

## CML ELECTS EXECUTIVE BOARD



**M**unicipal officials from around the state elected representatives to the Colorado Municipal League Executive Board during CML's Annual Business Meeting, held in Aurora on June 27 at the 101<sup>st</sup> CML Annual Conference. CML holds board elections annually per its bylaws. This year, candidates ran for one of 11 positions in various qualification categories.

### NEW TO THE BOARD

- Michelle Eddy, Blue River town manager/clerk
- Dave Kerber, Greenwood Village mayor pro tem
- Shannon Lukeman-Hiromasa, Northglenn mayor pro tem

- Carol Saade, Breckenridge councilmember
- Amanda Sawyer, Denver councilmember
- Anna Stout, Grand Junction council president/mayor

### RE-ELECTED TO THE BOARD

- Barbara Bynum, Montrose mayor
- Liz Hensley, Alamosa councilmember
- James Keehne, Burlington city administrator
- John Marriott, Arvada councilmember
- Robert "Bob" Widner, Centennial city attorney

### CONTINUING TO SERVE

- CML President Jessica Sandgren, Thornton mayor pro tem
- CML Vice President Wynetta Massey, Colorado Springs city attorney
- CML Secretary/Treasurer Seth Hoffman, Lone Tree city manager
- Larry Atencio, Pueblo councilmember
- John Fogle, Loveland councilmember
- Dale Hall, Greeley councilmember
- Carrie Hartwell, Julesburg clerk and treasurer
- Dana Sherman, Brush mayor
- Katie Sickles, Bayfield town manager
- Laura Weinberg, Golden mayor

# EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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## STAFF UPDATES

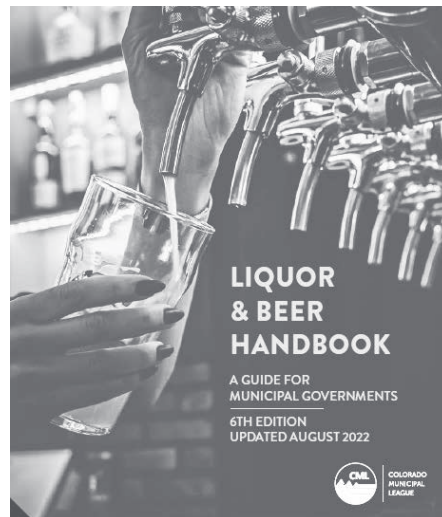


This month, we are celebrating Legislative Advocacy Manager Heather Stauffer's fourth anniversary at CML. Congratulations, Heather!

## CML IS HIRING!

The league is seeking a **municipal research analyst** and a **marketing and communications specialist**. More information is available on CML's job board, <https://tinyurl.com/8nk6xta6>.

## CML PUBLICATION



## REMINDER: CML'S ONLINE LIQUOR & BEER HANDBOOK

With summer comes event season, which in turn brings an increase in applications for special event and festival permits. Don't forget to use CML's Liquor & Beer Handbook, last updated in fall 2022, as a resource for processing those permits as well as answering other liquor licensing questions. Please note that SB23-264 made some changes to the festival permitting process and is not yet included in the Handbook. The Handbook is available to members online for free at <https://bit.ly/3kdTvMF>.

## TRAINING OPPORTUNITIES

### STATE REVOLVING FUND WATER WORKSHOP

The Colorado State Revolving Fund Program is hosting a full-day, in-person workshop to cover State Revolving Fund basics, funding options for drinking water and wastewater infrastructure, planning, asset management, available technical assistance, and current and upcoming regulations. The Northwest Regional Workshop will take place **Aug. 9** in Rifle. Local government decision-makers, finance staff, and operators, along with private nonprofits that operate drinking water systems are encouraged to attend. More information is available from Colorado's Department of Local Affairs, <https://tinyurl.com/2p9uh8yu>.

### OPIOID ABATEMENT CONFERENCE IN MONTROSE

Colorado Attorney General Phil Weiser and the Colorado Opioid Abatement Council are excited to invite leaders and stakeholders from across the state to the second Opioid Abatement Conference. It will take place in Montrose, **Aug. 16-18**. This interactive, three-day conference will include collaborative break-out rooms and networking sessions, and presentations on best practices for addressing the opioid crisis and how to leverage state and national resources. There is no cost to attend. More information is available at <https://bit.ly/42MAuCm>.



## Justice Department recognizes Monte Vista police detective

A Monte Vista police officer received an award from the U.S. Department of Justice.

Monte Vista Police Department Detective Ezekiel Sisneros received the Attorney General's Award for Distinguished Service on May 27 at a ceremony in Washington, D.C. The award recognizes law enforcement officers for outstanding efforts in criminal investigations, community policing strategies, and field operations.

