



NEWSLETTER

Vol. 49, No. 16, August 11, 2023



100 YEARS OF UNITY

CML's Transformative Annual Conference Legacy

When a small group of municipal officials from across the state came together 100 years ago to discuss issues of municipal interest, this would become the League's Inaugural Conference, and the beginning of the Colorado Municipal League.

The group determined that one of the League's key functions would be to host a conference each year. The intention of the conference would be to bring together local government officials from across the state for collaboration and education.

The League has been committed to fulfilling that

mission ever since. From meeting members in every corner of the state and everywhere in between to helping them collaborate virtually during a pandemic, the League works to bring municipal officials to common ground and share their many accomplishments and lessons learned.

Read more about the issues and programming we've seen at the CML Annual Conference over the last century in the fifth installment of our 100th Anniversary publication, <https://bit.ly/3OOL87u>.

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/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.

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.

TRAINING OPPORTUNITIES

UNDERSTANDING PROP 123 WORKSHOPS

The Department of Local Affairs (DOLA), in partnership with the Office of Economic Development and International Trade and the Colorado Housing Finance Authority, is offering free technical assistance to help local governments understand Prop 123, establish their baselines, and file their commitments in order to opt in to Prop 123.

Join DOLA for a series of webinars through August 2023. Each of these webinars will be tailored to different types of communities and local government representatives are encouraged to register for the session that best fits your community type, though you're welcome to attend any session that works for your schedule.

- Thursday, Aug. 10, 1-3 p.m. | Large Urban Municipalities (pop. 25K and up)
- Tuesday, Aug. 15, 2-4 p.m. | Small Urban Municipalities (pop. 5,000 to 25,000)
- Friday, Aug. 18, 1-3 p.m. | Rural Resort (counties & municipalities)
- Thursday, Aug. 24, 2-4 p.m. | Unincorporated Counties
- Wednesday, Aug. 30, 1-3 p.m. | Rural (under 5,000 pop.)

Each interactive session will feature some example communities for a demo of the baseline tool and explore how adjusting the data impacts the growth calculations. All sessions will be recorded and posted to DOLA's Prop 123 website at <https://engagedola.org/prop-123>.

Attending one of these webinars will be a prerequisite to receiving more tailored technical assistance, which will take the form of small-group work sessions for regional groupings. These 2-hour work sessions may be sufficient to address all questions for each participating jurisdiction. Additional support may be available, depending on the need. If your jurisdiction has not yet had a chance to request additional technical assistance, please fill out this request form.

More information is available from Colorado's Department of Local Affairs, <https://bit.ly/3qpQRqL>.

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>.

CML UPDATE

CML IS HIRING!

Join our team and be a part of something greater! The league is seeking a **legislative and policy advocate**, a **municipal research analyst**, and a **marketing and communications specialist**.

We're looking for collaborative, creative thinkers with high moral standards and a genuine passion to make an impact serving Colorado's local governments. More information is available on CML's job board, <https://tinyurl.com/8nk6xta6>.

CELEBRATE WITH CML

CML wants to hear about your community's successes.
Email CML Publication & Design Specialist Alex Miller,
amiller@cml.org, or complete the form at bit.ly/3YF8XRM.



State law enforcement grants

There are several law enforcement grant opportunities that are currently accepting applications or will be accepting applications soon.

THE STATE'S MISSION FOR ASSISTANCE IN RECRUITING AND TRAINING (SMART) GRANT PROGRAM

The goal of the SMART Grant Program is to provide grants to law enforcement agencies to increase the number of P.O.S.T.-certified and non-certified law enforcement officers who are representative of the communities they serve and to provide training for those additional law enforcement officers. *The deadline to apply is Aug. 16.*

THE LAW ENFORCEMENT WORKFORCE RECRUITMENT, RETENTION, AND TUITION GRANT PROGRAM

Goals of the program are to assist Law Enforcement Agencies in addressing workforce shortages, improve the training given to POST certified Peace Officers, and improve relationships between Law Enforcement and impacted communities. *The deadline to apply is Aug. 16.*

Read more and apply online at <https://tinyurl.com/mur4h8yt>.



CML Executive Director Kevin Bommer, NLC CEO/Executive Director Clarence Anthony, and Colorado Springs Mayor Yemi Mobolade attend the NLC workshop at Cheyenne Mountain Resort.

NLC hosts meeting for state league directors, deputies in Colorado

By CML staff

More than 50 state municipal league executive and deputy directors met Aug. 1-4 in Colorado Springs for the National League of Cities State League Directors and Deputies Workshop. Colorado Springs Mayor Yemi Mobolade was on hand the first day to welcome attendees from around the nation.

