



COLORADO  
MUNICIPAL  
LEAGUE

# NEWSLETTER

Vol. 48, No. 10, May 20 2022

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## After whirlwind of activity, Colorado legislative session ends

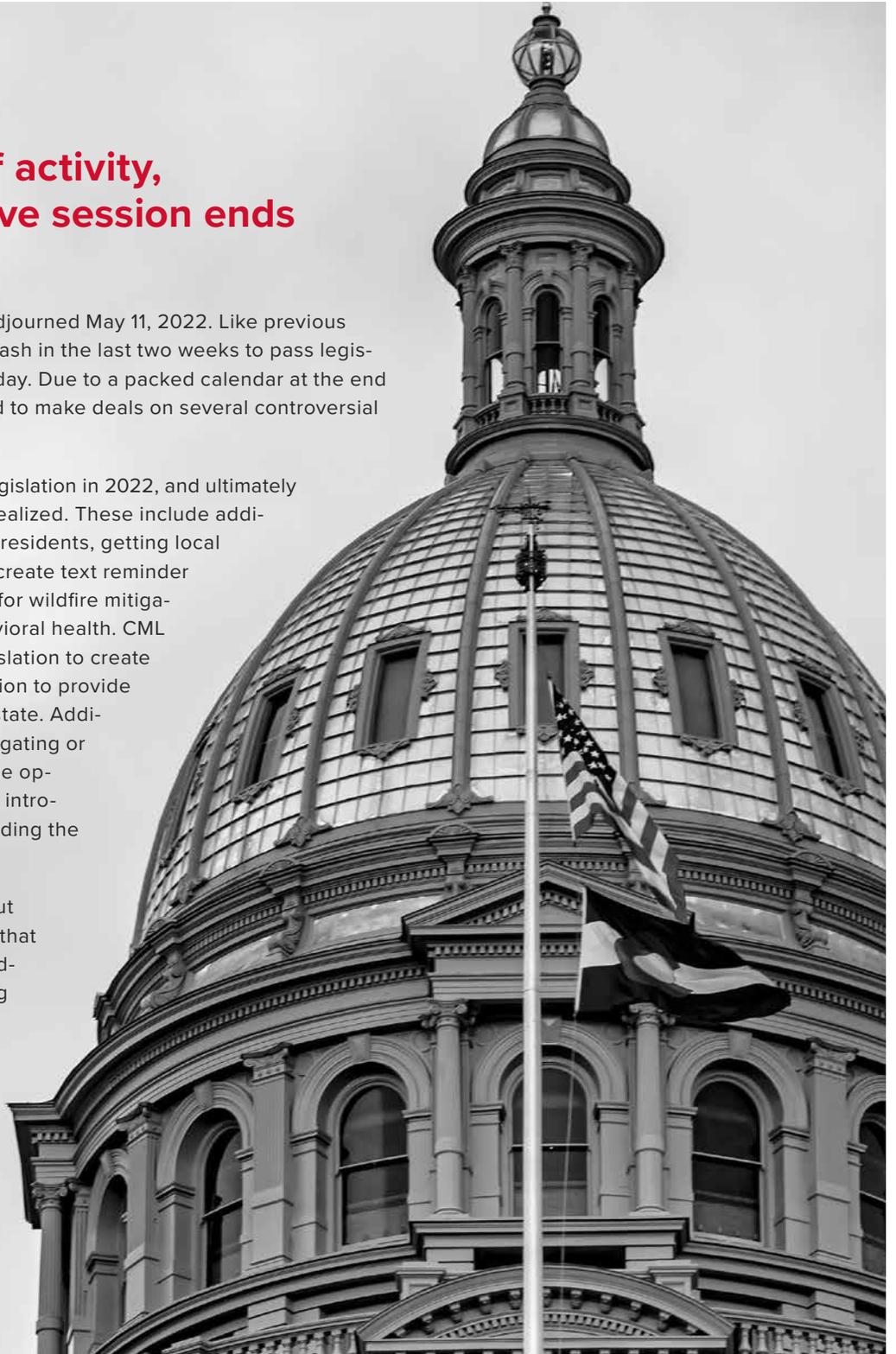
*by the CML Advocacy Team*

The Colorado General Assembly adjourned May 11, 2022. Like previous legislative sessions, it was a mad dash in the last two weeks to pass legislation before midnight on the final day. Due to a packed calendar at the end of the session, both parties needed to make deals on several controversial pieces of legislation.

