



NEWSLETTER

Vol. 49, No. 1, January 13, 2023

CENTURY OF SERVICE

This year, CML celebrates 100 years of service to cities & towns



IN 1923, a group of municipal leaders convened in Boulder, Colorado, and established the Colorado Municipal League. Today, in 2023, we are thrilled to celebrate our centennial year serving the Centennial State!

We've got a lot to do this year, so make sure to keep an eye out for special visits

from CML staff, reflections at the Annual Conference, and the CML Building's 25th anniversary celebration later this year!

We're kicking off our 100th year by publishing the first of eight stories that highlight great moments in CML history. In the first, you'll read about the creation of the League and those who established it.

Read the first installment on CML's website, <https://bit.ly/3ilHFzw>.

Make sure to keep an eye out for the second installment of the 100th Anniversary Series, where we will stroll through the history of home rule, highlighting CML's work in the courts to protect local control.

Empowered cities and towns, united for a strong Colorado

Staff anniversaries



This month we are celebrating Finance & Administration Manager Allison Wright's 17th anniversary at CML, and



Legislative & Policy Advocate Meghan MacKillop's 2nd anniversary. We also are



celebrating Associate Counsel Rachel Bender and Legislative & Policy Advocate Jaclyn Terwey's 1st anniversaries. Congratulations!



Liquor Enforcement Division updates rules

In October, the CML Policy Committee voted to seek CML-initiated legislation intended to codify COVID liquor rules related to outdoor dining areas. Through that process, CML was able to partner with the state Liquor Enforcement Division to codify the COVID liquor rules through the division's rulemaking process, thus eliminating the need for CML-initiated legislation.

On Dec. 21, the division adopted revised rules (1 CCR 203-2; <https://bit.ly/3X5BRZO>), officially repealing the COVID regulations for outdoor service areas and updating

pre-existing rules to clarify the licensing of these areas. Specifically, the division updated the regulatory language to match its current licensing practice and make clear that municipalities can allow a licensee to utilize not just a sidewalk owned by a municipality, but any property owned by municipality, so long as all the other requirements listed in the regulation are also satisfied. The regulatory update allows these premises modifications to be permanent. This rule change will become effective **Feb. 14**.

Webinar on grants for highway safety

The Colorado Department of Transportation Highway Safety Office and HDR will host a webinar about 2023 grant opportunities for highway safety programs. The webinar will provide more information about the grant application process, projects that are eligible, and a timeline of the process.

The webinar will take place noon-1 p.m. **Jan. 18**. More information on highway safety grants can be found on the Highway Safety Office website, <https://bit.ly/3GkfV6F>.

DCI Annual Conference set for April

DCI's In The Game 2023 Vibrant Downtowns Annual Conference will take place **April 12-14** in Loveland at TownePlace Suites by Marriott.

Join national speakers, statewide leadership, and the people who get things done for Colorado's downtowns. DCI's highly successful Challenge Studio Workshops, which turn community and economic development challenges into opportunities through interactive charettes, will be the centerpiece of the conference.

DCI will present the Governor's Awards for Downtown Excellence at the conference. The Governor's Awards celebrate the amazing projects and people committed to economic and community revitalization in Colorado.

Visit <https://bit.ly/3VUkwIO> to learn more and register for the conference. Visit <https://bit.ly/3GeKudH> for more information about award categories, submission requirements, and evaluation criteria.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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CELEBRATE WITH CML

CML wants to hear about your community's successes. Tell us about a new grant you've won, water tank that's finally finished, housing initiative, or anything else you're excited about! To share your good news, please complete the form at <https://bit.ly/3YF8XRM>.

GRANT OPPORTUNITIES FOR LOCAL GOVERNMENTS



State opens applications for Housing Recovery Program

Officials from municipalities that were affected by state-declared disasters in recent years may want to communicate with their residents that applications for the State of Colorado Housing Recovery Program are now open.

The goal of the program is to provide additional resources for rebuilding to those who need assistance in order to remain in their communities in the wake of a natural disaster. Assistance may be provided as traditional loans with favorable terms or as grants in the form of forgivable loans. Applicants will be eligible for a combination of grant and loan.

