

Colorado Municipalities

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CML'S POLICY DEVELOPMENT PROCESS AND 2021 LEGISLATIVE PRIORITIES

Going into each legislative session, CML begins its policy development process, which guides our legislative priorities.

A DAY IN THE LIFE OF CML'S ADVOCACY TEAM

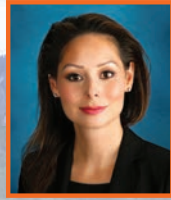
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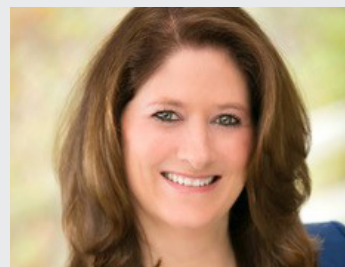
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About CML

The Colorado Municipal League is a nonprofit association organized and operated by Colorado municipalities to provide support services to member cities and towns. The League has two main objectives: 1) to represent cities and towns collectively in matters before the state and federal government; and 2) to provide a wide range of information services to help municipal officials manage their governments.

MISSION

Colorado Municipalities is published to inform, educate, and advise appointed and elected municipal officials about new programs, services, trends, and information to help them perform their jobs and better serve their citizens and communities.

Letters to the editor

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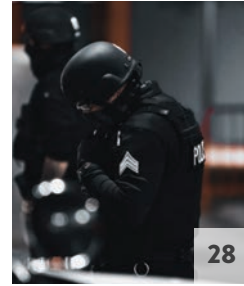
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About some of our contributors



Christine Berg is the senior policy advisor for local government at the Colorado Energy Office. Berg provides resources for communities to realize long-term cost savings and resiliency by advancing clean energy and energy efficiency. Prior to the energy office, she served for five years as the mayor of Lafayette.



Kevin Bommer, CML executive director, is responsible to CML's 21-member executive board for executing the policies and programs of the League, supervising staff members, managing and coordinating activities and operations, recommending and developing organization policies and programs, and serving as a spokesperson for League policies. Bommer also directs the League's advocacy program and oversees CML's strategic plan development and implementation. Prior to being appointed executive director in April 2019, Bommer served as the League's deputy director from 2012 to May 2019 and was a full-time lobbyist from 2001 to May 2019.



David Broadwell, CML general counsel, manages legal services for CML, ranging from educational support for municipal attorneys throughout the state to advocacy for municipal interests in the courts. Since 1982, David has devoted his entire career to serving Colorado municipalities, including work in Glenwood Springs, Arvada and Denver and a previous stint as CML staff attorney in the 1990s.



Morgan Cullen, CML legislative and policy advocate, is responsible for advocating municipal interests before the state legislature. His issues include economic development; environment and sustainability; transportation and transit; municipal debt and finance; purchasing; telecom and broadband; and utilities. He also assists in training and answering inquiries for other municipal officials on various topics. He joined CML in 2016.



Meghan Dollar, CML's legislative advocacy manager, is responsible for advocating municipal interests before the state legislature. Her issues include affordable housing; criminal justice and courts; immigration; employment and labor; retirement/pensions; and taxation and fiscal policy. She also assists in training and answering inquiries for other municipal officials on various topics. Dollar joined CML in 2011.



Mayor Jeremy Fey moved to Central City in February 2017 with his wife Aidarra, and his daughter Aliah. They have recently welcomed a new member to their family, a daughter named Golda. Mayor Fey is a Colorado Native and has loved and frequented Central City since the early 70's. His career path started with selling programs at Red Rocks in 1985, to promoting World Championship Wrestling across America throughout the 90's, to consumer product licensing and event retail management for clients such as the NFL, IOC and FIFA. Mayor Fey moved to Central City to lead a revitalization of the city's historic district through arts and entertainment programming, and expanded hospitality offerings.



Doug Hall is fire chief for the City of Westminster. Doug represents municipalities on behalf of CML with the Colorado Fire Commission.



Aaron Jacks joined the Arvada City Attorney's Office in 2017. He became the legal advisor to the Arvada Police Department in 2018. In addition to advising the police department, he handles various matters related to municipal court operations and the Ralston House Child Advocacy Center. Jacks retired from the Arvada Police Department in 2011 after a 22-year law enforcement career with Arvada and the Colorado State Patrol. He attended law school at the University of Denver-Sturm College of Law, graduating in 2014. Aaron returned to public service with Arvada after working as an in-house counsel with Zayo Group, a fiber optic telecommunications company headquartered in Boulder.



Melissa Mata is CML's municipal research analyst. She works on research, analysis, and reporting of municipal trends and best practices, and brings a background in municipal government to the role. Melissa joined the League in October 2017.



Mayor David D. Spellman is a fifth-generation Black Hawk citizen whose great-great grandparents were one of the founding families of Black Hawk. Mayor Spellman was first elected to the Black Hawk City Council at 21 years old, making him the youngest person ever elected. Alderman Spellman served in that capacity for 19 years. He was appointed to his position as Mayor after the death of longtime Mayor Kathryn E. Eccker. In 2008, Mayor Spellman won his re-election and has now served as a public official for

more than 34 years, the last 14 as Mayor. Mayor Spellman is also the president of the Black Hawk/Central City Sanitation District, where he has served for close to 30 years. He has also served the Planning and Zoning Commission and Historic Preservation Commission for the city. Mayor Spellman was active in the transformation of Black Hawk from the sleepy little mountain town, where main street was little more than a dirt road with a trailer park and a few condemned buildings, into Colorado's premier gaming city of today. He continues to think outside the box, leading the way on the city's innovative tax and incentive programs, which helps ensure profitability for local businesses and maintains Black Hawk's average market share at 73% of the Colorado gaming industry.



Heather Stauffer, CML legislative and policy advocate, is responsible for advocating municipal interests before the state legislature. Her issues include: water and wastewater; oil and gas; natural resources and environment; severance tax; open meetings and open records; special districts; and elections. She also assists in training and answering inquiries from other municipal officials on various topics. She joined CML in 2019.



Beauclarine Thomas is a legislative and policy advocate at CML. She is responsible for advocating municipal interests before the state legislature. Her issues include beer and liquor/marijuana; building codes; healthcare; hemp; land use and annexation; historic preservation; lottery and gaming; state budget/JBC; and substance abuse. She also assists in training and answering inquiries for other municipal officials on various topics. Beauclarine joined CML in September 2020.



Laurel Witt is CML's associate counsel. She is responsible for answering legal inquiries from members, writing legal briefs, and contributing to research reports and publications. Her responsibilities also include assisting the general counsel in representation of CML and its members before various state agencies and the courts, and she supports the entire legislative advocacy team with legal analysis of legislative issues and legislative drafting. Laurel joined the League in 2018.



Ken Watkins is fire chief for the City of Grand Junction. Ken represents municipalities on behalf of CML with the Colorado Fire Commission.

CML'S POLICY DEVELOPMENT PROCESS AND 2021 LEGISLATIVE PRIORITIES

By Meghan Dollar, CML legislative advocacy manager

Going into each legislative session, CML begins its policy development process, which guides our legislative priorities when the General Assembly meets beginning in January. In this article is an overview of CML's policy development process, as well as CML's legislative priorities as established at the time of this writing.



CML'S POLICY DEVELOPMENT PROCESS

The largest driver of CML's policy development is the CML Policy Committee, and all members are encouraged to take advantage of the opportunity to be represented. Each CML member municipality is entitled to designate one representative to the League's Policy Committee. One alternate may also be designated, and that alternate should attend only if the appointed member is unable to attend. (Cities over 100,000 population are entitled to designate two representatives and one alternate.) In addition, CML section chairs are automatically appointed as non-voting members of the committee. The chair of the Policy Committee is appointed by CML's current board president.

The Policy Committee has *significant* policy development responsibilities. The committee is responsible for:

1. Reviewing requests from member municipalities for CML initiated legislation and recommending specific positions to the CML Board.
2. Reviewing requests for policy positions from member municipalities and recommending specific positions to the CML Board.
3. Reviewing known or potential legislative issues or bills, considering staff recommendations, and recommending specific positions to the CML Board.
4. Reviewing the League's Annual Policy Statement that guides League positions on policy issues affecting municipalities and proposing revisions, if necessary. (Any recommended changes are voted on by CML members at the Annual Business Meeting that takes place as part of CML's Annual Conference.)

The CML Policy Committee met virtually in October and December of 2020 and will meet again in February 2021. Below are CML's specific legislative priorities, at the time of this writing, going into the 2021 Legislative Session.

AFFORDABLE HOUSING AND LOCAL LAND USE

Colorado is in the midst of an affordable housing crisis, and our workforce can no longer afford to live in the communities where they are employed. Colorado has a growing number of cost-burdened households in both urban and rural areas. In a recent survey conducted by CML, our members described the supply of housing as "insufficient," "unattainable," or "in disrepair," while they described the need as "critical," "significant," and "desperate."

Colorado state law has long given local governments broad authority to regulate and oversee the development of land within their respective jurisdictions in order to achieve various public policy goals. In 2000, in *Town of Telluride, Colorado v. Lot Thirty-Four 4 Venture LLC*, 3 P.3d 30 (Colo. 2000), the Colorado Supreme Court held that a local land use ordinance enacted by the Town of Telluride to mitigate the impacts of new development on housing affordability violated a 1981 state statute that prohibited local governments from enacting local rent control laws. However, in that decision, the Supreme Court made clear that its holding

does not prevent the General Assembly from passing legislation clarifying whether or not the rent control prohibition was intended to apply to the regulation of new development under a local government's land use powers.

CML's initiated legislation will clarify once and for all that local governments may regulate the development and use of land within their jurisdictions in order to promote the new development or redevelopment of affordable housing units. Further, the legislation will confirm that the rent control statute does not apply to any land use regulation adopted pursuant to this authority that restricts rents on either the new development or redevelopment of housing units as long as the local government provides a menu of options to the developer to comply with their land use regulation.





CLARIFICATION OF OPEN MEETINGS LAW

Questions around Colorado's open meetings law, also referred to as the Colorado sunshine law, are nothing new to municipal staff and elected officials. Chances are that nearly every municipal official at some point in their careers has uttered the phrase "does this qualify as an open meeting?" The law requires any board, commission, or other advisory decision-making body to discuss business or take formal action in meetings that are open to the public. A meeting can refer to either an in-person meeting, telephone meeting or electronic communication.

CML's initiated legislation seeks to further clarify the law by including in statute language that defines specific types of non-

substantive email communication between elected officials which are not considered to be subject to open meeting requirements. The list includes email communication related to scheduling and availability, forwarding information, responding to an inquiry from a constituent, or posing a question for later discussion. Nothing in the bill changes the current open meetings standards or requirements, or the standards and requirements of Colorado open records laws. We hope this further clarification in the law will help municipal staff and elected officials better determine whether an email communication is subject to Colorado open meeting laws and help avoid costly and unnecessary litigation.

LAW ENFORCEMENT INTEGRITY ACT

Senate Bill 20-217, the Law Enforcement Integrity Act, was a significant piece of legislation that passed quickly in the last 10 days of the 2020 legislative session. The legislation included

significant changes in the law regarding policing, including use of force standards, requiring body cameras, requiring data collection during contacts, and creating new liability for local governments. Another article in this magazine takes a deeper dive into SB 20-217, however, clarifying and cleaning up the statute will certainly be a priority for CML in the 2021 legislative session.

REPEAL OF THE 120% RULE FOR ONSITE RENEWABLE ELECTRICITY GENERATION

Colorado law limits the size of a renewable energy system allowed on a customer's premise to no more than 120% of the total customer energy usage of the building. Any applications submitted to utilities that come in over the 120% rule are declined and asked to adjust the system size accordingly. This current statute was enacted 15 years ago and is no longer applicable to present-day PV technology, equipment, or Colorado's renewable energy goals. This requirement will only become more antiquated as the state continues to transition to cleaner forms of energy to power its buildings and ground transportation. The current limitation simply does not adequately contemplate the extent of present or future demand. Therefore, CML will be supporting legislation to either eliminate or substantially increase the 120% rule within the Colorado Renewable Energy Standard.

SINGLE-USE PLASTIC PROHIBITIONS

A number of municipalities have already implemented or are contemplating implementing prohibitions on plastic bags or other single-use items. However, a statewide preemption on local prohibitions of plastic products has existed in statute since the late 80s. C.R.S. 25-17-104 states: "No unit of local government shall require or prohibit the use or sale of specific types of plastic materials or products or restrict or mandate containers, packaging, or labeling for any consumer products." Definitions are found in C.R.S. 25-17-102. Because this may be construed as a preemption against any municipal actions to prohibit plastic materials, CML will be supporting legislation in 2021 striking this language in order to explicitly permit local prohibitions.

Once the legislative session is underway, expect to see CML's weekly Statehouse Report as well as individual communications to our membership regarding pending legislation. Also, look out for any Action Alerts asking you to contact your legislator. Grassroots advocacy will be key in what is sure to be a more "virtual" legislative session.

Q&A

ANITA SEITZ

Get to know CML's Policy Committee chair & Westminster mayor pro-tem

TELL CML MEMBERS A LITTLE ABOUT YOURSELF

I have had the privilege of serving on the Westminster City Council since December 2013. Initially appointed, I have won two elections (2015 and 2019). I moved to Colorado when I was 11 years old from Fresno, Calif. That was the luckiest move of my life. I attended the University of Northern Colorado and have a degree in Earth Sciences and I earned my MBA from Regis University. I love spending time outdoors with my wonderful husband (Matt), three kids (Phoebe, Ian, and Katie), and my dog Bella.



TELL CML MEMBERS ABOUT THE CITY OF WESTMINSTER AND THE COMMUNITY

Westminster is a beautiful and vibrant Front Range community. We have a population of roughly 115,000 people and are located between Denver and Boulder. We are in two counties (Adams and Jefferson) and have three school districts (Westminster, Adams 12 and Jeffco). We are a "full service" city with our own fire, water and wastewater utility departments.

WHAT DREW YOU TO SERVING IN LOCAL GOVERNMENT?

As corny as it sounds, a sense of civic duty and responsibility. I believe that it is our responsibility to try to work towards the type of community and world we want for our kids. This is my way of contributing towards that goal.

WHAT DO YOU FIND MOST REWARDING ABOUT SERVING IN LOCAL GOVERNMENT?

