



Deadline for decisions on local opioid settlement allocations

In June, the Opioid Response Unit in the Colorado Attorney General's office shared the initial funding amounts allocated to each of the local governments and regions in Colorado. Communities and Regional Opioid Abatement Councils across Colorado are set to receive nearly \$40 million in 2022 alone.

On June 13, the primary contact for every participating local government in Colorado received an email with their estimated funding allocations and a link to the Colorado Opioid Settlement Tracker (COST). With COST, local governments are now choosing whether they will pool their funds with their region(s) or retain and manage their own share of the opioid settlement

funds. Local governments have until **July 31** to make their choices.

If you have any questions about the opt-out/in process, need to request an extension, or if you are not sure if your local government has received the opt-out/in email, please email the Opioid Response Unit at opioids@coag.gov, or call 720-508-6904.

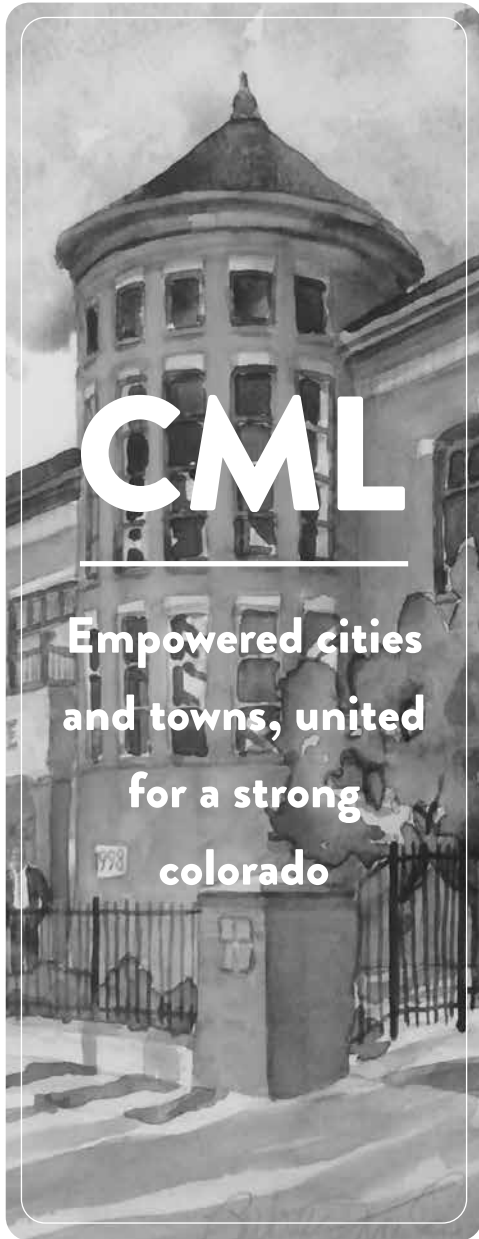
2022

CML FALL DISTRICT MEETINGS

Join the CML staff for our annual Fall District Meetings. They provide a great opportunity to learn more about CML's legislative agenda and connect with other municipalities in your district.

SEPTEMBER

- Tuesday, 9/6 — **Burlington** (District 5)
- Wednesday, 9/7 — **Brush** (District 1) & **Golden** (District 3)
- Wednesday, 9/14 — **Cañon City** (District 13) & **Meeker** (District 11)
- Thursday, 9/15 — **Rocky Ford** (District 6) & **Aspen** (District 12)
- Tuesday, 9/20 — **Monte Vista** (District 8)
- Wednesday, 9/21 — **La Veta** (Districts 7 & 14)
- Tuesday, 9/27 — **Ouray** (District 10)
- Wednesday, 9/28 — **Pagosa Springs** (District 9) & **Woodland Park** (District 4)
- Thursday, 9/29 — **Evans** (District 2)



UPCOMING EVENTS



- **Fall District Meetings**

Beginning Sept. 6
Visit cml.org to RSVP for yours!

- **CML + DCI Downtown North Metro Mobile Tour**

Sept. 15
Many Colorado communities are curious about districts and authorities that can focus on redevelopment, reuse, and place management in the downtown or commercial areas of your community. Business Improvement Districts (BIDs), Downtown Development Authorities (DDAs), and Urban Renewal Authorities (URAs) represent some of the tools available to help municipalities implement their vision through public-private partnerships. Learn the differences between these tools, how they are formed, governed, and how they work. Register at <https://bit.ly/3B8kHTB>.