The maximum eligible grant amount ranges from \$25,000-\$100,000 and is dictated by the income level of the applicant. The maximum loan amount is \$50,000 for all income levels, and contingent on the remaining rebuild gap and ability to repay. Households also have the option to

participate in the Colorado Energy Office's Recovery and Electrification Program, which offers an additional \$10,000 incentive for incorporating select energy-efficient options that reduce the use of natural gas. Together, these initiatives seek to aid Coloradans who have experienced natural disasters in not only rebuilding their homes, but also creating healthier, safer, and more resilient businesses, and communities throughout the state.

Eligible applicants include persons who owned a disaster-damaged home as their primary residence at the time of an eligible state-declared disaster. Eligible property types include single family residences, duplexes, townhomes or condominiums, and manufactured homes or mobile homes permanently affixed to permanent foundations and taxed as real property that sustained major or severe damage. Second

homes and short-term rental properties are not eligible for this program.

Eligible disasters include specific fires, flooding, mudslides, rockslides, and avalanche debris disasters from 2018 through 2021. Affected counties include Boulder, Costilla, Eagle, Garfield, Grand, Hinsdale, Huerfano, Jackson, Larimer, Pitkin, Rio Blanco, Routt, and Teller. Please visit <https://bit.ly/3W0Veqp> for a full list of eligible disasters.

For inquiries regarding the application process or eligibility, call or text 303-532-2785 Monday-Friday, 8:30 a.m.-5 p.m., or email rebuild@cedproject.org.

Infrastructure matching grant program available from DOLA and OEDIT

The Colorado Department of Local Affairs in collaboration with the Office of Economic Development and International Trade and the Governor's Office have created the Infrastructure Investment and Jobs Act Local Match grant program to be used for local governments to support their non-federal match requirement when they apply directly to the federal government for a federal Jobs Act program.

For fiscal year 22-23, \$6 million will be available to counties, municipalities, special districts, and federally recognized tribes that have or intend to apply for a federal Jobs Act

program that requires a non-federal match. Additional funding is anticipated in the next fiscal year.

Applications will be made through the DOLA Division of Local Government Online Grants Portal and will be reviewed by a committee consisting mainly of Governor's Office and Colorado Recovery Office leadership. The applications will be scored according to a matrix consisting of numerous factors, including alignment with Gov. Jared Polis's policy priorities, need justification, and several anticipated impacts.

CML members can find details and application procedures at <https://bit.ly/3X8ypxp>. Applications will be accepted until all funds have been committed.

For questions and assistance, please contact DOLA's director of financial assistance, Tamra Norton, at tamra.norton@state.co.us or your DOLA regional manager at <https://bit.ly/3IkZ4mN>.

Western Places/Western Spaces 2023 conference to highlight creative solutions

The West faces a series of compounding crises that threaten the way of life in the region.

Extreme temperatures are worsening the ongoing drought, urban heat islands, public health, vulnerability to fire, food security, and energy infrastructure. Yet people continue to move to the West, putting further pressure on natural systems, transportation, and driving up the cost of living—especially the cost of housing—which jeopardizes the vitality of the entire region. The Western Places/Western Spaces 2023 conference will explore solutions to these problems.

Although the challenges are growing, so are creative solutions that communities can use to address these crises, mitigate their risks, adapt to a changing environment, advance diversity, and build in resiliency to forge ahead when times get tough.

Register at <https://bit.ly/3X3WZQ7>.

Here's a quick rundown of what you can expect:

WEDNESDAY, MARCH 8TH

- A lunchtime real estate and housing symposium with the Burns School of Real Estate to discuss market forces and real estate trends affecting the housing market.

THURSDAY, MARCH 9TH

- A housing affordability workshop;
- A skills-based course on how to present an effective land use case; or
- Tours of the Marshall Fire area and Five Points in Denver.
- Keynote address and networking reception.

FRIDAY, MARCH 10TH

- A full schedule of sessions exploring topics that range from resilience to renewable energy, as well as legal updates and an ethics course.

Lakewood gets grant for fire mitigation

Lakewood has received a \$40,000 grant for an important fire mitigation project. A 20-foot defensible space, cleared of brush, will be created between homes and the city's open space parks.

Great Outdoors Colorado awarded the grant, which is part of a program created in partnership with the Colorado Youth Corps Association. The grant will provide four weeks of work by a dedicated specialty crew from Mile High Youth Corps.

