



Federal grant program aims to make streets safer for all

The Safe Streets and Roads for All discretionary program was established through the federal Bipartisan Infrastructure Law. The program has \$1 billion in grant funding available to fund local government initiatives that prevent roadway deaths and serious injuries.

Metropolitan planning organizations, municipalities, counties, transit agencies, tribal governments, and regional planning organizations are eligible to apply for funding.

Successful applications must include plans to develop or update a comprehensive safety action plan and carry out projects identified in the safety action plan.

There are two types of Safe Streets and Roads for All Grants — Action Plan Grants and Implementation Grants. Communities can use Action Plan Grants to develop or complete a safety action plan or to conduct supplemental planning activities — including goal setting that creates a timeline for eliminating roadway fatalities, safety analysis of existing conditions and historical trends in a community, and engagement and collaboration with the public and relevant stakeholders that allows for community representation in creating the safety plan. Municipalities



can use Implementation Grant funding to transform roadway corridors with high injury rates, develop and expand multimodal networks with bike lanes and pedestrian walkways, create safe routes to schools and public transit services, and improve first responder services.

The deadline to submit a grant application is **Sept. 15**. More information is available at <https://bit.ly/3ptPBid>.

Gunnison gets economic development grant

The Rural Economic Development Initiative (REDI) within the Colorado Resiliency Office recently awarded \$215,000 to the City of Gunnison to support the expansion of local businesses.

With the REDI grant funds, the City of Gunnison, in partnership with the ICELab at Western Colorado University, identified five local businesses to receive subgrants from the program, which will allow them

expand operations in the city. With these subgrants, the business owners believe more than 35 new jobs will be created within the next 2 years.

After meeting with the stakeholders earlier this month, REDI program staff and the local stakeholders agreed this program is helping Gunnison to unlock the potential of their local business community and build economic resiliency.

REDI funding cycle to open in September

A new REDI funding cycle will open **Sept. 1** and close **Sept. 30**. To learn more about REDI and how to apply, visit <https://bit.ly/3AwAfQn>. Contact Patrick Garrett, REDI program manager, with questions at patrick.garrett@state.co.us.

UPCOMING EVENTS



● FALL DISTRICT MEETINGS

Beginning Sept. 6

Visit cml.org to RSVP for yours!

● CML + DCI DOWNTOWN NORTH METRO MOBILE TOUR

Sept. 15

Many Colorado communities are curious about districts and authorities that can focus on redevelopment, reuse, and place management in the downtown or commercial areas of your community. Business Improvement Districts, Downtown Development Authorities, and Urban Renewal Authorities represent some of the tools available to help municipalities implement the vision through public-private partnerships. Learn the differences between these tools, how they are formed, governed, and how do they work. Register here: <https://bit.ly/3B8kHTB>.

● ANNUAL SEMINAR ON MUNICIPAL LAW

Sept. 23–24

CML's Annual Seminar on Municipal Law will take place at the Two Rivers Convention Center in Grand Junction. This seminar provides expert Colorado-specific information that is directly relevant to the daily practice of municipal attorneys in the state, as well as opportunities to network with peers. Register here: <https://bit.ly/3dC8v3M>.

● SIPA'S 10TH ANNUAL USER CONFERENCE

Sept. 27

Take advantage of this one day, no-cost event with multiple themed tracks that have a Colorado focus, excellent keynote speakers, government technology case studies, panels, and more. Register here: <https://bit.ly/3waQ78y>.

● SMALL COMMUNITIES WORKSHOP

Oct. 12

The Small Communities Workshop, taking place Oct. 12 in Chaffee County, brings together insight from Colorado Counties Inc., CML, Colorado Department of Local Affairs, and the Special District Association of Colorado to discuss strategies for strengthening Colorado communities. During this day-long workshop, we will discuss prominent issues facing Colorado's small communities and highlight how some are approaching them. This will be a fantastic opportunity to hear how others are introducing innovative approaches to challenges and discuss those that are unique to your community. Stay tuned for more information!

● CML'S ANNUAL MAYORS' SUMMIT

Oct. 20–21

Save the date! At our Annual Mayors' Summit, CML is bringing together mayors from across the state to discuss critical issues facing their communities and share new and unique ideas. This is a wonderful opportunity to network with colleagues, share your successes, and learn from others. Registration opens soon.