Every year, one of the eight NLC regions is responsible for hosting the workshop, but some regions often choose to host it in other states. The Region VI states of Missouri, Iowa, Kansas, Minnesota, and Nebraska decided to bring the meeting to Cheyenne Mountain Resort in Colorado Springs. Kevin Bommer, CML executive director, is in his final year on

the NLC Executive Board representing the Region VII states of Colorado, Montana, Utah, Wyoming, North Dakota, and South Dakota. He is also the chair of the State League Steering Committee and introduced most of the sessions at the workshop.

The annual workshop serves as a key capacity development opportunity for state league directors and deputies, as well as a forum to discuss issues state leagues and NLC are actively engaged with. Topics included leadership development, housing supply strategy roundtables, staff recruitment and retention, advocacy strategies, cybersecurity, intergenerational inclusivity, AI issues, and strategic planning.

METRO AREA BID, DDA, URA MOBILE TOUR

PRESENTED BY COLORADO MUNICIPAL LEAGUE & DOWNTOWN COLORADO, INC.

AUGUST 31, 2023 8:00-4:30PM

ENGLEWOOD |
PARKER

Register at bit.ly/3OrVVEi

CML members can use the code "CML+DCI" to receive \$30 off the non-member registration rate. CML members who are also DCI members already will receive the discount rate.



LEGISLATIVE UPDATES



Upcoming rulemakings that impact municipalities

By CML advocacy team

Unless explicitly exempted, every state agency in the Executive Branch must adhere to the rulemaking process outlined in the Administrative Procedure Act or APA (C.R.S. § 24-4-101). Please visit the Department of Regulatory Agencies website at dora.colorado.gov for a full explanation of the rulemaking process and how municipalities can be involved.

Below are recent and upcoming rulemakings CML staff are watching or participating in.

LABOR AND EMPLOYMENT

- **Fall/winter 2023: Equal Pay Transparency Rules (SB23-105), Prevailing Wage and Residency Rules (SB23-292 and HB23-1252)**
Visit <https://cdle.colorado.gov/laborrules>
These rules will be limited in scope to adopt the career progression posting requirements that changed under SB23-105. CML will engage to advocate for streamlined employer processes.
- **Fall 2023/TBD: Public Employees Workplace Protection (SB23-111)**
Anticipated rulemaking to create and administer a process to accept, review, and investigate complaints or other leads concerning a violation under SB23-111. CML will engage to provide a local government employer perspective.

BEER & LIQUOR

- **Fall/winter 2023: Liquor Rules Working Group**
Visit <https://tinyurl.com/4z7bx3hv>
Proposed rule changes related

to importation and sole source of supply/brand registration and retail warehouse storage permit. Other working group topics may be initiated.

- **Fall/winter 2023: Liquor Advisory Group (not technically rulemaking, but issuing recommendations)**
Visit <https://tinyurl.com/ys9u27mv>
The Liquor Advisory Group is tasked with producing a special report with recommendations regarding statutory alignment opportunities in beer, liquor, and special event codes. CML is engaging to ensure the local government perspective is heard, along with the designated local government advisory group members.

REGULATED SUBSTANCES

- **Fall/winter 2023: Natural Medicine Health Act (Prop 122 and SB23-290)**
Visit <https://tinyurl.com/2s4bud69>
The Natural Medicine Advisory Board will draft rules related to facilitators' qualifications, education, and training requirements and approve required training programs. The board will also draft rules on applications and licensure. CML will be engaging to provide a local government perspective and ensure that the time, place, and manner of regulatory authorities are preserved.

DIGITAL ACCESSIBILITY

- **Late summer/ Early fall 2023: Accessibility Rulemaking Updates**
Visit <https://tinyurl.com/5n6d2wvx>
In response to SB23-244, which modified HB21-1110, the digital accessibility bill, the Governor's Office of Information Technology

will establish a stakeholder engagement plan and start the rulemaking process for digital accessibility rules. OIT anticipates that rulemaking to begin in late summer-early fall timeframe. If you wish to be notified of rulemaking updates and opportunities, please fill out the Accessibility Rulemaking Notification Sign-up online at <https://tinyurl.com/2p9b4he8>.

WATER

In addition to statewide WQCC proceedings, some rulemakings impact only specific regions of Colorado that are not included on the below list. You can review all upcoming proceedings on the Water Quality Control website.

- **Aug. 14, 2023: Regulation No. 11, Colorado Primary Drinking Water Regulations**
Visit <https://tinyurl.com/4h2prj42>
Revisions to the Lead and Copper Rule in section 11.17, Revisions to the Backflow Prevention and Cross-Connection Control Rule in section 11.39 and additional, related revisions throughout Regulation 11.
- **Nov. 13, 2023: Graywater Control Regulation**
Visit <https://tinyurl.com/2abf7d4b>
Proposed rules make several changes to how existing graywater treatment works, including changes to the requirements around notifications to the control basin authority/WQCD. Local public health agencies must update local graywater requirements to be as stringent as the regulation and requirements for updates to local

programs when updates are made on the local level.

