



Affordable Housing Transformational Task Force legislation introduced

By Meghan Dollar, CML legislative advocacy manager

The Affordable Housing Transformational Task Force is made up of legislators and members of the governor's cabinet. They were tasked with issuing a report with recommendations to the General Assembly and governor on policies to create transformational change in affordable housing using \$400 million of federal Coronavirus State Fiscal Recovery Fund. In January, the task force released a report with its recommendations for funding. The bills below are a result of those recommendations. CML supports all the legislation, and we are so pleased to see the legislature prioritize housing with American Rescue Plan Act (ARPA) dollars.

HB22-1282 Incentivize Production of Modular Homes

HB22-1282 creates the Innovative Housing Incentive Program within the Office of Economic Development (OEDIT). A business located in Colorado that produces modular housing may apply for funding through the program. Funding may be awarded through grants for capital operating expenses and for incentives for units manufactured based on criteria established by the office, such as affordability. CML supports the expansion of types of housing and increasing the supply of housing.

HB22-1304 Housing Grants for Local Governments and Nonprofits

HB22-1304 creates two state grant programs: the Local Investments in Transformational Affordable Housing Grant Program, administered by the Division of Housing (DOH), and the Infrastructure and Strong Communities Grant Program, administered by the Division of Local Government (DLG) in the department. Both divisions are in the Department of Local Affairs (DOLA).



The affordable housing grant program provides grants to local governments and nonprofit organizations to enable such entities to make investments in their communities or regions of the state in transformational affordable housing and housing related matters.

The strong communities grant program provides grants to eligible local governments to enable them to invest in infill infrastructure projects that support affordable housing. The strong communities grant program portion of the bill requires a multi-agency group, comprised of DLG, the state energy office, and the Department of Transportation, with the assistance of stakeholders, to develop a list of sustainable land use best practices that will accomplish the goals of the grant program and improve a local government's viability in being considered for a grant award.

SB22-146 Expansion of CHFA Middle Income Program

SB22-146 transfers \$25 million to DOLA for expansion of the Middle-income Access Program created and administered by the Colorado Housing and Finance Authority (CHFA). The program serves individuals

who are housing cost burdened but do not meet the requirements of low-income vouchers. This is one of several bills that will use ARPA dollars to create more access to housing and has CML's support.

SB22-159 Housing Revolving Loan Fund

SB22-159 creates the Transformational Affordable Housing Revolving Loan Fund program in DOH in DOLA as a revolving loan program in accordance with the requirements of the bill and the policies established by DOH. The loan program provides flexible, low-interest, and below market-rate loan funding to assist eligible recipients in completing the eligible loan projects. This is a recommendation from the Affordable Housing Transformational Task Force and CML is supportive of the legislation.

SB22-160 Loan Program Resident Owned Communities

SB22-160 establishes a revolving loan and grant program to help finance mobile homeowners seeking to organize and purchase their mobile home parks.

For more information on this legislation, contact Meghan Dollar at mdollar@cml.org.

IN MEMORIAM



CML was sad to learn of the passing of Town of La Jara Trustee MaryAnn Gallegos. She was appointed to the Board in 2014 and served two 4-year terms. On January 6, 2022, she passed away, just three months short of eight years of service to the town. During her tenure, she was a strong advocate for senior citizens and the local businesses in La Jara. She was very committed to her responsibility as a board trustee, was always prepared for board meetings, and kept her fellow trustees on their toes. MaryAnn will be deeply missed.

IN RECOGNITION

CML recognizes the following elected officials who will be leaving office at the conclusion of their current terms. We thank them for their service to their communities.

- Ignacio Mayor Stella Cox and Trustee Dixie Melton. Cox has served as mayor for eight years, following service as a trustee, while Melton previously served on the

Planning Commission before her time on the board of trustees.

- Fleming Mayor Sue Einspahr who in addition to her eight years on the board, previously served the town as the clerk and treasurer.

If you or someone you know deserves recognition, please email Melissa Mata, mmata@cml.org.