- **Annual Seminar on Municipal Law**

Sept. 23 – 24
CML's Annual Seminar on Municipal Law will take place at the Two Rivers Convention Center in Grand Junction. This seminar provides expert Colorado-specific information that is directly relevant to the daily practice of municipal attorneys in the state, as well as opportunities to network with peers. Registration opens **Aug. 1**.

- **Small Communities Workshop**

Oct. 12
The Small Communities Workshop, taking place Oct. 12 in Chaffee County, brings together insight from Colorado Counties Inc., CML, Colorado Department of Local Affairs, and the Special District Association of Colorado to discuss strategies for strengthening Colorado communities. During this day-long workshop, we will discuss prominent issues facing Colorado's small communities and highlight how some are approaching them. This will be a fantastic opportunity to hear how others are introducing innovative approaches to challenges and discuss those that are unique to your community. Stay tuned for more information!

- **CML's Annual Mayors' Summit**

Oct. 20 – 21
Save the date! At our annual Mayors' Summit, CML is bringing together mayors from across the state to discuss critical issues facing their communities and share new and unique ideas. This is a wonderful opportunity to network with colleagues, share your successes, and learn from others. Registration opens soon.

- **Effective Governance Workshop**

Dec. 1
CML is excited to bring back our in-person Effective Governance Workshop! This one-day workshop will provide elected officials with important tools to be effective leaders. From open meetings to effectively engaging with the media, this workshop is an educational opportunity you will not want to miss. Registration opens soon.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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OUTDOOR EQUITY GRANT PROGRAM



Organizations across the state receive Outdoor Equity grant funds

Forty-five organizations across Colorado are the first-ever recipients of Outdoor Equity grant funds (<https://bit.ly/3IXHHqs>), intended to increase access to outdoor opportunities for all Coloradans. The program also provides resources to underserved students and communities to help increase environmental learning opportunities, education, and outdoor fun.

The grant program connects Colorado youth (ages 0-25) and their families to environmental and conservation education programs, employment opportunities, and provides necessary gear and resources to participate in outdoor recreation. Gov. Jared Polis signed legislation into law last year (<https://bit.ly/3Pmku3y>), sponsored by Rep. Leslie Herod, Rep. David Ortiz, former Senate President Leroy Garcia, and Sen. Jaquez Lewis, to create the Outdoor Equity Grant Program.

Grant recipients work to connect youth to the lands of Colorado, deepen environmental and science-based education programming, foster community stewardship, and thoughtfully increase accessibility to the outdoors so that youth can thrive and build a sense of belonging. The fall grant cycle for 2022 will open **Aug. 22**.

Grant recipients

- Black Parents United Foundation – Aurora: \$55,875
- Rocky Mountain Welcome Center – Aurora: \$50,000
- Village Exchange Center – Aurora: \$20,000
- Eagle Valley Outdoor Movement – Avon: \$75,000
- Basalt Regional Library – Basalt: \$5,000
- Girls On Rock – Boulder: \$46,300
- elevateHER – Buena Vista: \$8,500
- Backpackers – Colorado Springs: \$60,000
- City of Colorado Springs Therapeutic Recreation Program – Colorado Springs: \$17,800
- Americas for Conservation and the Arts – Denver: \$20,000
- Lincoln Hills Cares – Denver: \$52,500
- Metro Denver Partners – Denver: \$59,745
- Spirit of the Sun – Denver: \$100,000
- The JEKL Institute – Denver: \$37,750

- Conservation Legacy – Durango: \$50,000
- Fort Lewis College – Durango: \$25,020
- The Cycle Effect – Eagle County: \$25,000
- Walking Mountains – Eagle Valley Outdoor Movement – Avon: \$75,000
- Cultivando – Eastlake: \$19,082
- Fortaleza Familiar – Eastlake: \$61,750
- Adam’s Camp – Englewood: \$47,700
- Colorado Canyons Association – Grand Junction: \$7,500
- University of Northern Colorado – Greeley: \$36,435
- Southern Colorado Community Action Agency – Ignacio: \$25,000
- Cal-Wood Education Center – Jamestown: \$50,000
- Run Wild Trail Camp – Lakewood: \$20,000
- Cloud City Conservation Center – Leadville: \$25,000
- Rugged Research – Longmont: \$22,050
- Diversify Whitewater – Loveland: \$4,000
- TEENS – Nederland: \$10,000
- Boys and Girls Clubs of Pueblo County – Pueblo: \$150,000
- Public School District No.60 – Pueblo: \$82,500
- Chaffee County Public Health – Salida: \$65,000
- Acequia Institute – San Luis: \$80,000
- Hunters of Color – Statewide: \$50,000
- Latino Outdoors – Statewide: \$36,200
- STEM Launch K-8 – Thornton: \$20,000
- Kwiyaqat Community Academy – Towaoc: \$69,200
- Earth Mountain Education Farm – Trinidad: \$50,000
- Adaptive Adventures – Westminster: \$45,000
- PABNEEG – Westminster: \$25,000

For a complete list of awardees, visit <https://bit.ly/3oysGID>.

