

Colorado Municipalities

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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.

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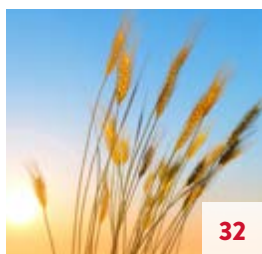
Want to share those thoughts with your colleagues across the state?

CML welcomes thought-provoking letters to the editor! Send comments to CML Engagement & Communications Manager Kristin Kemp at kkemp@cml.org.

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Each issue of *Colorado Municipalities* reaches more than 4,000 municipal officials and decision makers. To reach those who lead Colorado cities and towns, contact CML Engagement & Communications Manager Kristin Kemp, kkemp@cml.org.

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AI in city hall must earn the public's trust

By **GLEB TSIPURSKY**, Disaster Avoidance Experts consultancy CEO



Artificial Intelligence can benefit municipalities — but only if it is used responsibly

A city employee asks an artificial intelligence tool to summarize a lengthy report. The result saves an hour and helps prepare a council briefing. Across the hall, another employee enters confidential resident information into a public chatbot without realizing the data could leave the municipality's control.

Both employees are trying to work more efficiently. The difference between the two situations is not technological sophistication. It is whether their municipality has established clear rules, practical training, and a culture in which employees know when to stop and ask questions.

That is the central challenge of AI in city hall. Municipal leaders face pressure to improve services despite staffing shortages, rising expectations and constrained budgets. Yet government carries obligations that private organizations do not always share. Municipal decisions can affect access to housing, jobs, permits, benefits, public safety, and other essential services. Records may become public. Mistakes can damage trust far beyond the department where they occurred.

The right goal is neither rapid adoption nor blanket prohibition. It is controlled learning.

BEGIN WHERE ERRORS ARE REVERSIBLE

The safest starting point for municipal AI adoption is work that supports employees without determining residents' rights, eligibility, or access to services.

Appropriate early uses include drafting internal outlines, reformatting public information, summarizing nonconfidential documents, preparing first drafts of routine communications, and creating meeting agendas. These tasks can save time while leaving an employee responsible for reviewing and approving the result.

Municipalities should be more cautious when an AI system could influence hiring, policing, code enforcement, permitting, benefits, housing, or other consequential decisions. An inaccurate summary can be corrected before publication. A flawed recommendation about a resident can cause harm that is difficult to reverse.



A practical rule follows: The greater the potential effect on a person, the stronger the required oversight.

The National Institute of Standards and Technology's AI Risk Management Framework offers public agencies a useful structure through four functions: govern, map, measure, and manage. Municipalities do not need large technology departments to apply that logic. They need to identify who is accountable, understand each use case, test for foreseeable problems, and monitor what happens after deployment.

Start with a small pilot. Define the task narrowly. Establish what information employees may enter. Require human review. Record errors and unexpected results. Then decide whether the experiment should expand.

TREAT DATA AS A PUBLIC RESPONSIBILITY

Generative AI tools make it easy to forget that every prompt contains information. An employee might paste in personnel details, legal advice, resident correspondence, protected health information, or material related to an investigation. Once entered into an outside system, that information may be stored, processed or used in ways the municipality did not intend.

A responsible public sector AI policy should tell employees what data they may use, what they must never use, and which approved tools provide adequate contractual protections. "Be careful" is not an operational standard. Employees need examples drawn from the work they perform.

Records management deserves equal attention. The Colorado General Assembly's summary of the Colorado Open Records Act explains that public records can include many forms of written and electronic communication created or maintained in connection with public business. Municipal attorneys and records custodians should determine how prompts, outputs and AI-assisted drafts fit existing retention and disclosure practices.

The answer may vary by use case. What matters is deciding before a records request arrives. A municipality should know whether it retains prompts, where outputs are stored, who can retrieve them, and how employees will distinguish working drafts from official records.

BUILD TRANSPARENCY INTO EACH USE CASE

Public trust will not come from publishing a long policy that few residents read. It will come from explaining AI use in plain language when people reasonably care about it.

Effective AI transparency answers several basic questions. Where is AI being used? What does it do? What information does it use? Who remains accountable for the outcome?

A chatbot on a municipal website should identify itself as automated. Residents should have a clear route to a person. If AI helps translate or summarize public information, the municipality should describe the process and explain how employees check its accuracy. If a system affects a consequential decision, residents should receive appropriate notice and a

meaningful way to question or appeal the result.

