



Contemporary representatives of the original municipalities that formed The Colorado Municipal League a century ago gather April 26 on the campus of the University of Colorado Boulder for CML's 100th Anniversary Celebration.

BACK TO THE BEGINNING

Colorado Municipal League celebrates 100 years of local government advocacy

The Colorado Municipal League celebrated its 100th anniversary April 26 at Macky Auditorium, where the first conference was held a century ago. CU President George Norlin's opening remarks from 1923 still ring true today, calling for citizens to join in partnership for the sake of the best life. The fifteen municipalities present shared a dedication to a better future for Colorado and a belief that local government is most effective in resolving public policy issues. Over the past century, the state's population has increased from about 940,000 to more than 5.8 million,

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Jessica Sandgren, Thornton mayor pro tem and CML vice president, speaks with Karen Rosen, CML meetings and events planner, at the anniversary celebration.

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

RECOGNITION

ARVADA UTILITIES DIRECTOR COMPLETES CAPSTONE PROJECT ON LOCAL GOVERNMENT ETHICS

Sharon Israel, director of utilities for the City of Arvada, successfully presented a capstone project entitled "A Model Code of Ethics for Elected Officials in Local Governments in Colorado."

With CML's support, Israel's work studied existing governmental ethical frameworks in Colorado and beyond to recommend new approaches to ethics

codes. The study will inform future CML projects and trainings involving municipal ethics.

A capstone is a client-based research project conducted at the completion of a public administration master's program at the School of Public Affairs at the University of Colorado Denver. Capstone students evaluate programs, research ideas and issues, and help to develop systems for client organizations. Interested municipalities can find more information at <https://bit.ly/421S44S>.

TRAINING

EMERGENCY COMMUNICATIONS COURSE IN CEDAR RAPIDS, IOWA

A free, four-day course in emergency communications is being offered by the Iowa Statewide Interoperable Communications Board. The course will be taught in Cedar Rapids, Iowa, May 22-25.

The All-Hazards Communications Unit Leader course trains emergency responders to serve as radio communications unit leaders during emergency operations. Communications unit leader responsibilities include developing plans to effectively use incident communications equipment and facilities, managing

distribution of communications equipment to incident personnel, and coordinating the installation and testing of communications equipment.

This course is designed for emergency response professionals with an emergency communications background. The course provides Department of Homeland Security-approved instruction in coordinating on-scene emergency communications during a multi-jurisdictional response or a planned event.

More information is available at <https://bit.ly/40EUkhe>.



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, or anything else you're excited about! Email CML Publication & Design Specialist Alex Miller, amiller@cml.org, or complete the form at <https://bit.ly/3YF8XRM>.

RECOGNITION

FORT MORGAN TAKES THE SPOTLIGHT: HGTV MAKEOVER SERIES FEATURES TOWN

Exciting news for Colorado as Fort Morgan, a CML member, was selected to be featured on this season of Home Town Takeover, airing now on HGTV and discovery+. The series will span more than six episodes and feature 18 different projects in the community that were finished in four months. The renovations focus on leveraging Fort Morgan's charm while boosting community pride and ushering in a new era of potential for the town. Projects range from updating the homes of local heroes to revitalizing public parks and sprucing up the downtown business district.

The series kicked off on April 23 and brings together the teams of two of the network's popular shows — Home Town and Fixer to Fabulous. Fort Morgan was selected for its unique history, small-town charm, and community spirit, making it a perfect fit for the series. This opportunity will undoubtedly put Fort Morgan in the spotlight and showcase the town's potential to a national audience.

WEBINAR

COLORADO RETAIL TRENDS

Tuesday, June 6, 12-1 p.m.

Join Aaron Farmer, president of The Retail Coach, and Julie Jacoby, economic development director with the City of Thornton, for a discussion on current retail trends in Colorado. The presentation will also address what municipalities can do to build a strong retail recruitment strategy for their communities. Register at bit.ly/3ADqC1r.

THREE LEADERS, ONE VISION: EMPOWERED CITIES AND TOWNS FOR A STRONG COLORADO



Three of CML's Executive Directors, Kevin Bommer (2019 to present), Sam Mamet (2005-2019), and Ken Bueche (1974-2005) honor the legacy of the Colorado Municipal League at a recent reunion (pictured left to right).





Attendees of the Colorado Municipal League 100th Anniversary Celebration gather outside the Macky Auditorium at the University of Colorado Boulder on April 26.

CML celebrates 100th anniversary in Boulder

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and CML's membership has grown from 15 founding cities and towns to 269 members. Annual dues originally ranged from \$5 for towns under 1,000 population to \$40 for cities of over 50,000 people. While dues may have increased over the past 100 years, CML's vision of empowered cities and towns, united for a strong Colorado, remains strong and steadfast.

