



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

Vol. 48, No. 4, February 25,

Broad coalition urges opposition to planned collective bargaining bill

By Kevin Bommer, CML executive director, and Meghan Dollar, CML legislative advocacy director

An array of organizations representing municipalities, special districts, K-12 schools, and quasi-governmental organizations delivered a strong message to the Colorado State Capitol — the determination of whether or not and to what extent to engage in collective bargaining with public employees belongs at the public employer level.

In the letter (<https://adobe.ly/3JBXf23>) sent to legislators and copied to Gov. Jared Polis, the organizations identified any top-down, mandated approach as an unfunded mandate. The letter notes implementation costs alone for the state's collective bargaining agreement with state employees was over \$8 million.

The letter goes on to say that the coalition does not oppose the policy of collective bargaining, which is already present in many public employer settings. Indeed, the coalition would oppose attempts to prohibit



collective bargaining on the same grounds that it should be a local decision between employers, employees, and often voters.

Finally, the coalition argues that the proponents have provided no evidence to justify a state-mandated approach to local employment matters. CML has held the

position that these are matters of purely local and municipal concern and that home rule municipalities have constitutional authority on employment matters. Regardless, all employers and voters should retain local control on employment and budgetary matters.

Your immediate action requested

CML requests that individual municipalities and elected officials contact your member of the Colorado House and Senate and ask them to keep local control local and home rule at home. Regardless of personal positions on collective bargaining rights and labor issues, it is imperative for legislators to hear loud and clear that you are best situated to address these matters within your municipality.

Contact information for legislators can be found at <https://bit.ly/3GYO0Hx>.

If you do not know your house or senate district, please visit <https://bit.ly/3oVrmd6>.

For more information or questions, contact Kevin Bommer at kbommer@cml.org, or Meghan Dollar at mdollar@cml.org.



UPCOMING EVENTS

MARCH 2:

<https://bit.ly/3ggcls7>

The Economic Importance
of Managed Parking:
Webinar

MARCH 10:

<https://bit.ly/3nhUuu7>

Election Webinar Series:
Canvass, Recounts,
and Final Questions

MARCH 11:

<https://bit.ly/3sKnD38>

Statehouse Report Webinar

MARCH 14:

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

NLC City Summit

JUNE 21-24

<https://bit.ly/3slroG5>

CML 100th Annual Conference

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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!

White House makes Bipartisan Infrastructure Law Guidebook available

The Governor's Office continues to work closely with state agencies to understand the various opportunities created by the federal infrastructure bill's historic level of new investments.

Resiliency is a key theme of the bill, and the Colorado Resiliency Office (CRO) will be teaming to integrate their resiliency criteria into the work ahead. On Jan. 31, the White House issued a Bipartisan Infrastructure Law Guidebook, (<https://bit.ly/3gNo8DY>), which provides a roadmap to the funding available under the law, as well as an explanatory document that shows direct federal spending at the program level.

The White House also published a data file (<https://bit.ly/3HW8Pot>) that allows users to quickly sort programs funded under the law by fields like agency, amount, recipient, or program name. Municipalities are encouraged to use these new resources to identify programs that may be applicable to your specific jurisdiction, and to communicate with your relevant state agency colleagues to discuss any opportunities you intend to prioritize and pursue.

More federal guidance is anticipated to emerge in the coming months. CRO hopes to collaborate with local and regional partners to maximize the impact of these investments for Coloradans.

Healthier Colorado's Partnership in Local Advocacy (PiLA) Program: Additional resources to support your local efforts

Healthier Colorado works at the state and local level on policies that improve health. At the municipal and county level, in partnership with local leaders and community members, they support local campaigns, like ballot initiatives, that span the full spectrum of mental, physical, and social determinants of health — from addressing the housing crisis, to ensuring greater access to mental and behavioral health, and everything in between.

