

Finding solutions together

CML, CCI host collaborative meeting on affordable housing

In a bid to address the pressing issue of affordable housing throughout Colorado, a groundbreaking meeting was convened through the joint efforts of the Colorado Municipal League and Colorado Counties, Inc. on Aug. 14. This gathering aimed to provide a platform for diverse groups and individuals to engage in meaningful dialogue on housing in Colorado and potential solutions to the lack of affordable housing across the state.

Held at the League offices, the meeting saw a remarkable turnout from a wide spectrum of stakeholders. In addition to CML and CCI staff, attendees included state officials, chambers of commerce, home builders and developer interests, water providers, housing advocates, and environmental advocates.

The overarching objective of the meeting was clear: to encourage open conversations that respected and welcomed a multitude of viewpoints. As different perspectives were shared, participants aimed not to sow discord but engage in self-reflection to unearth common ground and areas of agreement. The focus was on identifying challenges collaboratively and generating potential solutions that could eventually be translated into legislation.

Key stakeholders, each representing a vital piece of the affordable housing puzzle, voiced their concerns, advocacy, and solution proposals. By fostering such an open exchange of ideas, the convening paved the way for legislation that could be more informed, more comprehensive,



CML PHOTO BY DENISE WHITE

Representatives from a wide variety of stakeholder groups take part in a meeting on housing at the Colorado Municipal League's office in Denver.

and more representative of the needs and aspirations of Coloradans.

The initial discussions revealed several common themes: necessity of regional planning, understanding the notion of "affordable," impact of zoning and land use code while recognizing local control, navigating construction defect conversations and insurability, and minimizing statewide requirements that influence affordability.

Moving forward, the gathering signaled its commitment to sustained progress with a focus on the following steps:

- **Continued Dialogue Engagement**

Attendees expressed keen interest in maintaining an ongoing dialogue, recognizing that solutions would emerge from sustained engagement and collaboration.

- **Concrete Idea Development**

The next phase involves delving deeper into the ideas that surfaced during the meeting. These more targeted discussions will inform potential legislation.

- **Member Engagement and Feedback**

Participants are encouraged to solicit feedback from their members, if applicable, on particular strategies and solutions.

The partnership between Colorado Municipal League and Colorado Counties, Inc. has successfully inspired unity, innovation, and a commitment to addressing one of Colorado's most pressing concerns: affordable housing. CML will continue to update our members on this important process, so look out for future communication from staff.

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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IN MEMORIAM

JOHN FIELDER

John Fielder, Colorado's most prolific and prominent nature photographer died Aug. 11 after a prolonged struggle with pancreatic cancer. He was 73 years old.

No other photographer may have better captured the true nature of Colorado better than Fielder. When former CML Executive Director Sam Mamet retired in 2019, he and his wife Judith underwrote two stunning Fielder photographs representing the Eastern Plains and the West Slope. They are on opposite walls leading to CML's Main Street Room and stand as a permanent reminder of Fielder's work.

The Summit Daily first reported Fielder's passing and said that "during a career that spanned 40 years, Fielder worked to protect Colorado's ranches, open space and wildlife. Over 50 books have been published depicting his Colorado photography. In January 2023, he donated his Colorado photography



to History Colorado. The museum is the home of a collection of more than 7,000 photos distilled from 200,000 he made since 1973, and which are now available to the public for personal and commercial use."

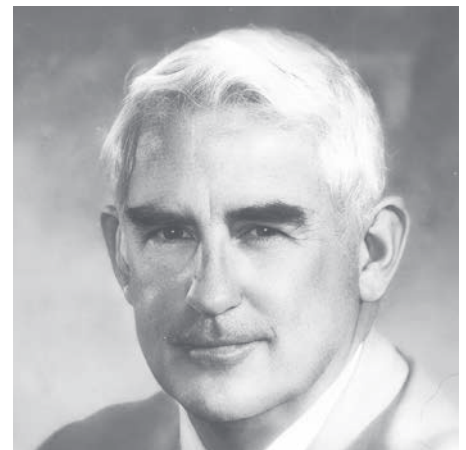
Fielder requested donations be made to Sierra Club, Conservation Colorado, Colorado Open Lands, and Save the Colorado. The family will conduct a private memorial service at a later date.