Sisneros received the award for his investigation into a local drug dealer involved in a shooting. The U.S. Attorney's Office prosecuted the dealer and secured a 16-year prison sentence.

In a letter to Sisneros, U.S. Attorney General Merrick Garland wrote, "Officers such as Detective Sisneros are an inspiration to me, our colleagues in law enforcement, and the communities you serve. Thank you for your leadership of this agency and your support of the work that results in honors such as this."



Monte Vista Detective Ezekiel Sisneros, second from left, receives the Attorney General's Award for Distinguished Service. Standing with him are, from left, Director of the Office of Community Oriented Policing Services Hough T. Clements Jr., U.S. Attorney General Merrick Garland; and Associate U.S. Attorney General Vanita Gupta.

## Water workshop provides resources for a resilient water future

Growing populations, deepening water scarcity, and more severe droughts are part of our reality. While the Colorado River Basin states negotiate solutions to account for the projected basin-wide shortage, local communities can use land more efficiently and conserve water as they plan for the future. By integrating water and land use planning, communities can grow sustainably while ensuring healthy and resilient watersheds.

Growing Water Smart is a joint program of the Sonoran Institute and the Babbitt Center for Land and Water Policy, a center of the Lincoln Institute of Land Policy. The workshop's primary goal is educating and empowering local government leaders on the full range of communications, public engagement,

planning, and policy implementation tools to realize their watershed health and community resiliency goals.

Growing Water Smart workshops bring together leaders from a city, town, county, or region to devote two and a half days to learning, collaborating, and strategic planning – leading to action plans tailored to their unique needs. Participants are subsequently eligible for follow-up technical assistance to help implement their action plans. Since 2017, the Growing Water Smart program has trained leaders in 87 cities, counties, and towns, representing communities that are home to 68% of Coloradans. Over 25% of projects from the workshop action plans have been carried out.

The upcoming Growing Water Smart workshop is a partnership with the Colorado River District, whose mission is to protect the viability of the Colorado River for regional, beneficial use and the environmental and recreational values it represents. This workshop is targeted to serve municipal, county, and districts within the Colorado River District's service area. However, all Colorado communities are welcome to apply. The workshop will take place on October 23-25 in Grand Junction, Colorado, and is free for accepted teams, including lodging and meals. Applications are due on August 4, 2023.

For more information about the Growing Water Smart program, please visit <https://tinyurl.com/3u3xknx5>.

# SCENES FROM THE 101<sup>st</sup> CML ANNUAL CONFERENCE



Well over a thousand attendees took part in the 101<sup>st</sup> CML Annual Conference held June 25-28 in Aurora.



Attendees listen to speakers during a Continuing Legal Education session.



Sen. John Hickenlooper takes part in a panel discussion during the Meeting of the Minds Luncheon.



# CML recognizes Good Governance, Legislative Hero award winners

By Denise White, CML engagement & communications manager

The Colorado Municipal League announced that Arvada Mayor Marc Williams and Lyons Town Administrator Victoria Simonsen have been named the recipients of the 2023 Sam Mamet Good Governance Award. The award, established in 2019 and named in honor of retired CML Executive Director Sam Mamet, recognizes individuals who exemplify and strive to promote the principles of good governance.

“This award honors those individuals serving with distinction our state’s great cities and towns. They do so with vision, passion, and always guided by what is in their own community’s best interest,” said retired CML Executive Director Sam Mamet. “All of this represents good governance at its core, and I remain humbled to have this award named in my honor.”

“I have always thought so highly of Sam,” said Simonsen. “He is such a professional with a good sense of humor and so kind and so accessible to everyone that I’m really humbled and honored to be selected this year as a recipient of the Good Governance award.”

“It’s very touching,” shared Mayor Williams on receiving the award. “It’s a culmination of 24 years of giving back to the community and it’s very special.”

To learn more about the winners and watch videos profiling their achievements, visit <https://tinyurl.com/2p8cujuy>.

Award nominations were submitted by CML members and voted on by members of the CML Executive Board. CML received a total of 14 nominations.

The following Colorado leaders were the other nominees:

- Jennifer Allen-Thomas, Commerce City mayor pro tem
- Heather Brooks, Alamosa city manager
- Rebekka Dailey, Wellington town trustee
- Karen Gates Ordway town administrator
- Rick Holman, Breckenridge town manager
- Bryan Lujan, Center town manager
- Bernadette Martinez, Del Norte town manager



Retired CML Executive Director Sam Mamet congratulates the winners the 2023 Sam Mamet Good Governance Award — Arvada Mayor Marc Williams, left, and Lyons Town Administrator Victoria Simonsen.