Healthier Colorado gives local campaigns more resources and tools to improve the health of their residents. Beyond financial support, their assistance can include:

- Guidance on communications, field, and political strategy
- Execution of direct voter contact such as mail, canvassing, phone outreach, and training for volunteers
- Technical assistance on maintaining legal compliance

For more information on the PiLA program and past campaigns visit <https://bit.ly/3gOD2K9>.

If you'd like to reach out to a staff member for more information, please email Michael Ruddock: mruddock@healthiercolorado.org.

For sale

The City of Dacono has an outdoor library book return drop box available for \$100 OBO. For more information, please contact Valerie Taylor at vtaylor@cityofdacono.com.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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PiLA by the Numbers

92%

Success Rate in Campaigns
PiLA Supported

22

Counties Supported
Through PiLA

\$1.8 M

Spent to Support Health
Campaigns Across Colorado

39

Campaigns Supported
to Date

140K

Pieces of Mail Sent to
Educate Voters

3M

Coloradans Have Been
Impacted



The heroic story of the City of Louisville's water and operations staff

Starting on the afternoon of Thursday, Dec. 30, through to the morning of Friday, Dec. 31, the City of Louisville's Public Works and Utilities Department, led by Director Kurt Kowar, spent 18 hours ensuring that firefighters did not run out water while fighting the Marshall Fire after two of the three water plants in Louisville and Superior lost power.

It was a team effort with the city's water treatment team all reporting to the north plant to keep the plant going. But within that team effort, nine people, including Director Kowar and three members of the city's operations team, went above and beyond. When faced with dwindling water pressure and urgent calls from Incident Command Center and neighboring Superior, they said simply: "We have to try something." That 'something' involved driving into the fire, past downed and burning power poles, through hurricane force winds, and working in the dark and through the night within the burn area to keep firefighters supplied with water and to fight what is now considered to be the most destructive wildfire in Colorado history. Some of the team were interviewed by CBS4 on Jan. 18, 2022 (<https://bit.ly/3LGp1ME>).

The City of Louisville extended a heartfelt thank you to the brave team of individuals listed alphabetically by first name below:

Ben Francisco, assistant manager of operations
Chris DePalma, water plant operator
Cory Peterson, deputy director of utilities
Greg Venette, chief water plant operator
Jeff Owens, water plant operator
Kurt Kowar, director of public works
Matt Fromandi, water plant operator
Shane Mahan, operations technician I
Tom Czajka, operations technician III

Summary of Events

- There are three water plants in Louisville and Superior: Superior's water plant, Louisville's south plant, and Louisville's north plant. Both Superior's water plant and Louisville's south plant were in the burn zone and lost power. The north plant was then supplying all firefighting efforts in Superior and Louisville for several hours at the peak of the fire.
- As water pressure began to decrease around 1 p.m., Greg and Jeff made the

decision to drive into the fire area, against the direction of evacuating traffic, to connect Superior's water to Louisville's so that Louisville could start to supply Superior and the firefighting efforts with water. This 'interconnect' point is located at Louisville's south plant.

- Greg and Jeff had to physically visit water tanks in the fire area to check water levels because the lack of electricity meant they were unable to monitor water levels remotely. This required Jeff to scale a 25-foot tower in hurricane force winds and army crawl to physically look inside the tank to check levels which were low and draining quickly.
- Kurt worked with Superior, Xcel Energy, and Incident Command to quickly identify critical facilities in the area and prioritize electric power back to Superior's plant and arrange portable power to Louisville's south plant.
- Kurt, Cory, Chris, and Matt drove into the fire area to receive trailers of natural gas from Xcel Energy to restore power to Louisville's south plant.
- As firefighting efforts continued and water pressure got dangerously low, Greg made the difficult decision to release untreated

reservoir water into the system which is why Louisville ended up with a Boil Water Order.

