



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

Vol. 48, No. 5, March 11, 2022

CML Executive Board election application period will open in April

By Kevin Bommer, CML executive director

Beginning on **Monday, April 4**, CML will start accepting applications for members interested in running for the CML Executive Board. Applications will be accepted through 5 p.m. on Wednesday, June 8.

Members whose names are placed on the ballot by the CML Nominating Committee will be voted on by the membership at the CML Annual Business Meeting scheduled for **Thursday, June 23**, at the 100th CML Annual Conference in Breckenridge. Voting procedures will be detailed in the Notice of Annual Business Meeting that will be sent to all member municipalities later in April. CML Executive Board members are elected at-large, which means each member municipality is entitled to vote at the CML Annual Business Meeting for their choices in all the population categories.

The vacancies to be filled at the election are:

- One position from municipalities with a population of 250,000 or more for a two-year term

- Three positions from municipalities with a population of at least 60,000 but less than 250,000, each for two-year terms

- Three positions from municipalities with a population of at least 8,000 but less than 60,000, for three two-year terms

- Three positions from cities and towns with a population of less than 8,000, each for two-year terms.

Under CML bylaws, population figures for the June 2022 election will be based upon population estimates from the Colorado Department of Local Affairs (DOLA). These are the same figures that were used in computing 2022 municipal dues for member municipalities and may not be the most recent DOLA estimate.

CML bylaws also require CML Executive Board members to be elected or appointed officials of member cities and towns.

Any official who desires to be nominated for a position on the CML Executive Board can ensure nomination by:

- Filing an application for nomination, in a letter or other written form, with the CML

Nominating Committee. The application must be received in writing by the CML office at least 15 days prior to the annual business meeting, that is, by 5 p.m., **Wednesday, June 8**

- Including with the application an endorsement in writing from the applicant's city council or board of trustees, which also must be received by the CML office by **Wednesday, June 8**. Please note that a city council or board of trustees may endorse the nomination of only one official from the city or town for election.

Sample application and endorsement letters will be available by **April 4** on the CML website, <https://bit.ly/3ppWkK6>. Additional information and reminders will be published in subsequent newsletters and on CML's website, as well as sent directly to members.

Questions about the CML Executive Board or the election process should be directed to Kevin Bommer, executive director, at kbommer@cml.org, (303) 831-6411, or (866) 578-0936.



UPCOMING EVENTS

MARCH 14–16

<https://bit.ly/3Mn9ce6>

National League of Cities
Congressional City Conference

MARCH 24–25

<https://bit.ly/3vBgsgA>

Protecting the Water Towers
of the West Watershed Summit

MARCH 25

<https://bit.ly/3vzbeSA>

Statehouse Report
Webinar

April 1

<https://bit.ly/3vypvyZ>

Reimagining Housing
Solutions Webinar

April 14

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

Election Webinar

May 12

<https://bit.ly/3KeNelx>

Affordable Housing
Developers Guide Webinar

Empowered cities and towns, united for a strong Colorado

Staff anniversary



Congratulations to Meetings and Events Planner Karen Rosen for two years at CML!



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!



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Subscription to *CML Newsletter* is offered as a portion of member dues. Cost to nonmembers is \$300 a year.

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.

CML Executive Board takes up Policy Committee legislative recommendations

By Meghan Dollar, CML legislative advocacy manager

CML's Policy Committee met on Friday, Feb. 18, to consider several recommendations from staff on known or expected legislation. Approximately 50 members of the Policy Committee from around the state attended the virtual meeting.

Dave Frank, CML Policy Committee chair and mayor pro tem of Montrose, oversaw the meeting and the discussion.

The position recommendations were then taken to the CML Executive Board, which approved most of the Policy Committee recommendations. The Board's action on those recommendations finalizes

the League's legislative positions on introduced legislation as the halfway point of the legislative session approaches.

Staff still expects more legislation to be introduced. As that happens, we will navigate the best way to get direct feedback from our membership to guide CML's positions.

To see all CML positions on legislation, visit <https://bit.ly/35qr0o0>.

More information on CML's policy development can be found at <https://bit.ly/3MolgvF> or by emailing Meghan Dollar, legislative advocacy manager, at mdollar@cml.org.

Affordable housing strategies Planning Grant Program (IHOP)

Fifth funding round deadline: March 14

The Planning Grant Program (IHOP) has funding available to help local governments understand their housing needs and adopt policy and regulatory strategies to qualify for the Incentives Grant Program. Planning Grants can fund data collection (e.g., housing needs assessments, code audits, and/or housing action plans) if paired with strategic policy and regulatory updates from the list of qualifying strategies to remove barriers and incentivize affordable housing.