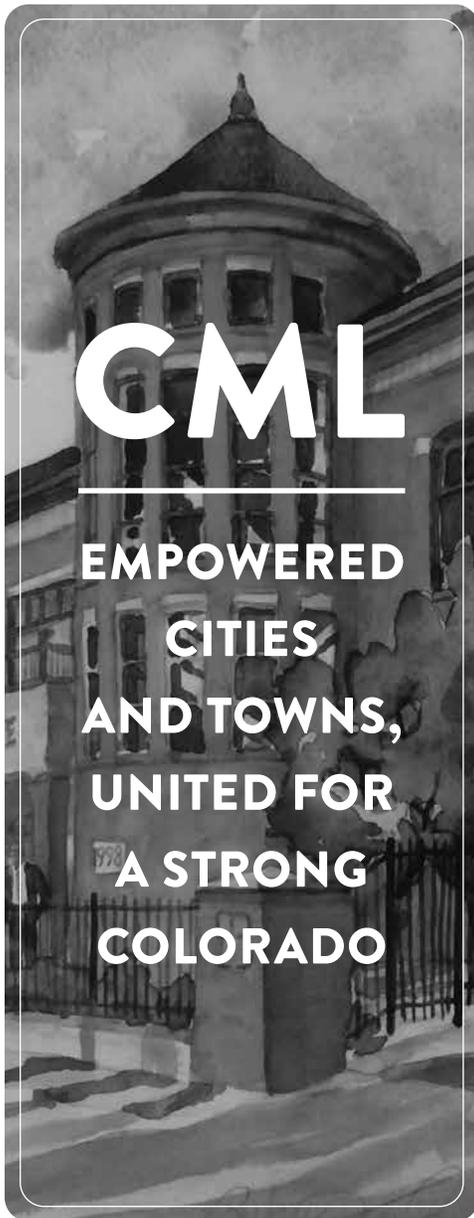
CML followed over 300 pieces of legislation in 2022, and ultimately all CML legislative priorities were realized. These include additional protections for mobile home residents, getting local governments access to funding to create text reminder programs, and substantial funding for wildfire mitigation, affordable housing, and behavioral health. CML was also successful in passing legislation to create a producer responsibility organization to provide recycling services throughout the state. Additionally, CML was successful in mitigating or defeating many bills that the League opposed. Further, CML prevented the introduction of harmful legislation regarding the Colorado Open Records Act.

At the end of May, CML will send out information and links to legislation that require immediate attention. The advocacy team is also at work drafting the 2022 *Colorado Laws Enacted Affecting Municipal Governments* publication, which will be available electronically by mid-June.

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## Colorado Municipal League and state provide resources about FAMLI program

The Division of Family and Medical Leave Insurance (FAMLI) has published a webinar specific to local governments and what they need to know about the FAMLI program. The webinar is available for viewing at <https://bit.ly/3FDsU2l>.

CML has also released further information about the program. A Knowledge Now white paper offers a brief explanation of

the FAMLI program, examines anticipated costs and benefits for municipalities and employees, and summarizes the declination process, including hearing and notice requirements. Download the publication at <https://bit.ly/3wmSvIx>.

Email [CDLE\\_FAMLI\\_info@state.co.us](mailto:CDLE_FAMLI_info@state.co.us) with questions about the program.

## New associate member highlight: CivicWell

CivicWell is a 501(c)3 nonprofit supporting sustainable policies and the community leaders who implement them. Since 1982, it has engaged local elected officials, government agencies, and community-based organizations through policy guidance, collaborative partnerships, and direct assistance.

One of CivicWell's program areas, CivicSpark, is an AmeriCorps program dedicated to building capacity for public agencies to address environmental and social equity resilience challenges. Each year it recruits fellows to implement targeted sustainability and resilience projects (<https://bit.ly/3w5igygy>)

supporting public agencies, while also building long-term capacity to ensure the work is continued after their service year is completed.

CivicSpark is expanding to Colorado and will place its first Colorado Fellows cohort this fall. It is seeking partners throughout Colorado interested in hosting fellows for 11 months to support local resilience efforts.

For more information about the program and partnership process, please visit the Colorado partner web page at <https://bit.ly/3w4yK9R>.