- **May 2024: Water Quality Control Fee Setting**

Following the passage of SB23-274, the Water Quality Control Department will be working to determine fee revenues for current services. The Water Quality Control Commission must adopt fees by rule on or before Oct. 1, 2025. The first of these rulemakings is scheduled for May 2024.

SUSTAINABILITY

- **Summer 2023: State Electrical Board Rule on EV Infrastructure**

On July 26, 2023, the State Electrical Board approved rules, on an emergency basis, to implement HB 23-1233. This rule directs permit applicants for electric vehicle power transfer infrastructure as of March 1, 2024, to comply with state statute and the Colorado Energy Office's EV power transfer infrastructure requirements for multifamily buildings found in the Model Electric Ready and Solar Ready Code, created by the Energy Code Board this year. CML opposed HB23-1233 and will follow any additional rulemaking, as well as code development by the Energy Code Board.

- **2023 and 2024: Rulemaking on Extended Producer Responsibility**

On May 16, 2023, the Colorado Department of Public Health and Environment adopted revised regulations in response to HB 22-1355, which established the producer responsibility program for recycling. The revised regulations add a definition of "producer," although the division intends to conduct a more in-depth stakeholder process and rulemaking to address this further in 2024. The regulations also establish a producer exemption dollar limit. Additional regulations on producer responsibility will be forthcoming, and the Joint Budget Committee will consider the official recommendation for the program during the 2024 legislative session. CML is actively following the program's development and coordinating with CDPHE on developing the producer responsibility plan.

AIR QUALITY

- **Aug. 15, 2023: Rulemaking for Greenhouse Gas Emissions from Buildings**

The Air Quality Control Commission will be holding a rulemaking hearing to consider establishing a new regulation to address greenhouse gas emissions attributable to buildings, including building

performance standards for covered buildings, performance standards waivers and extensions, and data benchmarking and reporting requirements.

- **Aug. 31, 2023: Proposed Rule from Regional Air Quality Council**

This summer, the Regional Air Quality Council (RAQC) proposed potential policy changes regarding gasoline-powered push and hand-held lawn and garden equipment. According to the proposal, beginning June 1, 2025, all public entities within the Denver Metro/North Front Range ozone nonattainment area are prohibited from using defined gasoline-powered push and hand-held lawn and garden equipment with an internal combustion engine smaller than 19kw/200cc/25hp between June 1 and Aug. 31. This restriction applies to lawn and garden services contracted for by such governmental entities. This proposal would have a drastic effect on municipal operations and budgets. The RAQC approved the proposal on July 7 this year and finalized the language on July 31. On Aug. 31, the Air Quality Control Commission will consider the proposal and determine whether this proposal will go through rulemaking or whether the commission will recommend legislation to pass the proposal.



ATLANTA

PRECONFERENCE ACTIVITIES AND EXECUTIVE EDUCATION SESSIONS

NOVEMBER
16-18
2023

NOVEMBER 15, 2023

Meeting
the **Moment**

REGISTER TODAY
citysummit.nlc.org

**Experts, renowned speakers
and workshops to strengthen
and build your skills.**

Connect with peers and thought
leaders to learn proven best practices
for serving your community.

CML LEGAL CORNER



Changes to Open Records Laws

By Sarah Walker, CML law clerk

The 2023 Legislative Session saw the passage of Senate Bill 23-286, which makes a few notable changes to the Colorado Open Records Act (CORA). Although proponents initially sought to significantly overhaul CORA, including changes to fee provisions and time frames for producing records, CML, along with other government organizations, were able to successfully scale back the scope of this bill prior to its introduction. In its final form, this bill is meant to improve public access to government records, so it is important that custodians in municipalities understand how this bill changes the records request process and what records are subject to CORA requests. These changes went into effect Aug. 7, 2023.

SUBSTANTIVE CHANGES TO CORA

The first of two substantive changes to the law regards sexual harassment complaints against elected officials. Prior to passage of the bill, records of sexual harassment complaints against elected officials were only available for inspection by a “person in interest.” Under the new law, however, records of sexual harassment complaints against elected officials, and any results or report of investigations, must be made available to the public for inspection if the investigation concludes that the official is “culpable for any act of sexual harassment.”

The new law requires redaction of any information that would identify any accuser, accused who is not an elected official, victim, or witness. It is important to emphasize that this only applies to elected officials, meaning complaints

against unelected municipal officials do not fall under this new provision. Other parts of the Open Records Act can still apply to restrict disclosure of records, but the new provisions require redaction where possible to make the record open to inspection.