- Eligible organizations: Colorado municipalities and counties
- Award amount: No set max, but so far, awards have been made between \$45,000 and \$200,000

- Local match: 25% local match of the total project cost required, with the option to request a reduced match after consulting with your DOLA Regional Manager

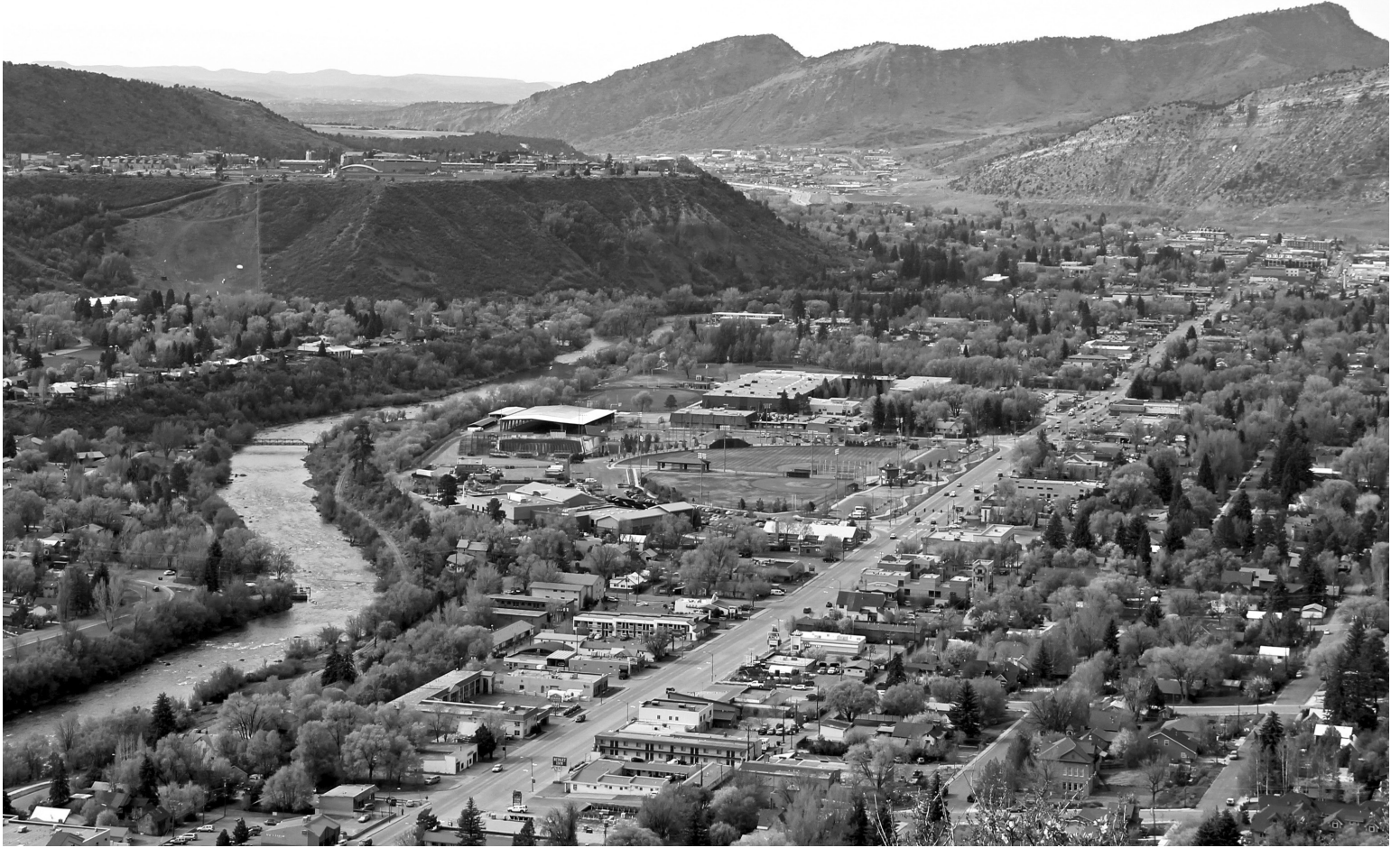
- Next application deadline: **March 14, 2022**

- Following the **March 14** deadline, the next application deadline will be two to three months later, TBA

- Award expenditure deadline: **June 30, 2024**.