All of it. I love how accessible we are to the community; the community-centered, non-partisan nature of our policy making; and the ability to make decisions that help promote a more sustainable and inclusive community. And learning. As someone with a natural curiosity, being a local elected official has given me the opportunity to learn about so many different issues and how they impact the community.

"I BELIEVE THAT IT IS OUR RESPONSIBILITY TO TRY TO WORK TOWARDS THE TYPE OF COMMUNITY AND WORLD WE WANT FOR OUR KIDS."



WHAT DO YOU FIND MOST CHALLENGING ABOUT SERVING IN LOCAL GOVERNMENT?

How difficult it is to communicate effectively with our community. With the absence of local media coverage, there seems to be a bit of a vacuum of objective and accurate information about city programs, issues, and events. Finding the right mix of mediums to communicate with our diverse community has proven to be the biggest challenge while I have been on council.

WHAT HAS SURPRISED YOU THE MOST ABOUT SERVING IN LOCAL GOVERNMENT?

The level of expertise, dedication and passion of municipal staff.

HOW LONG HAVE YOU SERVED ON THE CML POLICY COMMITTEE?

It feels like forever!

TALK ABOUT YOUR EXPERIENCE AS A MEMBER OF THE CML POLICY COMMITTEE.

I love it. It is important that the needs, concerns, and voices of local government are heard by our legislators.

I get to meet dedicated municipal leaders from across the state, and I enjoy getting to learn about issues facing their communities. Colorado is a diverse state and the conversations we have at policy committee meetings help us understand each other a little better.

WHAT IS IT LIKE TO CHAIR THE COMMITTEE?

Humbling. My main goal is to foster an environment where every voice is heard and respected. I have enjoyed getting to know the CML team; Meghan and the rest of the team are hyper competent and professional, and I feel fortunate to work with them.

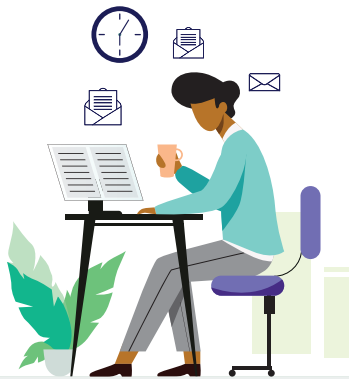
WHAT WOULD YOU TELL A MEMBER WHO IS INTERESTED IN SERVING ON THE CML POLICY COMMITTEE?

Do it!

A day in the life of CML'S ADVOCACY TEAM

Heather Stauffer and Morgan Cullen, CML legislative and policy advocates

Every day brings something new in the Colorado General Assembly; no two days are alike. A successful lobbyist must plan for what they can but be flexible and adaptable to the ever-changing, fast-paced environment around them. As CML lobbyists, we are privileged to be able to defend, protect, and promote the interests of towns and cities at the legislature. We are proud to have the responsibility of supporting and advancing municipal interests every day.



Early morning

First, and most importantly, grab yourself a nice, caffeinated beverage. Preparation is key! Before the General Assembly convenes, CML lobbyists read emails, check the morning's news to stay up to date on current events, and review the General Assembly's schedule. Every day, we make sure that we are informed about the day's upcoming events and prepared for what bills we will need to lobby that day. We also pay attention to various legislators' Twitter/ social media accounts, as there is often valuable information to be collected about the day's events. On Monday mornings, lobbyists film the Statehouse Report so CML members can stay up to date on what is happening that week at the Capitol.



Mid-morning

We quickly update and print any position papers or materials we need for lobbying that day, refill our caffeinated beverages, and head out the door for the three-block walk to the Capitol building!



Morning floorwork

Bills have three readings on the floor of each chamber. First reading is when a bill is introduced and assigned to committee, second reading is when legislators have the opportunity to debate and add amendments to bills, and third reading is the final formal vote. Third reading amendments are rare, and the entire assembly tends to boo and hiss (literally) if an amendment is brought to the desk on third reading. During morning floorwork, legislators in both the House and Senate simultaneously hear bills on second and third reading. Lobbyists work in the lobby in front of the chamber (YES, THAT'S WHY WE'RE CALLED LOBBYISTS!). Our job during this time is to give information to legislators about what CML members think about bills they're hearing or will hear soon, ask for votes, count votes, negotiate amendments, and gather intel about bills from legislators and other lobbyists.



The lobby

With people moving back and forth from each chamber, and limited space in both lobbies, it can get cramped quickly. The lobbies in both the House and Senate chambers are a flurry of activity in the morning with lobbyists, members of the public, and legislators working in the limited space. Lobbyists are not allowed in the House and Senate chambers, so the way we communicate with legislators is by sending in cards or notes through the sergeant who is posted by the door to each chamber. In this modern age, there is also quite a bit of communication that happens via email and text message as well.



Mid-morning & afternoon committees

After their morning floor work has concluded, the House and Senate break and legislators report to mid-morning and afternoon committees. Most often CML lobbyists will need to attend multiple legislative committees (some of which are happening simultaneously) in order to testify on behalf of CML, or to lobby legislators on various pieces of legislation.



Mid-morning & afternoon

Throughout the morning and afternoon, CML lobbyists will attend stakeholder meetings, one-on-one meetings with legislators and other meetings as needed in order to work out the details of legislation, negotiate amendments, or strategize. Once every two weeks, CML lobbyists will meet for lunch with our municipal caucus at the CML offices to talk about relevant bills.



End of the day

Once we make it back to the office, it's time to answer emails, communicate with CML members on advocacy, work on member inquiries, strategize among ourselves on upcoming bills, write position papers and check tomorrow's schedule.

A note about the 2020 SESSION

The Colorado General Assembly temporarily adjourned the 2020 legislative session due to COVID-19 on March 13, reconvening on May 25 and adjourning sine die on June 15.

The COVID-19 pandemic was unprecedented for all of us. Successful advocacy depends upon the relationships you build, and so much of lobbying and advocacy relies on the daily face-to-face interactions that happen at the Capitol. However, just like everyone else around Colorado, we adapted and adjusted to our new reality. We watched the daily proceedings in real time via the Colorado Channel rather than in the lobby, text messages replaced cards to legislators, face to face meetings became phone calls or Zoom calls.

We submitted testimony for committee meetings that did not require our presence, testifying in person only when necessary. Lobbying didn't stop just because the legislature temporarily adjourned. Changed legislative priorities led to new and massive employment and criminal justice bills, and COVID's impacts to the state budget ensured that CML lobbyists were working hard around the clock to advocate for CML member interests, even when the legislature was not in session. We don't yet know everything that the 2021 session will have in store for us, but we do know that we will adapt and adjust as necessary, and we will never stop advocating on behalf of towns and cities in Colorado.



A spike in COVID-19 infections and hospitalizations across Colorado this winter has increased the likelihood that many of the public health and safety requirements adopted by General Assembly last spring will remain in place.

While CML acknowledges the essential role that city council members, town boards and municipal employees play in advocating on behalf of municipal interests at the state Capitol, it is important to understand the current safety protocols in place so that you can plan accordingly.

- Anyone who is at high risk of serious illness from COVID-19 or who is experiencing symptoms (including fever, cough, general aches and pains, and fatigue) should stay at home and not come to the Capitol.
- Members of the public must wear masks or facial coverings at all times that they bring from home.
- Everyone in the building is asked to wash their hands frequently, especially before and after meetings, floor work and upon entering or leaving the building.
- Members of the public entering the Capitol building must do so through the south side entrance and will have to undergo a health screening, including a temperature check.
 - Everyone should practice safe social distancing in the Capitol, always staying a minimum of six feet apart from others.
- Areas in the Capitol that previously allowed larger groups to gather in confined spaces will be closed. This includes the House and Senate lobbies and the basement cafeteria.
 - Public committee testimony and participation will still occur, however access to the committee rooms will be limited to allow for social distancing.



CML works with key allies for a **SUCCESSFUL LEGISLATIVE AGENDA**

By Meghan Dollar, CML legislative advocacy manager

The CML legislative team regularly works with organizations advocating and promoting the interests of local governments. This article highlights two key allies, Colorado Counties, Inc., and the Special Districts Association. CML works with these organizations to present a united voice to the Colorado General Assembly and other government and regulatory bodies to help promote the interests of local governments.

COLORADO COUNTIES, INC.

Colorado Counties, Inc. (CCI) is a non-profit, membership association whose purpose is to aid county commissioners and to encourage counties to work together on common issues. Governed by a board of directors consisting of eight commissioners from across the state, CCI's focus is on information, education, and legislative representation. Like CML, they strive to keep their members up to date on issues that directly impact county operations.

CCI LEGISLATIVE PRIORITIES

CCI has numerous policy priorities for the 2021 legislative session. Beginning with criminal justice, CCI plans to address the unfunded mandates in Senate Bill 20-217, including funding for body worn cameras and storage of video footage and data. CML will work with CCI on this priority. They will also advocate for restoring the applicability of the Colorado Governmental Immunity Act to the new civil action created under C.R.S. 13-12-131. Apart from criminal justice, CCI has several human services-related priorities. These include defining domestic violence in the Colorado Children's Code to capture the emotional and psychological impact this behavior can have on children and authorizing counties to respond to less severe allegations (i.e. self-neglect, wandering from home, etc.) in a manner that promotes ongoing safety and collaborative partnerships with at-risk adults and their families. Finally, CCI will partner with other stakeholders to secure additional financial support for the mental health co-responder program. Along with the aforementioned priorities, CCI plans to ask the legislature to exempt unpaved county roads from the statutory 811 "locate" requirement for basic road maintenance and prohibit OHVs that are registered outside of Colorado from using county roads that are closed to OHV use. Lastly, CCI plans to amend C.R.S. 39-1-111 to allow taxing authority mill levies to be certified by a signatory as designated by the board of county commissioners and advocate for counties to have the option to publish various financial information (monthly warrants, salaries, and financial reports) on their county website as an alternative to publishing in their local newspaper.

SPECIAL DISTRICTS ASSOCIATION

Another key CML partner is the Special Districts Association (SDA), a statewide membership organization created in 1975 to serve the interests of special districts in Colorado. Special districts provide basic services and public needs, including fire and rescue, water, sanitation, parks and recreation; hospitals; libraries; and cemeteries. SDA has over 2,210 special district members and over 300 associate members, including attorneys, accountants, investment advisors, engineers, management companies, and consultants. These members provide information for the operation and development of special districts in Colorado. SDA exists to help special districts serve the public in the most efficient and economical manner possible and advocates on behalf of special districts before the Colorado General Assembly.

SDA LEGISLATIVE PRIORITIES

SDA will be spearheading several legislative priorities for the 2021 Legislative Session. The special district election experts have assembled several technical or clean up items to correct statutory references and make sure that the election statutes are consistent, accurate, and easy to understand. Additionally, SDA will be asking the legislature to give districts the authority to voluntarily organize themselves





into director districts. This concept is helpful where at least two special districts consolidate to form a single entity and geographical representation on a new board can be achieved.

SDA is also advocating that "data mining" through CORA requests by private commercial entities places an enormous burden on limited resources of governmental entities. Therefore, SDA will request that the General Assembly approve a modification that allows for additional time to comply with a CORA request that is for commercial purposes. They will also advocate for governments to have the potential to charge for the costs of complying with the request.

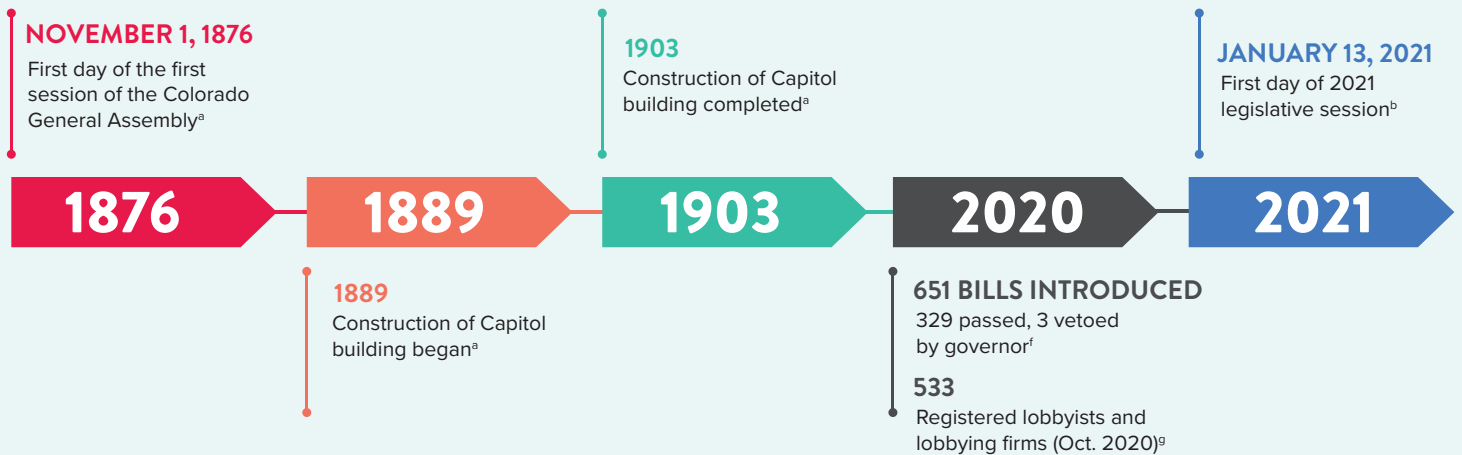
In addition, SDA's business and work models have been transformed in several ways during the COVID-19 pandemic. One such adaptation has been the increased use of telephone and virtual video meetings. SDA will be seeking a clarification in the Special District Act that provides explicit authority for meetings to be held telephonically and over any number of virtual video platforms. The proposal will also validate any meetings that have been conducted virtually to protect the health and safety of the public, staff, and board members.

Finally, SDA will be seeking a modification to the PERA statutes that clarifies that a special district board member is not an employee of the special district for the purposes of determining participation in PERA. This issue stems from the compensation that a board member receives for attending board meetings. State statute already explicitly states that a board member cannot be an employee of a special district; this change will bring the PERA statutes in line with that determination.

"Undoubtedly the 2021 Legislative Session will present a number of practical and logistical challenges for the members of the General Assembly, the public, and those of us who advocate for our member constituencies," said Ann Terry, SDA's executive director. "However, SDA will continue to work tirelessly on behalf of our members across the state, regardless of any challenges that arise. We also look forward to successfully collaborating with our local government partners again this year on matters that are important for all of us."

