



NEWSLETTER

Vol. 49, No. 11, June 2, 2023



100 YEARS OF CML

Informing policy, procedure, and matters of municipal interest

When the Colorado Municipal League's founding members came together in 1923, they determined that the League would be a multifaceted resource for municipalities across the state. In the fourth story of our eight-part series, we focus on one of the Colorado Municipal League's foundational pillars: information.

The League has become a resource for municipalities, and those seeking to understand them, by surveying municipal interests and challenges, responding to inquiries, researching, navigating municipal challenges

and opportunities, and sharing these findings through collaboration and publications.

From training programs to collaborative meetings to publications, the League's role as an information hub has evolved but never wavered. Ensuring our members have access to the most up-to-date information and municipal best practices is essential to ensuring Colorado's municipalities continue to thrive.

Read more about the League's information efforts and the many ways they have grown over the years, <https://tinyurl.com/6k53m6p4>.

Empowered cities and towns, united for a strong Colorado

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO



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.

Editor: Denise White
Designer: Alex Miller
Circulation/ mailing 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.

Subscription to CML Newsletter is offered as a portion of member dues.

Get this newsletter by email. The CML Newsletter is available by email three days before it arrives in the mail! Sign up at bit.ly/CMLNewsletter.

STAFF UPDATE

COLORADO MUNICIPAL LEAGUE WELCOMES NEW LAW CLERK

Sarah Walker, a second year law student at the University of Colorado Law School in Boulder, has joined CML's legal team as a law clerk. Sarah is a graduate of William & Mary with a B.A. in public policy and completed a year of national service with AmeriCorps before beginning law school. Her extracurricular activities include the Acequia Assistance Project, the Environmental Law Society, and she serves as the co-president of the Public Interest Student Association.



LEGISLATIVE WRAP UP

The CML advocacy team hosted a webinar summarizing the work they did to promote municipal interests during this year's Regular Session of the Colorado General Assembly. The team outlined the League's successful effort to organize opposition to the Land Use bill, as well as CML's support for measures supporting criminal justice and housing affordability. A recording of the Legislative Wrap Up webinar is available on CML's website, <https://tinyurl.com/4znjpa7x>

UPCOMING 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, to find out what municipalities can do to build a strong retail recruitment strategy. Register at <https://bit.ly/3ADqC1r>.

RECOGNITION

The City of Brush! held a groundbreaking ceremony May 19 for a 45-unit, one- and two-bedroom apartment complex intended to increase the community's stock of affordable housing. The project received financing from Colorado's Division of Local Affairs, and the City of Brush! provided incentives valued at more than \$400,000. The Meadow Vista apartments are expected to be complete in the summer of 2024.

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>.

State Revolving Fund Eligibility Survey now open

The 2024 Drinking Water and Wastewater State Revolving Fund Eligibility Survey is open through June 30. Additionally, the Water Quality Control Division and Department of Local Affairs are hosting a webinar to help entities understand how to complete the survey.

The webinar is scheduled for June 5, and registration is available online, <https://tinyurl.com/mryfwu2r>. The survey is online at <https://tinyurl.com/5xykjadf>.

The Colorado Department of Public Health and Environment's Water Quality Control Division conducts the State

Revolving Fund Eligibility Survey annually to identify water, sewer, stormwater, and non-point source infrastructure improvement needs throughout the state. Funding is available to implement these capital projects, and the first step toward obtaining these funds is through the survey.

The department encourages all municipalities, counties, districts, public water systems, not-for-profit water systems and other special districts to participate.

The survey is not an application for

funding. It identifies infrastructure improvement needs and estimated costs for addressing those needs. The survey does not obligate communities to apply for funding. Grants and loans from the program cannot be extended to communities that have not responded to this survey.

Regional summits on Bipartisan Infrastructure Law funding

The Infrastructure Investments and Jobs Act, commonly referred to as the Bipartisan Infrastructure Law, offers Colorado communities funding opportunities for a wide variety of projects. Matching projects to available funding sources, putting together a successful application, and understanding the administrative obligations that go with federal funding can all feel overwhelming.