● EFFECTIVE GOVERNANCE WORKSHOP

Dec. 1

CML is excited to bring back our in-person Effective Governance Workshop! This one-day workshop will provide elected officials with important tools to be effective leaders. From open meetings to effectively engaging with the media, this workshop is an educational opportunity you will not want to miss. Registration opens soon.

CML

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: Jennifer Stone
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.



Colorado gets \$45.8 million for major transportation projects

Colorado is receiving \$45.8 million for transportation projects from the Bipartisan Infrastructure law.

Funding Comes from the Department of Transportation’s Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program, created by the Bipartisan Infrastructure Law.

The Westward Three project in Grand Junction, Glenwood Springs, and Rifle will receive \$24.2 million; the Rio Grande Intermodal Transportation Project in Alamosa will receive \$4.7 million; and the West Side Connector Project in Pueblo will receive \$16.8 million.

The Westward Three project will create three new mobility hubs in Grand Junction, Rifle, and Glenwood Springs. The Grand Junction component includes bicycle, pedestrian,

and parking improvements in addition to I-70 Business Loop complete streets improvements. The Rifle component expands and relocates the Rifle Park-n-Ride which is currently exceeding capacity. The Glenwood Springs component redevelops the current park-n-ride into a transit center and creates a grade-separated bicycle and pedestrian underpass.

“This is a huge win for our workforce, pedestrians, bicyclists and the city’s efforts to reduce greenhouse gas emissions,” said Glenwood Springs Mayor Jonathan Godes. “We can now make significant strides in transit connectivity and address critical safety issues at one of our busiest intersections.”

Outdoor recreation grant program opens

Colorado Outdoor Recreation Industry Office (OREC) will accept applications for roughly \$4 million in competitive funding for projects related to economic development and recovery in outdoor recreation. Eligible entities include government bodies, non-profits, universities, and economic development organizations.

The next deadlines are **Sept. 30** and **Dec. 31**. Grants will be given through 2025 or until all funding is allocated. The funds are available as a part of the American Rescue Plan Act. For more information, visit <https://bit.ly/3AxQLji>.

National League of Cities offers infrastructure bootcamp for small, medium municipalities

The National League of Cities and Local Infrastructure Hub is proud to offer a free series of bootcamp training courses designed to help small and mid-sized municipalities secure funding for infrastructure projects.

The Infrastructure Investment and Jobs Act is a \$550 billion investment into American infrastructure. Although this funding is offered to municipalities across the country, smaller cities and towns are not always equipped with the necessary resources to submit strong applications for federal infrastructure money.

Municipalities will learn how to complete an asset map for their community. Using those, they can refine how they build and execute a community engagement

strategy. They will learn how to utilize data to understand problems, test and define solutions, ground applications in data, and ensure their grant applications will achieve the desired outcomes. Bootcamp trainings will provide instruction on budgeting for grant applications, aligning applications with broader federal priorities, and writing winning applications tailored to the policy priorities behind specific grant opportunities.

Spots are limited to the first few hundred municipalities to register, so register before **Aug. 31** and move one step closer to accessing federal infrastructure funding that supports your community. For more information and to register, visit <https://bit.ly/3pu1ZPk>.

2022 Northwest Rural Philanthropy Days coming to Hayden and Steamboat Springs

The 2022 Northwest Rural Philanthropy Days conference is an exciting opportunity for nonprofit professionals, funders, community leaders, distinguished speakers, and elected officials to exchange knowledge and expand professional networks across the region from **Sept. 13-15**.

The conference provides powerful opportunities for nonprofit professionals to meet directly with statewide funders, network with other community leaders across the region, and participate in professional development. To register, visit <https://bit.ly/3QuH22y>.

Equity guidebook for local governments

“Equity: From Interest to Action for Colorado Local Government Professionals” is a new guidebook for Colorado’s public servants who want to make their organizations and communities more equitable but don’t have the tools and knowledge to make it happen.

Breaking down important themes in equity into short, one-page lessons makes this ideal for busy schedules. Written by Matt Hirschinger, assistant to the city manager

of Arvada, it shares two-and-a-half years of graduate research into the intersection between equity and local government in a user-friendly, practical way.

A full-color version is available at <https://bit.ly/3pvaoSu>, and a version designed for better accessibility for people who are visually impaired is available at <https://bit.ly/3K2qigO>.