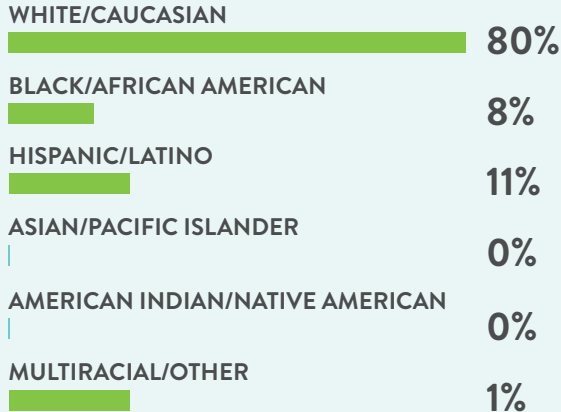
CML looks forward to working with CCI and SDA during the upcoming legislative session and wishes them well on their legislative priorities.

Research Corner: UNDER THE GOLDEN DOME



120 DAYS
Maximum number of days in a legislative session^a

JULY 1 - JUNE 30
State fiscal year^e



DEMOCRAT
60%



REPUBLICAN
40%

COLORADO STATE LEGISLATOR DEMOGRAPHICS (2020)^d



FEMALE
47%



MALE
53%

35 SENATORS

Serving 4 year terms, limit of 2 consecutive terms^a

65 MEMBERS OF HOUSE

2 year terms, term limit of 4 consecutive terms^a

77,500

Number of constituents represented by each House member^a

144,000

Number of constituents represented by each senator^a

316

Approximate number of legislative staff (2015)^c



Sources

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 B. Colorado General Assembly leg.colorado.gov/
 C. National Conference of State Legislatures ncsl.org/research/about-state-legislatures/staff-change-chart-1979-1988-1996-2003-2009.aspx
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 E. Colorado General Assembly leg.colorado.gov/explore/budget/
 F. Colorado General Assembly Digest of Bills leg.colorado.gov/digest-of-bills
 G. Colorado Information Marketplace data.colorado.gov/Lobbyist/-Directory-of-Lobbyists-in-Colorado/bqa5-gr84



NEW FACES AT THE CAPITOL

The 2021 Legislative Session will welcome 18 new lawmakers to the Colorado House of Representatives and Senate in January - offering fresh perspectives and new legislative proposals as diverse as Colorado.



Rep. Jennifer Bacon
House District 7 - Democrat
Denver

As an African American woman, Rep. Bacon recognized at an early age her duty to fight for the success of young people despite their zip code or skin color and make sure every child can reach their full potential. Bacon plans to bring her experience as a former educator and school board director to her new role as a legislator – to ensure every child in Colorado is offered a high-quality education and our state's teachers receive the support they need to be successful in the classroom.



Rep. Karen McCormick
House District 11 - Democrat
Longmont

Rep. McCormick has practiced veterinary medicine for over 33 years and ran her own successful veterinary practice for 16 years. McCormick has been married to her husband Gregg, a native Coloradan, for 30 years. They have lived in Longmont for over 26 years, where they raised their three children who are now adults. Some of Rep. McCormick's top priorities she hopes to work on in the General Assembly are addressing climate change, lowering health care costs, improving education and addressing systemic racism and LGBTQ rights.



Rep. Tracey Bennett
House District 12 - Democrat
Longmont

Rep. Bennett is a computer industry expert, entrepreneur, engineer, and mom from Longmont. She received her engineering degree from Cornell University and a Harvard MBA. She helped lead the effort to revitalize the Butterfly Pavilion and led the OUR Center's homelessness prevention efforts during the Great Recession. Rep. Bennett is also a world class runner and has completed 36 marathons.



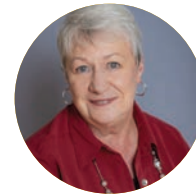
Rep. Judy Amabile
House District 13 - Democrat
Boulder

Rep. Amabile has lived in Colorado for almost 50 years and describes herself as an entrepreneur, employer, mother and hardworking community activist. She earned her BA and an MBA from the University of Colorado in Boulder, and went on to co-found Polar Bottle, a Boulder company that manufactures smartly designed sport water bottles. She was also a founding member, and is a current board member of Good Business Colorado, and she serves on the Community Affairs Council for the Boulder Chamber of Commerce.



Rep. Andres G. Pico
House District 16 - Republican
Colorado Springs

Rep. Pico is a retired Naval Flight Officer who completed 21 years of active duty. After retiring from the Navy, he worked as a defense contractor for over 16 years supporting Air Force Space Command, US Space Command, US Strategic Command and US Northern Command and NORAD. He has been active in local politics since 1995, and he formerly served on the Colorado Springs council. Rep. Pico and his wife Janice have been married for more than 40 years and have 9 children and 15 grandchildren.



Rep. Mary Bradfield
House District 21 - Republican
Colorado Springs

Rep. Bradfield is a retired teacher of 20 years. Throughout her career, she held many leadership roles including department chair for teacher development, team leader for teachers' groups, and sponsor of student activities such as National Honor Society. She was also appointed to participate in the initial district and state-wide language arts performance standards. After retiring, she became actively involved in volunteering with the Republican Party, holding several leadership positions including vice chair of the El Paso County Republicans.



Sen. Barbara Kirkmeyer
Senate District 23 - Republican
Johnstown

Sen. Kirkmeyer is a fourth generation Coloradoan who has lived in southern Weld County for over 35 years. Prior to serving as a county commissioner, she co-owned and operated a dairy farm, was a small business owner for 15 years, and served in Governor Bill Owens' cabinet as the acting executive director of the Department of Local Affairs.



Sen. Chris Kolker
Senate District 27 - Democrat
Centennial

Sen. Kolker was raised by a John Deere factory worker and school secretary in rural Iowa and has lived and worked in Arapahoe County since 1999, where he and his wife Tara decided to raise their two daughters. A former high school teacher, currently a Certified Financial Planner(CFP®), and small business owner, Chris will focus his time in the state senate making sure our budget is addressing the needs and values of his district and supporting public education.



Rep. Lindsey N Daugherty
House District 29 - Democrat
Arvada, Westminster

Rep. Daugherty is an attorney specializing in juvenile and family law. She attended the University of Northern Iowa, where she graduated with a political science degree, and returned to Colorado to attend law school at the University of Denver. While there, she clerked for the White House under the Obama Administration. After law school, Rep. Daugherty started her own law firm, specializing in family and juvenile law. On the weekends she enjoys biking the trails in Arvada or shopping at the Olde Town farmers' market.



Sen. Cleave Simpson
Senate District 35 - Republican
Alamosa

Sen. Simpson is a native of the San Luis Valley. A Colorado rancher and farmer, Simpson serves as the general manager of the Rio Grande Water Conservation District and on the Adams State University Board of Trustees. Areas of significant concern for him that he would like to focus on in the Capitol are agriculture, water and education. After spending time working in Texas and Australia, he and his wife of over 35 years, Cathy, returned to their hometown of Alamosa to be close to family and friends.



Rep. David Ortiz
House District 38 - Democrat
Centennial

Rep. David Ortiz was born in Rapid City, S.D. He served in the United States Army. Ortiz earned a joint Bachelor's degree in International Affairs and Business Administration from the University of Saint Thomas in Houston, Texas. His career experience includes working as an advocate, public servant, and public affairs professional.



Rep. Naquetta Ricks
House District 40 - Democrat
Aurora

Rep. Ricks resettled in Aurora after fleeing Civil War in her native country of Liberia. After graduating from Aurora Central, she earned a Bachelor's and Master's degree in Business Administration from Metro and CU respectively. She is the proud mother of a 24-year-old daughter and operates a successful small mortgage brokerage business. She is passionate about building economic knowledge, capacity and attainability for immigrant and low-income communities. She finds joy in helping people reach their goal of home ownership as a mortgage broker.



Rep. Iman Jodeh
House District 41 - Democrat
Aurora

Rep. Jodeh is the first Muslim lawmaker in Colorado's history. She was born and raised Aurora. She is a first-generation American, daughter of immigrants and refugees, community advocate, and educator. She graduated from the University of Colorado Denver with a Bachelor's and a Master's degree and is now a community liaison for Interfaith Alliance of Colorado.



Rep. Stephanie Luck
House District 47 - Republican
Penrose

Rep. Luck is a resident of Penrose, an unincorporated community in Fremont County, where she has learned first-hand the importance of water and agriculture. She has served as President of the Penrose Chamber of Commerce, as a Community Board Member with Fremont County Communities that Care, and as a behind-the-scenes volunteer on a number of other community initiatives. The Colorado native has worked with non-profit organizations, operated small businesses, and taught in public school.



Rep. Tonya Van Beber
House District 48 - Republican
Greeley

Rep. Van Beber is a third-generation resident of Colorado and Weld County. She received her Bachelor's degree from the University of Northern Colorado in Social Sciences/ Psychology and spent 10 years as a District Manager for the Greeley Tribune. After her time at the Tribune, she owned and published two direct mail newspapers in Weld and Larimer counties. After working in journalism, Rep. Van Beber transitioned to teaching at University Schools, a position she has held for the last 17 years. In addition to her work in education, Rep. Van Beber has held a position as County Council member at-large for Weld County.



Rep. Mike Lynch
House District 49 - Republican
Windsor

Rep. Lynch is a senior executive with more than 26 years of experience in the military, government, medical devices, human resources, fashion, and software industries. He has held leadership positions with organizations including the Western Heritage Company, Spectrum HR Systems, SHL-Aspen Tree Software Inc, and Stryker Medical. In his current role as president of the veteran-owned Western Heritage Company, he has relocated the business, transitioned all outsourced manufacturing functions to in-house, and led the company to four-fold revenue growth. Rep. Lynch attained his Master's degree of Public Administration from the University of Colorado and his Bachelor's degree in Systems Engineering and Law from the U.S. Military Academy at West Point. He holds U.S. Army certifications as Airborne Qualified, Bradley Commander, and Master Fitness Trainer.



Rep. Ron Hanks
House District 60 - Republican
Fremont

Rep. Hanks is a combat veteran who has served in the military domestically and internationally. He retired from the U.S. Air Force at the end of 2017 after more than 32 years of active and reserve service. He worked as a linguist in Operation Desert Storm and during multiple operations, including Northern Watch, Southern Watch, and Earnest Will. During the Global War on Terror, Rep. Hanks served as an intelligence officer, performing duties in Iraq, Kuwait, and the United Arab Emirates. When not deployed or in uniform, Rep. Hanks worked in the oilfields of North Dakota. He purchased land in Colorado in 2007 with the intent to retire and explore the Mountain West from the center of it all.



Rep. Dan Woog
House District 63 - Republican
Erie

Rep. Woog received his degree from Arizona State where he also played college hockey. He served as a trustee for the Town of Erie for seven years and also served on Erie's Economic Development Council and Planning and Zoning Commission. He is a volunteer in his community, the President of the Aspen Ridge Charter School Building Corp board, and has coached for many of his children's athletic teams.





2021 State of Our Cities and Towns COVID-19 IMPACTS AND RESPONSE

Melissa Mata, CML municipal research analyst and Meghan Dollar, legislative advocacy manager

The 2021 edition of CML's State of Our Cities & Towns survey sought to understand the operational and fiscal impacts of COVID-19, and what emerged was a story of innovation and resiliency in the face of a global pandemic and economic uncertainty. The 2021 report marks the 12th anniversary of the survey, and questions about general revenue and fiscal challenges from previous surveys were also asked in order to track several key issues over time.

The survey was administered from mid-August to mid-October 2020, and 173 of CML's 270 member municipalities responded, for a 64% response rate. Responses came in from the Western Slope to the Eastern Plains, from deep in the heart of the Rockies to the Front Range, and down to the San Luis Valley. Municipalities of all sizes were also represented – over half of municipalities under 2,000 population participated, as well as 71% of mid-size municipalities, and all but two municipalities over 25,000 population.

The findings show that while the impacts of COVID-19 on operations, revenue, and local economies are as varied as the municipalities that responded, Colorado municipal officials' commitment to serving their communities is universal.

LEGISLATIVE IMPLICATIONS

The survey results will be presented in an exciting and new way in the 2021 legislative session, with the creation of an online data story. The interactive data story, which can be found at www.cml.org, will make clear that, yet again, municipalities were ready to respond and solve problems, this time in response to a global pandemic. As CML heads into the legislative session, this survey will provide our lobbyists with the information necessary to demonstrate how local control allows municipalities to be nimble during emergencies such as a pandemic and with the ability to articulate why it is imperative that the legislature not place mandates on municipalities.

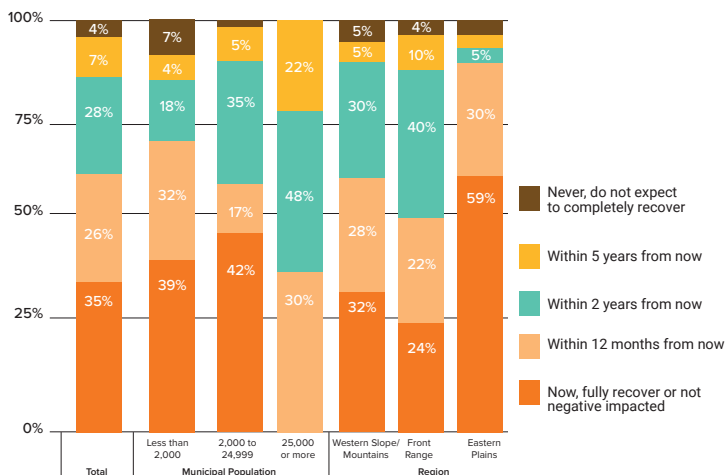
OPERATIONAL & FISCAL IMPACTS OF COVID-19

Municipalities faced a dual challenge with COVID-19: residents and local businesses needed increased support from their local governments even as elected officials and staff were calculating how to adjust budgets in response to reductions in a variety of revenue streams.

Fortunately, close to 60% of municipalities indicated their fiscal situation was better than expected, compared to their outlook in late spring, with 24% saying "much better" than expected. About 10% said their fiscal situation was worse than expected. In previous CML surveys related to the pandemic, municipalities indicated that sales tax revenue was partially saved by taxes brought in by essential businesses such as grocery stores, wholesale club stores, and hardware stores, as well as by the sales tax now being collected from online sales that municipalities could not collect previously.

