



New members elected to CML Executive Board at 100th Conference; Greeley Councilmember Dale Hall to serve as board president

By Kevin Bommer, CML executive director

CML's Annual Business Meeting was held during the 100th Annual Conference in Breckenridge on June 23. One hundred one voting delegates cast their municipality's votes for candidates in CML's four population categories, where four of the 21 board seats were up for election. The following Executive Board members were re-elected for two-year terms:

- Larry Atencio, Pueblo councilmember
- Carrie Hartwell, Julesburg clerk/treasurer
- Wynetta Massey, Colorado Springs city attorney
- Jessica Sandgren, Thornton mayor pro tem
- Katie Sickles, Bayfield town manager
- Laura Weinberg, Golden mayor
- Charlie Willman, Glenwood Springs mayor pro tem

In addition, the CML Executive Board welcomes three new members, all for two-year terms:

- John Fogle, Loveland councilmember
- Seth Hoffman, Lone Tree city manager
- Dana Sherman, Brush mayor

2022-2023 executive officers are President Dale Hall, Greeley councilmember; Vice President Jessica Sandgren, Thornton mayor pro tem; Secretary-Treasurer Wynetta Massey, Colorado Springs city attorney; and Immediate Past President Bob Widner, Centennial city attorney.

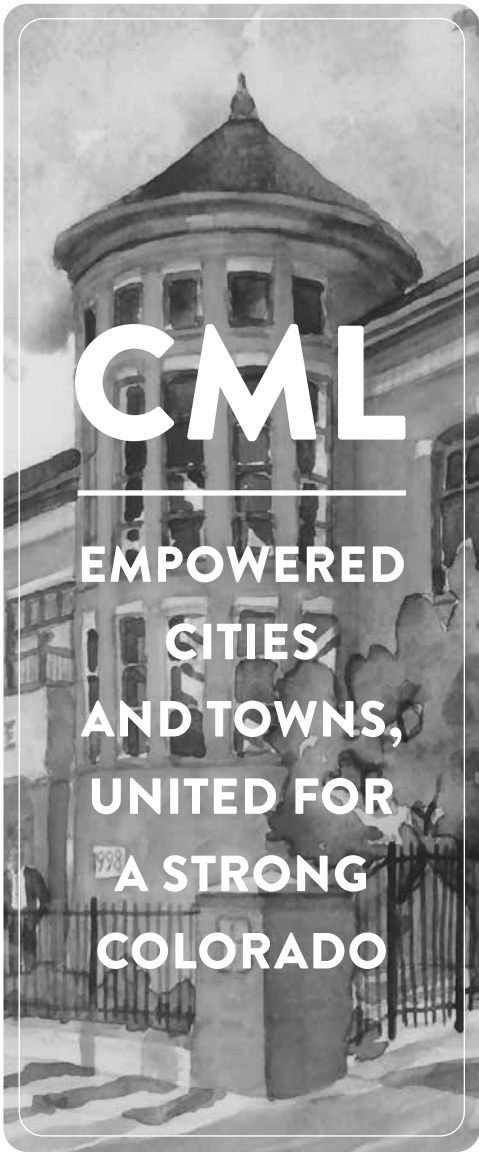
More information on the entire Executive Board is available at <https://bit.ly/3ppWk66>, which will soon include more information about the new board members as well.



The Executive Board of the Colorado Municipal League, following elections June 23 at CML's 100th Annual Conference in Breckenridge.



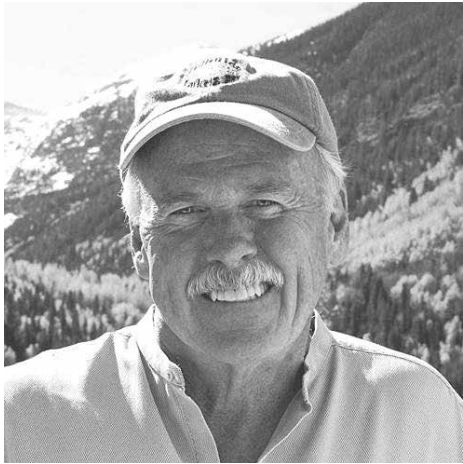
Dale Hall, newly elected president of the CML Executive Board, speaks to the board June 23 in Breckenridge.