Webinar on building age-friendly communities

As communities grow proportionally older, will yours be prepared?

LinkAGES and Lifelong Colorado are excited to host a two-part webinar series about age-friendly communities. Age-friendly communities are places where people want to grow up and grow older. In this series, taking place **Sept. 22** and **Oct. 20**, we will explore age friendly communities through an intergenerational lens.

Learn about planning that can be done to prepare your communities and families, and to hear about examples from around Colorado. For more information and to register, visit <https://bit.ly/3AvH9oV>.

Breckenridge to host conference on climate solutions

Mountain Towns 2030 is an annual gathering where mountain and outdoor community stakeholders convene and collaborate on climate solutions — toward a goal of zero net carbon emissions by 2030. The conference will take place **Sept. 20–22**. More information is available at <https://www.mt2030.org>.

Magazine promotes life-long approach to civics education

Civic learning, a key ingredient of any successful democracy, can take a variety of forms and ought to occur in multiple settings, not just high school classrooms. The latest issue of the National Civic Review, published in collaboration with the Kettering Foundation, explores some of the successful strategies that educators, librarians, nonprofit groups, debate associations, public agencies, and collaborative partnerships are adopting to encourage effective civic learning.

To access this edition, visit <https://bit.ly/3QJzeK6> and enter access code: CML22.

Sept. 1 deadline for housing grant program

The Department of Local Affairs (DOLA) received stimulus funds from HB21-1271 to promote innovative solutions to the development of affordable housing across the state.

The Community Development Office is partnering with DOLA's Division of Housing to provide grants to local governments through the Housing Incentives Grant Program. This grant program can help cover tap fees, infrastructure, parks/playgrounds and other needs and amenities that support the affordable housing project. Projects are encouraged to provide community benefits (such as covering tap fees or infrastructure costs for an affordable housing project).

Municipalities and counties are eligible, and individual awards are expected to be \$500,000–\$1 million (with a maximum of \$3 million).

To qualify, local governments must adopt at least three strategies from the menu of policy and regulatory options listed in the program guidelines. For more information on the grant program, visit DOLA's website, <https://bit.ly/3dFQL7N>.

To complete a letter of intent for the grant program, please fill out the form at <https://bit.ly/3PACF9w>. Letters are due **Sept. 1**.

Another DOLA initiative, the Planning Grant Program, has a final funding round deadline of **Oct. 5**. More information is available on DOLA's website.

Contact Mitch Hendrick, 1271 program manager, at mitch.hendrick@state.co.us, with any questions about either grant program.

Tax rebate gives Coloradans an extra financial boost

Get an extra \$750 cash back this fall through the Colorado Tax Rebate. Colorado residents who file their state tax returns by **Oct. 17** will get a check in the mail for at least \$750 by Christmas.

The Taxpayer Bill of Rights in the Colorado Constitution limits the amount of revenue the state may retain and spend each fiscal year. Any revenue collected above this limit must be refunded to taxpayers. This year, Colorado is giving taxpayers their rebate ahead of schedule.

Haven't done your taxes yet? Don't miss out! You can still file. Get started at <https://bit.ly/3K1kMLr>.

2022

CML FALL DISTRICT MEETINGS

Join the CML staff for our annual Fall District Meetings. They provide a great opportunity to learn more about CML's legislative agenda and connect with other municipalities in your district.

SEPTEMBER

- Tuesday, 9/6 — **Burlington** (District 5)
- Wednesday, 9/7 — **Brush** (District 1) & **Golden** (District 3)
- Wednesday, 9/14 — **Cañon City** (District 13) & **Meeker** (District 11)
- Thursday, 9/15 — **Rocky Ford** (District 6) & **Aspen** (District 12)
- Tuesday, 9/20 — **Monte Vista** (District 8)
- Wednesday, 9/21 — **La Veta** (Districts 7 & 14)
- Tuesday, 9/27 — **Ouray** (District 10)
- Wednesday, 9/28 — **Pagosa Springs** (District 9) & **Woodland Park** (District 4)
- Thursday, 9/29 — **Evans** (District 2)

CML LEGAL CORNER



Demystifying attorney conferences under the Open Meetings Law

By Robert Sheesley, CML general counsel

As Colorado's Open Meetings Law (OML) makes clear, "the formation of public policy is public business and may not be conducted in secret." C.R.S. § 24-6-401. Executive sessions are the best-known exception to this policy, and attorney conferences might be the best-known reason for a closed-door session.