LEWIS A. "LEW" QUIGLEY

Longtime Pueblo city manager Lew Quigley passed away Aug. 7 at the age of 88. He was born in Kouts, Indiana, on March 11, 1935, and served in the Air Force from 1954-1958. Quigley first arrived in Pueblo in 1975 when he was hired as the Pueblo City Parks and Recreation Director. Twelve years later, he was appointed city manager and retired in 2001. He was a leader among city managers and a great supporter of CML. While always continuing his advocacy for Pueblo after retirement, he also continued in service of municipal interests as an interim manager.

"Lew was a larger-than-life city manager. He did a tremendous job in Pueblo. After his retirement, he served as an interim manager for a number of rural communities and was terrific in this role. It was a privilege to call Lew a friend and colleague," stated retired CML Executive Director Sam Mamet.

On Quigley's watch, several important city improvements he was involved with were completed. These include infrastructure to support new companies



at the industrial park at the Pueblo Memorial Airport, the development of the Pueblo Convention Center and hotel, and the Historic Arkansas Riverwalk of Pueblo.

Quigley is survived by his wife, Peggy Quigley; sons, Lewis D. (Lee) Quigley and Chris A. (Michelle) Quigley; two grandchildren; and two great-grandchildren.

At his request, there will be no service, but condolences may be left at <https://tinyurl.com/yzxjtmfy>.



MUNICIPAL GRANTS & FUNDING OPPORTUNITIES

COMMUNITY WILDFIRE DEFENSE GRANTS

Community Wildfire Defense Grants are available to municipalities in amounts up to \$10 million.

The grants, paid for by the Infrastructure Investment and Jobs Act, are intended to help communities to plan for and mitigate the risk created by wildfire. They can help communities in the wildland urban interface restore and maintain landscapes, prepare for wildfire, and improve wildfire response. The grant program prioritizes at-risk communities in areas with high wildfire hazard potential, as well as low-income communities and communities that have experienced a severe disaster.

More information on applying for a Community Wildfire Defense Grant is available at <https://tinyurl.com/4rwnuhsm>.

DEADLINE EXTENDED FOR BROADBAND GRANTS

The Colorado Broadband Office has extended the application deadline for the Advance Colorado Broadband Capital Projects Fund Grant Program to Sept. 22.

Colorado has \$162 million to award for broadband infrastructure projects. The grant program is designed to fund broadband infrastructure projects for unserved and underserved locations throughout Colorado.

The program is funded by the U.S. Treasury’s Capital Projects Fund, which aims to address challenges laid bare by the pandemic, especially in rural America and low- and moderate-income communities, helping to ensure that all communities have access to the high-quality modern infrastructure, including broadband, needed to access critical services.

More information is available at <https://tinyurl.com/552vdm5r>.

MATCHING-GRANT PROGRAM ACCEPTING APPLICATIONS

Colorado’s Department of Local Affairs is accepting applications for the state’s Local Match grant program. The program helps communities access funding from the Infrastructure Investment and Jobs Act. The program helps local governments meet their non-federal match requirement when they apply directly to the federal government for grants from the Infrastructure Investment and Jobs Act.

More information is available from Colorado’s Department of Local Affairs, <https://tinyurl.com/57sn37fu>. All interested local governments must first contact Kodi Johnson, kodi.johnson@state.co.us before starting an application.

2023 CML FALL DISTRICT MEETINGS CONNECTING COMMUNITIES

CML hits the road in September to visit member municipalities and provide details about our legislative agenda. Don’t miss these opportunities to connect! Register online at <https://tinyurl.com/35b48rjk>



CML UPDATE

CML IS HIRING!

Join our team and be a part of something greater! The league is seeking a **legislative and policy advocate** to represent the policy positions of Colorado cities and towns before the Colorado General Assembly and other state agencies. We’re looking for a collaborative, creative thinker with high moral standards and a genuine passion to make an impact serving Colorado’s local governments. More information is available online on CML’s job board, <https://tinyurl.com/ycxnf9xm>.

FINANCE DIRECTOR RETIRES AFTER 40 YEARS OF SERVICE TO THE TOWN OF GRANBY

CML would like to congratulate Sharon Spurlin, former finance director for the Town of Granby, who retired Aug. 1 after 40 years of employment with the town. According to the Grand County SkiHi News, Mayor Joshua Hardy and the board “gifted Spurlin a piece of art from Winter Park artist Karen Vance. Spurlin said that when Vance worked for the Town of Winter Park ‘years ago,’ she asked Vance why she was ‘wasting your energy when you’re such a good artist?’”