IN MEMORIAM

Former Telluride mayor Stu Fraser

CML is saddened to hear of the passing of Stu Fraser on June 20, 2022, at 78 years old following health complications. Fraser served many years on the Telluride town council and later as mayor. He was heavily involved in the Colorado Association of Ski Towns (CAST) and attended many League events.



“It was a great privilege to work with Stu as a CML Board Member, even better to call him a friend. He was passionate about Telluride and curious about all things municipal. He was a great leader and wonderful individual,” stated retired League Executive Director Sam Mamet.

“Stu was Telluride,” said CML Executive Director Kevin Bommer. “He was a wonderful advocate for his town and region, and always had a kind word and a smile that lit up any room he was in.” CML expresses our condolences to Stu’s wife, Ginny, and the rest of the Fraser family.

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DOLA recruiting for Regional Managers

The Division of Local Government in the Department of Local Affairs (DOLA) has two regional manager positions open in both the Central and Northern Mountain

regions. The position postings can be viewed at <https://bit.ly/3A4HPBR>. The position postings close on **July 5**.

White House releases technical assistance guide to infrastructure resources


The White House has released a Bipartisan Infrastructure Law (BIL) technical assistance guide to help state, local, Tribal, and territorial governments navigate, access, and deploy infrastructure resources that will build a better America.

The Biden Administration has identified more than \$700 million in dedicated funding across more than 65 technical assistance programs. It aims to create a pipeline to assist communities in quickly accessing federal infrastructure funding. Visit <https://bit.ly/3OJAWdl> to download the guide.

Registration open for codes workshop

The code barrier is a reality in many communities, especially for upper stories, where vacancy rates can exceed 50%. In Building Codes on Main Street, hosted by Association for Preservation Technology International (APTi), you can explore ways to work with modern building code regulations to reinvigorate underutilized areas of your downtown.

This virtual workshop, running **Aug. 2-4**, will be filled with educational sessions and exercises aimed to provide participants with advanced tools and strategies to address building code regulations for Main Streets. For more information, visit <https://contacc/3xXqdp0>.



COLORADO MUNICIPAL LEAGUE NEWSLETTER

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100th ANNUAL CONFERENCE



Photos by CML staff

The Colorado Municipal League celebrates its 100th Annual Conference on June 22 at Riverwalk Center in Breckenridge.

CML's 100th Annual Conference was a huge success!

The action was nonstop in Breckenridge last week for CML's 100th Annual Conference. The historic gathering featured over 40 sessions with two keynote speakers, a rocking exhibit hall with nearly 50 sponsors, as well as a huge 100th conference celebration featuring great food, talented performers, a concert by Hazel Miller, and a monumental overtime win for the Colorado Avalanche. The conference saw more than 1,300 attendees!

Special thanks to the Town of Breckenridge, our sponsors, and all our members.

Planning is underway to celebrate CML's 100th anniversary throughout 2023. The annual conference will

be held June 11-14, 2023, at The Gaylord in Aurora. We're excited to continue celebrating CML's 100th year with you, and we are looking forward to 100 more!

Officers elected for CML's Attorney Section

Colorado Municipal League's Attorney Section elected officers at the Annual Conference in Breckenridge last week. Westminster City Attorney David Frankel was elected chair, and attorney Nina Williams of Wilson Williams, LLP, was elected vice-chair. Both Frankel and Williams also serve as officers for the Metro City Attorneys Association.



Gov. Jared Polis speaks at the conference during the Elected Officials Breakfast on June 24.

2022 Sam Mamet Good Governance Awards presented at conference

The 2022 Sam Mamet Good Governance Awards were presented to recipients H.A. Buck Wenzel, mayor of Silver Cliff, and Larry Zaragoza, town manager of La Jara. The award, named in honor of retired CML Executive Director Sam Mamet, honors individuals who exemplify and seek to expand the application of principles of good governance.

Former CML Executive Director Sam Mamet said, "I remain humbled to have this award named after me, and the list of nominees certainly exemplifies the best of municipal leadership in Colorado."

"The key to success is surrounding yourself with great people," said Mayor Wenzel. "I'm honored and humbled and will gladly accept this prestigious award on behalf of my staff, board of trustees, and supporters who have made it possible. We all work together as a team to provide the best services possible and move our town forward."

"I didn't achieve this great recognition alone," said Larry Zaragoza. "As a former coach, my approach to being city manager is to work as a team that consists of employees and trustees coming together to provide the best possible services to our citizens."