CML Executive Director Kevin Bommer, center, honors state Senators Barbara Kirkmeyer, left, and Rachel Zenzinger with the CML Legislative Hero award.

- Judy McCormick, Coal Creek mayor
- Tom Piltingsrud, Florence interim city manager
- David Reynolds, New Castle town administrator
- Ashley Smith, Cañon City mayor
- Amy Teetzel, Erie director of administrative operations

In addition to the Good Governance Award recipients, CML honored Senator Barbara Kirkmeyer, R-Brighton, and Senator Rachel Zenzinger, D-Arvida, with the CML Legislative Hero award. This accolade recognizes the senators’ unwavering support, leadership, and commitment to keeping local control local and home rule at home. The last time CML presented this award was in 2009 to Senator Joyce Foster from Denver.

**PLASTIC POLLUTION REDUCTION ACT: INFORMED SOLUTIONS**

Tuesday, July 18, 12-1 p.m.

The PPRA (SB21-1162) went into effect January 2023. As Colorado moves towards further implementation of the Act, making data-driven decisions will allow municipalities and businesses to reduce plastic pollution in their communities. From how restaurants can replace single-use plastics to how municipalities can adopt effective legislation, this panel will share insight into the information needed to make choices to serve your community.

Register at <https://bit.ly/43ima42>.

**DIVERSION PROJECTS**

Tuesday, Aug. 1, 12-1 p.m.

Join CDPHE staff and contractors to learn more about how communities, businesses, non-profits, and others can access Colorado’s Front Range Waste Diversion funding and resources. The FRWD is a state funded enterprise grant

program that provides entities in the Front Range with resources and technical assistance to expand their recycling, composting, reuse, and other efforts. By increasing waste diversion, Colorado prevents valuable commodities from being landfilled, supports local living wage jobs, and creates vibrant, livable, communities. During this lunch and learn, the FRWD team will share information on how to easily access technical support as well as apply for between 10 to 15 million dollars of annual grant funding. Attendees will also learn about immediate actions they can take to improve materials circularity in their communities.

Register at <https://bit.ly/43aklpw>.

**UNDERSTANDING YOUR ASSESSMENT: TAX INCREMENT FINANCING (TIF) PRACTICES AND PROTOCOLS**

Tuesday, Aug. 15, 12-1 p.m.

Every August and December (depending on the county you operate in), county assessors mail out preliminary and final

certifications of value, and urban renewal authorities breathe a collective sigh of bewilderment. Presented in three sentences are estimates of assessed value, base value, and increment value. But how were they calculated? Did they include the right properties in their calculations? Did they capture all new investment in the area, and how much increment should be attributed to individual projects within a shared boundary? Our partners at Downtown Colorado, Inc. are pleased to share this session, which is intended to assist anyone engaged in managing urban renewal resources with answering these questions, as well as setting up processes and protocols to limit uncertainty.

Register at <https://bit.ly/44TjMCX>.

**DOLA awards \$18.6M for housing, down payment assistance**

The Department of Local Affairs, through the Division of Housing’s State Housing Board, voted on, approved, and awarded \$15,174,773 for 384 affordable housing units and \$3,466,611 in down payment assistance across the state.

**AFFORDABLE HOUSING DEVELOPMENT AWARDS**

**Zinnia**

Element Properties was awarded \$4,125,000 for the new construction of Zinnia, a proposed permanent supportive housing project seeking to address the needs of Longmont residents who are experiencing homelessness. All 55 one-bedroom units will be restricted at 30% of AMI with the addition of state-funded Project-Based Vouchers.

**Crossing Pointe South**

\$1,599,000 was awarded for 142 affordable rental units for low income individuals and families in Thornton. The

units will have affordability ranging from 30-70% of AMI. Seventeen units will be available to families earning 40% AMI, and 17 units will be available at 30% AMI.

**The Launchpad**

The PLACE has been awarded \$4,750,000 to assist with new construction of The Launchpad in Colorado Springs. There will be 50 units of permanent supportive housing for unhoused youth (under age 25). Forty-seven units will be 1 bed/ 1 bath, and 3 units will be 2 bed/1 bath. All units will serve 30% AMI households.

**Elevate at Aurora**

Columbia Ventures was awarded \$4,700,000 for Elevate at Aurora, 137 units of affordable rental housing and a community service facility in Aurora. The Project will include 6 studio units, 62 one-bedroom units, 52 two-bedroom units, and 17 three-bedroom units from 30-70% AMI, with average affordability of 57.45%.