Representatives from the 11-founding municipalities who voted to form CML were present to celebrate the milestone and honor the visionary individuals who first answered the call to partnership. Among our 2023 guests, Mayor Marc Williams (Arvada), Mayor Aaron Brockett (Boulder), Mayor Dana Sherman (Brush!), City Administrator Ryan Stevens (Canon City), Mayor Lyn Deal (Fort Morgan), City Manager Greg Caton (Grand Junction), Mayor Pro Tem Don Overcash (Loveland), Town Clerk/Treasurer Kelsey Harms (Haxtun), Mayor Nick Gradishar (Pueblo), Mayor Phil Rico (Trinidad) and Mayor Paul Rennemeyer (Windsor) were present to represent the founding municipalities and recast a vote of support for CML.

Dale Hall, CML executive board president, expressed pride in serving as president during the 100th anniversary celebrations and thanked CU Boulder and the City of Boulder for hosting the event. Hall highlighted that the board presiding over CML's first conference has a lot in common with the visionaries and leaders sitting on the current board of directors, many of whom also were in attendance to celebrate the day.

To further commemorate the occasion, performers from the CU Sandbox Student Series represented this momentous occasion, taking attendees back 100 years. It was a surreal moment to be back where it all began, celebrating the past and looking forward to a better future for Colorado.



University of Colorado Boulder students reenact scenes from the 1923 meeting that established the Colorado Municipal League.



Representatives of some of CML's 11 founding members visit with each other following the anniversary celebration.



MUNICIPAL GRANTS & FUNDING OPPORTUNITIES



COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR NONPROFIT CAPACITY BUILDING

The Department of Local Affairs, through its Division of Housing's Office of Housing Finance and Sustainability, is accepting applications for grants to advance local partner housing development capacity in Community Development Block Grant non-entitlement communities. This is a unique opportunity for DOLA to assist non-entitlement communities statewide in need of increasing the capacity of local nonprofit housing partners with the desire to expand their work, including development of affordable housing using Community Development Block Grant funds.

Applications will be accepted through May 31. More information and application instructions are available at <https://bit.ly/3VaGdzc>.

EPA INVESTS \$41 MILLION TO HELP COMMUNITIES ADDRESS WASTEWATER CHALLENGES

The U.S. Environmental Protection Agency is offering \$41 million in new technical assistance funding under America's Water Infrastructure Act to help communities address urgent wastewater challenges. The new funding, awarded to nine technical assistance providers across the country, will primarily help rural, small, and tribal communities assess water needs, identify solutions, and access funding

from the Bipartisan Infrastructure Law and other federal programs.

Many rural, small, and tribal systems face unique financial and operational challenges, including aging infrastructure, workforce shortages, increasing costs, and declining rate bases. EPA's grant funding will be used to assess communities' most pressing challenges, provide training on water infrastructure and management best practices, help communities navigate the federal funding application process, and strategically invest in reliable infrastructure solutions.

Communities can request assistance by visiting the agency's Water Technical Assistance webpage, <https://bit.ly/421SF6s>.

DOLA awards \$24 million for five affordable housing projects

The Department of Local Affairs, through the Division of Housing's State Housing Board, recently voted on, approved, and awarded more than \$24 million in funding to provide Coloradans more options for affordable housing around the state.

SLOAN'S LAKE (\$5M)

Zocalo Community Development has been awarded \$5 million to support the new construction of a 158-unit affordable housing property one block from Sloan's Lake in west Denver. The project site is located at 16th Avenue and Newton Street, next to the Colorado Acute Long Term Hospital.

SMITH RANCH APARTMENTS (\$3.9M)

The construction of Smith Ranch Apartments in Summit County and the Town of

Silverthorne, a HUD-designated Difficult Development Area, will be a 65-unit affordable housing development. This property will provide 27 one-bedroom, 24 two-bedroom, and 13 three-bedroom permanently affordable homes, along with one employee unit.

The affordable units will serve four households earning 30% of the Area Median Income and 60 households earning up to 60% of AMI.

WATERVIEW HOMES (\$7.15M)

Waterview Homes' intent is to reduce the cost of building new housing stock in rural Colorado by utilizing a prefabricated, panelized home design, low-cost construction finance, and donated land, where possible, into a toolkit. Both phases of the project are located north of the City of Ouray's downtown district.

IMPALA PROJECT (\$3.5M)

The Impala Project, which will provide 86 units for households at 30%-70% AMI with an average of 59% AMI in Larimer County. There will be 29 one-bedroom units, 35 two-bedroom units, and 22 three-bedroom units.

SILVER KEY SENIOR APARTMENTS (\$4.59M)

Silver Key Apartments at South Murray is a proposed 50-unit senior project in Colorado Springs. The building will serve seniors 62 and older who income-qualify between 30% and 60% AMI, averaging 45.60% AMI. Of the 50 units, 13 will be restricted at 30% AMI, 10 at 40% AMI, 13 at 50% AMI and 14 at 60% AMI. The units restricted at 30% AMI will accept age qualified Veterans Affairs Supportive Housing vouchers.

An Earth Day update from the Colorado Resiliency Office

By the Colorado Resiliency Office

Earth Day fell on April 22. Every year, it is an excellent time to reflect on the ways we can go green and focus on climate mitigation, adaptation, resiliency, and sustainability. There are events dedicated to this day that have evolved to become larger and more actionable, extending sometimes throughout the week.