More than one-third of municipalities, all of them small or mid-sized, have fully recovered from the fiscal impacts of COVID-19 or were never negatively impacted. A majority of all municipalities are either recovered now or expect to fully recover within 12 months, and 90% expect it within 24 months. However, one in five large municipalities expect to take up to five years to fiscally recover, and 7% of small towns expect to never completely recover.

TIMELINE FOR MUNICIPAL REVENUE RECOVERY

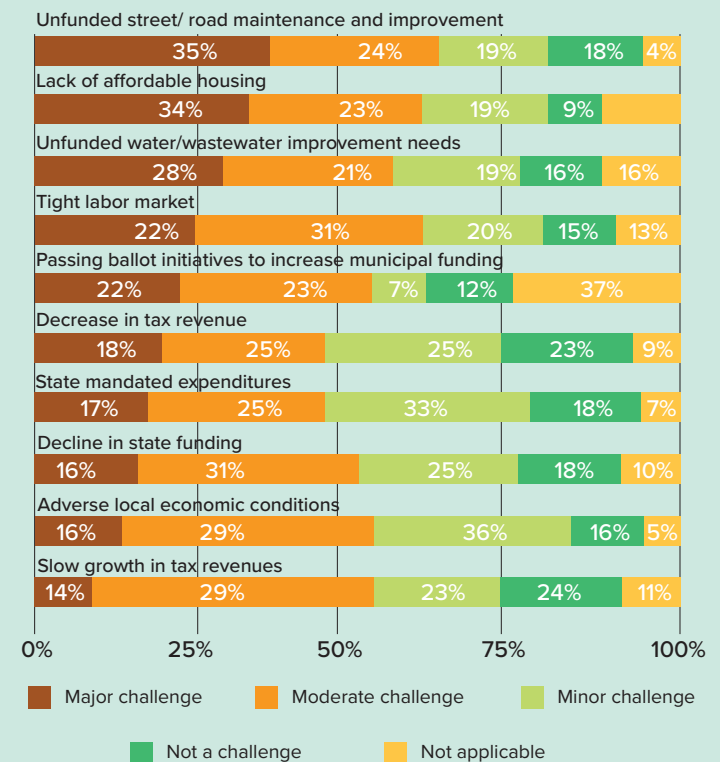


Two in five municipalities cut their general fund to balance their budget in the face of decreased revenues, and 10% have not cut their general fund but are considering it. Funds supporting capital improvements, parks and recreation, arts and culture, and public safety were also cut, with about half of municipalities who did cut these budgets or funds doing so by at least one-third.

Ultimately, with the economic uncertainty surrounding the pandemic, almost half of all municipalities felt their economy was worse than it was in 2019, and most revenue sources are

expected to decrease or stay the same next year. The squeeze on budgets translates to added difficulties addressing the issues important to municipal residents. A lack of affordable housing remains a common major challenge, as it has been for the last two years. Likewise, many municipalities face unfunded road maintenance and unfunded water projects.

POTENTIAL FISCAL CHALLENGES FOR 2021



In considering where budget cuts could be made in response to flat or decreasing revenues, municipalities took a hard look at their personnel costs. About 6% of respondents laid off full-time employees, 9% furloughed some full-time employees, and 13% reduced hours of full-time employees. About one-third of municipalities have not filled full-time positions due to COVID-19, including 8% of respondents who have not filled 10 or more positions. Lastly, about 10% of municipalities completely eliminated employee positions.

In addition, many municipalities have frozen salaries. Nearly one-quarter of municipalities froze employee salaries due to COVID-19, with nearly half of large municipalities taking this step. About 15% have considered salary changes but did not make them yet.



CHANGES TO EMPLOYEE SALARIES OR BENEFITS DUE TO COVID-19

23%

Salaries have been frozen
(i.e., no raises)

15%

Salary changes have been
considered, but no changes
have been made yet

4%

Employee benefit changes
have been considered, but no
changes have been made yet

3%

Salaries have been cut

2%

Health insurance coverage
has decreased

2%

Health insurance employer
contributions have decreased

1%

Employer retirement
contributions have decreased

8%

Some other changes

60%

None of the above



MUNICIPAL RESPONSE

While essential activities related to governing were often exempted from the many public health orders in response to COVID-19, best practices in the name of protecting employees and residents meant that closing municipal offices and holding public meetings virtually was very common. About two-thirds of responding municipalities plan to permanently allow remote public participation at meetings. About half of respondents reported allowing residents to pay bills and conduct other municipal business virtually, a service that will likely become permanent in many municipalities.

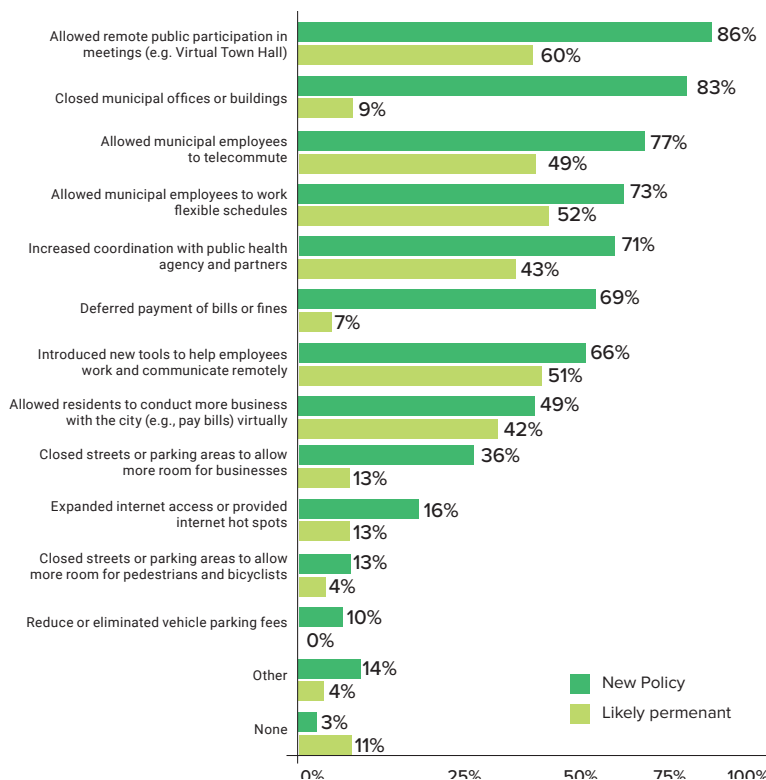
Some municipalities updated communication plans and emergency response plans. While many municipalities already had such plans in place, the impacts of COVID-19 are especially far-reaching – both in geographic spread as well as its extended timeframe – compared to other types of emergencies. Respondents spoke of a new understanding of the need for greater representation across the organization on the emergency response team, for response to be in conjunction with other agencies, and for any plans to be in place before the emergency hits while also being flexible to adjust as the situation may require. Other important lessons learned from COVID-19 include ensuring technology is in place before it is needed, along with a continuity of operations plan to allow remote work, as well as building in the ability for your employees, including leadership, to have breaks and time off, especially during an emergency as long-term as this pandemic. Communication with employees and residents should be early, often, transparent, and consistent, and many municipalities found that centralized messaging helped them meet these goals. Information must also be widely accessible, through a variety of platforms and in multiple languages, if needed.

Municipalities made adjustments to support their employees by allowing their employees to work from home and to work flexible schedules, by introducing tools to help employees work remotely, by allowing employees additional time off to care for their children, and by allowing parents to bring children to work with them. As expected, municipalities took measures to preserve the physical health of their employees, such as providing personal protective equipment, updating cleaning and sanitation protocols, and redesigning work spaces to ensure proper distancing. Municipal employers also took care to consider the mental health of employees through a variety of measures, including waiving co-pays for telehealth mental health services, offering wellness check-ins and webinars for both working and furloughed employees, hosting virtual happy hours and employee recognition events, and sending care packages to employees working at home.

Cities and towns also supported residents and local businesses. Respondents reported postponing utility late fees and shutoffs,

deferring payment of bills or fines, closing streets or parking areas to allow more room for businesses – or to allow more room for pedestrians and bicyclists, and expanding internet access or providing internet hot spots. Municipalities also planned outdoor events following public health protocols and organized physical and mental wellness campaigns to encourage healthy behavior while promoting a sense of community that might have otherwise been lost because of social distancing.

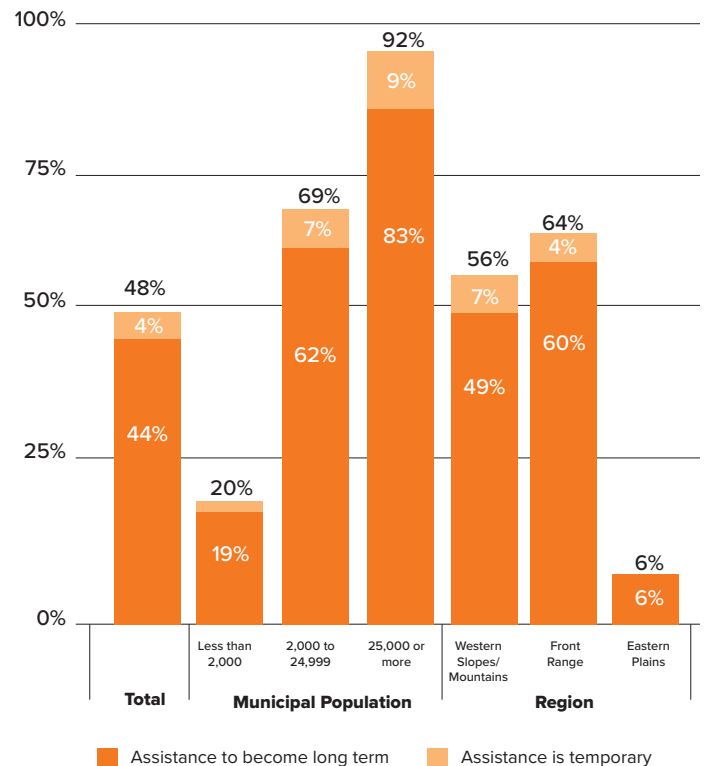
NEW AND PERMANENT POLICIES AND OR ACTIONS DUE TO COVID-19



Large municipalities were most likely to report increasing services for residents experiencing homelessness during the pandemic. Providing food services was the most common action taken, followed by providing other non-shelter services, providing rent/mortgage mediation, and providing portable toilets.

Half of municipalities offered direct financial assistance to businesses, including 92% of large cities. Many of these programs were created, funded, and implemented before there was clear information about potential federal or state aid. Nearly 5% of municipalities who offered assistance expect this to become a long-term policy.

OFFERED DIRECT FINANCIAL ASSISTANCE TO LOCAL BUSINESSES

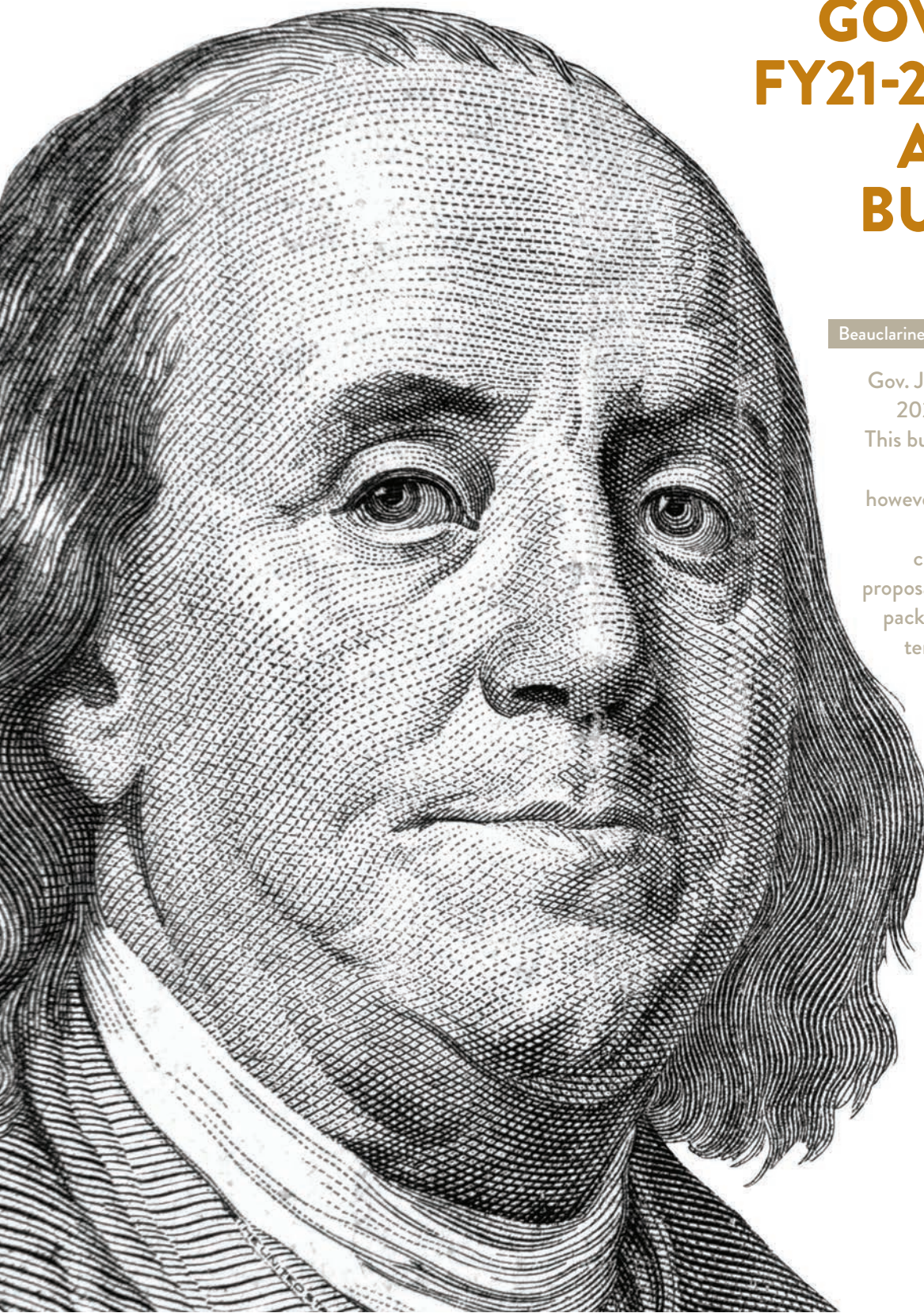


The State of Our Cities & Towns survey was one of many surveys conducted by CML and partner organizations throughout the year to better understand the impact of COVID-19 on municipalities. As mentioned above, however, this particular survey was completed by mid-October 2020, at which time the recent wave of rising cases and new public health orders affecting residents and businesses had not yet begun. While each survey's responses indicated fiscal and operational challenges, they also made very clear that Colorado municipal officials are capable of rising to these challenges, and with each passing month, a story of optimism and resiliency continues to be written. Through carefully considered budget adjustments, clear and effective communications campaigns, and innovative programs to support residents and businesses alike, the elected officials and staff of Colorado cities and towns have continued to do what they do best: solve problems and serve their communities.