## Scholarships available for clerks program

Scholarship applications are open for the Colorado Municipal Clerks (CMCA) Summer Masters, in-person and virtual Institute, and the in-person and virtual Institute for third-year students. Applicants must have been a member of CMCA as of March 31 of this year.

Scholarships cover the registration cost of both the Institute and Academy. It does not cover additional trainings that might be offered, food, lodging, or mileage. If

you are applying, please remember to include any portion of your registration cost that may be covered by another scholarship (for example CIRSA).

Portions of the Institute and Academy will be in-person and portions will be virtual. Dates and costs will be announced soon.

For more information visit <https://bit.ly/3w55CiU> or email Michelle Oeser at [moeser@townofelizabeth.org](mailto:moeser@townofelizabeth.org).

## SIPA offers micro-grants for tech projects

The Statewide Internet Portal Authority (SIPA) Micro-Grant program is designed to connect residents to the government by putting more information and services online. Since 2010, more than 327 grants and \$1.5 million have been awarded to governments across the state.

Micro-grant funding is for projects that support SIPA's mission of providing

residents access to government through effective and efficient online and mobile technologies.

The application period for 2022 will open on **June 1**. For additional information, testimonials, and ideas for funding requests, please see SIPA's micro-grant page, <https://bit.ly/3uGdpD8>.



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# Colorado awards more than \$18 million in affordable housing grants

The Colorado Department of Local Affairs (DOLA), through the Division of Local Government (DLG), awarded more than \$18 million in funding across 13 counties in Colorado. These 14 Innovative Housing Opportunities Incentive (IHOI) grants will create 1,872 additional housing units, providing housing for about 4,867 people.

HB21-1271 created three new programs, including IHOI, to promote innovative solutions for developing affordable housing across the state. It incentivizes municipalities and counties to remove land use regulatory and process barriers in addition to funding affordable housing projects/programs that embody housing and land use best practices, particularly those that incorporate state priorities such as renewable energy and childcare.

## IHOI awardees

Among the communities receiving funding in this first round are Frisco, Boulder (city), Fort Collins, Denver, Greeley, Crested Butte, Steamboat Springs, Summit County, Silverton, Gunnison (city), Mancos, Winter Park, Ridgway, and Colorado Springs.

- Frisco: \$1,500,000 for Granite Park Workforce Housing
- Boulder: \$2,315,565 for Modular Affordable Housing Factory
- Fort Collins: \$2,200,000 for Kechter Townhome Development
- Denver: \$1,429,993 for Villa Park/West Denver Accessory Dwelling Units
- Greeley: \$990,000 for Hope Springs Planned Unit Development
- Crested Butte: \$2,977,000 for Sixth and Butte and Paradise Park Workforce Housing
- Steamboat Springs: \$1,000,000 for Steamboat Springs Barn Village Essential Employee Housing
- Summit County: \$2,000,000 for Summit County Justice Center Workforce Housing Project
- Silverton: \$371,020 for Zanoni Property Acquisition and Anvil Mountain Subdivision Annexation
- Gunnison: \$1,800,000 for Gunnison Rising Townhome Infrastructure
- Mancos: \$531,700 for Conservation District Multi-Family Housing
- Winter Park: \$300,000 for Hideaway Junction Phase II Vertical Construction



- Ridgway: \$750,000 for Ridgway Yellow Brick Lane
- Colorado Springs: \$250,000 for Affordable Multi-Family Rental Development Fee Rebate Program

Totalling **\$18,415,278**, this first round of IHOI awards actively supports programs or projects in which local governments modify local land use requirements and processes to facilitate affordable housing development into the future.

## Qualifying for the Grant Program

The 14 local governments identified above have adopted strategies that make it easier to develop affordable housing in their communities, which made them competitive for these funds. Once a local government demonstrates it has adopted three or more qualifying strategies, it is eligible to apply

for funding from the Affordable Housing Development Incentives Grant Program. The full language of each strategy can be found in HB21-1271 (<https://bit.ly/3LVanBu0>) and on the last page of the IHOI program guidelines (<https://bit.ly/3N8ZKdU>).

Grants can be used to cover tap fees, infrastructure, parks, and other amenities for the affordable housing project, and it is recommended that local governments choose one or two shovel-ready projects that can spend all funds by June 2024 and provide gap funding.