Transparency also disciplines the organization. Leaders who cannot explain a system clearly may not understand it well enough to use it.

This does not require disclosing sensitive security information or publishing technical documentation that residents cannot interpret. It means giving people enough information to understand how their government operates and where responsibility lies. A machine should never become an excuse. A department head, manager, or designated official must remain answerable.

PROCURE OUTCOMES, NOT PROMISES

AI vendors can give impressive demonstrations under controlled conditions. Municipal work is rarely controlled. Data can be incomplete, and unusual cases are common.

Responsible municipal AI procurement should focus on performance in the municipality's actual working environment. Contracts should address data ownership, security, retention, subcontractors, audit rights, accessibility, accuracy testing, incident reporting, system updates, and termination. They should also clarify what happens to municipal data when a contract ends.

A pilot should include measurable goals. Did the system reduce processing time? How often did employees correct its work? Did it create new burdens for legal, information technology, or records staff? Did residents receive faster or clearer service?

RESOURCES

Guide to Artificial Intelligence

Colorado Governor's Office of Information Technology
oit.colorado.gov/ai

Survey on local government adoption of AI

International City/County Management Association
tinyurl.com/AI-local-survey

AI risk management framework

National Institute of Standards & Technology
tinyurl.com/AI-risk-framework

AI accountability framework

Government Accountability Office
tinyurl.com/AI-accountability-framework

Municipal AI implementation & governance

International City/County Management Association
tinyurl.com/muni-implement

Municipal AI procurement

Government Accountability Office
tinyurl.com/municipal-AI-procurement

Government AI adoption strategies

International City/County Management Association
tinyurl.com/AI-adopt-gov

Building public workforce trust

International City/County Management Association
<https://tinyurl.com/work-trust>

AI risk management

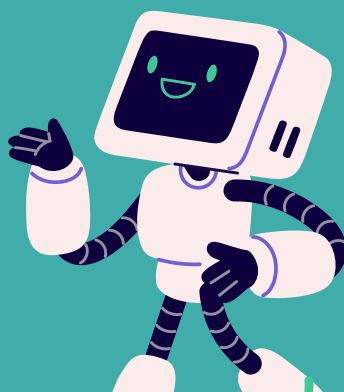
National Institute of Standards & Technology
tinyurl.com/AI-risk-nist

Colorado generative artificial intelligence strategy

Colorado Governor's Office of Information Technology
tinyurl.com/colo-AI-strategy

Do you have other helpful resources?

Use the CML listservs to share them with fellow municipal leaders.
tinyurl.com/CMLlistservs



Time saved in one department is not a success if another department must spend more time correcting mistakes.

Municipalities should document lessons from each acquisition. The U.S. Government Accountability Office has emphasized the value of collecting procurement lessons so agencies can improve future decisions. Cities and towns can apply the same principle by maintaining a simple record of what they tested, what failed, what worked, and what contract terms they would change.

ADDRESS EMPLOYEE ANXIETY DIRECTLY

Technology policies often focus on what a tool can do while overlooking what employees fear it will do to them.

That omission can quietly derail implementation. Employees who believe AI is being introduced to eliminate positions may avoid training, withhold useful feedback, or use the technology defensively. Others may adopt public tools on their own because official approval seems too slow. Resistance and uncontrolled experimentation both grow when leadership leaves an information vacuum.

Research on local government AI indicates public employees are already experimenting with these tools, although their confidence and attitudes vary. Leaders should assume experimentation is occurring and bring it into a safer, shared process.

Managers should explain the operational problem before presenting the technology. Employees need to hear which tasks leaders hope to improve, what will remain under

Building public workforce trust also requires more than teaching employees how to write prompts. Training should cover inaccurate outputs, bias, privacy risks, records obligations, accessibility, and the limits of automation.

human control, and how performance expectations may change. They should help identify repetitive work, test proposed tools, and report failures without being punished for surfacing them.

The best message is concrete: “We want to reduce the hours you spend reformatting routine documents so you can focus on residents and complex cases.” That is more credible than broad promises about innovation.

Building public workforce trust also requires more than teaching employees how to write prompts. Training should cover inaccurate outputs, bias, privacy risks, records obligations, accessibility, and the limits of automation. Supervisors need additional preparation because they will decide when a task is appropriate for AI and when human judgment must prevail.

GOVERNANCE MUST FIT THE MUNICIPALITY

A small town does not need the same structure as a large city. Every municipality, however, needs clear accountability.

