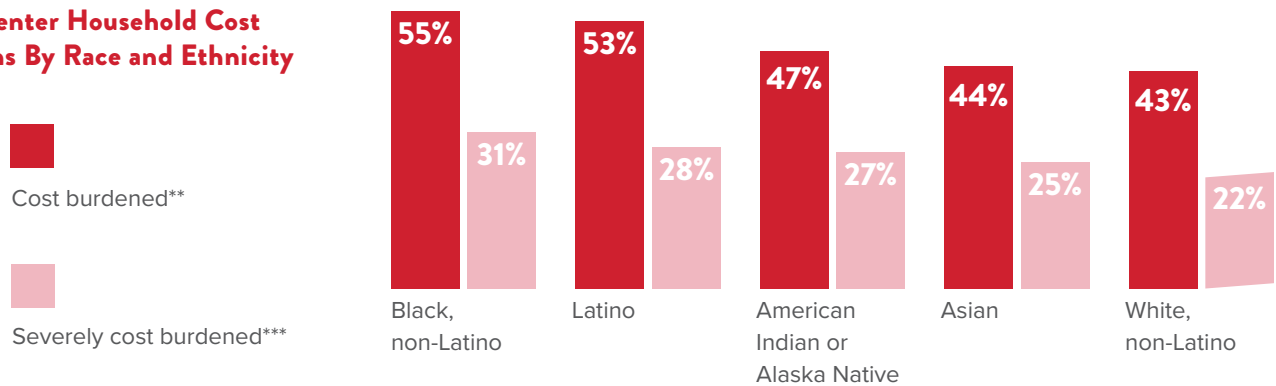
A shortage of

114,378

affordable and available rental units for extremely low-income households

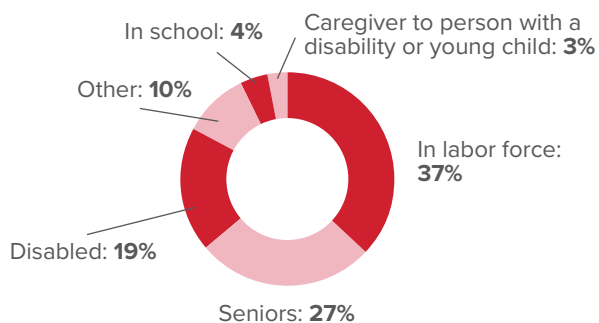
2 | HOUSING INSECURITY IS DISPROPORTIONATELY EXPERIENCED BY PEOPLE OF COLOR

U.S. Renter Household Cost Burdens By Race and Ethnicity

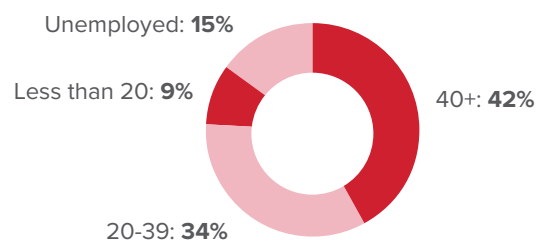


3 | NEARLY ALL LOW-INCOME RENTERS WORK LOW-WAGE JOBS OR ARE UNABLE TO WORK

Extremely Low-income Renter Households



Working Hours of Extremely Low-income Renters in Labor Force



Extremely low income:** Households with income at or below the Poverty Guideline or 30% of AMI, whichever is higher. | *Cost burdened:** Spending more than 30% of household income on housing costs | *****Severely cost burdened:** Spending more than 50% of household income on housing.



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Featured in this issue:

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- Boulder's Chautauqua Park wins national Best Places in Local Government award
- There is still time to run for a seat on the CML Executive Board
- Research Corner: Get the facts on the nationwide shortage of affordable housing
- Legal Corner: Exploring the uncertain landscape of kratom regulation

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