Program guidelines, application, and FAQs are posted on the HB21-1271 program website <https://bit.ly/3K46Lv7>. Email Christy Wiseman at christy.wiseman@state.co.us with questions about the Planning Grant Program.





City of Durango moves forward in national Strongest Town Contest

Durango tops Santa Clara, CA, for Elite Eight slot in national contest

As we spring into March, basketball isn't the only game in town. Voting opened recently for the seventh annual Strongest Town Contest. In the first phase of voting, the City of Durango beat the City of Santa Clara, CA, to move on to the next round, the Elite Eight. The 2022 champion will be announced on **April 8**.

The Strongest Town Contest is a celebration of communities that are putting their focus on town-making practices that build resilience and prosperity. Chuck Marohn (<https://bit.ly/34bIXGv>), nationally recognized author, engineer, and advocate for strong communities, will visit this year's Strongest Town, and the winner will be featured prominently on the Strong Towns website. A series of articles will outline the Strongest Town's efforts to provide citizens with a good life in a prosperous location.

A contest for progress

The Strongest Town Contest launched in 2016 to spotlight communities that are leading the way to a better future.

No place is perfect, and most are fighting against inertia from risky finance and wasteful development practices adopted after World War II. But the 16 communities selected to compete in the contest are pushing forward with a tried-and-true approach toward restoration that:

- **Relies on incremental investments** (little bets) instead of large, transformative projects
- **Favors resiliency** of result over the efficiency of execution
- **Is designed to adapt to feedback** and to evolve over time to meet the changing needs of the community

- **Is inspired by bottom-up action** and not top-down systems
- Looks to conduct as much of life as possible at a **human scale**
- **Is obsessive about accounting** for its revenues, expenses, assets, and long-term liabilities.

During each round, a different aspect of the participating communities will be featured on the contest website, and the public can vote (<https://bit.ly/3C9y2cl>) on which municipalities are best applicants for the Strong Towns approach to create a thriving place to live.

For more information about Durango's participation, please email Bryce Bierman, Durango city planner, at bryce.bierman@durangogov.org.

Small multimodal and economic resiliency grants open for applications as of Feb. 18

As of Feb. 18, this grant opportunity now has additional funding available to support small multimodal transportation projects across the state of Colorado.

Eligible applicants are encouraged to submit projects of up to \$150,000 that will support downtown vitality and the built environment, encourage economic development, support community access to public streets and multimodal transportation, and that imagine innovative uses of public spaces.

There is no set deadline for these grant applications as funds will be awarded on a rolling basis.

Applications may be submitted at any time to cdotmainstreets@state.co.us. Projects submitted before the last Wednesday of every month will be reviewed together, with grant awards made the following week. The goals of this grant opportunity include:

- Encouraging active transportation and healthy lifestyles through improvements to the vitality of downtowns, mixed-use centers, and community gathering spaces
- Supporting economic development and increase opportunities for businesses to thrive
- Imagining innovative uses of public spaces
- Supporting community access to the right of way that safely accommodates all modes of travel
- Providing safe access to opportunity and mobility for residents of all ages, incomes, and abilities, including vulnerable users.

The Small Multimodal and Economic Resiliency grant application form can be found at <https://bit.ly/3vCg1Tm>.

To review grant rules, eligibility, and selection process, visit <https://bit.ly/3MI01j>.

Revitalizing Main Streets Program FAQs can be found at <https://bit.ly/3pznEWG>.

New associate member highlight: MODSTREET

MODSTREET (<https://bit.ly/3sCDmSY>) helps communities with placemaking, revitalization, and re-envisioning of their Main Streets and downtowns.

MODSTREET has designed a state-of-the-art solution for restaurants, breweries, retailers, and communities, to offer guest service seating on sidewalks and in parking spaces.

MODSTREET's parklets, enclosures, and barricades are made of raw steel, making them safe for your patrons. All products are easily assembled with our revolutionary modular system. No construction means no downtime for your business



MODSTREET

or community. Expand your business or community outdoors with safety, style, and ease with MODSTREET. Re-envision your downtown!

SAVE THE DATE

BEFORE THE FIRE: PROTECTING THE WATER TOWERS OF THE WEST WATERSHED SUMMIT

March 24 - 25, 2022

Grand Junction, Colorado
www.club20.org



Cybersecurity Center offers Impact Analysis for local governments

Identify, prioritize, and defend your most critical assets

Local governments of all types need increased awareness of the operational impacts resulting from cyber-attacks to better prioritize cybersecurity strategies.