This program has two funding rounds: the first round (awards were sent out on April 28, 2022) and the main round which will open with a letter of intent process. These letters are due **Sept. 1, 2022**. For more information about IHOI, visit <https://cdola.colorado.gov/1271>.

## Growing Water Smart workshop to be held in Estes Park

The impacts of a hotter and drier climate in Colorado have created significant uncertainty about water availability in the coming decades. Challenges to balancing water needs with available water supplies requires local jurisdictions to reevaluate water issues and to assume new leadership roles.

The Sonoran Institute, Babbitt Center for Land and Water Policy, and partner Northern Water are accepting applications from northern Colorado communities interested in addressing water in their land use plans, codes, and development review. The Growing Water Smart workshop will be held **Sept. 12-14** at the YMCA of the Rockies in Estes Park. Accommodation and meals are free for accepted community teams.

Visit <https://bit.ly/3rRPMW3> to apply by **June 10**.

You can also help to assess the state of water and land use integration in northern Colorado communities by completing this 10-minute Growing Water Smart survey at <https://bit.ly/3FOBW9u>.

## 2022 Recycle Colorado Summit for Recycling

Recycle Colorado's Summit for Recycling will take place **Aug. 22-24, 2022**, at The Summit Conference and Event Center in Aurora.

The summit will feature three days of recycling and compost-oriented presentations and networking opportunities, as well as the first annual Rocky Mountain Compost Symposium.



This is Recycle Colorado's first in-person Summit for Recycling in two years. Registration will open soon at <https://bit.ly/37AjkRc>.

## EPA approves water quality standards for the Southern Ute Indian Tribe

The U.S. Environmental Protection Agency Region 8 (EPA) announced its approval of the Southern Ute Indian Tribe's water quality standards under the federal Clean Water Act. This milestone approval culminates a 20-year effort by the Tribe's Environmental Programs Division. With EPA's action, the Southern Ute Indian Tribe becomes only the 47th federally recognized tribe, out of 574 nationally, to have tribal water quality standards approved by EPA under the Clean Water Act. The approval allows the Tribe to protect the water quality of the lakes and rivers they use for swimming, boating, and fishing. The Southern Ute Indian Reservation in southwest Colorado is comprised of lands within La Plata, Archuleta, and Montezuma counties.

The Southern Ute Indian Tribe's water quality standards apply to many waters within the Southern Ute Indian Reservation including portions of the La Plata, Animas, Florida, Los Pinos (or Pine), Piedra, San Juan and Navajo Rivers and portions of the Navajo Reservoir. With the approval of the Southern Ute Indian Tribe's water quality standards, all federally recognized Indian tribes with reservation lands in Colorado now have EPA-approved water quality standards.

The Tribe's water quality standards and supporting documents are online at <https://bit.ly/3xVRTVU>.

For more information, contact Lindsay J. Box, SUIT Communications Specialist, at [lbox@southernute-nsn.gov](mailto:lbox@southernute-nsn.gov).



REGISTER NOW!

## CML 100<sup>th</sup> Annual Conference June 22 - 24, 2022 | Breckenridge, CO

CML's 100<sup>th</sup> Annual Conference is sure to be one to remember. With more than 40 sessions, two keynotes, and a 100<sup>th</sup> Conference celebration on Wednesday, you won't want to miss it. See you there!





## AIR QUALITY

### Colorado moves forward with zero-emission Clean Truck Strategy

The Polis administration's plan to encourage the adoption of zero-emission medium- and heavy-duty trucks, which could reduce greenhouse gas emissions from these vehicles by at least 45% in Colorado by 2050, has been finalized after extensive public input.

The Clean Truck Strategy is a joint effort of the Colorado Energy Office, the Colorado Department of Transportation, and the Air Pollution Control Division of the Colorado Department of Public Health & Environment.

The strategy is part of a package of initiatives undertaken by Gov. Jared Polis and the Polis administration to improve air quality, reduce emissions, and save people and small businesses money.

Medium- and heavy-duty vehicles include semi-trucks, school buses, snowplows, delivery vans, large pick-up trucks, and many different vehicle types in between. These are the vehicles that bring Colorado kids to school, deliver food to our local grocery stores, plow our streets, repair our critical infrastructure, power our

businesses, and do hundreds of other critical jobs for our lives and economy. Unfortunately, medium- and heavy-duty vehicles are also the second-largest source of greenhouse gas emissions in the transportation sector, contributing 22% of on-road greenhouse gas emissions despite being less than 10% of all Colorado vehicles.