- Around 1 a.m., the Operations Team's Ben, Shane, and Tom, who had been evacuating city equipment and assisting police with traffic management, visited Jeff, Kurt, and Cory at the south plant to see if any assistance was needed.
- Water pressure continued to dip dangerously low, and Ben suggested it was because as the fire destroyed homes, the water was draining from the mains. The team determined that water needed to be turned off individually at each destroyed property to allow firefighters to continue fighting the fire.
- Kurt liaised with Incident Command so that he, Ben, Tom, and Shane could follow the firefighting crews and manually turn off water at each location when fire crews were done. While Cory and Greg kept watch of water levels at the plant, Kurt, Ben, Shane, and Tom worked non-stop in the burn area until 7 a.m.

Without the heroic efforts of these nine individuals, Louisville and Superior would have run out of water. Firefighters would have been unable to fight the fires, and more of Louisville and Superior would have been lost.

If you would like to share comments and gratitude with the team, you can comment on Facebook (<https://bit.ly/3LQvEfJ>) or send an email to Info@LouisvilleCO.gov.

The City of Louisville originally published this story on Feb. 2, 2022 (<https://bit.ly/3Bpn1nn>).



CISA cybersecurity resources: Geopolitical tensions

Given the increased focus on the geopolitical landscape, the Cybersecurity and Infrastructure Security Agency (CISA) is leaning forward to ensure industry partners are aware of all CISA resources available to combat potential threats.

On Jan. 11, CISA released a joint cybersecurity advisory (CSA), <https://bit.ly/3oVwi1h>, with the FBI and National Security Agency about Russian threats to U.S. critical infrastructure, including specific tactics, techniques, and procedures associated with Russian actors. They followed the advisory with an executive-level product, <https://bit.ly/3p1p7F8>, urging every organization to take urgent, near-term steps to reduce the likelihood and impact of a potentially damaging compromise.

Cybersecurity alerts

CISA, the FBI, and NSA encourage the cybersecurity community — especially critical infrastructure network defenders — to adopt a heightened state of awareness and to conduct proactive threat hunting, as outlined in the Detection section of the joint CSA. Additionally, CISA, the FBI, and NSA strongly urge network defenders to implement the recommendations detailed in this cybersecurity advisory: <https://bit.ly/3s1DKtQ>. These mitigations will help organizations improve their functional resilience by reducing the risk of compromise or severe business degradation:

- Be prepared. Confirm reporting processes and minimize personnel gaps in IT/OT security coverage. Create, maintain, and exercise a cyber incident response plan, resilience plan, and continuity of operations plan so that critical functions and operations can be kept running if technology systems need to be taken offline.
- Enhance your organization's cyber posture. Follow best practices for identity and access management, protective controls and architecture, and vulnerability and configuration management.
- Increase organizational vigilance. Stay current on information pertaining to this threat. Subscribe to CISA's mailing list and feeds, at <https://bit.ly/3gTYH3H>, to receive notifications when CISA releases information about a security topic or threat.


You can find all CISA alerts and advisories at <https://bit.ly/3I7H8Jh>.


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Want to be part of the solution?



Coloradans agree on more than the media would have us believe. Join hundreds of Coloradans from every corner of the state to share your voice and show the country how we work together to address issues and solve problems. And the best part? You can participate from your own home.

How does it work?

After you register, Unify America will ask you a few questions about your background and opinions. Then we'll match you with someone who answered differently for your conversation. On the event date, you'll join online, and you and your partner will work through a conversation guide on an easy and fun to use platform. The guide will walk you through key issues for Coloradans.

Why someone different?

It takes lots of different viewpoints to come up with the best solutions.

What if the other person is umm... unpleasant?

Don't worry, they've come to the conversation to focus on solutions and respectful disagreement just like you! We also provide norms and a guide for the conversation that help keep things on track.

How is this helping again?

Political division stops things from getting done. We all care deeply for our loved ones and for Colorado. This challenge is cutting through all of the divisive noise out there to bring people together around our common humanity, goals, and solutions. We're strengthening our democracy one conversation at a time.

Okay, I'm in, what next?

Go to unifyamerica.org/colorado to sign up to be the first to know when registration opens, share the news with your community, and if you want to do more to help ensure all of Colorado is represented in the event email us at colorado@unifyamerica.org to learn about easy ways to get involved.