What once started out as a New York City event in the 1970s has now become a global one with more than 17,000 partners and organizations in 174 countries, with an estimated 1 billion people celebrating. This is a great opportunity to think about the services, organizations, companies, and causes you want to support, what projects or volunteer events

you can participate in, and possibly what ideas you have that you can implement and lead in your community.

WEBINAR SERIES

The Colorado Resiliency Office in partnership with the Colorado Energy Office and other state agencies will be bringing back the Climate and Future Adaptations Webinar Series, <https://bit.ly/41Ng4sz>. This is an opportunity offered on a quarterly basis to gain awareness of innovative ideas, conversations, and projects happening around Colorado's commitment to a more climate-adapted and resilient future. This year the series starts off strong with Current Opportunities for Future Progress. Upcoming webinars include Current Opportunities

and Future Progress, Social Equity and Community Collaboration, Risk Reduction and Innovative Technology in the Built Environment, and Economic Vibrancy and Diversity.

PATHWAY TO A SUSTAINABLE FUTURE

The Colorado Greenhouse Gas Roadmap, <https://bit.ly/40JjZFv>, is being updated by the State of Colorado this year. The roadmap serves as a guide for pollution reduction and clean energy transition. It lays out an achievable pathway to meet the state's science-based climate targets of 26% by 2025, 50% by 2030 and 90% by 2050 from 2005 levels. Look for more information later this year on opportunities for stakeholder input.



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<https://www.cml.org/conference>



CML LEGAL CORNER



Constitutional questions for “private” social media use

By Ashlyn DuThorn, CML law clerk

The age of social media is changing the world we live in and the way public officials engage with their constituents. With these fast-paced changes, government entities continue to try to gain clarity around what public officials can legally do with their social media accounts. A related reoccurring question is whether the First Amendment restricts a government official from blocking people or deleting comments on a “personal” or “private” social media account that they may also use to communicate with the public about public matters or their official duties.

The most notable example may be former President Donald Trump’s use of his Twitter account, over which there was “substantial and pervasive governmental involvement” and control, implicating commenters’ First Amendment rights. For local government officials that rely on social media to communicate with constituents, often without support, the answer is murkier but could soon become clear.

SUPREME COURT TO WEIGH IN

The United States Supreme Court recently agreed to hear two cases that will hopefully provide more clarity on this issue. One case, *O’Connor-Ratcliff v. Garnier*, involves a suit against two members of a California school board. The Ninth Circuit Court of Appeals concluded that because the social media pages were “overwhelmingly” geared toward providing official information and soliciting feedback, the board members were acting under the color of state law and blocking members of the public from their accounts violated the First

Amendment. The Ninth Circuit explained that the question is whether the public official’s conduct on their social media account is sufficiently related to the performance of his or her official duties, or whether the public official is instead “pursu[ing] private goals via private actions.”

Lindke v. Freed is a similar case with a different outcome in the Federal courts. Freed — a city manager — had a “public figure” Facebook page, where he identified himself as city manager and shared both public and personal information. After Freed blocked Lindke from the page following Lindke’s criticism of pandemic-related posts, Mr. Lindke claimed that Freed violated his First Amendment rights. The Sixth Circuit Court of Appeals applied the “state-official test,” which asks if the official “is performing an actual or apparent duty of his office or if he could not have behaved as he did without the authority of his office.” In finding that Freed’s use of social media was not a state action and blocking Lindke did not violate the First Amendment, the court emphasized that you must look at the page as a whole, not at individual posts in isolation, and reasoned that the Facebook page did not derive from Mr. Freed’s duties or authority as city manager.

Again, the court explained that a public official’s social media activity constitutes state action only if the official used the account to perform a governmental duty or the social media is under the authority of their office.

COLORADO’S GENERAL ASSEMBLY OFFERS AN ANSWER

Attempting to address the issue, state

legislators introduced House Bill 23-1306 late in this legislative session. The bill defines “private social media” used to discuss public business (e.g., not supported by public resources) and allows elected officials to restrict or bar an individual from their private social media accounts for any reason, “including attempting to chill the speech of another individual.” Sponsors indicated that the framework of the bill comes from the *Lindke* case and likened blocking disruptive commenters to removing unruly attendees from public meetings. The bill’s future is uncertain, both in the legislative session’s waning days and in light of the Supreme Court’s future ruling on the issue.

MUNICIPAL POLICIES REMAIN CRUCIAL

Currently, municipalities handle social media concerns through the implementation of robust, clear policies about what is permissible under First Amendment case law. Social media policies can attempt to guide conduct, preserve First Amendment rights, and limit liability. Overly restrictive policies, however, can be viewed as inhibiting speech of officials or robust engagement. Municipalities — especially those that restrict or promote “private” social media use — should be sure to watch the evolving body of case law and update social media policies to follow the developing body of law under the First Amendment or to avoid unnecessary restrictions.

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



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