For more information about the grant program, visit <https://bit.ly/3BaL6A2>.

Local licensing and contracts no longer restricted by immigration status

Colorado municipalities are no longer prohibited from contracting with or issuing commercial or professional licenses to persons residing unlawfully in the United States.

SB21-199 (<https://bit.ly/3IUQYPT>), enacted last year but effective **July 1, 2022**, repeals the laws in place since 2007 that had prohibited such contracting and licensing.

The new law also allows people living in the U.S. illegally to be eligible for certain public benefits (including for those provided by municipalities).

Municipalities should review any applications, procedures, and eligibility criteria for licensing or other benefits like grants, public assistance, and contracts to ensure compliance with this law.



Golden Burro in Leadville receives grant

The National Trust partnered with American Express to award \$40,000 to 25 historical small restaurants across the country. The winners include cafes, dives, and other beloved restaurants that have stood the

test of time and continue to contribute to their neighborhood’s unique history. The Golden Burro in Leadville is one of the deserving recipients.



NLC City Summit Nov. 17-19 in Kansas City

Mark your calendar! This November NLC is headed to Kansas City, Missouri, to highlight how cities are leading the future.

Communities depend on forward-thinking leaders to take bold action to build a brighter future. At the summit, attendees

will meet peers, public and private sector stakeholders, and subject matter experts to learn how to use impact, action, and service as tools for a better tomorrow. See you soon at City Summit 2022, **Nov. 17-19**. Visit <https://bit.ly/3aLgJPJ> to register.



Ashley Brasovan

Winners of the 2022 Fun Run

The 2022 Fun Run was held June 23 at CML's 100TH Annual Conference in Breckenridge. Fifty-four runners participated in the challenging 5K trail run. Congratulations to first-place finisher Ashley Brasovan of McKinstry and second-place finisher Dan Kramer of Estes Park.



Dan Kramer

Center revamps drive-in with DOLA grant

DOLA's Rural Economic Development Initiative (REDI) has funded a project in the Town of Center.

The Frontier Drive-In Theater has undergone extensive renovations thanks to the funding and now includes a new state-of-the-art projector, dining facilities,

and yurts for tourists to rent overnight. Upon completion, the historical Frontier Drive-In Theater will re-open and breathe new life into the Town of Center by serving as the new hub for community arts and film, as well as opening the door to increased tourism.

CML spotlight on farmer's markets

We can all support Colorado farmers and ranchers by shopping at local farmer's markets. There are dozens of markets across the state every day of the week. Visit <https://bit.ly/3zqhdLa> for listings.

Rockies Playground Outdoor Industry Strategy Summit on Aug. 22

The Outdoor Industry Strategy Summit will be presented **Aug. 22** by the CU Boulder Office of Outdoor Recreation Economy and Vail Valley Partnership.

The summit will feature a discussion of strategies to balance outdoor recreation

and conservation of natural resources, ways to grow and sustain the outdoor industry in the Rockies Playground region, as well as panel and tabletop discussions on key topics facing the outdoor recreation industry.

Tickets are complimentary, but registration is required. To register, visit <https://bit.ly/3QQktpC>.

CML LEGAL CORNER



Constitutional limits on drug testing government employees

By Ashlyn DuThorn, CML law clerk

In just two years, Colorado consumers spent well over \$4 billion on marijuana. According to Colorado Department of Revenue's Marijuana Sales Report, marijuana sales totaled \$2,228,994,553 in 2021 — a record high. These sales brought the state \$423,486,053 in tax and fee revenue. With staggering numbers like this, more municipalities are legalizing marijuana sales in hopes of bringing in revenue to fund local projects. As marijuana use continues to become more widespread, employment-related drug testing is sure to become a more contentious issue. While municipalities may conduct drug testing for many reasons, including to support compliance with the Drug-Free Workplace Act, they must be careful not to violate employees' constitutional rights. This can be achieved by implementing thorough drug-free workplace policies that properly define the boundaries of employee drug testing.