SUMMARY OF GOVERNOR'S FY21-22 BUDGET AND STATE BUDGETARY PROCESS

Beauclarine Thomas, legislative and policy advocate

Gov. Jared Polis released his fiscal year 2021-2022 state budget on Nov. 2. This budget is a fiscal spending plan for July 1, 2021 to June 30, 2022, however, numerous economic recovery proposals may be enacted in the current fiscal year. The \$31 billion proposal includes a \$1.3 billion stimulus package to jumpstart the economy, a temporary state sales tax break for small businesses affected by COVID-19, and \$220 million in spending on shovel-ready infrastructure projects. About \$168 million of the \$1.3 billion will come from a program that is expected to deliver a \$375, one-time direct payment to 435,000 Coloradans who have faced unemployment this year.



Key items affecting municipalities include \$160 million to expand broadband infrastructure statewide, \$5 million in additional grant funding to local governments for renewable and clean energy projects, and \$3.7 million in grant funding for local law enforcement agencies to purchase body-worn cameras. The governor's plan also would restore some of the \$3 billion in spending cuts lawmakers made earlier this year after the pandemic lockdown reduced state revenues. This includes adding money back to K-12 education and higher education to restore them to previous spending levels. These increases in state spending are notable because the state's General Fund reserves (akin to a savings account), were depleted this past spring due to the COVID-19 pandemic and revenue reductions. However, the Governor's Office economists project increases in state revenue and believe the state will have enough resources for these new appropriations, even though they are projecting a deficit through FY 2022-23. To boost the state's General Fund reserves, the governor plans to transfer 10% or \$1.3 billion to this account. In addition, the state will see a \$105 million boost in revenue from the fiscal measures passed by voters in November. These measures include a reduction in state income taxes, a first-time tax on vaping products and higher taxes on cigarettes and other tobacco products. When asked about the uncertainty of the state's fiscal outlook, the governor has routinely acknowledged that his budget proposal faces uncertainty as the pandemic rages and predictions about residents' needs and state revenue are exceptionally volatile.

SUMMARY OF BUDGETARY CYCLE BY THE COLORADO FISCAL INSTITUTE

The release of the governor's plan is the first step in the state's budgetary process. By statute, the governor must annually evaluate the plans, policies, and programs of all state departments and formulate priorities into a balanced budget no later than Nov. 1.

The executive budget submitted to the bipartisan Joint Budget Committee (JBC) provides a skeletal outline of funding priorities, revenues, and expenditures. Immediately following the submission of the governor's executive budget request, the JBC schedules hearings with departments and divides state departments and programs among staff analysts. JBC analysts review the requests submitted by the executive branch, meet with agency personnel and present detailed information to JBC members prior to a hearing with a department.

JBC staff briefings are oral and written presentations designed to stimulate discussion among JBC members around programs, operations, and funding needs of the departments. Briefings take place in November and December before the start of the

legislative session. After staff briefings, JBC members decide on the issues and priorities they wish to discuss with the departments at hearings. JBC hearings provide an opportunity for members to question department staff about programs, needs, new funding initiatives and other issues for the upcoming fiscal year. JBC hearings with departments are also open to the public but no public comment or testimony is permitted.

The JBC generally has a good sense of the governor's priorities and executive agency needs by the start of the legislative session in early January and is ready to begin the process of developing the Long Bill, also known as the state's budget. The Colorado constitution requires the legislature to adopt a balanced budget each year. During February and March, the JBC, with the help of its staff, makes decisions on the level of funding necessary to maintain all state operations through a process known as "figure setting." The JBC votes on each line item recommendation, formulates head notes or footnotes which explain or request additional information for a specific line item, and the staff calculates, balances, and begins drafting the Long Bill. Staff figure-setting recommendations for each department are available online once they have been presented to the JBC.

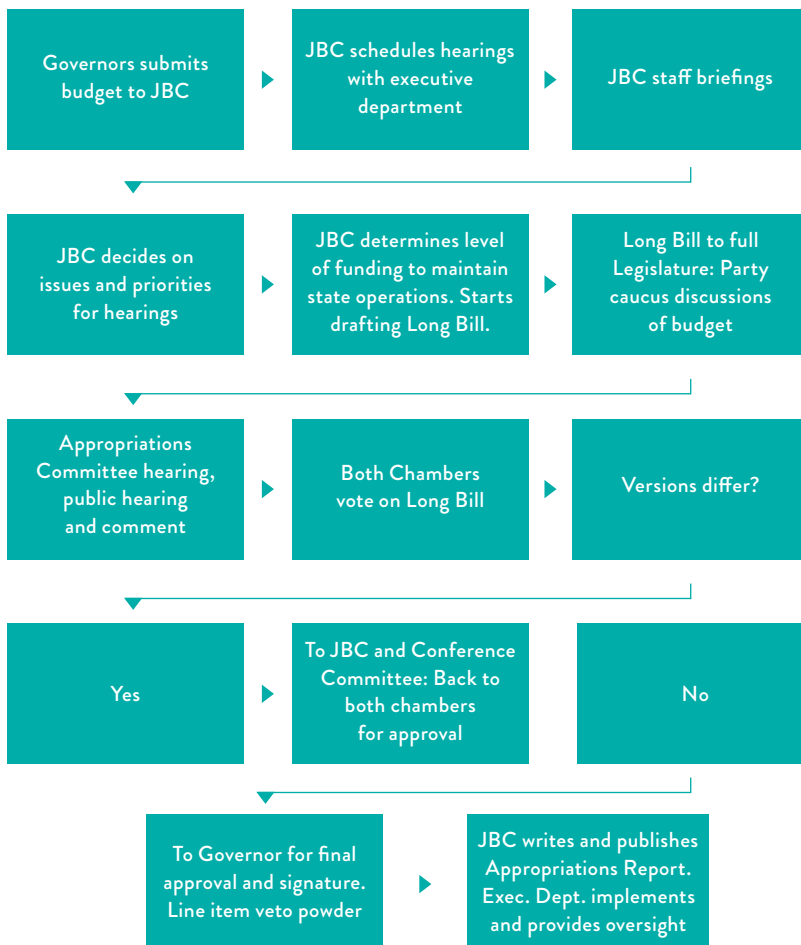
Once written, the Long Bill moves to the full General Assembly for consideration. It is introduced in the chamber that the JBC chairperson serves in. The chairperson alternates annually between the House and Senate. Sen. Dominick Moreno is the current chair and Rep. Julie McCluskie is the vice chair. A perfunctory hearing in the Appropriations Committee during this time presents one of the only opportunities for the public to comment or testify on the Long Bill. The Long Bill then proceeds through the legislature as any other bill. Legislative consideration starts in the party caucuses. Here JBC members and staff explain the budget items and funding decisions contained in the bill and answer questions from their fellow legislators. JBC prepares a "Long Bill Narrative" as part of this process (the public may obtain a copy of this narrative). The public can attend caucus meetings, but there is no official process for public participation. A party caucus can propose changes, or a legislator may offer changes to the bill as an amendment for consideration when the Long Bill moves to the floor for debate by the full House or Senate.

After both houses pass the Long Bill, it returns to the JBC if the House and Senate versions differ. The JBC acts as the conference committee for the bill and JBC members must resolve any differences between the House and Senate changes. After differences are resolved, the JBC conference committee report is sent to both houses for approval.

The governor has line-item veto power for the Long Bill, meaning the governor can strike individual line items from the budget but

does not have the authority to increase, decrease or otherwise amend appropriations in the bill. The Long Bill becomes an act after executive action. After final approval, the JBC staff publishes the Appropriations Report by July 1. The Appropriations Report and the narrative that accompanies it can be found on the JBC website. After passage, the state budget moves to executive departments for implementation and oversight.

The state budget, like any budget, often requires revision during the year as circumstances change. Executive departments may request funding changes during a current fiscal year via "supplementals." In general, OSPB or a state agency must submit supplemental requests to the JBC by Jan. 15 of each year, at the latest. However, agencies can submit requests later if unusual or unforeseen circumstances demand. The state's balanced budget requirement restricts budget changes to those that align with available revenues and fall within allowable spending limits. The JBC and its staff review these requests for funding changes, determine which requests can or should be granted, explore where cuts can be made to accommodate the request, if necessary, and submit their decisions to the entire General Assembly through supplemental appropriations bills.



**THE COLORADO
CONSTITUTION
REQUIRES THE
LEGISLATURE TO
ADOPT A BALANCED
BUDGET EACH YEAR.**



THE LAW ENFORCEMENT INTEGRITY ACT

And the ever-changing landscape for policing in colorado

Senate Bill 20-217, the Law Enforcement Integrity Act, was a significant piece of legislation that passed in ten days during the 2020 legislative session. Gov. Polis signed SB 20-217 into law on June 19, 2020. While the final version was improved from the originally proposed bill, SB 20-217 introduced ambiguous language and conflicting terms into various sections of the Colorado Revised Statutes (C.R.S). Municipal legal advisors must navigate uncertainties created by the new legislation. This article will discuss these ambiguities as well as the extensive legal liability municipalities now face. The League, along with other allies, will work with legislators to clarify these ambiguities and address the significant legal liability in SB 20-217 in the 2021 Legislative Session.

By Aaron Jacks, Arvada assistant city attorney and police legal advisor and Meghan Dollar, CML legislative advocacy manager

AMBIGUITY IN SB 20-217

SB 20-217 extensively modified C.R.S. Title 18 provisions governing police use of force. Some of the changes introduced ambiguous terms, while others conflict with existing C.R.S. sections. Several examples illustrate these concerns.

C.R.S. 18-1-707(1) now states, "...[a] peace officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of **serious bodily injury or death to the peace officer or another person**" (emphasis added). This language is problematic because it permits an officer to use physical force to defend themselves or another person only from an imminent threat of serious bodily injury or death. As written, the language essentially precludes an officer from using any force to defend themselves from anything other than a deadly force assault.

The new law would provide that a police officer may not defend themselves from a simple assault, such as a punch, kick, or shove. C.R.S. 18-1-704(1) otherwise provides that every person, including police officers, may use reasonable force to defend themselves or a third person from the use or imminent use of unlawful physical force by another. Therefore, an officer subject to an assault may use physical force to defend themselves, irrespective of 18-1-707. Some recently issued district attorney decision letters have analyzed use of force cases under 18-1-704, stating this statute is now the appropriate standard. SB 20-217's revision of 18-1-707(1) has introduced a conflict across these provisions, creating uncertainty where previously there was none.

SB 20-217 also introduced undefined terms and drafting errors. The errors were due to the short timespan during which the legislature passed the bill, nonetheless, these issues have also created ambiguity in the law. This places legal advisors in the position of providing an "it depends" answer to difficult situations where police agencies need concrete guidance.

For example, C.R.S. 18-1-707(2)(b) now provides that officers must use "[...] only a degree of force consistent with the minimization of injury to **others**" (emphasis added). The use of the term "others" without definition in this context is problematic. Who are the "others" that the officer must have in mind when determining what

degree of force he or she may use under the circumstances? Is it the suspect, or is "others" inclusive of other persons who may be involved in the situation, or bystanders some distance away? The lack of definition creates a situation in which an officer who must use force to defend themselves or to make an arrest now, in addition to the many factors they already must weigh, must consider how to minimize the risk that their use of force will injure undefined "others."

Another example of ambiguity introduced by SB 20-217 is a drafting error which omits the conjunction "or" in the newly revised 18-1-707(4):

"A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury, **[sic]** would create a risk of death or injury to other persons." (emphasis on the omitted added).

It is unclear whether the missing conjunction is intended to be "or" or "and." The conjunction greatly changes the meaning of the section as to when an officer must provide a verbal warning before using force. Once again, this provision must be clear and unambiguous if we are to expect police officers to conduct their duties according to its terms. Interpretation of such a critical provision of law should not be left to plain error.

A PEACE OFFICER SHALL IDENTIFY HIMSELF OR HERSELF AS A PEACE OFFICER

SB 20-217 includes new requirements for police agencies to report information about use of force, citizen contacts, and the use of no-knock warrants under C.R.S. Title 24. This information will be compiled by the Division of Criminal Justice and reported to the public. Among other information, the relevant sections require agencies to report whether an officer "[...] unholstered a weapon [...]." The issue here is that "weapon" is not defined in the C.R.S. Various specific types of weapons are defined throughout Title 18, as are firearms and specific firearm types, but "weapon" is not. Use of the term "unholstered" implies reference to a

firearm, but that, too, is open to interpretation. Does "weapon" include other weapons that are not carried in a holster, such as a baton that is carried in a utility belt ring, chemical irritant spray that is secured in a belt "carrier," or even a heavy flashlight that may be utilized as an impact weapon?

As it is, each agency must determine how it will report whether a "weapon" was "unholstered" by an officer during a contact, use of force, or no-knock warrant service. One agency may interpret the law narrowly to require reporting only whether its officer drew a firearm, while another might report instances where its officer drew any number of weapons other than a firearm. Without clear definitions, the data will not allow for meaningful analysis or comparison across Colorado law enforcement agencies. As a result, this data will be rendered useless as a tool to promote transparency and accountability in policing.

These are just a few examples of conflicts and uncertainty that SB 20-217 has introduced to the C.R.S. Those interested in progressive policing hope these issues will be addressed in the next legislative session.

LIABILITY FOR MUNICIPALITIES

SB 20-217 states that P.O.S.T.-certified local law enforcement officers and non-certified deputy sheriffs may be liable to an injured party for legal, equitable, or otherwise appropriate relief if an individual claims their rights were violated under Art. II of the Colorado Constitution. This also includes failing to intervene. These actions can be filed in Colorado State Court. Statutory immunities and statutory limitations on liability, damages, or attorney fees do not apply to claims pertaining to local law enforcement officers, nor does the Colorado Governmental Immunity Act. Qualified immunity, a defense often used in Federal Section 1983 actions, is not allowed under SB 20-217.