Videos of both winners are available at <https://bit.ly/3nj8FyP> and <https://bit.ly/3OQdbR7>.

Award nominations were submitted by CML membership and voted on by members of the CML Executive Board. CML received 22 nominations for this year's award.

Other nominees

- Manitou Springs Deputy City Administrator Roy Chaney
- Montezuma Mayor Lesley Davis
- Mountain Village Director of Operations and Development Zoe Dohnal
- Northglenn Councilmember Joyce Downing
- Boulder Director of Housing and Human Services Kurt Firnhaber
- Denver Management Analyst Aaron Hurlburt
- Denver Auditor Timothy O'Brien



Photos by CML staff

H.A. Buck Wenzel, left, mayor of Silver Cliff, receives a 2022 Sam Mamet Good Governance award from retired CML Executive Director Sam Mamet.



Larry Zaragoza, left, town manager of La Jara, receives a Sam Mamet Good Governance Award from Sam Mamet.

- Castle Pines City Manager Michael Penny
- Pagosa Springs Town Manager Andrea Phillips
- Denver Campaign Finance Administrator Andy Szekeres
- Dacono Clerk Valerie Taylor
- Brighton Councilmember Tim Watts
- Gunnison Finance Director Benjamin Cowan
- Glenwood Springs Finance Director Yvette Gustad
- Thornton Recreation Superintendent Chris Steinke
- Denver Elects Division Steven Sharp

Recipients of Community Development Block Grants announced

Gov. Jared Polis and the Department of Local Affairs announced the recipients of Community Development Block Grants (CDBG), a program that provides grants for transformative projects that actively support community development activities to build stronger and more resilient communities across Colorado. The 2022 awardees are as follows:

Montrose — Haven House (\$600,000)

This 9,200 square foot addition to an existing facility in Olathe will provide space for an Early Child Education center, office space, and four new transitional housing units.

Seibert — Street Infrastructure Improvements (\$442,033)

This project will address safety and drainage issues and includes sidewalk and gutter reconstruction. Colorado Avenue, the “Main Street” in Seibert, will

be reconstructed after installing a new six-inch water main, fire hydrant line, and tie-ins at both ends of the street.

Rocky Ford — Expansion & Renovation of Rocky Ford Health Clinic (\$600,000)

Renovations and expansion of the Rocky Ford Clinic will include modifying the floorplan to assist in better patient care. ADA accessibility issues will be addressed to meet code and better serve the clientele.

Larkspur — Water System Improvements (\$452,741)

These water system improvements will address the concerns raised by the Colorado Department of Public Health & Environment (CDPHE) of excess radium in potable water.

LINCOLN COUNTY/KARVAL — WATER SYSTEM IMPROVEMENTS (\$452,000)

The project will add another well to maintain water availability. It also aims to revamp older pipes and address the 50% water loss within the past three years.

Huerfano County/Gardner — Wastewater System Improvements (\$452,000)

This project will remedy the issue of a build-up of hydrogen sulfide gas, after CDPHE determined the current discharge point would no longer be acceptable.

For more information, visit <https://bit.ly/39RlmxL>.

Deadline extended for requests from State Revolving Fund

The deadline to submit eligibility surveys for State Revolving Fund (SRF) funding has been extended to **July 15**.

All entities that intend to submit requests for SRF funding, including SRF funding through the Bipartisan Infrastructure Law (BIL), must submit a survey in order to be included on the annual intended use plan and be eligible for funding.

Please submit drinking water and/or wastewater surveys no later than **July 15**. Surveys are accessible through the Colorado Environmental Online Services (CEOS) portal (<https://bit.ly/3Q6umz8>).

After submittal, please review the submittal confirmation report to verify that CDPHE has received your survey (<https://bit.ly/3a4Pm9h>).

For information on eligibility criteria, survey instructions, and CEOS instructions, please visit the SRF Information page at <https://bit.ly/3Q9KD6A>. Click on section 1, “eligibility survey.”

\$500 million in funding available from the Colorado Broadband Office

Fast, reliable, and affordable broadband is critically important for Coloradans to work, learn, access vital services, and connect with loved ones. The Colorado Broadband Office (CBO) is leading the statewide effort to expand broadband coverage and quality. Advance Colorado Broadband is the CBO’s state-managed grant program to deploy more than \$500 million in federal funding for broadband infrastructure.