Using input from multiple public meetings, stakeholder groups and the Colorado Medium- and Heavy-Duty Vehicle Study, the agencies developed a draft strategy to accelerate clean truck adoption in the state that recognized the increasing importance of freight to the economy. From the summer of 2020 through April, the state received 120 comments. The finalized strategy addresses a number of these comments through edits or adoption of suggestions.

The strategy will help fight climate change, improve air quality, and especially help communities disproportionately impacted by transportation pollution emissions. The Medium- and Heavy-Duty Vehicle

Study found that owners of medium- and heavy-duty trucks, most of whom are small businesses, could save an estimated \$5.8 billion by 2050 from reduced vehicle maintenance costs and fuel cost savings by switching to zero-emission vehicles.

The Medium- and Heavy-Duty Vehicle Study also found that if Colorado pursues an accelerated transition to medium- and heavy-duty zero-emission vehicles, it could reduce medium- and heavy-duty truck greenhouse gas emissions by 45% to 59%, reduce nitrogen oxide emissions 54% to 93% and reduce particulate matter emissions 53% to 68% below 2005 levels by 2050.

State agencies anticipate updating the strategy every two years to respond to the evolving market and lessons learned from implementation of the near-term actions.

The Clean Truck Strategy document and a memo summarizing the public comments received and how they were addressed can be found at <https://bit.ly/3wi6P5j>.

# CML LEGAL CORNER



## Establishing time limits to improve efficiency in public meetings

By Robert Sheesley, CML general counsel

At close to midnight on Wednesday, May 11, 2022, the second regular session of the 73rd Colorado General Assembly adjourned *sine die* (without a date for resuming). The General Assembly had been in session for 120 days — the limit contained in the Colorado Constitution, Article V, Section 7. In that time, at least one house worked through the night on two occasions and the General Assembly considered 657 bills.

Municipal governing bodies, like Colorado's part-time, citizen legislature, must give due consideration to a variety of weighty matters in just a few hours per month. When these meetings last for many hours — or even extend into the next day — members may wonder whether the body is at its decision-making best. Late meetings can limit the visibility of public business and be unfair to persons who have business with a municipality. Controlling the length of public meetings is a difficult but important practice.

### Procedures and agendas

Sound meeting procedures and agenda management should come before any consideration of limiting meeting times. Well-curated agendas and thoughtful policies, if adhered to, can allow a body to consider numerous issues without wasting time or resources. Governing bodies generally have the power to establish their own rules of procedure consistent with applicable state laws and home rule charters. In addition, the Colorado Open Meetings Law requires public meeting notices to include specific agenda information, where possible.

First, all bodies should have rules of procedure, such as a variation of Robert's Rules of Order or a streamlined guide like Bob's Rules of Order (by CML President

Bob Widner). Easy to understand procedural rules provide consistency and help avoid distractions and confusion.

Second, a body's meeting standards should establish expectations for creating an agenda and publishing materials, including submission deadlines, estimates of time for each item, and active oversight and management to avoid overloading meetings with time-consuming topics. Detailed agenda materials, if reviewed by members, can avoid unnecessary questions, and thorough staff preparation can limit delays. Policies should also set boundaries for unknowns (like public comment periods and hearings).

### Limiting meeting times

Some municipalities have determined, however, that limiting the time of public meetings can lead to more efficient and effective governance. A set period can help to guide the creation and management of an agenda and motivate members and staff to use time judiciously. One option is to set a time limit (e.g., 4.5 hours, like Commerce City). Another is to have a set block of time for meetings (e.g., 7 p.m. to 10 p.m., like New Castle).

Limiting a meeting's length, however, may cause some bodies to rush items or postpone important business. Unanticipated public comment or long hearings can throw a tightly scheduled meeting into disarray. Any meeting limitation should be coupled with proper agenda management and meeting procedures to ensure the body gives due consideration to the business before it. Providing options for an extension can help to avoid unintended consequences.