CML has consistently stated that allowing for unlimited damages and attorney fees is inappropriate as municipalities are funded by finite taxpayer dollars. CML will continue to advocate for a cap on damages and attorneys' fees going into the 2021 legislative session. If not a cap, there needs to be a discussion around the broad applicability of the section outside of use of force cases.



HOW THE GALLAGHER REPEAL

will affect property tax bills in your community

By David W. Broadwell, CML general counsel



Thanks to an extraordinary bipartisan effort, Colorado voters made a decision on Nov. 3 that some political experts claimed would never happen. By approving Amendment B, the voters repealed the so-called Gallagher Amendment to the Colorado Constitution, a law that formerly granted significant tax relief to residential property owners.

Will residential property owners inevitably face higher property taxes in the future? This article looks at the variables that will provide an answer.

BACK TO THE FUTURE

When the Gallagher Amendment was originally adopted in 1982, the law locked into the constitution a system in which commercial and other non-residential property would always be taxed at a ratio of 29% of its actual value. Conversely, a lesser percentage of the value of residential property would be taxed, plummeting to as low as 7.15% and projected to go much lower in 2021 if Gallagher had remained.

Prior to the adoption of Gallagher, the ratio of actual property value subject to taxation was adopted and adjusted periodically by the General Assembly. For example, in 1982, all property was taxed equally based upon 30% of its actual value. One objective of Gallagher was to lower residential tax bills and shift the majority of the burden to non-residential property owners.

Now that the Gallagher formula has been stripped from the constitution, the assessment ratios will again be set by the legislature.

A “MORATORIUM” ON CHANGES TO THE ASSESSMENT RATIOS

In Senate Bill 20-233, the General Assembly provided that, with the repeal of Gallagher, there will now be a moratorium on changes to the assessment ratios. For now, residential and non-residential property will continue to be taxed at 7.15% and 29% of actual value respectively. The legislation did not explain how long the moratorium will last, or what factors will cause it to be lifted in the future.

TABOR prevents any increase of the assessment ratios without a vote of the people. But with the legislature now free to reduce either ratio at will, what are the factors that will influence the decision?

- Due to the legacy of Gallagher, commercial property is effectively taxed at four times the rate of residential property. Commercial owners chafe at this huge disparity, and played a major role in the campaign to repeal Gallagher. They may seek a reduction in the 29% assessment ratio at some point.
- If residential property values continue to skyrocket and drive higher tax bills, regular voters may appeal to their legislators for a reduction in the residential ratio as well.

• However, counterbalancing both foregoing scenarios is the imperative for the state to shore up K-12 school funding by bolstering the local property tax base. Another important impetus for Amendment B was the dramatic way Gallagher shifted the lion's share of school funding to the state since 1982. Will a state government desperate to enhance education funding have any appetite for reducing the local property tax base any time soon?

WILL PROPERTY TAX BILLS SKYROCKET?

It depends. A stew of factors will determine whether and how much property tax bills will increase in any particular community. The analysis is made more complicated by the fact that one's tax bill is comprised of mill levies set each year by at least four entities: municipalities, counties, schools, and other miscellaneous taxing districts.

To state the obvious, the two most important drivers of higher tax bills are: (1) real estate inflation and (2) voter-approved mill levy and general obligation debt increases in any particular community. Given Colorado's two-year reassessment cycle, every taxpayer in the state tends to see alternating stable and inflationary years reflected in their tax bills. With the repeal of Gallagher, bills on residential property are more likely to go up in proportion to valuation increases in reassessment years.

Under TABOR, voters have the ultimate say on whether they choose to pay more property taxes as a result of actual mill levy and debt increases, and this will be as true after the repeal of Gallagher as it was before.

TABOR AND THE 5.5% LIMIT TAKE THE EDGE OFF

The impact of repealing Gallagher and forestalling any further attrition in the residential assessment ratio will be offset somewhat in jurisdictions where annual increases in property tax revenue are capped. Ever since 1976, statutory municipalities, counties and special districts have operated under a statutory limit on property tax revenue, commonly known as the 5.5% limit. Then, in 1992, TABOR also imposed its own formulaic cap on revenue increases.

Both laws allowed local voters to override the caps, and many taxing jurisdictions in Colorado have done so. However, in jurisdictions where the caps are still in place, the taxing entity is required to reduce its mill levy in the face of rising property values in order to stay under the caps. Residential property taxpayers have always enjoyed several layers of protection in past inflationary cycles when property values were soaring statewide. Although they will no longer automatically benefit from a declining residential assessment ratio now that Gallagher

has been repealed, taxpayers in some locations will still be protected by laws limiting the ability of local governments to increase their property tax revenue each year.

Of course, even in jurisdictions where voters have approved annual revenue increases in excess of the TABOR and 5.5% limit, local governing bodies may simply choose to moderate their mill levies in times of soaring property value, so as not to overburden taxpayers.

EFFECTS OF "FROZEN" SCHOOL MILL LEVIES

School taxes are a special case, both because these taxes comprise such a large portion of every tax bill in Colorado, and because a special set of laws applies to school levies. In 2007, the General Assembly adopted an amendment to the School Finance Act that essentially requires most school districts in the state to apply the same mill levy from year to year, regardless of changes in overall assessed valuation. The law applies to the vast majority of districts where the voters approved "de-Brucing" ballot questions in the late 1990's. As long as this mill levy freeze stays in place, school districts will be the biggest beneficiaries of the Gallagher repeal. Districts will reap the benefit of any and all increases in assessed valuation going forward and suffer no attrition from a declining residential assessment ratio.

A FINAL NOTE ON "DE-GALLAGHER" BALLOT QUESTIONS

The Blue Book analysis of Amendment B, as well as the actual ballot language, warned voters that if Gallagher remained on the books, property owners would face "automatic" tax increases. The analysis referred to the "many" local governments where voters had approved measures allowing mill levies to increase whenever the residential assessment ratio declined due to Gallagher.

In fact, prior to Nov. 3, not a single municipality or county in Colorado had approved such a ballot question; this was entirely a special district phenomenon prior to 2020, especially among fire protection districts. However, in November, a handful of municipalities (Fraser, Glenwood Springs, Kremmling, Vail, Winter Park) and counties (Eagle, Grand, San Miguel, Summit) approved "de-Gallagher" questions. Even though the Gallagher Amendment itself has now been repealed, approval of these local questions may still prove useful. For example, if the General Assembly ever reduces either of the assessment ratios in the future, these local governments will be able to adjust their mill levies upward to offset any revenue loss.

COLORADO PAID FAMILY MEDICAL LEAVE:

An explainer for municipalities

By Laurel Witt, CML associate counsel¹

In November, Coloradans voted in favor of Proposition 118, which created a state-run paid family and medical leave (PFML) insurance program.² This program allows employees to take 12 weeks of paid leave – and an additional 4 weeks for a serious health condition related to pregnancy or childbirth complications – for specified purposes.

Proponents have attempted to pass a similar law in the state legislature on multiple occasions, but it has failed each time. This year, advocates instead put the measure on the ballot. It is the first time that voters in any state have been asked to decide on a paid leave law. Colorado joins eight other states and Washington, D.C., which have created similar programs in their state legislatures in the last two decades.

Due to the burdens on municipalities and the vague opt-out provision, CML opposed the proposition.³

PROPOSITION 118 BASICS

Beginning Jan. 1, 2024, an employee can take paid family and medical leave, and receive family and medical leave insurance benefits while on leave. Payment for the insurance benefits begins one year earlier, on Jan. 1, 2023.

EMPLOYEE ELIGIBILITY

A covered individual can take leave for the following reasons:

- caring for a new child during the first year, after birth or adoption, or for foster care of a new child;
- caring for their own serious health condition;
- caring for a family member with a serious health condition;
- relating to activities of a family member who is on active duty-military service or is called for active-duty military service; and
- when the individual or the individual's family member is a victim of domestic violence, stalking, or sexual assault/abuse.

"Family member" is defined as the employee's child, whether biological, adopted, or fostered; parent; spouse; domestic partner; grandparent; grandchild; sibling; or any individual with whom the employee has a significant personal bond that is like a family relationship.

Individuals are eligible to receive the benefits after they have earned \$2,500 in wages that were subject to the paid family and medical leave premiums and have been employed by the employer for at least 180 days.

An eligible employee may take a maximum of 12 weeks of paid leave per year; employees with a serious health condition related to pregnancy or childbirth complications may take up to an additional 4 weeks (16 weeks in total). Employees are not required to take leave consecutively, but the employee must give notice 30 days in advance if the leave is foreseeable, or as soon as practicable if it is not. An employer may not require an employee to exhaust his or her other paid leave prior to taking this leave.

OVERALL COST

PFML comes with an estimated \$1.2 billion annual price tag for the state revenue budget alone during the first year of premiums (2023-24). According to Legislative Council, a Coloradan making \$52,000 a year would pay \$234 in annual premiums, a total matched by their employer, during the first year of collection (2023). Cost for municipalities that opt in will depend on the number of employees.

PREMIUMS

The Colorado Department of Labor and Employment (CDLE) will start collecting premiums in 2023. Claims payments start a year later, with first-year benefits capped at \$1,100 per week regardless of a worker's normal income. For the first two years of the program (2023-24), the premiums are set to be 0.9% of an employee wage (0.45% paid by the employer and 0.45% paid by the employee). Employers can choose to pay a larger percentage of the cost, up to the full amount.

JOB PROTECTION REQUIREMENTS

Employers cannot take disciplinary or retaliatory actions against employees for requesting or using paid leave under PFML. Employees who take leave under PFML are entitled to return to the same position or a position with the same pay, benefits, and seniority or status. Employees cannot lose their health benefits during their leave and are still required to pay their health insurance premiums while on leave.

OPTING OUT OF THE PROGRAM

A municipality may choose to "opt out" of PFML.⁴ Municipalities that choose not to participate in the program do not pay the employer portion or collect premiums from employees. Local government employees whose employer has declined to participate may choose to opt in and pay only the employee portion of the premium, but apparently still receive the same benefit. Employees opting in will make premium payments directly to the state, but municipalities must allow for that employee to take 12-16 weeks of leave. If a municipality chooses to opt out, the municipality will still need to process payroll deductions, and coordinate leave and benefits for employees who choose to participate in the PFML.

The new law directs the CDLE director to promulgate rules on how a municipality may opt out of the program. In addition, CDLE will develop the notice a municipality is required to provide to their employees.

INTERPLAY WITH OTHER LEAVE LAWS

PFML must be reconciled with pre-existing leave laws. The PFML program is in addition to these existing programs and is not limited to pandemic-related needs.

The federal Family and Medical Leave Act of 1993 (FMLA) allows eligible employees to take up to 12 weeks of *unpaid* leave per year for specified circumstances, whereas the PFML allows for up to 16 weeks of *paid* leave. The qualifying reasons for an employee to take FMLA are:

- birth or adoption of child;
- care for self or family member with serious health condition; or
- for circumstances related to a family member's active duty military service.

Family member here does not extend to someone with a "significant personal bond." Under FMLA, an employee must be employed for 12 months before receiving the benefit, but PFML permits benefits after 180 days of employment.

Employers can require that PMFL runs concurrently with any federal unpaid FMLA leave if the leave qualifies. CDLE will promulgate rules on this topic.

A new state law enacted in 2020, and effective for employers with 16 or more employees on Jan. 1, 2021, and all employers on Jan. 1, 2022, requires employers in Colorado to provide one hour of paid sick leave to each employee for every 30 hours worked, up to a maximum of 48 hours per year. Qualifying reasons to take sick leave include:

- care for an employee's own health or safety; or
- care for a person for whom the employee is responsible for providing or arranging health or safety related care.

Municipalities with 50 or more employees must already comply with the obligations of FMLA, and all municipalities must comply with the new paid sick leave law.

Additionally, many municipalities across Colorado already provide leave packages for employees, including paid sick leave. Questions will arise on how the PFML works with current local leave policies, should the municipality choose to stay in the program or have employees opt in. The PFML law does not address these ambiguities, leaving municipalities with discretion to address questions as they arise. This is a law to watch, however, as the CDLE and the legislature may address questions through rulemaking or statutory changes.

WHAT COMES NEXT?

During the 2021 legislative session, this new program will be under scrutiny. The legislature can, and likely will, take steps to start cleaning up the language and fixing portions that are confusing or unworkable. Municipalities should be on the lookout for future changes in both the PFML and the recently enacted paid sick leave statute.⁵

¹ Many sources helped in the compilation of this article, including the 2020 State Ballot Information Booklet, Research Publication No. 748-1, Legislative Council of the Colorado General Assembly (2020). The booklet can be found at leg.colorado.gov/sites/default/files/blue_book_english_for_web_2020_1.pdf.

² C.R.S. §§ 8-13.3-401, et seq.

³ Read the CML Position Paper on Proposition 118 here: cml.org/docs/default-source/uploadedfiles/legislative/propositions/prop-118.pdf?sfvrsn=25c55eff_2.

⁴ C.R.S. § 8-13.3-422.

⁵ CDLE rules on paid sick leave began on January 1, 2021 and can be reviewed here cdle.colorado.gov/proposed/adopted-rules.

ADVOCATING FOR MARGINALIZED VOICES

Meet the caucuses advancing equity through legislation

By Beauclarine Thomas, CML legislative and policy advocate

The upcoming Colorado General Assembly will be one of the most diverse in state history. Over the past few years, Colorado has seen an increase in successful campaigns run by African Americans, women, Latinx, Middle Eastern, and LGBTQ legislators.

For example, in 2019, 33 women were sworn in the House, making them the majority of representatives. These changes have allowed for the priorities of underrepresented groups to be advocated for at the Capitol. This article is a profile of the three leading caucuses driving these discussions: the Black Democratic Legislative Caucus (BLDC), Colorado Democratic Latino Caucus (CDLC), and the LGBTQ Caucus. These Caucuses regularly work together to advance their priorities because of the intersectional nature of numerous policy issues.