Receiving the privileged advice of an attorney on municipal business is a critical part of a board's governance responsibilities. Legal advice helps a board understand the potential boundaries of its authority and potential liabilities for certain actions. A confidential setting allows the whole body to ask frank questions and receive candid legal advice. If made public, a third party could use that information for their personal gain to the detriment of the public.

CONVENING THE EXECUTIVE SESSION

A body may enter executive session for legal advice after a proper motion is approved by a two-thirds majority of the members present. A proper motion includes: (1) specific citation to C.R.S. § 24-6-401(4), including any specific sub-sections covering the topics to be discussed ((b), for attorney sessions); and (2) identification of the matter to be discussed in as much detail as possible without compromising the purpose for the executive session. A motion can include other information for the benefit of the public, such as who will be present in the session.

Identifying the topic of the attorney conference involves a careful balancing to avoid compromising the attorney-client privilege. In 2020, the Colorado Court of Appeals held that just stating that the executive session is "for legal

advice" was not sufficient. The subject matter must be disclosed. The level of detail required is an open question and should be discussed with the municipality's attorney.

The body can enter executive session even without prior notice, especially if the need for legal advice arises unexpectedly. A good (and potentially required) practice, however, is to include the session on the agenda if the need for the session is known.

BEHIND CLOSED DOORS

In the executive session, three things must occur. First, the session must be electronically recorded and the purpose of the executive session, including the specific statutory basis for the session, must be stated. Repeating the substance of the approved motion is generally sufficient. Including other information, such as the date, time, and names of those present, is recommended.

Second, the electronic recording must continue for the whole session unless, in the opinion of the body's attorney, all or part of the session constitutes a privileged attorney-client communication. The attorney's opinion and the fact that no electronic record will be kept should be announced on the recording, but a signed statement by the attorney is sufficient. For most attorney conferences, the recording may be stopped after these statements are made unless non-privileged matters are discussed.

Third, and most importantly, the session should consist solely of receiving legal advice, unless there is another qualifying basis for the session. This discussion can include a candid discussion between the attorney and the body's members in which the client asks questions and

provides information and the attorney offers legal explanations and opinions and asks clarifying questions. Focusing on the attorney as the active participant in the session can keep the discussion focused on legal advice and away from off-topic subjects and debates that should rightly be held in public.

The attorney's professional status is not a license to have closed door sessions on matters that are not part of the legal advice on the particular subject. The OML explicitly prohibits policymaking and formal action in executive sessions, including attorney conferences. Further, just having an attorney present or participating in the session is not sufficient to satisfy the OML.

AVOIDING MISTAKES

An improper attorney conference can result in the disclosure of the electronic record of a session and an award of attorney's fees. Non-compliance with the OML can cause embarrassment, void a body's decisions, delay action, and cause a loss of public confidence. Allowing a third party into the conference can destroy the attorney-client privilege.

Following a script can ensure procedural compliance. Exercising restraint in the session and focusing on the legal topics at issue will help in adhering to the OML's standards. Some attorney conferences can even be avoided by using written attorney communications to address known questions and to provide detailed background.

CML's book, "Open Meetings, Open Records," is available free to members on at www.cml.org.

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

RESEARCH CORNER

Local election officials concerned about safety

IN March 2022, the Brennan Center for Justice released findings from a poll of local election officials from around the country. The survey reveals that election officials are facing threats and concerned about the safety of their colleagues. More than one-quarter worry about being assaulted on the job.

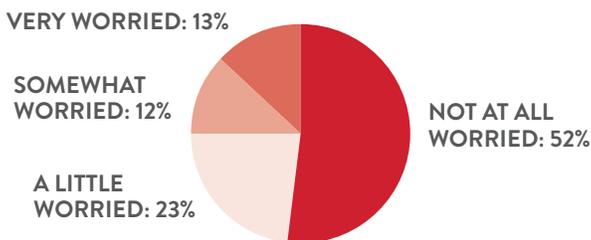
Most election officials like that their jobs allow them to be involved in their local community and the democratic process. Because of the current environment surrounding elections, however, 20% of election workers are “very” or “somewhat” likely to leave the field before the 2024 presidential election. Almost one-third know of election workers who have left their jobs made their decisions at least in part because of safety concerns.