To assist local governments and special districts in navigating these funding opportunities, Colorado is holding a series of regional summits that will provide

information and directions on how to successfully apply for and administer federal funds. More information about each individual summit is available online, <https://tinyurl.com/3b572t7u>.

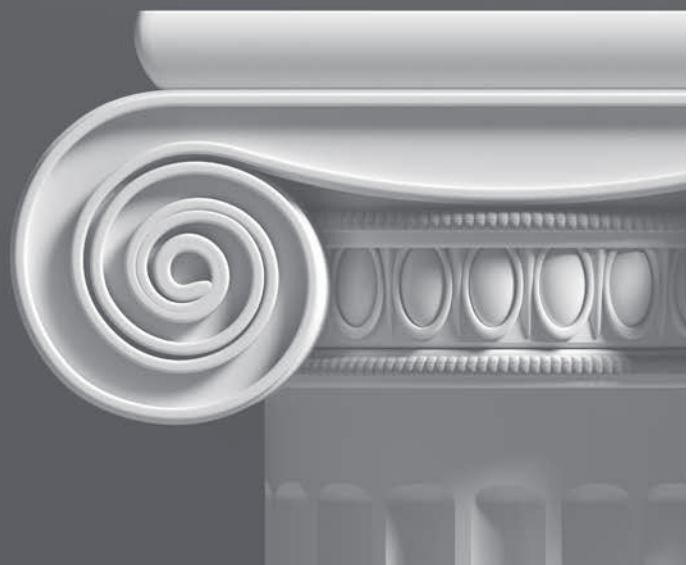
- **June 12** - Regions 13 & 14 - Holy Cross Abbey Event Center, Canon City
- **June 13** - Regions 4 & 7 - Ute Cultural Center, Woodland Park
- **June 21** - Regions 1, 5 & 6 - Old Town Museum, Burlington
- **July 11** - Region 10 - Ouray County Fairgrounds, Ridgway

- **July 12** - Region 9 - Durango Community Recreation Center, Durango
- **July 13** - Region 8 - TBD
- **July 18** - Region 12 - Colorado Mountain College, Breckenridge
- **July 19** - Region 11 - Grand River Hospital, Rifle

ANNUAL SEMINAR ON MUNICIPAL LAW

CML's 2023 Annual Seminar on Municipal Law will provide expert Colorado-specific information directly relevant to the daily practice of municipal attorneys in the state, as well as opportunities to network with peers.

October 6-7 in Crested Butte, Colorado



DOLA awards \$19 million for affordable housing

The Division of Local Government, a division within the Department of Local Affairs, recently granted more than \$19 million across Colorado communities. With the help of these 16 Incentives Grant Program awards, 970 more affordable housing units will be made available to Coloradans.

The Incentives Grant Program was established by House Bill 21-1271 to encourage and expedite local work on the construction of affordable housing. In addition to funding affordable housing projects and programs that exemplify best practices in housing and land use, the program incentivizes municipalities and counties to remove regulatory and procedural barriers to land use.

“The Innovative Affordable Housing Strategies Program has demonstrated not only the significant demand for programs like this, but also the great interest and skill local governments have in making changes to promote affordable housing. The recently awarded communities show a strong commitment to promoting affordable housing development through approaches like streamlining their development review processes, creating a housing authority, developing inclusionary zoning policies, or a combination of many other innovative strategies,” said Mitch Hendrick, program manager at DOLA

Boulder County, Breckenridge, Buena Vista, Craig, Durango, Eagle, Glenwood Springs, Grand Junction, Ignacio, Kit Carson, La Plata County, Lake County, Longmont, Ouray, Salida, and South Fork are among the communities receiving funding in this second and final round.

