



# NEWSLETTER

Vol. 49, No. 3, February 10, 2023

## Legislative session is off to a flying start

By Heather Stauffer, CML legislative advocacy manager

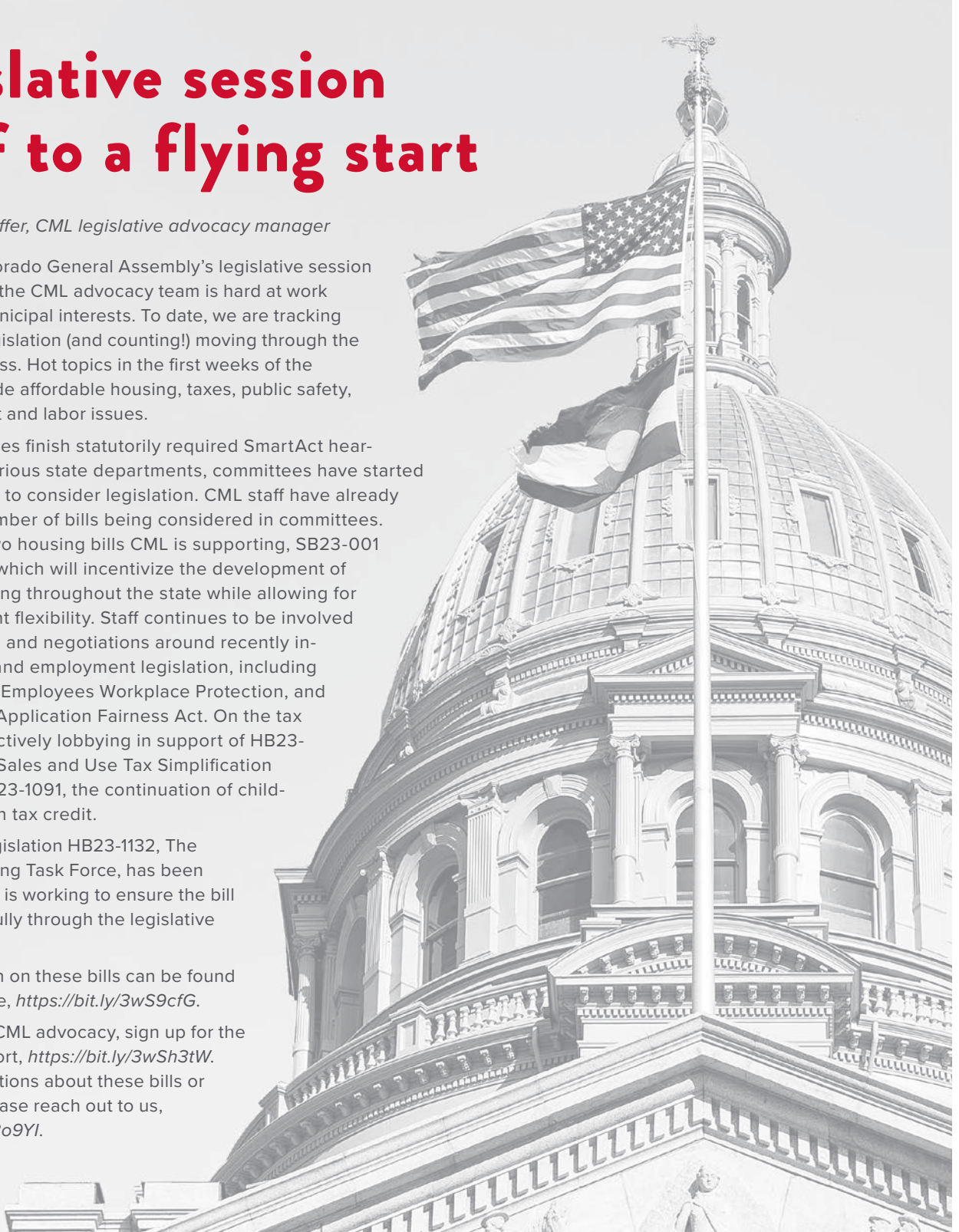
**AS** the Colorado General Assembly's legislative session begins, the CML advocacy team is hard at work representing municipal interests. To date, we are tracking 123 pieces of legislation (and counting!) moving through the legislative process. Hot topics in the first weeks of the legislature include affordable housing, taxes, public safety, and employment and labor issues.