Registration now open!

cml.org/conference

CML's 100TH Annual Conference is sure to be one to remember.

With over 40 sessions, two keynotes, and a 100TH Conference celebration, you won't want to miss it. See you there!

Update on deadlines for FAMILI program

CML's March 25 newsletter indicated that the deadline for municipalities to vote to decline participation in the FAMILI paid leave program was July 1. The FAMILI Division may clarify that the deadline is

later in the year. Look for a Knowledge Now publication by CML in the coming weeks as well as updates and webinars from the FAMILI Division (<https://bit.ly/3iQmNNN>) for more information.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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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.

Clerk training opportunity in Grand Junction

The Grand Junction City Clerk's Office and the State Liquor Enforcement Division will host a Clerk Training and Update on **Thursday, April 28**, from 1–3 p.m. in the City Hall Auditorium (250 N. 5th St., Grand Junction).

Director Michelle Stone-Principato, Deputy Director Andrea Jones, Agent in Charge of Licensing Robert Darrow, Licensing Manager Zohra Ray, and Agent in Charge of Enforcement Brian Turner will provide training on the below topics and a Q&A session.

- **Liquor Licensing 101:** Presented by Agent in Charge of Licensing Robert

Darrow and Licensing Manager Zohra Ray. Review of retail liquor license applications for new, new concurrent and transfers as well as state issued licenses and the Colorado Liquor Sales Room application (DR 8057).

- **Legislative & Division Updates:**

Presented by Director Michelle Stone-Principato and Deputy Director Andrea Jones.

- **LED Enforcement Overview:** Presented by Agent in Charge of Enforcement Brian Turner.

Please RSVP by **April 25** to cityclerk@gjcity.org.



Bipartisan bill to address fentanyl crisis introduced in state legislature

By Meghan MacKillop, CML legislative and policy advocate

Lawmakers, alongside Gov. Jared Polis, unveiled a bipartisan bill to address the increasingly worsening fentanyl crisis in Colorado. House Bill 22-1326 (<https://bit.ly/36Lqz8r>) was introduced with the intention of punishing suppliers of fentanyl while outlining a pathway for substance abuse treatment and increased harm reduction measures throughout the state. Fentanyl overdose deaths have dramatically increased across the nation since 2014, including in Colorado. According to recent reporting by CPR, fentanyl overdose deaths have increased more in Colorado than any other state in the country, except Alaska, between 2015 and 2021. The sponsors of the bill, Speaker of the House of Representatives Alec Garnett (D), Rep. Mike Lynch (R), Sen. Brittany Pettersen (D), and Sen. John Cooke (R) have said that the introduced bill is a comprehensive approach to address this serious public health crisis — providing increased treatment for those facing substance addiction while targeting distributors of the dangerous drug.

In short, the bill:

- Increases penalties for dealers caught with smaller amounts of fentanyl
- Increases penalties for dealers where the dealing of fentanyl or a mixed compound drug containing fentanyl leads to a death
- Provides more opioid antagonists and fentanyl testing strips to groups across the state, including local governments
- Requires education and treatment programs for people who are convicted of possession of fentanyl.
- Expanding the places where people can obtain Narcan and testing strips to include schools
- Requiring jails to provide opioid antagonists to people with substance abuse disorders upon their release
- Requiring community corrections programs to assess people for withdrawal and provide them with the appropriate treatment
- Permitting the Correctional Treatment Board to send money to corrections facilities to help with overdose prevention.

As introduced, the bill does not roll back provisions of a bill passed in 2019, which reduced penalties for possession of fewer than four grams of Schedule I and Schedule II drugs, including heroin and fentanyl. Law enforcement agencies are advocating for the bill to be amended to create harsher penalties for simple possession of the drug; however, the sponsors of the bill have indicated that there are no plans to make such changes to the bill.