With limited budgets, organizations need business continuity planning. Recovery time can last for weeks after an attack, increasing the importance of identifying and understanding critical functions before an attack happens.

Often, free assessments from government agencies and vendors alike magnify technical gaps rather than highlighting how attacks impact people, processes, and technology.

The National Cybersecurity Center (NCC) Cyber Impact Analysis helps local governments:

- Identify the critical operational areas that need enhanced protection and mitigation priority in the event of a cyber incident
- Determine how to use the inventory and impact analysis for efficient use in strategic and incident response planning
- Communicate priorities with that can be easily translated across multiple departments and with senior government and political leadership.

The Cyber Impact Analysis does not require access to the organization's

network, involves interview style question and answer sessions, and is designed to be performed remotely.

Methodology

The analysis is based on MITRE's "Crown Jewel Analysis" Methodology (<https://bit.ly/3C9I4L8>). The NCC works with managers within your organization to map out dependencies across the environment.

By rating the relationships between dependencies as well as a "Failure Modes Effects Analysis," the framework curates a list of Crown Jewels, your most critical assets.

Learn more at <https://colorado-crc.com> or call the cyber hotline at (888) 982-0936.

**AmeriCorps
OPPORTUNITIES**

**huerfano**
COUNTY ECONOMIC DEVELOPMENT

**Colorado
Northwestern**
Community College

**two
peaks fitness**

**SAN
LUIS**
Oldest Town in Colorado

AmeriCorps VISTAs serve for one year building capacity for nonprofit and public agencies. VISTA benefits include: living allowance, professional development, non-competitive eligibility, and end of service award toward future education. Deadline to apply is March 1st!

Huerfano County Community Development Assoc.
Create community connections and share employee upskilling opportunities!

Craig Apprenticeship Program Coordinator
Build apprenticeship programs in Moffat County!

San Luis Economic Development Capacity Builder
Activate and rescue the oldest Main Street in Colorado!

Two Peaks Fitness HEAL Coordinator
Create unique healthy eating and active living programming!



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inc.

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vista@downtowncoloradoinc.org

CML LEGAL CORNER



Proactive sidewalk maintenance can preserve immunity

By Robert Sheesley, CML general counsel

The Colorado Supreme Court recently revisited the potential liability that municipalities face in maintaining and repairing their sidewalk systems in the *Maphis v. City of Boulder* decision. The Court's discussion provides important insights for municipalities to consider as they budget and plan for sidewalk improvements, inspections, and repairs.

Governmental immunity background

Governmental immunity protects taxpayer-funded entities from the costs and disruption of services that may result from litigation and judgments. The Colorado Governmental Immunity Act (CGIA) caps damages and provides immunity for all tort claims unless the injury falls within one of the listed waiver provisions. One waiver permits claims against a municipality for personal injuries resulting from the "dangerous condition" of a public sidewalk. A government entity can avoid significant litigation costs if a court determines, at an early stage of a lawsuit, that a condition does not meet this definition.

Acknowledging that some risks on public property should not result in a waiver of immunity, the sidewalk waiver provision of the CGIA only includes conditions that create an unreasonable risk of injury — one that exceeds "the bounds of reason." Notably, a failure to warn of a danger does not waive immunity under the CGIA. A court looks at the totality of the circumstances of each case to determine if the municipality is entitled to immunity or if a case should proceed.

Maphis v. City of Boulder

The Supreme Court examined the sidewalk immunity waiver in determining whether an uneven sidewalk in the City of Boulder constituted a dangerous

condition and whether the city's immunity was waived under the CGIA. During a proactive inspection, a Boulder employee found a two-and-a-half-inch displacement of a sidewalk slab on a quiet residential street. He marked the hazard with paint, and a few weeks later city crews repaired the sidewalk. The city had no other notice of the problem. In the interim, a pedestrian allegedly tripped on the displaced slab and severely injured herself. The pedestrian claimed the displacement was not visible.

In this specific case, the sidewalk was found to be a foreseeable risk due to the city's knowledge of the problem, but the court nevertheless found the risk to be reasonable, in part because the sidewalk was in a low-traffic area and no one had complained to the city. Most importantly, the Supreme Court confirmed that the risk was not unreasonable because the problems were commonplace in Colorado. Given budgetary limitations and other practicalities that limited prompt citywide repairs, the Court held that this specific sidewalk problem was not an unreasonable risk under the CGIA.