COMPLYING WITH THE DRUG-FREE WORKPLACE ACT

Under the Drug-Free Workplace Act, recipients of federal grants and contracts are required to maintain drug-free workplaces, although drug testing is not a specific requirement. Employers must establish such an environment by developing and enforcing a policy on drug use in the workplace. The policy must notify employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace; and must specify the actions that will be taken against employees for any violations. Employers must also establish a drug-free awareness program and require employees to notify them, in writing, of any convictions for a violation of a criminal drug statute occurring in the workplace within five days. Upon such notification, employers must act in compliance with the Drug-Free Workplace Act and Regulations. The Act

contains many other requirements, however, it does not specify whether requiring drug testing is an appropriate or necessary action to ensure a drug-free workplace. Although employee drug tests may seem like the most straightforward way to ensure a drug-free workplace, constitutional protections apply to public sector employers, so drug testing policies must address privacy and security concerns.

GOVERNMENT EMPLOYEES' CONSTITUTIONAL PROTECTIONS

The Fourth Amendment establishes the right of the people to be secure in their persons against unreasonable searches and seizures. In applying this to drug testing of government employees, the courts have ruled that taking urine or blood specimens is a search and seizure within the meaning of the Fourth Amendment. Courts have also held that reasonable suspicion, which is a lesser standard than probable cause, is necessary to conduct a search unless the employer has a special need that justifies mandatory drug testing. Therefore, any drug testing required by a public employer must be reasonable, and if a public employer's policy requires drug testing without reasonable suspicion of marijuana use in the workplace, they must show a special need justifying such testing.

TESTING WITHOUT REASONABLE SUSPICION

Courts have permitted public employers to go beyond reasonable suspicion testing and require mandatory, or random, testing of employees — but only when testing is justified by a special government need. Examples of this are if an employee's job is safety-sensitive, if the public or other workers could suffer significant harm because of substance use, or if there are not less intrusive and equally effective measures to uncover substance abuse available — such as background checks or supervisory observation. In *Lanier v. City of Woodburn*,

which is not binding in Colorado, the U.S. Court of Appeals for the Ninth Circuit required the city to demonstrate a special need, ruling that the city's pre-employment drug testing policy must "fit within the closely guarded category of constitutionally permissible suspicionless searches."

DEMONSTRATING A SPECIAL NEED

In most cases, a special need is demonstrated by proving that a position is "safety-sensitive." In *Skinner v. Railway Labor Executives' Ass'n*, the court allowed suspicionless testing of employees involved in train accidents or who violated certain safety rules because there was a "compelling" governmental interest in testing the railroad employees. The court reasoned that there was a special need for drug testing because the operation of trains by anyone impaired by drugs "can cause great human loss before any signs of impairment become noticeable." Additionally, in *National Treasury Employees Union v. Von Raab*, the Court upheld a Customs Service screening program requiring drug testing of employees seeking safety-sensitive positions that required direct involvement with drugs or carrying firearms. A special need for testing was shown because there was a compelling government interest in ensuring that employees in these positions did not suffer from drug-induced impairment of perception and judgment.

If your municipality's drug testing policy requires blanket screening for all positions, regardless of whether they are safety-sensitive or a special need for testing exists, you should consider reviewing the policy with your attorney and human resources professionals to ensure constitutional compliance.

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: STATE OF THE CITIES 2022

For nine years, the National League of Cities has released a State of the Cities report. The 2022 report, which examines mayoral state of the city speeches delivered between October 2021 and April 2022, provides a clear and consistent voice about the current priorities of local leaders nationwide. The sample includes cities across different population sizes and geographic regions. The speeches were obtained from cities in four population categories (less than 50,000; 50–99,999; 100,000–299,999; 300,000 or more) and four geographic regions (Northeast, Midwest, South, West).