As the committees finish statutorily required SmartAct hearings from the various state departments, committees have started to hold hearings to consider legislation. CML staff have already testified to a number of bills being considered in committees. That includes two housing bills CML is supporting, SB23-001 and SB23-035, which will incentivize the development of affordable housing throughout the state while allowing for local government flexibility. Staff continues to be involved in conversations and negotiations around recently introduced labor and employment legislation, including SB23-111, Public Employees Workplace Protection, and SB23-058, Job Application Fairness Act. On the tax front, staff are actively lobbying in support of HB23-1017, Electronic Sales and Use Tax Simplification System, and HB23-1091, the continuation of child-care contribution tax credit.

CML initiated legislation HB23-1132, The Court Data-sharing Task Force, has been introduced. Staff is working to ensure the bill moves successfully through the legislative process.

More information on these bills can be found on CML's website, <https://bit.ly/3wS9cfG>.

For updates on CML advocacy, sign up for the Statehouse Report, <https://bit.ly/3wSh3tW>. If you have questions about these bills or other issues, please reach out to us, <https://bit.ly/3HB09YI>.



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## Staff anniversaries



This month we are celebrating Database Specialist Mark Vanderbrook's fourth anniversary at CML and



Publication & Design Specialist Alex Miller's first anniversary at CML. Congratulations!

## Inflation, staffing shortages are top concerns for municipalities, according to CML survey

For the first time in the 15-year history of the Colorado Municipal League's State of Our Cities and Towns survey, municipal officials consider inflation to be the greatest cause of concern, followed closely by the tight labor market, affordable housing, unfunded street and road maintenance needs, and unfunded water and wastewater improvement needs.

The 2023 State of Our Cities & Towns survey, administered from August to

September 2022, inquired about the impacts of staffing shortages and inflation on municipal operations, as well as challenges related to housing supply and affordability, water, and navigating the state and federal funding available to address these challenges.

Read the report at <https://bit.ly/3HrnuZE>.

## Deadline for CML Annual Conference scholarship applications is Feb. 24

Plans are underway for the Colorado Municipal League's 101<sup>st</sup> 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. The conference gives attendees 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 as well as 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**.

If you have any questions about the conference or scholarships, please contact Karen Rosen at [krosen@cml.org](mailto:krosen@cml.org).



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

*CML Newsletter* (ISSN 7439903) is published biweekly by the Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207, for Colorado's municipal officials. (USPS 075-590) Periodical postage paid in Denver, Colorado.

**Designer: Alex Miller**  
**Circulation/mailling lists: Mark Vanderbrook**

POSTMASTER: Send address change form 3579 to Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207; (p) 303-831-6411 / 866-578-0936; (f) 303-860-8175.

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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 email CML Research Analyst Melissa Mata, [mmata@cml.org](mailto:mmata@cml.org), or complete the form at <https://bit.ly/3YF8XRM>.



# MUNICIPAL GRANTS & FUNDING OPPORTUNITIES



## Planning grants available for microgrids in Colorado's rural communities

The Colorado Resiliency Office is accepting applications for planning grants for the Microgrids for Community Resilience Grant Program.

A microgrid is a small network of electricity users with a local source of supply that is usually attached to a centralized electric grid but can function independently. The program provides grants to support electric cooperatives and municipal utilities in establishing microgrids in rural communities. These microgrids can keep electricity flowing when the electric grid goes down.

Applicants can submit applications via the DOLA grants portal, <https://bit.ly/2ChoDPY>. More information is available on the Microgrids for Community Resilience website, <https://bit.ly/3jmlmu6>.