Buena Vista’s Carbonate Street Phase 1 Project

Carbonate Street Phase 1 will create 60 deed restricted affordable units plus 4,000 square feet of onsite childcare space. The town will use awarded funds to pay for modular housing manufacturing costs associated with a portion of housing units in the development. The housing units will be studio, 1-bedroom, and 2-bedroom units serving households earning between 60% and 120% of the area median income. The town is contributing land at no cost to this development and has led a robust community and stakeholder engagement campaign.

Boulder County’s Eagle Place Acquisition Project

Boulder County, in partnership with the Boulder County Housing Authority, will use grant funds to support the acquisition of Eagle Place, an existing 9% Low-Income Housing Tax Credit

rental property located in Lafayette. Constructed in 2006-2007, Eagle Place includes 60 two-and three-bedroom townhouse apartments. The units range from 40%-60% AMI. The housing authority intends to acquire Eagle Place before the end of 2023 and own and operate the property into the future. It intends to rehabilitate the property to improve unit, building, and overall site amenities for residents, with a focus on energy efficiency.

Breckenridge’s Stables Village Carbon Neutral and Net Zero Project

The Town of Breckenridge will use grant funds to cover a portion of the costs associated with building an innovative, for sale workforce housing development consisting of approximately 61 units in a variety of unit types including single-family homes, duplexes, and townhomes. This project aims to be the first carbon-neutral and net zero affordable housing project in Colorado.

Durango’s Residences at Durango Motel Conversion Project

The City of Durango will use grant funds to cover renovation and construction costs associated with the conversion of the former Best Western Inn and Suites on U.S. Highway 160 in west Durango. Once complete, the development will be home to 120 units of affordable housing, 72 of which will be renovated motel rooms and 48 will be new construction units. The units are targeted at residents who earn between 30% and 60% of AMI.



CML LEGAL CORNER



New campaign finance laws affecting municipalities

By Robert Sheesley,
CML general counsel

For the most part, Colorado's campaign finance and reporting laws disregard municipal elections. Many of these laws, touching on different subject matters, do not reach down to the municipal level, and those that do are left in the hands of municipalities to handle. This year, however, the General Assembly passed House Bill 23-1245 (HB23-1245) to impose campaign contribution limits and more rigorous reporting requirements on municipal elections. Assuming the bill is not vetoed, the bill's requirements will be effective on Jan. 1, 2024, affecting special elections after that date and many April 2024 elections.

All municipalities should consider how this law might apply to their elections and what extra support their clerks might need. For some, it won't make a significant difference in the election, but others will need to provide more education to candidates. Municipalities should also establish a campaign finance violation complaint process.

CONTRIBUTION LIMITS

HB23-1245 sets the following "per election" limits on contributions that a candidate or candidate committee may accept:

- \$400 in aggregate contributions from any one person or political party; and
- \$4,000 in aggregate contributions from a small donor committee.

Statutory municipalities do not appear able to reduce these amounts. Home rule

municipalities, as noted below, can set their own standards or have none at all.

REPORTING & RETENTION STANDARDS

As always, campaign finance reports are filed with and retained by municipal clerks. The bill makes clear that independent expenditure committees making expenditures in municipal elections must also file reports with the clerk.

HB23-1245 increases reporting and disclosure retention standards for municipal campaign finance reports. For municipalities with populations under 1,000, the reporting schedule remains the same. For others, disclosures must be filed 60, 30, and 15 days before an election and 30 days after the election. In off years, a disclosure must be filed annually on the first day of the month when the election would otherwise occur. Reports for runoff elections must be filed 15 days before and after the runoff election.

Municipalities must now retain campaign finance disclosures for ten years from the date of filing, instead of the existing one-year retention period. If a candidate is elected, records must be retained for six years after the person leaves office.

While disclosure records have always been available under the Colorado Open Records Act, HB23-1245 requires that the records must be made available either on a website or for in-person inspection without charge. However, if copies of these records are requested, the municipality may assess an "appropriate fee."