The city manages about 6,000 acres of open space, and residents living near these properties have an increased risk of wildfire. The city's fire mitigation strategy will provide long-term benefits to neighborhoods surrounding Lakewood's open spaces and ravines through the creation of the defensible space and educational resources that will be distributed by a small youth corps wildfire crew. Learn more at <https://bit.ly/3Gme5Cc>.

Mile High Youth Corps., a division of Colorado Youth Corps Association, has chosen this project to preserve public and protected lands. The work is valued at \$41,100 and includes fire mitigation from a team of youth conservationists.

UPCOMING WEBINARS



CML has a fantastic lineup of webinars coming in early 2023. Register on CML's event's page, <https://bit.ly/3Ga7Gex>.

Crisis Communications: When the Never Expected Happens — Marshall Fire Lessons Learned

Wednesday, Jan. 18, 12-1 p.m.

When wildfire hit highly populated areas never imagined to be in a danger zone, it put Boulder County government communicators to the ultimate test. Join leaders from the Town of Superior, the

City of Louisville, and Boulder County to hear lessons learned about crisis response communications, frameworks, and tactics. The webinar will provide real-life examples that can help you prepare for disasters, as well as key takeaways on the importance of a digital-first strategy for crisis response and valuable ways for monitoring community sentiment during and after crisis response to ensure support, provide services, and promote long-term healing.

2023 Legislative Update

Wednesday, Jan. 20, 12-1 p.m.

Presented by the CML Advocacy Team. Learn what to expect during this session of the Colorado General Assembly. Get the latest news on potential legislation and ask questions about issues that could affect your city or town.

EPA releases final definition of Waters of the United States

The U.S. Environmental Protection Agency and Department of the Army announced a new final rule for Waters of the United States on Dec. 30. Amendments to the Federal Clean Water Act in 1972 established that the Federal Government had jurisdiction over “navigable waters,” also known as “waters of the United States” or WOTUS. The Act does not define WOTUS but provides the EPA and the department with the authority to define which waters apply through rulemaking. The precise definition of WOTUS has

been in constant flux and the subject of several Supreme Court cases. Local governments are often directly affected by WOTUS requirements and definitions when permitting public works and water projects.

This new rule draws heavily from pre-2015 WOTUS definitions with additional guidance on categories of waterbodies covered under the rule. The rule includes clarified standards for determining jurisdiction if a waterbody meets either the relatively permanent standard or the

significant nexus standard, and it codifies eight exclusions from the definition of WOTUS. The new rule will take effect 60 days after it is published in the Federal Register. A complete look at the finalized rule can be found at <https://bit.ly/3vIqBa2>. The EPA will host a webinar that will overview the new rules specifics on **Jan. 19** at 10 a.m. Register for the webinar at <https://bit.ly/3vLODko>.



CML LEGISLATIVE WORKSHOP

FEBRUARY 16, 2023

This annual day-long workshop is your opportunity to discuss the key municipal issues before the General Assembly, CML’s 2023 legislative program, and what you can do to influence the legislative process.

CML LEGAL CORNER



Marijuana trends in the Nov. 8, 2022, election

By Rachel Bender, CML associate counsel

In 2021, CML reported on marijuana trends in that year's election, where marijuana questions comprised 19% of the questions on the ballot for municipal elections. The one notable trend in 2021 was that fewer sales and excise tax increases passed than in previous elections and, similarly, a statewide proposition to increase marijuana taxes failed. We revisit what has happened with marijuana statewide over the past year, and what trends we saw for marijuana in the Nov. 8, 2022, election.

2022 MARIJUANA REVENUE

For the first time since recreational marijuana sales were legalized in Colorado in 2012, state revenue from the sales of marijuana was down. In 2021, state revenue from the sales of both medical and recreational marijuana was over \$423 million, but tax collections have fallen by more than \$90 million this year and are expected to be down approximately 20 percent from 2021. This decrease in tax revenue at the state level is likely reflected at the local government level, but the impact to municipalities for 2022 is still uncertain.

MUNICIPAL ELECTION RESULTS

In the November 2022 election, 20 of the 156 municipal ballot questions concerned marijuana, meaning 13% of the questions on the ballot were about marijuana, down from 2021. While the passage rate of marijuana-related ballot measures appeared to be similar to 2021, with 40% of the questions passing versus 36% in 2021, a more nuanced view indicates that the success of marijuana questions was even more limited in effect than last year.