Important in the bill are the significant increases in the investment of harm reduction strategies to address the fentanyl crisis in the state. These strategies include:

- Mandating residential treatment as a condition of probation for certain offenses, as well as a fentanyl education class to be developed by the state office of behavioral health

\$20 million is appropriated from behavioral and mental health funds to an opiate antagonist bulk purchase fund to facilitate lower-cost bulk purchases of Narcan and testing strips. The bill also allocates \$6 million to expand the state's harm reduction grant program and broadens the eligible organizations and how they can spend grant awards. Finally, the bill requires the Colorado Department of Public Health and Environment to create a statewide fentanyl prevention and education campaign.

The bill is scheduled in the House Judiciary Committee on **Tuesday, April 12**. If you have questions about the bill, please reach out to Meghan MacKillop at mmackillop@cml.org.

Colorado Municipal League publishes housing resource online

Based on the data collected through CML's State of Our Cities and Towns Report (<https://bit.ly/34pxFOZ>), housing is a key issue for Colorado's municipalities. More than two-thirds of respondents named housing affordability as one of the biggest challenges facing their municipalities over the next five years. Additionally, a majority (63%) of municipalities feel housing supply and affordability issues have gotten somewhat or much worse over the past three years.

2021 CML Executive Board President Kathi Meyer chose to feature housing as her CML President's Initiative. Following

her departure from the Board due to term limits, Robert Widner became CML Executive Board President and elected to keep housing as this year's President's Initiative. A special subcommittee of the CML Executive Board was created to tackle the issue of housing and create a vision and programs to supply CML members with the tools they need to increase housing in Colorado.

In line with the goals of the subcommittee, CML has created an online clearinghouse to provide CML members with resources related to housing. Featured resources include CML publications and recordings

of trainings, sample housing assessments and plans from Colorado municipalities, information about grant funding available to municipalities to develop affordable housing, sample Requests for Proposal for plans and projects related to housing and homelessness, housing-related job descriptions, and examples of short-term rental taxes and regulations.

Explore the resource at <https://bit.ly/35vltvu>.

If you would like resources from your municipality to be included in the online resource, please send materials to Melissa Mata at mmata@cml.org.

Main Street: Open for Business grants are producing results

Senate Bill 21-252 (<https://bit.ly/3KMO53n>) provides the means to support efforts by local governments to engage in small business relief through Main Street: Open for Business (<https://bit.ly/37CCLsx>).

This initiative supports façade improvements and energy efficiency projects for businesses in the state's traditional downtowns.

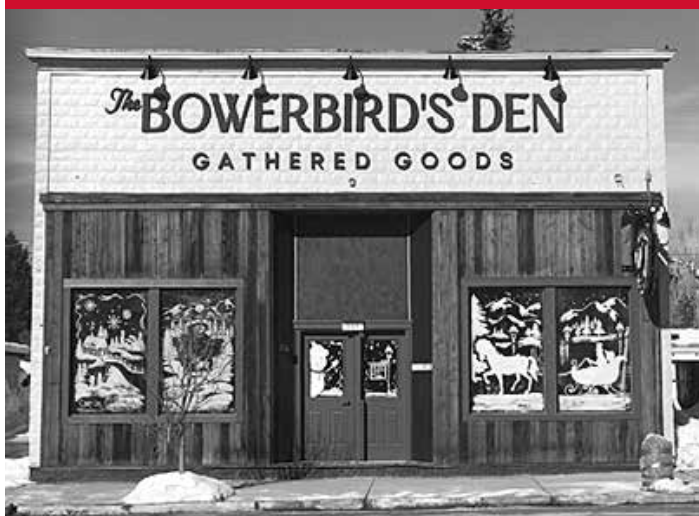
The \$6 million in general grants are at work throughout the state, as seen

in Granby, where a grant helped to transform the former Antique Mall into The Bowerbird's Den. Stay tuned as more projects near completion this spring. All work must be finished by **June 30**.

BEFORE



AFTER



The Economic Importance of Managed Parking

Access and mobility are key to your downtown's success—and that means more than just providing parking spaces.