“Sharon was always one of my go-to finance directors, especially for matters impacting rural municipalities,” said Kevin Bommer, CML executive director. “She was a fixture in Granby, and I know her presence will be missed.”



PHOTO COURTESY OF TOWN OF GRANBY

Retired Finance Director Sharon Spurlin receives a piece of art during her final meeting July 25 with Mayor Joshua Harding and Granby trustees.

TOWN OF YAMPA THANKS TREASURER FOR RAISING FUNDS FOR WASTEWATER PLANT

The town of Yampa is tasked with updating its wastewater treatment plant. This is due to violations over the years, lack of infrastructure updates, and new requirements that are being implemented. The project is expensive, with the upgrades expected to cost more than \$9 million. Yampa does not have that disposable income, and raising user fees is not a sustainable solution.

Yampa Treasurer Mary Alice Page-Allen has generated about \$2.4 million in grant money to help pay for this project. She is also working on a ballot question for the November election to increase the town’s sales tax by 2% (still one of the lowest in the county) to assist with paying loan balances.

While there is still a long road ahead, the town believes it is on the right track. Thanks to Page-Allen’s expertise, Yampa is in a great position to continue moving forward.

CORTEZ AWARDED \$825K TRANSPORTATION GRANT

The City of Cortez has been awarded \$825,300 by the U.S. Department of Transportation 2023 Rebuilding American Infrastructure with Sustainability & Equity (RAISE) grant.

This award supports a \$1.03 million planning and design project in Cortez that will evaluate how three interstate highways (160, 491, and 145) intersect and impact the city, with an eye to relieving downtown congestion while improving local mobility, safety, and quality of life. In roughly three phases, RAISE Planning in Cortez will conduct corridor assessments and community conversations, develop engineering and design concepts, and draft a feasibility profile for earliest implementation. The goal is a comprehensive plan that will define capital developments to boost the resident economy over the next decade, balance out traffic and freedom of movement, and foster cultural exchange and investment.

Key in this is the project’s major provisions for broad-spectrum public engagement and dialogue, with citizens and stakeholders collaborating on traffic concerns, needs, and priorities to determine the shape of future mobility and neighborhood wellbeing in the city. It includes a community equity study to consider racial, material, or economic disparities while expanding options for citizen input. RAISE planning thus expands on work now starting with another recently awarded grant, Safe Streets & Roads For All, which aims to establish a Vision Zero Safety Action Plan for Cortez that will pursue essential street improvements. Altogether, the transportation initiatives aspire to improve the distribution of commerce and the positive animation of people on its streets.

The City of Cortez is eager to commence and excited about this project, especially the positive changes it will help foster throughout the community.

CELEBRATE WITH CML

CML wants to hear about your community’s success. Tell us about a grant you’ve won, a new water tank, or anything else you’re excited about. Email CML Publication & Design Specialist Alex Miller, amiller@cml.org, or complete the form at bit.ly/3YF8XRM.

100th ANNIVERSARY TOUR



CML PHOTO

CML visited Estes Park to deliver a batch of cookies to the town hall. Town officials receiving cookies included, from left, Deputy Town Administrator Jason Damweber, Trustee Barbara MacAlpine, Mayor Wendy Koenig, and Town Clerk Jackie Williamson.

Recycle Colorado provides resources for cities and towns

Recycle Colorado has developed a variety of programs and informational resources for municipalities.

The organizations' Municipal Measurement Program collects standardized statewide data to assist with the Colorado Department of Public Health and Environment's ability to measure waste diversion performance and gain visibility into local efforts to reduce waste. The program is available to local government agencies at no cost. More information is available online at <https://tinyurl.com/mvmffh92>.

The Technical Assistance Service Provider program delivers technical

assistance to Front Range communities, from workshops to multiple-month direct consulting support. The program meets communities where they are to help find solutions to their waste diversion problems. The team is able to help with a variety of projects, large and small. More information is available online at <https://tinyurl.com/3p6srbsj>.

The Colorado Construction, Deconstruction & Demolition Policy Toolkit offers practical advice on how communities can tap into the recycling markets for construction and demolition materials. The reuse and recycling of building materials is a proven industry gaining momentum

across Colorado and the U.S. Diverting these materials makes significant impacts to local waste diversion, landfill space, carbon capture, and economic resiliency in local communities. The toolkit is available at <https://tinyurl.com/uwt26re4>.