Letter of Intent

CBO invites stakeholders and communities to submit a Letter of Intent (LOI) to

apply for grants. CBO will review each submission and work with stakeholders to develop high-impact project plans and determine the best funding source for each proposal. LOIs will be due **July 15**. Note, LOIs are not required as part of the official grant application, nor do they guarantee you will receive funding.

To learn more about broadband funding, the letter of intent, and webinars visit <https://bit.ly/3yIYbF6> or email oit_broadband@state.co.us.

Infrastructure, Jobs Act Summit to be in-person and virtual

Office of Economic Development and International Trade (OEDIT) is sponsoring a free Infrastructure and Jobs Act Summit on **July 11** in Glenwood Springs for local governments across the state. This is a great opportunity to learn about this federal funding source for infrastructure.

State agency representatives will talk to attendees about funding opportunities and answer questions.

Visit <https://bit.ly/3QReAsk> to register for the in-person event on **July 11**. The virtual meeting will be held via Zoom on **July 21** at 2 p.m. Visit <https://bit.ly/3AcIp1F> to register.

CML LEGAL CORNER



Protecting confidentiality in open government

By Robert Sheesley, CML counsel

Colorado's sunshine laws (the Open Meetings Law and Open Records Act) require that a large part of municipal operations be conducted in view of the public. These laws recognize, however, that the public interest benefits from keeping some government communications and information confidential, especially where personal and private interests could benefit at the expense of the public. Key privileges of confidentiality are meant to promote good government, not to avoid public scrutiny. Understanding these nuanced areas of law can help officials to communicate their purpose to constituents and accept the procedures and constraints required by the privileges.

Failing to respect the privileges can cause immeasurable damage to a municipality and harm relationships within a municipal governing body. No official or employee should share privileged communications without proper authorization (typically approval of the governing body). Municipal boards should consult with their attorney and consider the potential implications before knowingly waiving any privilege. Every municipality should safeguard privileged communications because even the accidental or unauthorized disclosure of privileged materials can cause substantial harm to the public interest.

The attorney-client privilege

The oldest of privileges, the attorney-client privilege, protects a client's communications with their attorney. Governments are entitled to confidentiality in their communications with attorneys just like any other person in Colorado. The open exchange of information between attorney and client facilitates a full understanding of the facts and, in turn, an attorney's effective representation of their client.

Without the privilege, municipal clients might avoid seeking an attorney's help.

That decision could result in policymaking or actions that violate laws or cause injury to the public. On the other hand, if privileged communications are public, a third party could have an unfair insight into a municipality's legal strategies and use that information for personal gain.

For a municipality, the attorney-client privilege belongs to the organization itself and not to any one official or employee. Individual elected officials and employees do not have the right to disclose privileged communications to a third party. Further, communications with a municipality's attorney generally are not confidential within the organization.

The attorney-client privilege is not absolute and does not protect facts from being disclosed. Further, the disclosure of an attorney-client privileged communication to a third party will waive the privilege for that communication and potentially the subject of the communication.

The deliberative process privilege

The deliberative process privilege is a more limited privilege that protects discussions among municipal staff during the formation of a policy. This privilege protects the candid and uninhibited exchange of ideas, recommendations, and opinions that are critical to decision-making. Note that the privilege protects only pre-decisional communications; a final policy or explanation offered after a decision is made is not protected. The privilege also does not protect a governing body's discussions, which must be conducted in public pursuant to the Open Meetings Law.

Without the protection of the privilege, staff might be discouraged from freely offering their analysis and ideas. Furthermore, the public interest is not served by the disclosure of partially

formulated policies, and the public could be misled by the disclosure of rationales or concepts that are not ultimately adopted or relied upon by a decisionmaker.

Like all privileges, there are exceptions to the deliberative process privilege, including intentional waiver. Most importantly, two safeguards exist to protect against abuse. First, under the Open Records Act, the government must provide a detailed explanation of the basis for the privilege to be able to withhold such materials. Second, both as common law and in the Open Records Act, a person's private interests or the benefits of public scrutiny may outweigh the public's interest in honest and frank internal discussions, requiring disclosure of work materials.