The Colorado Resiliency Office will host a webinar on microgrids, in partnership with the U.S. Department of Energy, on **Feb. 14**. It will provide a brief introduction to microgrids in Colorado, background on the Microgrids for Community Resilience program, and examples of community-based microgrid projects. Register at <https://bit.ly/3YhE7O6>.

## Persons Who Wander grant program

The Colorado Bureau of Investigation is accepting applications for the Supporting Recovery Programs Persons Who Wander Grant Program.

The grants will assist local governments in locating persons with medical conditions — such as Alzheimer's disease, dementia, autism, and brain injuries — by encouraging county sheriffs' departments, municipalities, and county or municipal designees to establish recovery programs and provide tools to increase the chances of saving the lives of lost and missing persons.

Applications will be accepted until **Feb. 27**. The grant funds are expected to be available April 1, with all goods and services funded through this opportunity received no later than June 30. More information is available at <https://bit.ly/3jB84Kl>.

The grant may be used to pay for equipment, technology, training, and outreach about recovery programs.

## The 2023 AARP Community Challenge is on!

The AARP Community Challenge provides small grants to fund quick-action projects that can help communities become more livable for people of all ages.

The AARP Community Challenge is accepting applications across three different grant opportunities, two of which are new this year. The program is open to nonprofits and government entities. Organizations are eligible to apply for more than one grant opportunity and may submit multiple applications.

Available grants include:

- Flagship Grants, which fund projects ranging from \$500 to \$50,000 with an average grant amount of \$11,900. AARP welcomes applications for projects that benefit residents, especially those age 50 and older. See <https://bit.ly/3Y0naYN> for project guidelines.

- Capacity-building Microgrants, new in 2023, will combine \$2,500 grants with

additional resources, including webinars and one-on-one coaching, to support walkability and community gardens.

- Demonstration Grants, also new in 2023, will provide up to \$15,000 for accessory dwelling unit design competitions and up to \$50,000 to advance solutions that build capacity toward transportation systems change.

Applications must be submitted through the online application form by **March 15**. Grant recipients and unselected applicants will be notified by email in May. Grantees must execute and email a binding Memorandum of Understanding and completed vendor forms to AARP by **June 14**.

Questions can be submitted to [CommunityChallenge@AARP.org](mailto:CommunityChallenge@AARP.org).

## Energy Office grant programs

The Colorado Energy Office's Zero-Emission Medium- and Heavy-Duty Vehicle Infrastructure Program will provide grants to support infrastructure for transitioning high-emitting fleet vehicles to zero-emissions in communities across the state. The Energy office is also exploring a grant program to help local governments develop eBike rebate programs for low- and moderate-income individuals. Grants would likely be available this summer and require up to a 50% match.

Learn more about these initiative at <https://bit.ly/3XQ4QkV>.

# UPCOMING WEBINARS

## Hayden's Housing Model: How a Small Town is Addressing a Big Issue

Thursday, Feb. 23, 12-1 p.m.

In just 1.5 years, Town of Hayden municipal officials witnessed affordable – and even available – housing become a major issue. Was it growth induced, or was housing always an issue that had simply been ignored? Either way, the town needed to respond, even as its resources were only a fraction of what was available to larger municipalities to the west and east. In this webinar, Town of Hayden staff will cover the story of their housing model, including their objectives, strategies, and tactics as well as how their mission and vision statements guide them forward. Presented by Mathew Mendisco, Hayden town manager, and Tegan Ebbert, Hayden community development director. Register for the webinar at <https://bit.ly/3XMrjiB>.

## Boost Your Employee Benefits with Colorado's 529 College Savings program

Tuesday, March 7, 12-12:30 pm

This 30-minute training will teach you and your Human Resources team about CollegenInvest and how to offer your employees access to the 529 College Savings Program. CollegenInvest is a division



of the Colorado Department of Higher Education. Register at <https://bit.ly/3kUpr9f>.