Several municipalities presented paired ballot questions with one question to

authorize certain types of marijuana establishments and a separate question to authorize taxes on those marijuana sales, where one question was contingent upon the passage of the other. In two of those cases, citizens passed one of the questions but rejected the other, meaning that even the question that was approved may ultimately have no effect, at least not at this time. This situation occurred in Colorado Springs where voters rejected retail marijuana establishments but approved the associated tax. In Grand Lake, voters passed a question authorizing both medical and retail marijuana, contingent upon the passage of questions on taxes, with the retail tax passing, while the medical marijuana tax failed.

Dove Creek and Nunn rejected questions to authorize both retail and medical marijuana businesses, and rejected the related questions on taxes, while Cripple Creek passed both its question to approve marijuana businesses and its question authorizing various taxes on retail and medical marijuana. In 2016, Hotchkiss passed a tax on marijuana sales, but it was not until this most recent election that it approved the operation of retail and medical businesses in its community. Palmer Lake approved up to two retail marijuana stores, and a retail marijuana sales tax passed in Nederland. However, the questions on various marijuana taxes in Ault, Fort Lupton, and Sugar City all failed. Finally, a citizen's initiative to amend the city charter in Lamar to prohibit licensing and operation of marijuana establishments, as well as possession of more than one ounce for personal use, failed.

THE FUTURE OF MARIJUANA ON THE BALLOT IN COLORADO

While nothing is ever certain, we are likely to continue seeing marijuana-related ballot questions at the municipal level, though perhaps with some decreasing frequency given the saturated state of the Colorado marijuana industry, the decrease in marijuana revenues, and the increase in failed marijuana measures over the past two years.

Some smaller communities that were previously hesitant to allow marijuana may continue to consider marijuana as an opportunity to fund important municipal services, but many remain hesitant to take that leap as they do not see marijuana as a good fit for their community. And while marijuana retailers are prevalent in most of Colorado's larger municipalities, the prohibition on retail marijuana in Colorado Springs restricts one of the largest potential markets for the industry, meaning proponents have strong incentive to repeat such a measure in the future.

As Colorado continues to recover from the COVID pandemic, while facing significant inflation concerns, amongst other issues, it will be interesting to see what happens with marijuana businesses and revenues. It is still too soon, however, to know if Colorado will continue to see decreasing marijuana revenue and decreasing success of marijuana ballot measures for years to come, or if this is a temporary downturn due to the current Colorado market.

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

Scholarships available for CML Annual Conference 2023 in Aurora

Plans are underway for the Colorado Municipal League's 101st Annual Conference, to be held **June 25-28** at the Gaylord of the Rockies in Aurora.

This conference is the signature event of the year, where municipal officials from around the state gather to network and exchange ideas. Year after year, attendees rave about the valuable experience and how inspired they are to get back to work and put their newfound knowledge to use. In addition to the time devoted to educational and programmed meetings, many delegates feel the conference gives them a unique opportunity to meet and network with municipal officials from communities across the state with similar concerns.

CML is pleased to offer 10 scholarships to the 2023 annual conference. Scholarships are open to all member municipalities.

Applicants can be a manager, clerk, mayor, councilmember, town board member, or key department head. Scholarship recipients (one application per municipality) will receive complimentary registration; lodging (arranged by CML at a contracted hotel); travel stipend; and tickets for lunch on Monday and Tuesday and one of the following: Elected Officials Breakfast, Managers Breakfast, or Attorneys Lunch



on Wednesday. (Note: Municipalities that had a scholarship awarded to someone in their city or town in 2022 are not eligible to receive a scholarship for 2023.)

For more information and to apply, visit <https://bit.ly/3E5PUGU>. Please complete the application, include all necessary paperwork, and return to CML by **Feb. 24**.

Incomplete applications will not be considered.

If you have any questions about the conference or scholarships, please contact Karen Rosen at krosen@cml.org.

We hope you will consider this opportunity to join your colleagues from around the state for a very productive, exciting, and rewarding conference.



Save the date for the
Colorado Municipal League

2023 ANNUAL CONFERENCE

June 25-28
at the Gaylord Rockies Resort
& Convention Center

<https://bit.ly/3Eom9Dd>



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- Liquor Enforcement Division updates outdoor service rules
- EPA finalizes definition of Waters of the United States
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