### Limiting member debate

Occasionally, a body may identify prolonged discussion among its members as a cause of long meetings. Some communities have established general

limits on debate, similar to the General Assembly's rules (e.g., allowing members to speak only twice on a question, limiting the members' speaking time on a question to 5 minutes, and restricting a member from speaking again on a question until all other members have spoken). A procedural motion to limit debate on a question or series of questions can be used as needed, but an established procedure with a waiver option could provide greater guarantees of fairness. Such a rule could give all members an equal voice and opportunity, without allowing one member to dominate debate unfairly.

### Legal considerations

Effective governance, sound decision-making, and building public trust should be higher priorities for any public body than a quick meeting. Poorly implemented time limitations can undermine good governance and even offend legal requirements of due process, especially in the quasi-judicial context where a fair hearing is paramount.

Any limits must be written and applied equally and without discrimination based on a speaker's views to avoid any First Amendment concerns. Finally, some business must take priority, such as an annexation petition with a statutorily defined time for consideration or a pressing litigation issue. A sound time limitation, however, can support these interests by ensuring that all members are heard equally, important business is given proper consideration, and more people can access meetings during appropriate hours.

*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

### A timeline of broadband regulation in Colorado



#### 2005

Senate Bill 05-152, Concerning Local Government Competition in the Provision of Specified Communication Services, prohibits most uses of municipal or county money for infrastructure to improve local broadband service, without first going to a vote of the people.

#### 2008

Glenwood Springs becomes the first municipality to receive voter approval to opt out of SB-152.

#### 2014

Rio Blanco, San Miguel, and Yuma Counties become the first counties to opt out of SB-152

#### 2019

Senate Bill 19-107, Broadband Infrastructure Installation, was passed to support expansion of broadband to rural areas by allowing rural electric cooperatives to lease existing dark fiber on their electrical utility easements to broadband providers without the renegotiation of the underlying easement.

#### 2020

House Bill 20-1137, Broadband Grant Certification of Unserved Area Requirement, allows local governments to determine the “unserved status” of a community and submit a written certification of this unserved status as part of the application process for the state’s Broadband Grant Program for greater weight to be given based on that status.

#### 2021

House Bill 21-1109, Broadband Board Changes to Expand Broadband Service, directs the Broadband Deployment Board to establish an annual Request for Proposals (RFP) process to award grants to critically underserved areas of the state. Local governments are eligible to apply for the grants through the RFP process to improve internet access in unserved areas.

#### 2022

Timnath becomes the 119th Colorado municipality to opt out of SB-152.

#### 2022

House Bill 22-1306, Broadband Deployment Board Grand Process, updates the requirements for awarding grant money under the American Rescue Plan Act for broadband projects. The bill also exempts a grantee from the requirement to complete an approved project in 2 years or less if the project is delayed due to a relevant disruption in the supply chain, requires the board to apply the updated requirements to previously denied applications, and establishes a process and remedies for appeals of a board decision regarding a grant application.

### RESOURCES

- April 7, 2022, CML webinar: Creating a Gigabit Broadband Network in Your Municipality, presented by Jaclyn Terwey, CML legislative and policy advocate; Brandy Reitter, Colorado Broadband Office executive director; and Dave Zelenok and Ed Barrett of HR Green.

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

- View the municipalities that have successfully opted out of SB 05-152 with CML’s map, and access the ballot language used in their opt-out questions.

<https://bit.ly/37x2se8>

- Colorado Broadband Office Local Government Page. Explore funding options available for broadband planning and deployment, visit the data and mapping hubs, and learn about digital equity and other important broadband policy considerations.

<https://bit.ly/37x0xGq>

- The Department of Local Affairs (DOLA) offers grants to support the efforts of local governments to improve broadband service to their constituents.

<https://bit.ly/3FGu0KU>

### NATIONWIDE NEED FOR BROADBAND

The U.S. Department of Commerce’s National Telecommunications and Information Administration (NTIA) released a publicly available digital map (<https://bit.ly/3ytThq6>) that displays key indicators of broadband needs across the country.

#### \$65 billion

Total funding available for broadband deployment through the Infrastructure Investment and Jobs Act

#### \$42.45 billion

Grant funding to states for broadband deployment for households and businesses that lack access to such services

#### \$100 million

Minimum funding for each state, with remaining money to be allocated for unserved and underserved locations

#### 40

Number of states and territories, including Colorado, that have provided data on unserved and underserved areas to the NTIA



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