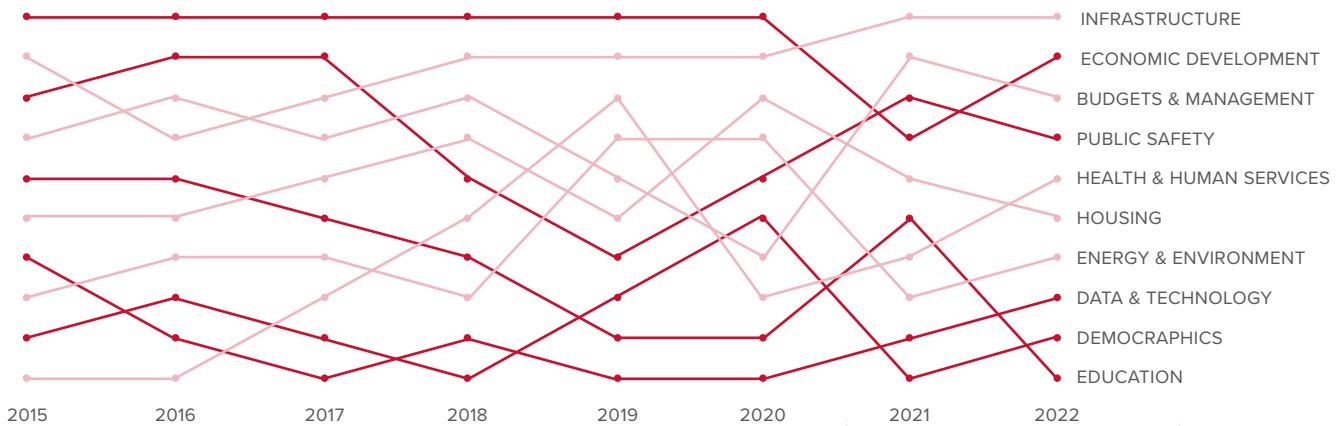
Key findings are below. Explore the full report at <https://bit.ly/3ohKAc3>.

1 | MAYORAL PRIORITIES

TOPIC	PERCENT OF SPEECHES MENTIONING TOPIC	SPEECHES SIGNIFICANTLY MENTIONING TOPIC (10% OF SPEECH'S WORDS)
INFRASTRUCTURE	88%	36%
ECONOMIC DEVELOPMENT	87%	33%
BUDGETS & MANAGEMENT	77%	23%
PUBLIC SAFETY	72%	18%
HEALTH & HUMAN SERVICES	40%	10%
HOUSING	43%	5%
DATA & TECHNOLOGY	16%	3%
ENERGY & ENVIRONMENT	33%	3%
DEMOGRAPHICS	29%	2%
EDUCATION	14%	2%

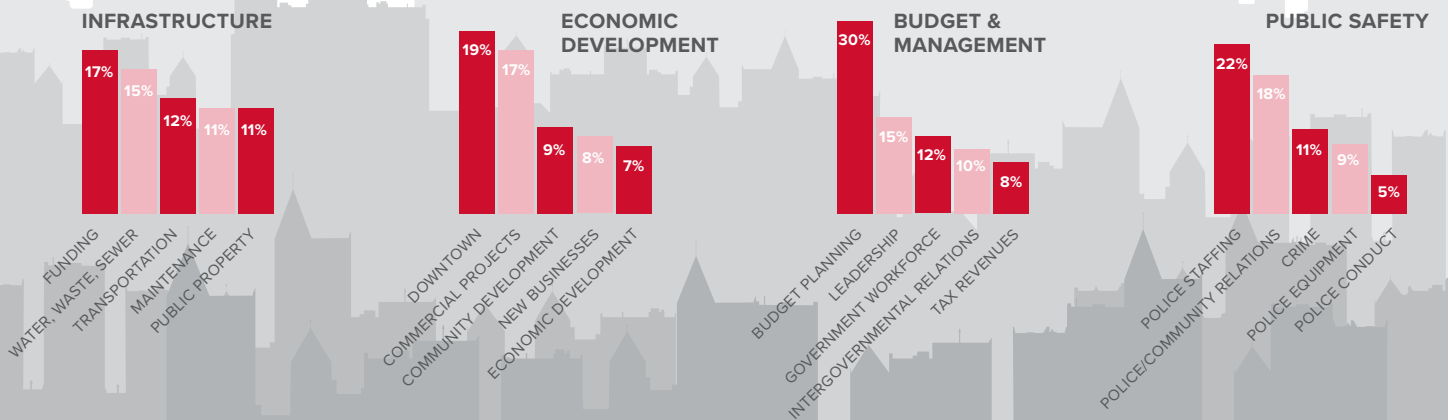
2 | PRIORITIES SHIFT OVER TIME

Ranking of mayoral priorities, 2015-2022.



3 | IN DEPTH

Within the top 4 topics, here are the most commonly mentioned subtopics.





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- Deadline for allocating funds from nationwide opioid settlement
- Dozens of Colorado organizations receive Outdoor Equity grants
- Licensing & contracts no longer limited by immigration status
- Research Corner: Infrastructure, economic development among top mayoral priorities
- Legal Corner: Constitutional limits on drug testing government employees

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NEWSLETTER

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