AN EXCEPTION FOR HOME RULE

By its terms, HB23-1245 applies to all municipalities. But the act's provisions are in Colorado's Fair Campaign Practices Act (FCPA), which does not apply to home rule municipalities "that have adopted charters, ordinances, or resolutions that address the matters covered by" the FCPA or article XXVIII of the Colorado Constitution. C.R.S. § 1-45-116. Moreover, article XX, section 6 of the Colorado Constitution expressly establishes the authority of home rule municipalities to regulate "all matters pertaining to municipal elections in such city or town." In 2003, then-Attorney General Donetta Davidson recognized that this "includes rules regarding contribution limits, reporting requirements and the like." Formal Opinion No. 03-01 (Jan. 13, 2003).

Home rule municipalities should consult with their attorneys now to determine what, if anything, needs to be done to avoid the application of HB23-1245 or to incorporate its parts into local laws. Municipalities that already regulate campaign contributions and reporting likely need to do nothing. Others that regulate campaign finance, without addressing contribution limits or reporting expressly, may be able to rely on their existing structures or may wish to adopt local laws to specifically exclude the state law's application.

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

Conference sponsor spotlight: Cigna

Cigna serves those who serve in the public sector.

Public sector employees serve people at the local level. At Cigna Healthcare, we do the same. We're dedicated to promoting the health and well-being of municipal employees. Our integrated benefits and scalable outreach programs are designed to educate, engage, and support local government, K-12 and higher education customers with the goal of making a difference in people's lives and driving positive outcomes.

To learn more visit Cigna Healthcare online at <https://tinyurl.com/43wxz4v2>. All Cigna Health-



care products and services are provided exclusively by or through operating subsidiaries of The Cigna Group, including Cigna Health and Life Insurance Company (CHLIC), (Bloomfield, CT) or its affiliates.

Conference sponsor spotlight: CEBT

In 2008, CML formed a partnership with the Colorado Employer Benefit Trust. CEBT is a non-profit trust that has been providing employee benefits exclusively to Colorado public entities for more than 40 years. Currently, CEBT covers about 37,000 members representing more than 440 Colorado public employers. This includes more than 90 Colorado municipalities.

CEBT offers multiple medical, dental, vision and life plans. Both UnitedHealthcare and Kaiser plans can be offered side by side for any size of employer in a Kaiser service area. Due to its non-profit status, low fixed expenses, and economies of scale, CEBT can offer competitive costs and lower, more predictable rate increases. This makes it a great long-term solution for municipalities throughout the state.

CEBT has been at the forefront of reigning in health care costs for years. In recent years CEBT has:

- Established six CEBT Health Centers across the state
- Implemented Teladoc for members at zero cost to the employees
- Serviced COBRA administration for participating employers
- Returned about \$33 million in dividends to Colorado public entities over past three years



- Negotiated pharmacy contracts returning 100% of rebates to the membership
- Introduced a program for members undergoing surgeries to incur zero out of pocket costs
- Offered an EAP at no additional cost
- Established medical options for retirees
- Implemented disease management and cancer resource services programs
- Offered a cost transparency tool to help members navigate healthcare costs

Benefit packages are a key piece in recruiting and retaining employees, and it is more important than ever to find good benefits at an affordable and sustainable price. As you review your benefit plans, please keep CEBT in mind as an option. Contact them to discuss their unique solutions and consider having them provide a quote for your upcoming medical renewal.

Contact Jim.Hermann@wtwco.com, 303-803-9105, or visit <https://cebt.org> to request a quote.

REGISTER NOW!

AURORA



101st ANNUAL CONFERENCE

JUNE 25-28

GAYLORD ROCKIES RESORT

CML's Annual Conference is your opportunity to meet municipal officials from across Colorado and learn from experts in municipal good governance. The final day to register for the conference is **June 15**, so register now!

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





USPS 075-590

Periodical postage
PAID
at Denver, Colorado

1144 Sherman St. • Denver, CO • 80203-2207

Featured in this issue:

- A look back at CML's history of keeping municipalities informed
- State Revolving Fund Eligibility Survey now open
- DOLA awards \$19 million for affordable housing
- New campaign finance laws that affect municipalities

NEWSLETTER

Vol. 49, No. 11, June 2, 2023