In a recent CML webinar, Andrew Vidor and Mallory Baker of Walker Consultants' Denver office discussed the economic importance of

a well-managed parking and mobility system in your community. A well-managed parking system can boost your downtown's activity, attractiveness, and help build a story of success for your local businesses. Watch the webinar at <https://bit.ly/3Lvs6hH>.





UPCOMING EVENTS

April 14

<https://bit.ly/3Ke0Eoe>
Election Webinar

◆ Worth 1 MUNIveristy credit

April 26

<https://bit.ly/3Ifmo1C>
Colorado Unify Challenge

April 22

<https://bit.ly/3qRvz26>
Statehouse Report

April 25

<https://bit.ly/3DwECL5>
Housing Needs Assessments Webinar

◆ Worth 1 MUNIveristy credit

May 16

<https://bit.ly/373fDmu>
Effective Governance Webinar

◆ Worth 2 MUNIveristy credits

May 19

<https://bit.ly/3ifaeuQ>
Overview of CHFA's Colorado
Affordable Housing Developers Guide

◆ Worth 1 MUNIveristy credit

New Associate Member highlight: Magellan Advisors

Magellan Advisors provides planning, engineering, grant development, implementation, and management of the fastest, most technologically advanced fiber and broadband networks.

Their mission is to connect every community, one at a time, to the digital



economy so that no one is left behind. Their goal is to find practical broadband and technology solutions that their clients can implement in their communities.

Through Magellan's services, more than \$1 billion in new broadband investments have connected more than 1,000 schools, hospitals, libraries, and governments with fiber-optic broadband.

Learn more at www.magellan-advisors.com.

Bureau of Reclamation investing in small water efficiency projects

The Bureau of Reclamation announced that the WaterSMART Small-Scale Water Efficiency Projects grant opportunity is now available for small, on-the-ground projects that conserve, better manage, or use water more efficiently in the West. The Bipartisan Infrastructure Law and, when enacted, 2022 appropriations will fund the selected projects.

"Today's announcement illustrates how the funding provided by the Bipartisan Infrastructure Law will allow Reclamation to leverage and amplify successful and proven tools," said Assistant Secretary for Water and Science Tanya Trujillo. "These additional funds will expand the number of on-the-ground projects and further support western communities to improve water conservation and reliability."

"These small, community-led projects can help western communities address some of their water management issues," said Reclamation Acting Commissioner David Palumbo. "The Bipartisan Infrastructure

Apply for funding

The funding opportunity is available at www.grants.gov by searching for opportunity number R22AS00163. Applications are due on **April 28, 2022**, at 4 p.m. MDT. Eligible applicants include states, Indian Tribes, irrigation districts, or any other organization with water or power delivery authority in the Western United States or territories. An applicant is eligible for up to \$100,000, and the total project costs should be \$225,000 or less.

For more information, contact Peter Soeth at psoeth@usbr.gov.

Law is allowing us to reach many Western communities where they have identified a need but not necessarily the funding to complete the work."

The Bipartisan Infrastructure Law contains \$400 million over five years for WaterSMART grants, including small-scale water efficiency projects. In 2022, Reclamation is making \$160 million available and will release other funding opportunities this spring.

To learn more about how Reclamation is implementing the Bipartisan Infrastructure Law, please visit <https://on.doi.gov/3KGt6z8>.

For more than 100 years, Reclamation and its partners have developed sustainable water and power solutions for the West. This funding opportunity is part of the Department of the Interior's WaterSMART Program, which focuses on improving water conservation and reliability while helping water resource managers make sound decisions about water use.

Find out more at Reclamation's WaterSMART program webpage, <https://on.doi.gov/3vQbQmP>.