## Municipal Philanthropy: Lessons From City Give

Wednesday, March 29, 2023, 12-1 pm

In 2019, the City of Fort Collins launched City Give, a formalized structure for philanthropic partnerships and charitable giving. This “in-house” approach to philanthropy allows the city to respond to strategic priorities and community needs that fall outside the city budget but are well-positioned for private funding. Presented by City Give Director Nina Bodenhamer, this webinar will cover topics ranging from charitable tax receipts

to philanthropic policy from financial governance to accepting cash of real property, from how best to partner with friends groups to naming rights. Register at <https://bit.ly/3HrSNDv>.

## Legislative Update

Friday, April 7, 2023, 12-1 pm

Get the latest news on this session of the Colorado General Assembly during this webinar with the CML advocacy team. You will have the opportunity to hear about potential legislation and to ask questions about issues that could affect your city or town. Register at <https://bit.ly/3DvGWDe>.

SAVE THE DATE FOR THE

## INTERNET FOR ALL: COLORADO BROADBAND SUMMIT

APRIL 19 – 20, 2023

THE WESTIN WESTMINSTER  
WESTMINSTER, COLORADO

This day and a half long event will bring together local governments, community leaders, industry, state and federal representatives, and other critical partners from around the state to learn about and discuss key programs that are aimed at expanding broadband infrastructure and promoting digital equity for our residents.

STAY TUNED FOR MORE INFO



Individuals with disabilities requiring an accommodation to attend this event should contact Julia Pulidindi at [jpulidindi@ntia.gov](mailto:jpulidindi@ntia.gov).

## Application period opens for 2023 Sam Mamet award

CML is now accepting applications for the 2023 Sam Mamet Good Governance Award. The deadline for submissions is **March 30**. The Sam Mamet Good Governance Award is awarded annually to up to three individuals who exemplify and seek to expand the application of principles of good governance. These principles may include:

- Efficiency and Effectiveness of Government
- Responsiveness to Need
- Openness and Transparency
- Respect for the Rule of Law
- Accountability to Self and Others
- Inclusivity
- Ethical Behavior and Conduct
- Innovation

- Representation of All Constituencies
- Fiscal Accountability.

The award will be presented at the Monday 100<sup>th</sup> Anniversary Celebration Lunch at the CML Annual Conference. Recipients will receive a complimentary registration to the following year's annual conference and are invited to assist in presentation of the award to their successor or successors.

Any municipal elected official, staff member, or other individual in municipal public service (i.e., board or commission member, volunteer) who exemplifies principles of good governance is eligible to receive the award. Current CML Board Members are not eligible for nomination. Eligible individuals may be presented for consideration through the completion and submission of the application form,

<https://bit.ly/3YIXW6W>. CML Board members and the CML executive director, with approval from the CML Board president, may also add nominees for consideration.

Final selection of the recipients will be made by the CML Executive Board at its regular April meeting, and recipients will be notified and provided with a per diem reimbursement for expenses and one night of lodging, if not already registered to attend the conference.

Information on last year's winner is available at <https://bit.ly/3WZxWNN>.

Please share with anyone who you think may be interested. Please contact Karen Rosen at [krosen@cml.org](mailto:krosen@cml.org) if you have any questions.

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# CML LEGAL CORNER



## The ins and outs of municipal recalls

By Robert Sheesley, CML general counsel

The potential of recall is a fact of political life in Colorado. Voters have a fundamental constitutional right to call for an end to a state or local elected official's term of office. The recall can ensure that voters' desires are heard throughout an official's term and that officials will be held accountable for bad decisions or bad behavior. Recall rights are consistent with Colorado's reservation of rights to its citizens that also includes powers of initiative and referendum.

Recalls might be best viewed as extraordinary measures to be used sparingly. Even though recall proceedings can't occur during the official's first or last 6 months in office, some feel that a recall disenfranchises voters from a relatively recent election or could require a costly special election when a regular election is not too far away. Failed recalls may result in the official being reimbursed for certain expenses. Recalls also may influence an official from using their best judgment in decision-making.

Recall powers are established in Article XXI of the Colorado Constitution and made applicable to municipal officials through Section 4. Statutory municipal recall procedures are set forth at C.R.S. §§ 31-4-501 to -507. Municipalities, both home rule and statutory, have some flexibility to modify these statutory provisions.