Colorado Unify Challenge

WHEN:

- Tuesday, April 26 at 7:00 PM
- Wednesday, April 27 at 7:00 PM
- Saturday, April 30 at 10:00 AM

WHO: If you're a Coloradan, you're invited! (18 and over, please.)

WHERE: Online (a platform like Zoom)

WHY: To make a difference in your community



AGA



Sign up at www.unifyamerica.org/colorado
Questions? Email colorado@unifyamerica.org

CML LEGAL CORNER



What municipalities need to know about FAMLI

By Megan Decker, CML law clerk

In November 2020, Colorado voters approved Proposition 118, which paved the way for a state-run Paid Family Medical Leave Insurance (FAMLI) program. Although the program is not effective until January 2023, now is the time to start making decisions regarding your municipality and FAMLI participation and compliance. Local decisions can impact budgets, employee compensation, and human resources issues.

Overview of FAMLI

FAMLI provides workers 12 weeks of paid leave to take care of themselves or a family member during life events like injury, serious illness, or pregnancy. Participating employers and employees will contribute to premiums for FAMLI. Employers start collecting and remitting premiums Jan. 1, 2023, and benefits will be available starting Jan. 1, 2024.

Premiums are calculated under new administrative rules. A participating municipality must contribute 50% of the premium and the employee contributes the remainder. If a municipality does not participate, the employee is responsible for 50% of the premium and the municipality can, but need not, deduct the employee portion from payroll and remit it to the state. A municipality that miscalculates premiums is responsible for the difference and cannot collect that amount from the employee.

Opting out

All municipalities are included in FAMLI by default, but a municipality may opt out and avoid the employer portion of premiums by a vote of a governing body. The municipality must give prior notice of the vote in the same manner it notices other public business, must provide special notice to employees, and must take testimony before voting. Declination takes effect in 180 days so employees can

individually opt in to the FAMLI program at their own cost. Within 30 days of the vote, a municipality must provide various notices that include:

- An explanation of differences between the FAMLI plan and any municipal private plan
- Employee eligibility for job protection under the federal Family and Medical Leave Act
- Information on opt in to FAMLI
- Contact information

All notices, whether for opting out or back in, must be posted in conspicuous and accessible places where employees work. If the municipality does not maintain a physical workspace or has employees who telecommute, the notice must be posted in a conspicuous place through a web-based or app-based platform. Notices must be posted in English and any language representing the first language spoken by at least five percent of the local government's workforce.

Administrative rules require that a municipality renew its decision to opt out of FAMLI every eight years. Otherwise, the local government will, by default, be opted back into the FAMLI program. **A vote to opt out starting in 2023 should occur by July 1, 2022, to ensure compliance with the timing requirements.**

Opting back in

A municipality that previously opted out of FAMLI may opt back in if the governing body elects FAMLI program coverage at the beginning of the annual local budgeting cycle. After the vote, the municipality must register as an employer with the FAMLI Division before collecting employer premiums. Coverage would begin no later than the first quarter after the municipality's notice to the FAMLI Division of the vote and submission of at least one quarter's premium amount on

behalf of the employer and its employees. Municipalities who opt into FAMLI must stay in the program for at least three fiscal years. The first year begins on the first day of employee coverage — not the first day a municipality collects premiums.

No more than 90 days after the vote, individual employees who opted in must be personally notified in writing that the municipality has opted back into FAMLI. The notice must include that date for the municipality's first submittal of quarterly premiums and any potential lapses or changes in benefits eligibility.

The local government must publicly post a notice of the date the employer will begin paying FAMLI premiums and when coverage is expected to start.

Employees who did not opt in must also be notified in writing both publicly and personally no later than 180 days after the vote to opt back into FAMLI. The notice must contain a detailed explanation of employee rights under the FAMLI program, including program requirements, benefits, claims processes, payroll deductions, premiums, and employee protections like the right to job protection and benefit continuation and protection against retaliatory or discriminatory information, among other things.