Maphis contains a warning that other factors could cause the same defect in another location to rise to the level of a "dangerous condition." Liability might have resulted if the city had received outside complaints or if the sidewalk was in a high-traffic area or outside of a hospital or school. The dissenting judges in this close decision went further, suggesting that the adequacy of the city's warnings or the severity of injuries should be considered in evaluating entitlement to immunity.

Planning for sidewalk maintenance

While a completely hazard-free sidewalk system cannot practically exist, a municipality can take steps to maintain its immunity from suit and promote the

safety of pedestrians. Planning sidewalk improvements can also ensure compliance with the Americans with Disabilities Act and avoid lawsuits arising out of the impact of deteriorated sidewalks on mobility.

Boulder's successful defense in the *Maphis* case may have been influenced by the city's sidewalk programs. Beyond simply responding to outside complaints, the city systematically identified and repaired sidewalk damage as budgets allowed. The *Maphis* decision suggests that a municipality would not be penalized for adopting such an approach simply because it would provide knowledge of a potential hazard.

A proactive sidewalk inspection and maintenance program can inform repairs by identifying problems and prioritizing repair needs across a municipality. Regular funding, staffing, and prompt responses to reports of hazards should be critical components of any plan. An on-call contractor dedicated to the work can improve response times and preserve staff resources. Creative funding solutions might include creating special improvement districts or imposing the repair obligation on adjacent property owners.

Note: CML and the Colorado Intergovernmental Risk Sharing Agency (CIRSA) supported the City of Boulder's position by filing an amicus curiae ("friend of the court") brief to explain the statewide municipal interest in the Colorado Supreme Court's decision.

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

RESEARCH CORNER

WATER '22

Water '22 is a year-long celebration of Colorado's water, spearheaded by Water Education Colorado and dedicated to the idea that "It all starts here." The Water '22 campaign was created to educate Coloradans about how the state's water is one of its most important resources and to encourage conservation and protection in order to mitigate the impacts of climate change in Colorado, which has led to persistent drought conditions.

Water '22 is calling upon all Coloradans to come together to collectively meet the urgency of the moment. Take the Water '22 pledge to engage in "22 Ways to Care for Colorado Water in 2022" at [Water22.org](https://water22.org).

Engage in events and activities throughout 2022 including a statewide book club and author talks, volunteer days, film screenings, a student water awareness week in schools, a watershed beer competition, on-the-ground tours, and much more!

Learn more at water22.org.

MILESTONE

2022 is a milestone year for water in Colorado. It's the year when the 2015 Colorado Water Plan will be updated. It is also the ...

100th anniversary of the Colorado River Compact

50th anniversary of the Clean Water Act

20th anniversary of Water Education Colorado

85th anniversary of legislation that created the Colorado Water Conservation Board, which guides water management in the state

MOTHER OF RIVERS

Colorado is a headwaters state, sometimes called the "Mother of Rivers."

18

U.S. states and Mexico are served by Colorado headwaters

40 million

people rely on the Colorado River for their water

16

inches is the annual average precipitation in Colorado

CONSERVATION

Water '22 is challenging Coloradans to save ...

22

gallons (or more) of water every day

8,000

gallons per year per person

48 billion

gallons per year for all of Colorado

● The yearly savings would total almost 150,000 acre-feet, or the size of Horsetooth Reservoir in Fort Collins or Green Mountain Reservoir near Kremmling.

GO NATIVE BY LIMITING TURF IN LANDSCAPES

Reduce or omit thirsty bluegrass and replace with xeriscape and native, drought-tolerant plants and flowers. Check to see if your utility has rebates or incentive programs to help with turf removal and replacement.

MAKE APPLIANCES DO THE DIRTY WORK

Use the dishwasher and washing machine instead of handwashing, and run your appliances only when full. Depending on your machines, you can save anywhere from 15-30 gallons per load by filling up and cutting a load.

LET ONLY RAIN IN STORM DRAINS

Storm sewers drain directly to rivers with no treatment, so avoid dumping oil, pesticides, fertilizers, paints, etc. into them.

LOSE THE LEAKS

Faucet and toilet leaks lead to lots of lost water, about seven gallons per day for a faucet and 200 for a toilet. Try these fixes: For a toilet leak, fix your flapper; for a faucet leak, replace the washer. Don't know if you have a leak? Try putting food coloring in the back tank. If color appears in the bowl, you have a leak.



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Featured in this issue:

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