### RECALLS ALWAYS START WITH PETITIONS . . .

To start the recall process, a "committee" of 3-5 people files a petition with the municipal clerk demanding the election of a successor of the incumbent official. The

petition must include specific information and contents, including committee members' names and addresses, the name of the municipality, and the name of the officer to be recalled, as well as a disclosure at the top of each page.

Significantly, the petition must include a statement of 200 or fewer words of the grounds for recall. Only voters, by voting in the recall election, can judge whether a recall is appropriate. Neither the clerk, the governing body, nor a court have power to review the statement. If the petition gives rise to an election, the official can include their own statement on the ballot defending their conduct in office.

The committee circulates the petition for signatures by registered electors only after the clerk approves the form of the petition. State law currently sets the number of signatures required for petitions at the constitutional maximum of 25% of votes cast for the office at the last election. For offices that could be held by multiple people (e.g., at-large offices), the total of votes cast at the last election for that office is divided by the number of persons elected at the election before the percentage is applied. Some municipalities require a lower threshold. A prior unsuccessful recall during the official's same term requires a higher 50% threshold.

The clerk, as an impartial administrator, determines whether the complete petition is sufficient in terms of legal requirements. If a protest of the petition is filed, the clerk conducts a summary hearing. The committee has one opportunity to withdraw and fix certain errors.

The clerk's determination is subject to judicial review.

### . . . AND SOMETIMES END WITH ELECTIONS

If the clerk certifies the petition, the governing body must schedule the recall election to be held within 30 to 90 days, unless an upcoming regular election will occur within 180 days. In that case, the recall will be part of the municipality's regular election. The governing body's role is limited to calling the election.

The official's resignation will cancel recall proceedings, including the election, at any point. In that case the governing body, not voters, would fill the vacancy. Otherwise, the municipality conducts the recall election that considers two questions. First, shall the officer be recalled? If a majority of voters vote "yes," then the officer is removed. Second, electors cast votes for nominated successors (who can't include the recalled official). The winner of the election would then take office as provided in statute.

A recall petition and election can be frustrating and disruptive, not only for the elected official involved, but also for the governing body, municipal staff, and community as a whole. The role of the municipality and its officials and staff is to look past the potential divisiveness and work to dispassionately implement the constitutional right to recall in accordance with constitutional, statutory, and local requirements.

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

# CENTURY OF SERVICE



CML Finance and Administration Manager Allison Wright, left, and Executive Assistant Lara Larkin, right, visit the Town of Mountain View. They met with, from second-to-left, Court Clerk Vicki Wilcox, Deputy Town Clerk Amy Jennings, and Town Clerk/Treasurer Margy Greer.



A pair of pups greets CML in the Town of Lakeside.



From left, Littleton City Attorney Reid Betzing, Mayor Kyle Schlachter with dogs Mabel and Luna, Assistant City Manager Samma Fox, Library Director Nancy Trimm, Community Services Director Jennifer Henninger, Assistant City Manager Kathleen Osher, City Manager Jim Becklenberg, CML's Allison Wright, and Communications Director Kelli Narde.

## CML hits the road for 100<sup>th</sup> anniversary appreciation tour

CML kicked off our appreciation tour in January and visited 24 municipalities. We want our municipalities to know how grateful we are for their continued membership in CML and service to Colorado. More information about CML's 100<sup>th</sup> anniversary and a map of municipalities we've visited is available online, <https://bit.ly/3wN1qDT>.

CML visited the following cities and towns in January.

- City of Arvada
- Town of Berthoud
- City and County of Broomfield
- Town of Columbine Valley
- City of Edgewater
- City of Englewood
- City of Fort Collins
- City of Golden
- City of Lafayette
- Town of Lakeside
- City of Littleton
- City of Lone Tree
- City of Louisville
- City of Loveland
- Town of Mountain View
- Town of Parker
- Town of Severance
- City of Sheridan
- Town of Superior
- Town of Timnath
- Town of Wellington
- City of Wheat Ridge
- Town of Windsor



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**Featured in this issue:**

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