CML LEGAL CORNER



A good CORA policy can save resources and ensure compliance

By Megan Decker, CML law clerk

The Colorado Open Records Act (CORA), codified in C.R.S. § 24-72-200.1 to 206, is meant to facilitate open and transparent government by providing members of the public access to “public records” at reasonable times. It’s easy to see how such a broad statute would give rise to massive record requests, quickly taking up valuable time and infringing on or delaying other important municipal tasks. In response, courts have recognized that the act “strikes a balance between the statutory right of members of the public to inspect and copy public records and the administrative burdens that may be placed upon [government] agencies in responding to such requests,” *Pruitt v. Rockwell*, 886 P.2d 315, 317 (Colo. App. 1994). To aid this balance, CORA allows municipalities to charge fees for CORA requests and to create policies around responding to CORA requests.

Brief overview of CORA requirements

At its most basic level, CORA requires municipalities to respond to record requests by producing the requested document(s) within three working days unless an exception applies, or extenuating circumstances exist, which grant the municipality seven additional days. CORA contains detailed but incomplete definitions of what constitutes a record and when a record must, may, or cannot be disclosed.

Constructing a good CORA policy

A good CORA policy should fill in the gaps in CORA’s often unclear statutory language and encourage the submission of reasonably detailed requests; it should also include a statement of purpose, a brief background on CORA, and a detailed process of how the municipality responds to requests. Staff members who process

CORA requests should be involved in creating the policy so they can identify common problems.

Colorado courts have upheld policies requiring requests to be in writing and to specifically describe the requested information; setting forth a process for inspection, including a requirement that inspection be by appointment during business hours; permitting imposition of a reasonable fee for research and retrieval of records; and providing that records requests will not take priority over other municipal work, *Citizens Progressive All. v. Southwestern Water Conservation Dist.*, 97 P.3d 308 (Colo. App. 2004). Other areas to address might include a process for estimating fees, abandonment of requests, control of records, copying records, use of third-party computer hardware, abusive or harassing requests, and evaluation of compound or repeat requests.

A policy can detail the boundaries of CORA’s response deadlines. For example, if a request is received by mail, the policy can specify that the three-day response clock does not start until the municipality receives the request. A request submitted on a holiday or after-hours should not be considered received until the following business day. Additionally, municipalities can tie the response clock to when it receives the fees or fee deposit for larger records requests, *Mt. Plains Inv. Corp. v. Parker Jordan Metro. Dist.*, 312 P.3d 260 (Colo. App. 2013).

Research and retrieval fees

Before 2014, the only CORA fee expressly approved was a 25-cent per page photocopy fee that didn’t defray the cost of time spent searching, retrieving, and reviewing records. A broad request, however, lacking specifics like timeframe, authors, location, recipients, or subject

matter can require many hours of work by staff members to determine if such records exist, collect the records, evaluate them for disclosure under CORA’s standards, and then process them for disclosure.

With the passage of HB14-1193, municipalities could charge search and retrieval fees within certain limits. The first hour of work performed by a municipality to fulfill a request is exempt, but after the first hour a municipality can charge an hourly fee, which is adjusted every five years based on the Denver-Aurora-Lakewood consumer price index. Currently, the fee is \$33.58 and was last updated in 2019. Municipalities also may seek to recover costs of third-party work needed to comply, including attorney or information technology consultants, and any materials (like external hard drives) needed to comply.

To charge fees, a municipality must post on a website or publish a written policy that specifies the applicable conditions concerning the research and retrieval of public records and includes the fee schedule. A municipality should estimate the research and retrieval costs before responding to a record request and can require an advanced deposit of fees before beginning to assemble the documents.

Having a CORA records policy in place that includes fees can help defray the cost of searching for, retrieving, and reviewing records. Additionally, a clear policy helps requestors know what to expect when they make a CORA request and helps municipal employees know how to respond in an efficient and timely manner.

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

Widespread gender gap persists in local government leadership

IN March, CivicPulse and Engaging Local Government Leaders (ELGL) released a gender diversity benchmarking tool and report for the more than 21,000 local governments and their stakeholders across the country pursuing diversity, equity, and inclusion (DEI) initiatives: the Local Government Diversity Dashboard (LGDD). LGDD’s interactive maps and charts and the “2022 Local Government Leadership Gender Gap Report” offer an unprecedented look at the gender composition of top appointed leaders across the country.