The Brennan Center is a nonpartisan law and policy institute, striving to uphold the values of democracy. Learn more at <https://bit.ly/3dm7YCS>.

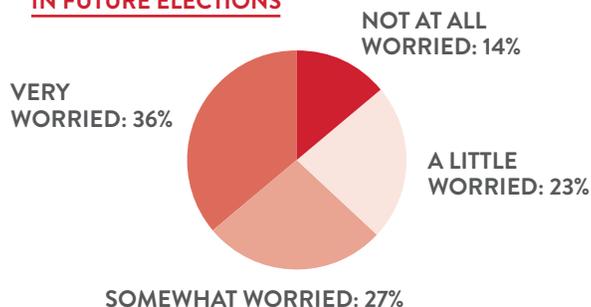
POLITICAL INTERFERENCE

► Election officials were asked how much they worried about interference by political leaders prior to the 2020 elections and how worried they are about future elections. The contrast was stark.

BEFORE 2020

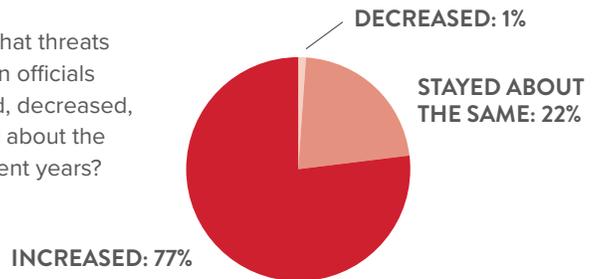


IN FUTURE ELECTIONS

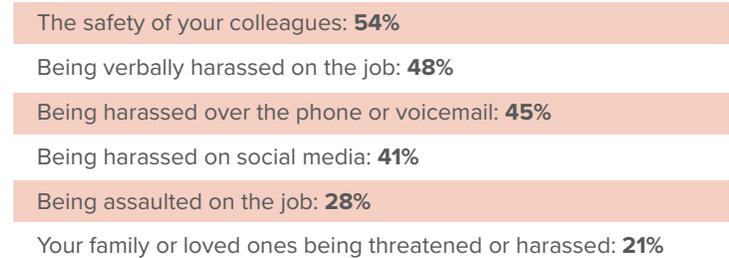


THREATS & HARASSMENT

► Do you feel that threats against election officials have increased, decreased, or have stayed about the same as in recent years?

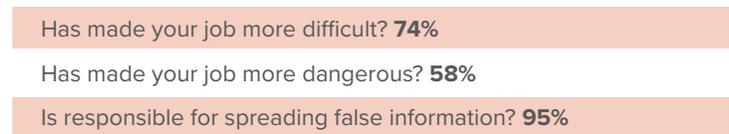


► Percentage of election officials who are “very” or somewhat” concerned about the following in future elections.



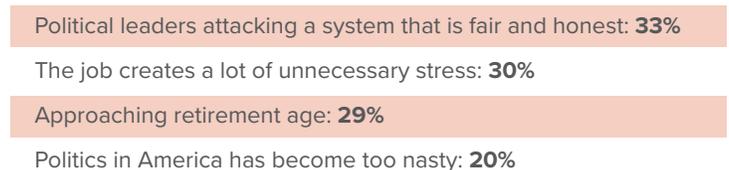
SOCIAL MEDIA

► How much, if at all, do you believe social media ...



LEAVING THE JOB

► Due to the current elections environment, 20% of election workers are “very” or “somewhat” likely to leave the field before the 2024 presidential election. Here are the top reasons election officials are considering leaving.





COLORADO
MUNICIPAL
LEAGUE

USPS 075-590

Periodical postage
PAID
at Denver, Colorado

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

Featured in this issue:

- \$1 billion available through Safe Streets and Roads for All grant program
- Colorado receives \$45.8 million for transportation projects
- Bootcamp program teaches municipalities how to compete for grants
- Research Corner: Local elections officials are worried about their safety
- Legal Corner: Demystifying attorney conferences under the Open Meetings Law

Vol. 48, No. 17, August 26, 2022

NEWSLETTER

COLORADO
MUNICIPAL
LEAGUE