COLORADO BLACK DEMOCRATIC LEGISLATIVE CAUCUS

The Black Democratic Legislative Caucus of Colorado is composed of currently serving African American Democrats in the Colorado General Assembly for the purpose of addressing state policy and legislation concerning Colorado's African American community. They work together to pass legislation, promote policies, and advocate for communities of color across the state. Since Colorado's founding, over 35 African Americans have served in either the State House of Representatives or the State Senate, dating back to 1897. We were the first state in the nation to have both an African American Speaker of the House and President of the Senate at the same time. And in 2017, for the first time in Colorado History, the BDLC had two members begin serving in the Senate together and six members serving together in the House. For the 2021 session, the BLDC's top priority is making sure that the Black community has access to COVID care and recovery resources. This includes, but is not limited to, increasing healthcare access, workers rights, unemployment, and addressing food insecurity. They will also advocate for closing the achievement gap in education and ensuring that kids receive the services and education they need through the pandemic. Lastly, they will work to eliminate the Black wealth gap and address climate justice.

COLORADO DEMOCRATIC LATINO CAUCUS

The Colorado Democratic Latino Caucus is a group of 13 Latino legislators from across Colorado who proudly and passionately serve in the Colorado General Assembly. Their mission is to improve the effectiveness of Latino legislators to positively impact public policy and the quality of life for all segments of the Latino community; to inform and educate legislators, other government officials and the public on topics and issues in all areas, not limited to education, criminal justice, immigration, healthcare, housing, economic development, social justice, public safety, and voting rights; and to advocate for the appointment of Latinos at all levels and branches of government.

LGBTQ CAUCUS

The Colorado Legislative LGBTQ Caucus works to expand and protect LGBTQ rights. Members effectively advocate for LGBTQ Coloradans and their families by passing legislation on issues such as safe schools, transgender equality, relationship recognition, and LGBTQ health and human services. Key historic legislation supported by the LGBTQ Caucus includes banning conversion therapy (House Bill 19-1129) and passing Jude's Law (House Bill 19-1039), which now allows residents to obtain identification documents that reflect their identities.



The role of local governments:

COLORADO'S GREENHOUSE GAS POLLUTION REDUCTION ROADMAP

By Christine Berg, Colorado Energy Office senior policy advisor for local government

Colorado recently released a public comment draft of its Greenhouse Gas Pollution Reduction Roadmap (Roadmap) which details early action steps the state can take toward meeting the near-term goals of reducing greenhouse (GHG) pollution 26% by 2025 and 50% by 2030 from 2005 levels. These targets were adopted by the Colorado legislature in 2019. The goals of the Roadmap are: to assess the sources of the state's GHG pollution; to identify a series of policy actions and other steps the state can prioritize to further GHG pollution reduction and meet air quality goals by reducing other harmful air pollutants; to cultivate a strong economy; and to develop these solutions with an understanding that climate change affects communities differently and can have disproportionate social, economic, and health impacts on communities of color and historically disadvantaged communities. The state is considering additional action steps to reduce GHG pollution and reap the full benefits of swiftly and equitably transitioning to a clean energy economy.





WHY CLIMATE ACTION MATTERS

Colorado is experiencing record wildfires, poor air quality and intensified drought conditions. In August, 100% of the land in Colorado was federally designated as "abnormally dry" or "in drought" with large swaths of the state deemed to be in "extreme" or "exceptional" drought conditions. This year has been the worst fire season on record with much larger, more destructive fires.

Climate change means a shift to more arid conditions in the agricultural sector, less rain and parched soil. It also means myriad direct economic impacts on the outdoor recreation we depend on. The Colorado Department of Natural Resources created the Future Avoided Cost Explorer (FACE) tool which allows local governments to take an in-depth look at potential future economic impacts of flood, drought and wildfire on certain sectors of our economy. As local governments continue to deal with the health and economic impacts of COVID-19, climate change acts as a "threat multiplier" exacerbating and deepening these impacts.

STATE CLIMATE ACTIONS SO FAR

The largest GHG emitter in Colorado is now transportation, followed by electricity generation, oil and gas production, and energy use in buildings. The state has begun implementing a GHG reporting rule to quantify emissions moving forward. Every large utility in the state is retiring coal plants and switching to wind and solar. Transportation electrification is a critical component to reducing emissions, and the state has adopted an electric vehicle plan as well as a zero emission vehicle rule that requires an increasing share of vehicle sales to be all-electric, plug-in hybrid, or hydrogen vehicles.

The Public Utilities Commission is approving the first transportation electrification plan pursuant to 2019 legislation on electric vehicles. The state has also implemented guidelines requiring that local jurisdictions adopt energy efficient building codes. The Air Quality Control Commission (AQCC) has approved the phasing out of the use of hydrofluorocarbons (an incredibly potent greenhouse gas). The AQCC has also undertaken multiple rule-makings on reducing pollution from the oil and gas industry.

PROPOSED NEAR-TERM ACTIONS

Making progress toward the 2030 goals will require a broad suite of new policies, standards, investments, innovations, and partnerships, especially with local governments. It will also require deep reductions in pollution from electricity generation by continuing the transition to renewable energy as well as deep reductions in methane pollution from the oil and gas industry, which is the largest source of non-combustion emissions in the state.

Making changes to transportation planning and infrastructure to reduce growth in driving is an important tool, particularly for local governments. Electrification of end uses in buildings and transportation will play an important role in achieving these targets with very high levels of electrification needed to achieve the 2050 goals. Reducing methane emissions from landfills, sewage plants and other sources is also necessary, especially to reach emissions targets after 2030.

TRANSPORTATION

The state is looking at several strategies to reduce emissions from vehicles, and these strategies largely fall into three categories - harnessing the state's much cleaner electric grid for transportation by transitioning to electric vehicles, meaningfully factoring GHG emissions impacts into state transportation planning processes, and supporting behavior changes that reduce vehicle miles traveled.

The Colorado Electric Vehicle Plan 2020 envisions taking advantage of clean energy by transitioning 940,000 light duty vehicles and 1,000 buses to electric by 2030. The state is also supporting the transition of fleets and building charging infrastructure to ensure ease of travel for electric vehicles and is in the process of considering a clean trucking strategy for medium and heavy-duty EVs as well. The clean trucking strategy is considering infrastructure investments, incentives, and potential regulatory tools, such as advanced clean truck standards and indirect source rules. Identifying new revenue to fund infrastructure and incentives to transition to low and zero emissions cars, trucks and buses is a priority.

Creating GHG pollution standards that inform transportation plans is also a priority. State agencies plan to propose a rulemaking to the AQCC this spring for consideration during the summer.

There are a variety of strategies under consideration for reducing vehicle miles traveled, all of which are largely about behavior change and making it safe, affordable, convenient and desirable to use a transportation method other than single occupant vehicles. This includes working with employers to encourage Transportation Demand Management (TDM) requirements and supporting active forms of transportation like walking and biking. The summer AQCC rulemaking will include consideration of large employer TDM requirements. The strategy also envisions state investments in physical infrastructure such as mobility hubs, planning for front range rail, bus rapid transit (BRT) options on congested corridors and more regular and reliable service along existing transit routes. In addition, by working with local governments to encourage smart land use decisions that locate housing near jobs and near transit corridors, we have the potential to multiply the impact that any one of these transportation actions would have on its own.

BUILDINGS

Energy use in buildings is the fourth leading source of GHG pollution in the state. Consistent with findings in the Roadmap that meeting the near-term goals will require reducing building emissions, the Colorado Energy Office (CEO) is focusing on policies that will spur investment and create jobs that will help reduce energy use and emissions from the built environment. A first step will be requiring existing large commercial buildings to



track and report energy use and to make progress toward energy and pollution performance standards. CEO is focusing on updating utility gas efficiency programs and encouraging the development and use of biomethane by gas utilities.

In 2020, CEO released two reports showing that the state has substantial opportunities to develop beneficial building electrification. CEO is working on policies that would require utilities to develop plans to support customer investment in beneficial electrification. The next few years will be a critical period for the state and local governments to work together to develop policies and programs, conduct outreach to increase consumer awareness, and support workforce development to drive higher adoption rates of efficient, electric technologies over the long term to enable Colorado to reduce pollution from the built environment.

THE ROLE OF LOCAL GOVERNMENTS

The Roadmap recognizes local governments throughout Colorado are implementing strategies to address climate change and local level policy has the power to change the way we do business and plan for the future including infrastructure, transportation, air quality, job development and equity.

Here are four high-impact actions communities can undertake immediately to reduce GHG emissions:

1. PURSUE ENERGY EFFICIENCY AND RENEWABLE ENERGY THROUGH ENERGY PERFORMANCE CONTRACTING

As Colorado communities make difficult budget decisions toward economic recovery, the highest impact no-cost solution is through **Energy Performance Contracting (EPC)**. EPC provides a low-risk tool for financing comprehensive capital, renewable energy and energy efficiency improvements to public buildings and facilities by leveraging projected project energy cost savings to finance the project on the front end.

2. UPDATE BUILDING CODES

In many cities, building operations account for a majority of GHG emissions and energy use. By updating to the latest energy codes, municipalities can guarantee healthier, safer and more efficient buildings. CEO provides no-cost technical expertise, training and an **Energy Code Adoption Toolkit** to help local governments update local building energy codes. Communities around Colorado are utilizing energy codes to ensure buildings are energy efficient, solar ready, and support electric vehicle charging infrastructure and building electrification.

3. IMPLEMENT SMART GROWTH PRINCIPLES

Communities can implement smart growth principles that help reduce GHG emissions, minimize air and water pollution and preserve natural lands. By supporting transit-oriented and mixed-use development, with housing and jobs closer together, communities can generate more stable property values, increase foot traffic around local businesses, alleviate traffic congestion, and increase transit ridership.

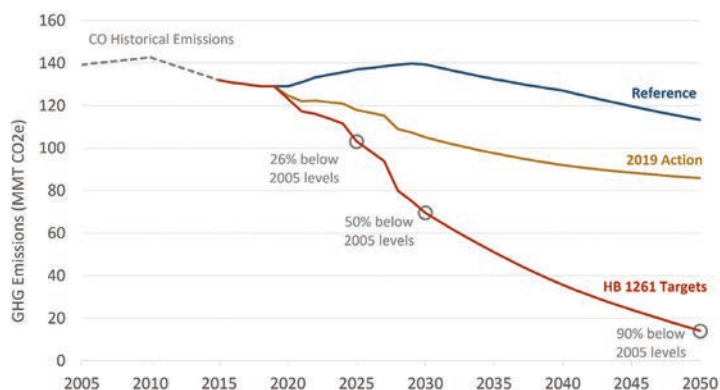
4. ADOPT ELECTRIC VEHICLES

Through **Charge Ahead Colorado** and **Clean Air Fleets** programs, funding and resources are available for local governments who want to build out EV infrastructure, transition municipal fleets and educate community members about the benefits of EVs.

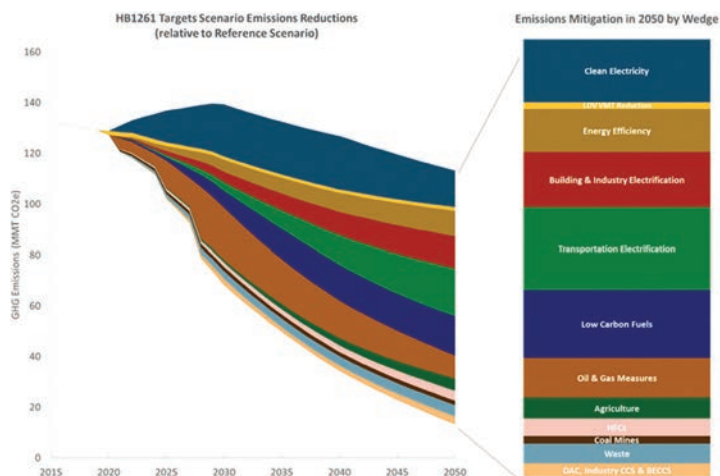
For more information on local government resources and the Roadmap, please go to energyoffice.colorado.gov.



2020 CO GHG Emissions (MMT CO₂e, AR5 100 yr GWP)



Scenario Projections of Colorado's Potential GHG Emissions



GHG Emissions Reductions by Measure in the HB 1261 Targets Scenario

COLORADO'S GROWING WILDFIRE THREAT


will necessitate more funding and better planning

Doug Hall, City of Westminster fire chief and Ken Watkins, City of Grand Junction fire chief

While media coverage of the COVID-19 pandemic largely dominated most of the nation's headlines this year, another crisis also engulfed the American west in 2020 with catastrophic consequences. Across the western United States, over 8 million acres have been lost to increasingly horrific wildfires, including nearly 1,100 square miles here in Colorado.

As unprecedented blazes like the Pine Gulch Fire, Cameron Peak Fire and East Troublesome Fire burned nearly 700,000 acres in Colorado's worst fire season on record, forest managers, fire districts and the state are struggling to find a clear solution to a problem that only appears to be getting more destructive over time.





While 2020's historic fire season was finally suppressed by the colder and wetter arrival of winter weather, the collective calls for a long-term plan to mitigate and suppress future conflagrations will continue to be deliberated during the 2021 legislative session.

Fortunately, in 2019, the Colorado State Legislature passed Senate Bill 19-040, establishing the Colorado Fire Commission to help identify statewide fire issues and develop long-term strategies and recommendations for mitigating the associated risks from complex fire dangers. The 32-member commission began working together in the fall of 2019 and established a number of legislative priorities to provide the General Assembly a helpful head start.

Leveraging a broad coalition of stakeholders from across Colorado, representing many state, local, and private entities, the Colorado Fire Commission (CFC) utilized a facilitator-led, consensus-driven process to identify three priorities and recommendations for the upcoming session.

1. REGIONAL AND STATEWIDE COORDINATION OF MUTUAL AID

Complex or high-risk fire incidents require significant fire response resources that often exceed the capability of local jurisdictions. Mutual aid offers resource-sharing that reduces the financial burden of local fire agencies by providing necessary staff and equipment for high risk, low occurrence incidents. Linking existing mutual aid agreements into a Statewide Coordinated Regional Mutual Aid System will help to ensure every corner of the state can procure additional resources in the event of a rapidly escalating wildfire.

2. LARGE FIRE FUNDING MECHANISMS

Due to extenuating circumstances surrounding climate change and prolonged drought conditions, Colorado will have to continue to respond to the harsh realities of catastrophic wildfires and the steep financial burdens associated with them. Establishing a State Responsibility Large Wildland Fire Fund and Enhanced State Assistance Program will help ensure additional resources are available to manage wildfires and forest mitigation activities that exceed local capability. They will also provide assurance that additional resources are available and will be deployed in a more effective and efficient manner.