Additional resources

The Colorado Supreme Court recently agreed to hear an immediate challenge to FAMLI premiums brought under TABOR. The Denver District Court upheld the FAMLI premium requirement in 2021. Additional information regarding FAMLI can be found at famli.colorado.gov.

Correction: The Feb. 11 Legal Corner should have been attributed to Rachel Bender, CML associate counsel.

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: The challenge of maintaining municipal infrastructure

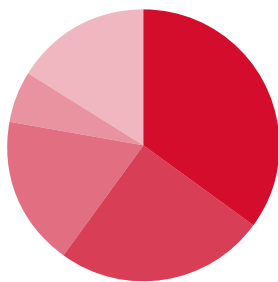
The Colorado Municipal League's 2022 State of Our Cities & Towns Report, based on results of a statewide survey of cities and towns conducted in the fall of 2021, inquired about the ongoing challenges related to housing supply and affordability, public safety, and infrastructure funding. High-level economic findings were included in the Feb. 11, 2022 CML newsletter. Findings related to infrastructure funding are included below.

● View the data story at
cmlresource.com/stateofourcitiesandtowns

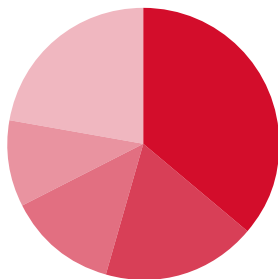
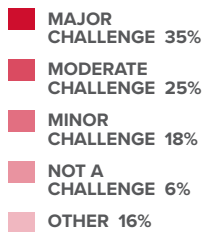
● View the full report at
cml.org/home/publications-news/state-of-our-cities-towns

BIGGEST CHALLENGES

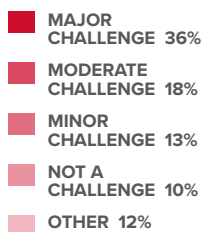
A large majority of municipalities named funding for street improvements (78%) and for water/wastewater improvements (67%) a current challenge.



STREETS



WATER & WASTEWATER

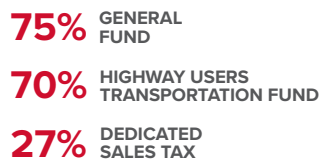


HOW TO PAY FOR STREETS & ROADS

The majority of municipalities fund street needs through the general fund and/or through the Highway Users Transportation Fund (HUTF).



STREET MAINTENANCE



STREET CAPITAL PROJECTS

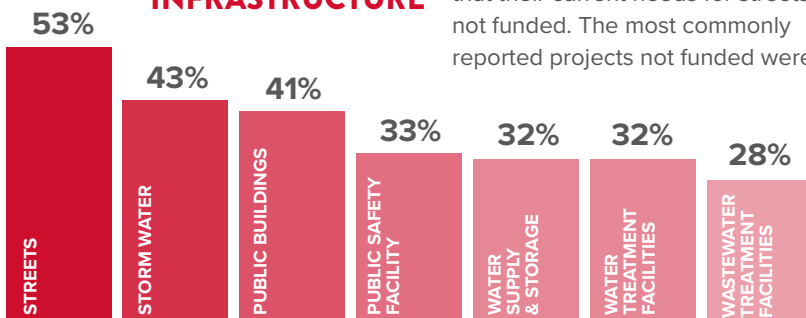


AT THE CAPITOL

During the 2021 legislative session, the General Assembly passed Senate Bill 21-260, Sustainability of the Transportation System (bit.ly/351MAyQ), changing how the state funds transportation projects. Early estimates show that local governments will see an increase in funds earmarked for transportation and maintenance through a series of new and expanded enterprises, hopefully addressing the shortfall in funds available for road and streets.

UNFUNDED INFRASTRUCTURE

More than half of municipalities reported that their current needs for streets were not funded. The most commonly reported projects not funded were ...



AMERICAN RESCUE PLAN

How are municipalities planning to use American Rescue Plan Act (ARPA) funds to support infrastructure?





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- White House publishes guidebook to Bipartisan Infrastructure Law
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