**DOWN PAYMENT ASSISTANCE AWARDS**

**Homesfund Mortgage Assistance in Southwest Colorado**

Homesfund was awarded \$1,881,400 for a 3-year contract to continue providing mortgage assistance loans to households at or below 80% AMI.

**Com Act Housing Corporation Western Slope Homeownership Program**

Com Act Housing Corporation was awarded \$1,560,930 for a 2-year contract to start providing down payment assistance loans to households at or below 120% AMI.

**Douglas County Housing Partnership**

The Douglas County Housing Partnership was awarded \$24,681,000 for administrative costs. The partnership helps low-income households purchase their first homes in Douglas County.

# CML LEGAL CORNER



## Anti-“anti-growth law” law takes effect in August

By Robert Sheesley, CML general counsel

On Aug. 7, municipalities must contend with House Bill 23-1255, an overly complicated new law with a simple purpose of preempting a few local growth limitations. HB23-1255 proceeded based on a theory that local laws limiting development to control population growth in particular jurisdictions contributed significantly to a regional or statewide housing supply shortage.

The problem is that only a handful of municipalities had explicit growth limitations and, among them, some were not enforced or imposed caps that were never met. CML opposed the measure and sought amendments to avoid implicating legitimate local practices that the law never intended to target. Instead, lawmakers chose a circuitous route to a questionable goal. As a result, municipal practitioners and planning staff need to be aware of the potential that this law might complicate or frustrate their efforts to improve and update land use laws and policies.

### HOW THE LAW WORKS

Codified at C.R.S. § 29-2-104.2, the law’s prohibition is simple: “a governmental entity shall not enact or enforce an anti-growth law affecting property.” Publicly owned property is exempt. The law applies to any district, authority, or instrumentality of a local government, including home rule municipalities.

The law’s complexity appears first through exhaustive definitions. Instead of simply prohibiting the types of laws that offended state policymakers, the law relies on a defined term, “anti-growth law,” which is a “land use law that explicitly limits”:

- Growth of population in a jurisdiction; or
- The number of residential development permits or applications (including

residential components for mixed use development) that a government can accept, review, or approve.

There are two key elements of this definition. First, the law must “explicitly” limit population or permits. An incidental limitation or limitation where the purpose is not to restrict population or permits should not qualify. Second, the law must restrict population or the number of permits in a set time period (“for any calendar or fiscal year”). Based on its location in the definition, it is not clear whether that time limitation applies only to a law that restricts the number of permits.

The complexity deepens with a definition of “land use law” that seems to include any government action that regulates use or division of property or property interests, from an ordinance down to a policy, guideline, or procedure. (The definition also confusingly includes statutes and ambiguous terms like “requirement”).

### WHAT THE LAW ALLOWS

The law’s reliance on broad definitions required several equally lengthy exceptions to avoid restricting legitimate and necessary actions. Foremost, the law does not mandate the approval of any application and does not preclude land use laws generally, affordability requirements, short term rental regulations, or denying an application for any reason.

CML was concerned with the impact of the law on the traditional power to implement a moratorium on permits or development to address a municipality’s legitimate needs. Although tension remains between home rule authority and the new law, the exception for a “temporary, non-renewable anti-growth law” should provide every local government with sufficient room to address critical issues. HB23-1255 permits such measures, for no more than twenty-four months in a

five-year period, in limited circumstances: following a declared disaster emergency in the jurisdiction; to develop or amend land use plans or laws covering residential development; or to “provide for” extending or acquiring public infrastructure, public services, or water resources. The law does not appear to restrict more than one temporary measure during that same time period, provided the purpose or subject is different.

### WHAT WILL THE IMPACT BE?

Whether HB23-1255 will have any significant impact remains to be seen. For those few local governments with growth limitations, the decision will be whether to modify or repeal existing laws, extend existing laws under the temporary “anti-growth law” exceptions, or confront the conflict between the new statute and home rule authority.

For most municipalities, the biggest impact will be felt in the uncertainty that will accompany every new or existing “land use law.” Municipalities must ask: 1) is this an “anti-growth law”? 2) does this “land use law” fit any of the exceptions? and 3) would this “land use law” fall into the category of “temporary anti-growth laws” and, if so, does it duplicate any similar law from the preceding five years and does it fit the time limitations? Municipalities may also face challenges to “land use laws” from developers and property owners and could be forced into court to defend reasonable and legitimate practices.

For more information on other new laws, please refer to the 2023 edition of CML’s annual publication, *Laws Enacted Affecting Municipal Governments* at <https://bit.ly/lawsenacted>.

*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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# NEWSLETTER

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