3. STATEWIDE FIRE DATA

For years, the Colorado Division of Fire Prevention and Control has worked to acquire fire data that accurately portrays Colorado's fire problem. The lack of reporting by fire agencies continues to create gaps in our complete understanding of the fire problem in Colorado. Therefore, the commission is recommending a comprehensive fire data collection and dissemination program to improve fire data reporting in Colorado.

WHERE WE GO FROM HERE

All of the Colorado Fire Commission's recommendations are interconnected and will undoubtedly impact the overall success of future actions to address these recommendations individually or collectively. Developing a statewide mutual aid system requires financial support and a system to effectively and efficiently utilize resources. Wildland fire response impacts local resources, state resources and federal resources. System response capacity, logistical support systems, and adequate financial support will ultimately impact the Colorado fire service's capabilities to meet the challenges of mega fires. Finally, data is the fundamental need of all stakeholder agencies. Colorado's fire data reporting systems need to be timely, accurate, and sharable amongst the many different agencies responsible for protecting Colorado residents and our state's natural resources.

The commission's recommendations to the Colorado legislature are actionable and when implemented will result in a more effective and efficient statewide system in responding to Colorado fire incidents. In early 2021, the Commission will begin tracking the progress of the current recommendations and begin work on new focus areas to improve the Colorado fire services response to fire concerns throughout the state.



Photo by Kyle Miller

IMPLEMENTING AMENDMENT 77

Profiling the game plan

By Beauclarine Thomas, CML legislative and policy advocate; David D. Spellman, Black Hawk Mayor; Jeremy Fey, Central City Mayor

In November, Colorado voters approved Amendment 77 and allowed voters in Colorado's gaming towns, Black Hawk, Central City, and Cripple Creek, the ability to increase maximum bets above the state's \$100 limit and add new games beyond slots, blackjack, poker, roulette and craps. The economic impact of Amendment 77 has not been determined because it will depend on local voters deciding on casino bet limits and new games. However, 78% of the revenue will go toward financial aid and workforce development programs at community colleges, 12% will go to Gilpin and Teller counties, and 10% will be split between Black Hawk, Central City, and Cripple Creek. CML reached out to the cities affected by this measure to learn how they plan on implementing Amendment 77. Here are responses from Black Hawk and Central City.



BLACK HAWK

The City of Black Hawk has been preparing for the opportunities afforded us in Amendment 77 for 25 years now. By the mid-1990s, Black Hawk had determined it wanted to become the premier Colorado gaming community, and we set about to accomplish that goal. Along the way, the vision of what Black Hawk wanted to become became more vivid and defined; we set our sights on becoming a premier regional gaming-centric resort destination. To accomplish this, the city has strongly encouraged, in fact, unabashedly encouraged, the gaming industry, to enhance what we had to offer the gaming public. Amendment 50, which passed in 2008, achieved 50% of what the City of Black Hawk wanted to see. It raised the limits from \$5 to \$100, added craps and roulette, and allowed 24-hour gaming. And now, Amendment 77 takes us the rest of the way as far as constitutional amendments.

Because the city has been steadfast over the past 25 years to establish itself as a gaming-centric resort destination, the investment, hard work, and heavy lifting have already been set in place and carried out to implement Amendment 77. Since the inception of gaming in 1990, the city has invested significant capital in new infrastructure, two water treatment plants, 2.3 million gallons of finished water storage, raw water storage, and of course water rights. As Amendment 50 allowed for 24-hour gaming, the city's police, fire, and public works departments are ably prepared for increased visitations. These departments have the requisite equipment to maintain a safe, inviting, and enjoyable guest experience. There may be some unforeseen challenges with the new opportunities afforded Black Hawk in Amendment 77; there always are with new opportunities. The city will meet these challenges the way we have met all the challenges since gaming came back to Black Hawk in 1990; through the indomitable spirit of our dedicated and highly qualified team members, from management to rank and file, from front-line to back-of-house, we have the best there is. And it takes all of them to make the city successful.

As of Dec. 1st, the City of Black Hawk is the first host gaming city to formally approve unlimited maximum single bets and additional games approved for play under the opportunity afforded the three host gaming cities under Amendment 77. This takes effect on May 1, 2020 and is consistent with the Colorado Division of Gaming rulemaking schedule, Amendment 77 and the City of Black Hawk's Ordinance 2020-30 and Resolution 68-2020.

CENTRAL CITY

In Central City, voters approved a local election question (Ballot Question 2B) to authorize city council to replace the current single bet limit of \$100 with unlimited single bets and authorize city council to approve additional casino games via resolution, provided that the Colorado Limited Gaming Control Commission proceeds to promulgate final rules to implement the new additional games.

With respect to implementing Amendment 77 and Question 2B, the city has reached out to its casino operators to identify the new casino games that they feel will most appeal to Colorado residents and visitors. After this period of outreach is completed, the city council will schedule the adoption of a resolution identifying the new games at a public meeting. Currently, Central City anticipates bringing a resolution before city council by early 2021. Once the resolution is adopted, a copy will be provided to the commission, together with a request that the commission commence its rulemaking process so that the casinos are able to offer the new games to their customers after May 1, 2021.

The city believes that the new games and increased bet limits will increase visits to Central City and will create momentum for moving important development projects forward in the city, including redevelopment opportunities associated with three important properties in the downtown core including:

- **Belvidere Theatre** – The city is redeveloping this historic property and the successful restoration of the theatre (originally constructed in 1875) will add an important multi-purpose event center to the community and contribute to the continued vibrancy of the historic district.
- **The Scarlet's Building** – Originally built in 1992 as a casino, this property is well-positioned to be re-opened as a new casino or re-purposed as an entertainment venue/mixed-use office property.
- **The Big-T Lot** – located on a prominent downtown intersection, this property is ready for mixed-use development, including a hotel/casino, parking garage and commercial/retail space.



HOUSING SPOTLIGHT

The state affordable housing tax credit

Meghan Dollar, legislative advocacy manager

The housing crisis continues and while CML is pushing for more options for municipalities to provide affordable housing, that doesn't mean that the legislature has not adopted meaningful funding programs at the state level. One of the most impactful is the Affordable Housing Tax Credit (AHTC) program operated out of the Colorado Housing and Finance Authority (CHFA).

Colorado Community leaders, housing advocates, and business leaders came together in 2015 and then again in 2019 to advocate to the legislature to reauthorize and eventually increase the amount of state AHTC available for annual allocation from \$5 million to \$10 million in 2020-2024. Pictures of 2019 projects are located with the CML legislative priorities article on page 6 -7.

KEY FACTS ABOUT THE STATE AHTC PROGRAM

Between its reauthorization in 2015 and then in 2019, the state AHTC program:

- directly supported the development of 4,796 affordable rental units;
- leveraged \$534 million in new private-sector investment to support affordable housing in Colorado;
- supported new affordable housing for the state's low and moderate-income workforce, seniors, homeless and special needs communities; and
- is estimated to generate \$1.9 billion in economic impact.

The program has led to multiple affordable housing projects across Colorado. Recently, Colorado Housing and Finance Authority (CHFA) announced that 12 developments were awarded a reservation of state Affordable Housing Tax Credits (AHTC) and federal 4% Low Income Housing Tax

Credits (LIHTC) to support the construction or preservation of 994 affordable apartments. The developments supported will seek to serve a broad range of Coloradans in need including veterans, formerly homeless individuals and families, and youth aging out of foster care.

To date in 2020, CHFA has supported the development or preservation of 2,958 affordable apartments in 37 developments across Colorado with state or federal affordable housing tax credits.

The following developments are receiving state and federal housing tax credit award reservations by CHFA:

8315 E. Colfax Family Affordable & Early Childhood Education (ECE), Denver
Developer: Mercy Housing Mountain Plains

Allison Village, Arvada
Developer: Foothills Regional Housing (aka Jefferson County Housing Authority)

Anglers Four Hundred, Steamboat Springs
Developer: Overland Property Group and Yampa Valley Housing Authority

Clara Brown Commons, Denver
Developer: Mile High Ministries

Crossing Pointe South, Thornton
Developer: Maiker Housing Partners (aka Housing Authority of Adams County)

Fitzsimons Veterans Independent Living, Aurora
Developer: Aurora Housing Authority

Garden Apartments, Colorado Springs
Developer: Western Region Nonprofit Housing Corporation

Highland Trails, Littleton
Developer: Four Corners Development

Montbello FreshLo Hub, Denver
Developer: Montbello Organizing Committee

Oak140, Fort Collins
Developer: Housing Catalyst

Rhonda's Place, Denver
Developer: REDI Corporation

Village at Solid Rock, Colorado Springs
Developer: Commonwealth Development Corporation and Solid Rock CDC

THE EVOLUTION OF FEDERAL ADVOCACY IN A PANDEMIC

By Kevin Bommer, CML executive director

The National League of Cities (NLC) has always been the torchbearer for municipal issues in Washington, D.C. Like the Colorado Municipal League (CML), NLC is governed by a member-elected board that consists of members of over 2,000 municipalities from around the nation. While NLC has many programs to strengthen local leadership and incentivize local solutions, NLC advocates for municipal interests before Congress, the White House, and the many executive branch departments and agencies.

All 49 state municipal leagues are also members of NLC, and state leagues have a significant influence on the governance and direction of NLC. This is due primarily to the important role state leagues like CML played in creating the American Municipal Association that later became NLC.

This high level of engagement by state leagues in NLC is likely most visible in federal advocacy efforts. NLC's National Municipal Policy and Federal Action Agenda are largely products of the Federal Advocacy Committees within NLC, and these then guide the NLC advocacy team. Other than the sheer number of municipal officials involved and specialized issue committees, this is very similar to policy development, implementation, and establishment of legislative priorities that occurs at the statewide level within CML.

For federal advocacy, the state leagues have historically played a role in assisting NLC on understanding local or regional perspectives on NLC priorities. State league directors from each of the seven NLC regions also serve on NLC's State League Steering Committee and, by virtue of membership on the committee, as members of the NLC Executive Board. State leagues also assist by connecting directly with members of the state's congressional delegation.

However, 2020 saw a transition to a new kind of federal advocacy made necessary by the impacts of COVID-19, but likely made permanent because of its overall effectiveness. While "effective" may not always be the term many think of when it comes to the turning the (grinding) wheels of the federal government, the efforts of NLC – combined with extraordinary additional engagement from state leagues around the country with their respective delegations – created new inroads in Washington. While bitter partisan divides have made any

legislation difficult to pass, the combined efforts produced wins. Most importantly, they also helped avert disasters through intervention in legislative proposals that may have harmed the ability of municipalities to respond to and protect citizens from COVID-19.

In mid-2020, NLC Executive Director and CEO Clarence Anthony announced during a meeting with state league executive directors that he wanted to create a directed campaign with a specific focus on securing direct assistance to municipalities struggling due to declining revenues related to COVID-19 impacts. Not only was the campaign, which ultimately became the "Cities Are Essential" campaign, focused on advocacy for revenue stabilization by NLC and state league advocacy, its successful implementation hinged on grassroots involvement from municipal leaders around the country.

The direct engagement of state leagues and scores of municipal officials around the country created a massive amount of earned media and bipartisan support for the revenue stabilization sought by many municipalities. It also created significant partnership opportunities at the national level with the National Association of Counties (NaCO), the International City and County Management Association (ICMA), the Government Finance Officers Association (GFOA), the U.S. Conference of Mayors and others. The combined efforts will carry over into 2021 with a new Congress and new administration in the White House.

Looking into the future, it is hard to imagine federal advocacy without including some of the most effective aspects of the focused efforts in 2020. It also cannot be emphasized enough that the unprecedented collaboration between state leagues and NLC, primarily through weekly or biweekly meetings of NLC and state league directors and advocacy staff, have created expectations for the future of federal advocacy.

While we will soon return to a world that does not have to be almost 100% virtual, municipalities and their state and federal advocacy organizations will most certainly see an evolution in their respective federal advocacy efforts simply due to the effectiveness of the 2020 campaign.

COMMITTEES

Committees of reference, year-round committees, and interim committees consider legislation, provide oversight of executive branch agencies, and conduct studies on issues of importance to the state.

HOUSE COMMITTEES OF REFERENCE

House Committees of Reference meet primarily during the legislative session to consider legislation and provide oversight of executive branch agencies.

- Agriculture, Livestock, and Water
- Appropriations
- Business Affairs & Labor
- Education
- Energy and Environment
- Finance
- Health and Insurance
- Judiciary
- Public and Behavioral Health and Human Services
- State, Veterans, and Military Affairs
- Transportation and Local Government

SENATE COMMITTEES OF REFERENCE

Senate Committees of Reference meet primarily during the legislative session to consider legislation, conduct confirmation hearings, and provide oversight of executive branch agencies.

- Agriculture and Natural Resources
- Appropriations
- Business, Labor, and Technology
- Education
- Finance
- Health and Human Services
- Judiciary
- Local Government
- State, Veterans, and Military Affairs
- Transportation and Energy

YEAR-ROUND COMMITTEES

Year-Round Committees meet during the legislative session and interim to provide oversight to legislative staff agencies, conduct hearings regarding the state budget and capital construction, and consider other issues of importance to the state.

- Capital Development Committee
- Capitol Building Advisory Committee
- Colorado Commission on Uniform State Laws
- Colorado Health Insurance Exchange Oversight Committee
- Committee on Legal Services
- Executive Committee of the Legislative Council
- Joint Budget Committee
- Joint Technology Committee
- Legislative Audit Committee
- Legislative Council
- Legislative Emergency Preparedness, Response, and Recovery
- Statutory Revision Committee
- Treatment of Persons with Mental Health Disorders in the Criminal Justice System

INTERIM COMMITTEES

Interim Committees typically meet in the interim and generally meet for only one interim period. However, pursuant to Senate Bill 20-214, interim committees have been suspended in 2020.

- Early Childhood and School Readiness Legislative Commission
- Pension Review Commission
- Pension Review Subcommittee
- Transportation Legislation Review Committee
- Water Resources Review Committee
- Wildfire Matters Review Committee

OTHER COMMITTEES

The General Assembly may create other committees to meet during the legislative session or interim on specific issues of importance to the state.



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