CML and DCI host fifth annual Metro Mobile Tour

Hit the road to see how public-private partnerships are transforming Colorado.

Many Colorado communities are curious about the various districts and authorities that specialize in the redevelopment of downtown and commercial areas. Business Improvement Districts, Downtown Development Authorities, and Urban Renewal Authorities are

tools available to help municipalities implement their vision through public-private partnerships. What are the differences between these tools, how are they formed, governed, and how do they work? Could they help with downtown development in your community?

Why sit in a conference room to learn, when you can hit the road and tour some

projects in Englewood and Parker? The Colorado Municipal League and Downtown Colorado, Inc. are pleased to announce their fifth annual financing mechanism mobile tour. More information is available at <https://tinyurl.com/2fsd282h>.



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.

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 Mt. Crested Butte, Colorado



CML LEGAL CORNER



Governing without a governing body?

By Robert Sheesley, CML general counsel

Ninety-nine percent of Colorado’s municipalities operate under a form of government that places control of the government in a body comprised of several elected officials. In general, those governing bodies, councils or boards, act collectively and according to majority rule. Members — even mayors — are typically not empowered by law to act individually and without the formal approval of a certain number of their peers. What happens when that board doesn’t have enough members to legally act (a quorum or majority)?

In recent years, some municipalities have faced this question in the most drastic and unexpected way — the sudden loss of all or most members of the governing body. Normally, when a vacancy occurs, the remaining members appoint an elector to the vacancy or vote to call (and fund) a special election. Without a quorum, however, the governing body has not been authorized by statute to take either action.

GETTING BY, BY NECESSITY

The loss of a quorum does not grant the remaining members of the body the authority to act without a quorum. In general, the governing body lacks power to act, even to appoint members to fill vacant seats. The critical need is to reconstitute the governing body as quickly as possible and in a lawful manner.

But bills must be paid and the community still expects services to be provided. Some municipalities have considered — after consultation with the municipal attorney — a common law concept called the “rule of necessity” to authorize lim-

ited actions like approving the payment of bills or calling a special election. First relied on in 1430 in England, the rule has been used to permit officials to hear a matter where they otherwise would have been disqualified because the matter could not be resolved if they did not participate. For a body that has lost most of its members, the rule may be invoked to allow very limited actions.

Colorado courts have not recognized this concept and it should be relied upon only sparingly, if at all. In most cases, some alternative — even delay or inaction — is available and the rule would not apply.

AUTOMATIC SPECIAL ELECTIONS FOR A VACATED BODY

To avoid this prickly situation, CML supported legislation in 2023 to place some procedures around this unlikely, but recurring, scenario. House Bill 23-1185 created a procedure for statutory cities and towns by which a special election can occur without approval of the governing body in limited circumstances. The new law became effective Aug. 7, 2023.

If there are not enough members of the body to establish a quorum (due to resignation, removal, death, or otherwise), the municipal clerk is required to call a special election “to be held as soon as practicable” to fill any vacancy. The elected person will serve until the term begins for a person elected at the next regular election begins. This does not include a temporary lack of a quorum due to an absence from a meeting or a disqualification from a particular matter.

In theory, a body that has lost the ability to muster a quorum could regain sufficient members without the automatic

special election. For example, a previously scheduled special election could bring new members to the body. Because the special election under the new law is automatic, the now reconstituted body is allowed to cancel the special election and appoint persons to any remaining vacancies. The body also could allow the special election to proceed.

PLANNING FOR A LACK OF QUORUM

Hopefully, the automatic election procedures will be invoked rarely. More likely, a combination of absences and vacancies will mean that a governing body only temporarily lacks a quorum to transact business. The unplanned suspension of business can have negative consequences for a government, its personnel, and those doing work in a community. For example, a land use hearing that was noticed may have to be rescheduled or statutory timeframes may require a municipality to act within a limited period or risk losing the opportunity to preserve rights.

Governing bodies should maintain policies to address unplanned continuances for a lack of a quorum. Sometimes a policy may allow those present to vote to adjourn or continue a meeting, despite the lack of a quorum. A local ordinance might provide for the automatic continuance of a hearing without further notice. Avoiding last minute actions and procrastination will keep a municipality from being in the position of needing to schedule a special meeting or delaying important actions.

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