Elected official work product

The deliberative process privilege should not be confused with the concept of "work product" materials prepared for elected officials, which are not required to be disclosed under the Open Records Act because they are not considered "public records." This narrow category includes advisory materials provided by staff to elected officials to help them reach a decision. Examples include draft ordinances or councilmembers' individual evaluation forms for a manager's evaluation that are compiled to create a final evaluation. Work product does not include materials distributed to the public, solely factual information, or any final documents (like a final ordinance, accounting, or document that expresses a final decision).

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: COST OF LIVING AND HOUSING

The Colorado Health Foundation released the first batch of findings from the 2022 Pulse: The Colorado Health Foundation Poll, an annual look at the priorities, perspectives, and experiences of Coloradans. The first phase of the results of the survey conducted in April of 2022 reveals Coloradans' perspectives on cost of living and housing. View full results at <https://bit.ly/39CvLNB>

1 | COSTS OF LIVING

Percentage of respondents most concerned with the price of:

Housing	50%
Food / groceries	38%
Fuel / gas / oil	30%

2 | ALL INCOME LEVELS

Coloradans of all income levels are concerned about the cost of living and housing. Respondents reporting the below problems as “extremely serious” or “very serious,” by household income:

THE RISING COST OF LIVING

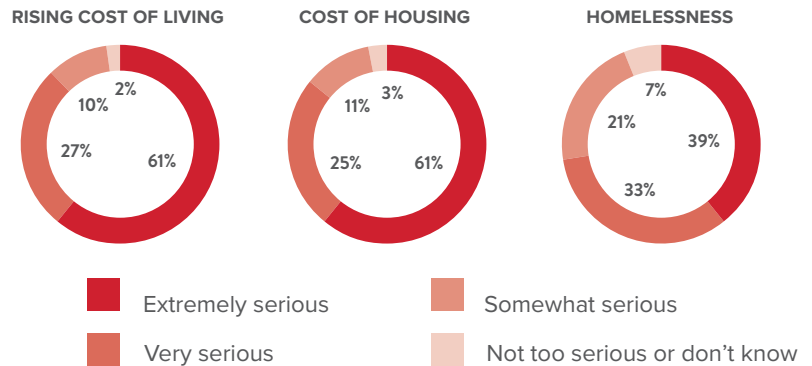
< \$30,000	95%
\$30,000-\$50,000	93%
\$50,000-\$75,000	93%
\$75,000-\$100,000	87%
\$100,000+	83%

COST OF HOUSING

< \$30,000	93%
\$30,000-\$50,000	89%
\$50,000-\$75,000	88%
\$75,000-\$100,000	89%
\$100,000+	82%

3 | PUBLIC PERCEPTION

About 9 in 10 Coloradans think the rising cost of living and the cost of housing are “extremely serious” or “very serious” problems. Homelessness also ranked highly as a concern.



4 | MAKING SACRIFICES

Nearly one-third (30%) of respondents are worried about losing their homes because they can't afford the rent or mortgage. Many Coloradans, especially renters, report making sacrifices to pay rent or mortgage in the past year.

	TOTAL	RENTERS	HOMEOWNERS
Worked multiple jobs, or more hours than wanted	32%	48%	24%
Avoided asking landlord to fix problems*	32%	32%	-----
Cut back or went without other needs	31%	49%	22%
Could not afford to move out of undesirable housing	26%	52%	13%

*Only asked of renters

5 | RESOURCES FOR LOCAL OFFICIALS

- ▶ Explore CML's Housing Resource page at <https://bit.ly/39I7Dcb>. Read sample housing assessments and plans, view grant opportunities, and learn how municipalities around the state are addressing challenges.
- ▶ CML is a sponsor of the Colorado Health Foundation's six-part "Reimagining Housing Solutions" training series, designed to equip Colorado's local leaders to as they work to address their community's urgent housing needs. View past recordings and register for upcoming trainings at <https://bit.ly/3N1qyfO>.
- ▶ Join Rural LISC's virtual "Rural Talks: Housing" for a no-cost opportunity to hear about research trends in rural housing, federal priorities related to rural housing, and opportunities and solutions being implemented around the United States. Learn more and register at <https://bit.ly/3QwSOtN>.



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- CML hosts its 100th Annual Conference
- Silver Cliff, La Jara officials win 2022 Sam Mamet Good Governance Awards
- Research Corner: The cost of living & housing
- Legal Corner: Promoting good governance through confidentiality

Featured in this issue:

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NEWSLETTER

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