The other substantive change made is that custodians may now deny the right of inspection of email addresses, phone numbers, or home addresses provided by a person to an elected official for the purpose of future communications with the elected official. Prior to this legislation, a custodian could deny inspection of only email addresses if they were provided by a person to an agency, institution, or political subdivision for these reasons. The custodian may deny these requests if disclosure would be contrary to the public interest.

TECHNICAL CHANGES TO CORA

The legislation also makes a few technical changes to the records request process. First, it clarifies the requirements related to digital records. Although many municipalities already followed this process, the bill makes clear that municipalities can no longer charge a per page fee when providing public records in a digital or electronic format. Additionally, if the public records are available in a digital format, the custodian must transmit them in that digital format by email or another mutually agreed upon method. The records requester, however, can request a different format for the production of the records. Lastly, the law expressly bans a records custodian from converting a searchable, digital public record into a non-searchable format, unless it falls under one of the exemptions in § 24-72-203(3.5)(b).

Second, custodians are now required to accept credit card payments for CORA fees if they accept credit card payments for other services or products. However, custodians may charge a service fee for credit card payments.

Lastly, the bill prohibits custodians from requiring requesters to show any type of identification when requesting or inspecting records under CORA. There are two exceptions to this change. If a record is confidential and accessible only to “persons in interest,” the custodian may require identification from the requester. Additionally, identification is still required for people who request records required to be kept confidential under § 24-72-204(3.5).

Notably, these technical changes do not impact record request processes under the Colorado Criminal Justice Records Act (CCJRA). However, CORA processes often inform CCJRA processes, and it may be a good practice to implement these technical changes for CCJRA requests to the extent feasible.

LOOKING AHEAD TO FEE CHANGES

While this bill did not change the maximum hourly research and retrieval fee, currently set at \$33.58, municipalities should be aware that Legislative Council Staff will adjust the fee to account for inflation next year. This adjustment is required to be made every five years under § 24-72-205(6)(b), and the new fee will be effective on July 1, 2024.

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

SB 22-032's business license application restrictions now in effect

The restriction on business license applications established by SB 22-032 went into effect on July 1, 2023 (the fee restrictions previously went into effect on July 1, 2022). Under this restriction, municipalities can no longer require a retailer that does not have a physical presence or that only has a limited physical presence to separately apply for a general business license. "General business license" means any license issued by a municipality that a retailer must obtain to legally make retail sales, regardless of what the municipality calls the license. If a municipality requires a general business license, it must automatically issue it at no charge to the retailer, using information

provided by the Department of Revenue. DOR has established a report to provide information to municipalities as required in SB 22-032; if you have questions about DOR's report or need additional information or training, contact DOR at dor_localgovsupport@state.co.us. The business license restrictions in SB 22-032 were intended to apply to all municipalities; if you have questions about how SB 22-032 impacts your municipality or whether it applies to a particular business, please consult with your municipal attorney. If you need additional information about SB 22-032, or sample ordinances for implementing this law, contact Rachel Bender at rbender@cml.org.

CML Webinars

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

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

Every August and December (depending on your county), assessors mail out preliminary and final certifications of value, and urban renewal authorities breathe a collective sigh of bewilderment. Presented are estimates of assessed value, base value, and increment value. But how were they calculated? 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 and setting up processes and protocols to limit uncertainty. Register at <https://bit.ly/44TjMCX>.

KEEP UP with CML's constantly updated training resources! Explore them all at <https://cml.org/home/education-training>.

2023 CML FALL DISTRICT MEETINGS CONNECTING COMMUNITIES

WEDNESDAY, SEPTEMBER 6

District 10 in Delta

District 3 in Lone Tree

THURSDAY, SEPTEMBER 7

District 9 in Bayfield/Ignacio

TUESDAY, SEPTEMBER 12

District 8 in Alamosa

WEDNESDAY, SEPTEMBER 13

District 13 in Silver Cliff/Westcliff

District 11 in Craig

THURSDAY, SEPTEMBER 14

District 12 in Silverthorne

WEDNESDAY, SEPTEMBER 20

District 1 in Sterling

THURSDAY, SEPTEMBER 21

District 6 in Lamar

FRIDAY, SEPTEMBER 22

District 7/14 in Pueblo

WEDNESDAY, SEPTEMBER 27

District 4 in Fountain

District 2 in Loveland

THURSDAY, SEPTEMBER 28

District 5 in Hugo

VISIT

CML.ORG/HOME/
NETWORKING-EVENTS/
DISTRICTS-AND-SECTIONS/
OUTREACH
TO REGISTER



USPS 075-590

Periodical postage
PAID
at Denver, Colorado

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

Featured in this issue:

- 100 years of unity
- Upcoming rulemakings that affect municipalities
- Legal Corner: Changes to Open Records laws
- Fall District meetings

Vol. 49, No. 16, August 11, 2023

NEWSLETTER