For the report, CivicPulse employed probabilistic name-based gender coding to develop a rigorous methodology that can provide dynamically updated benchmarks on the gender composition of top local government-appointed officials (e.g., manager, administrator, etc.) for all municipalities, townships, and counties with populations of 1,000 or more. To address gender coding limitations, community members are invited to review individual gender-coded records on the dashboard and submit a request to update an uncoded or incorrectly coded record.

CivicPulse is a nonprofit that generates high-quality, publicly available data and research to support effective local governance. ELGL is a local government professional association of over 4,800 members from all 50 states plus Canada, UK, Israel, and Australia. ELGL’s mission is to engage the brightest minds in local government by providing timely and relevant content with the objective of fostering authentic and meaningful connections that are grounded in practices of equity and inclusion.

Download the report at <https://bit.ly/3Lo6vI4>

LEARN MORE AT DIVERSITYDASHBOARD.ORG

- Compare local governments in your state or county with the rest of the United States.
- Chart changes over time by any state or Census region within the database.
- Look up your community (city, town, or county) from more than 21,000 communities.
- Learn more about the important DEI work in local governments nationwide.

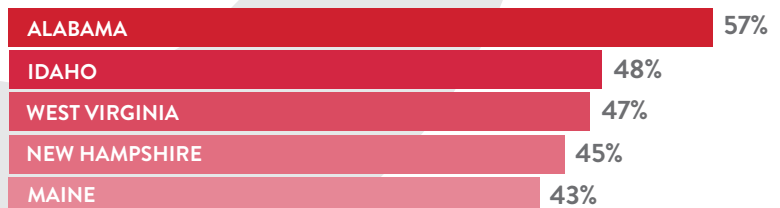
KEY FINDINGS

NATIONALLY, FEWER THAN ONE OUT OF THREE LOCAL GOVERNMENT TOP-APPOINTED OFFICIALS ARE WOMEN

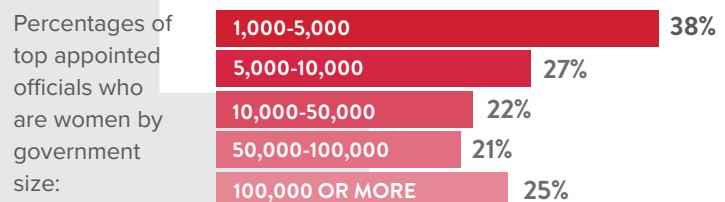
- Among local governments serving communities of 1,000 or more with a top-appointed official, only **29%** are led by a women
- For comparison, **47%** of the workforce are women

34% OF COLORADO’S LOCAL TOP APPOINTED OFFICIALS ARE WOMEN

The states with the highest percentage of local top appointed officials who are women:

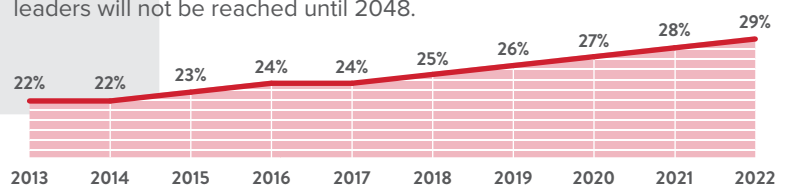


MUNICIPALITIES WITH SMALLER POPULATIONS ARE MORE LIKELY TO HAVE WOMEN LEADERS



SLOW PROGRESS

The percentage of top appointed women officials has been rising slowly since 2013. At the current rate, gender parity among local government leaders will not be reached until 2048.





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- CML supports bills aiming to transform affordable housing in Colorado
- Bipartisan legislation to address fentanyl introduced at state capitol
- Legal Corner: A good open records policy can save resources and ensure compliance
- Research Corner: Gender gap exists in local government leadership
- Webinar: A well-managed parking system can increase activity downtown

Featured in this issue:

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NEWSLETTER

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