A practical AI governance group might include representatives from administration, information technology, legal counsel, human resources, procurement, records management,

and operating departments. Smaller communities can assign these functions to existing employees or collaborate through regional partnerships.

The group should maintain an inventory of approved tools and active use cases, classify risks, review proposed pilots and update policies as technology changes. It should also create a simple path for employees to ask questions. If approval takes months, employees will find ways around it.

Colorado’s guidance on generative AI illustrates the value of pairing experimentation with safeguards. Municipalities can follow that principle without copying the state’s structure: Encourage useful learning while making privacy, equity, security, and accountability nonnegotiable.

The behavioral side of adoption matters as much as policy. Leaders

need to communicate repeatedly, involve employees early, and reward the discovery of problems.

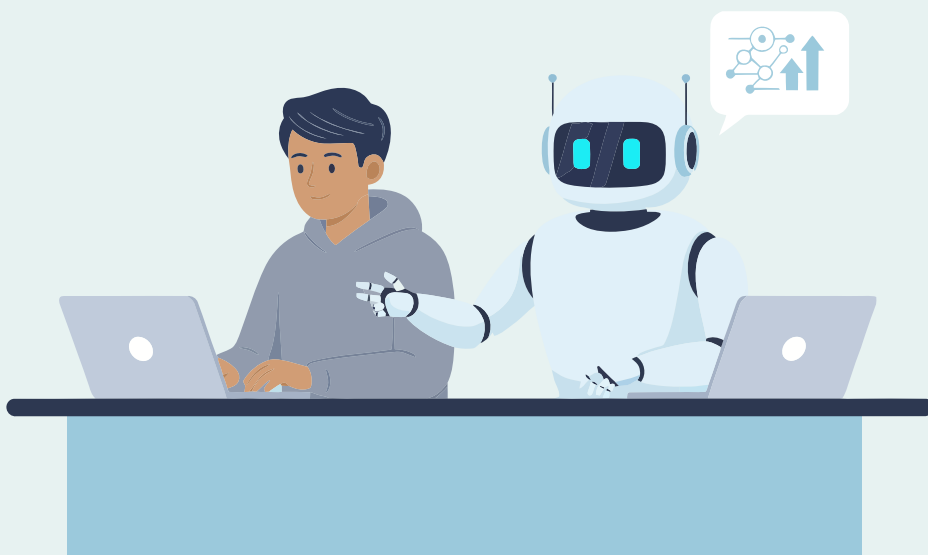
These practices are central to responsible AI adoption because systems succeed only when people understand, trust, and use them appropriately.

Municipalities do not need to predict the future of artificial intelligence. They need to govern the next decision well.

Choose a reversible use case. Protect the data. Keep a person accountable. Tell employees and residents what the system does. Measure the results. Learn before expanding.

City halls will face scrutiny when they use AI, as they should.

Public scrutiny is not an obstacle to innovation. Properly treated, it is the discipline that makes innovation worthy of public trust.



Local leaders navigate artificial intelligence & data centers

CML Board President Laura Weinberg speaks at NLC

By **CHRISTOPHER JORDAN**, National League of Cities senior specialist on urban innovation

Local governments are moving beyond broad discussions about artificial intelligence and are making practical decisions about how it should be used, governed, and supported.

Local officials, in a conversation that the National League of Cities (NLC) convened at its Summer Board and Leadership Meeting, described how their communities are approaching AI from two connected but distinct directions. Inside city hall, leaders are creating governance structures, identifying operational challenges, and testing targeted uses of AI. Outside city hall, they are confronting growing public interest in the data centers needed to support an increasingly digital economy.

DATA CENTERS RAISE QUESTIONS

Cities across the country are learning how to talk with residents about the infrastructure associated with the growth of AI. Golden Mayor Laura Weinberg described a gap between the technical discussion surrounding data centers and the concerns residents bring to public meetings. Communities are being asked to consider projects with real implications for



Laura Weinberg

electricity, water, land use and utility costs. Officials who explain these trade-offs clearly and early are finding it easier to conduct transparent engagement with residents.

Cleveland, Ohio, recently adopted a moratorium on new data center development to give the city time to evaluate its zoning and land-use rules. Council President Blaine Griffin noted that cities want to stay economically competitive. He described Cleveland's approach as taking enough time to get the rules right, without taking so long that they lose investment.

BUILDING GOVERNANCE BEFORE EXPANDING USE

Panelists stressed that local governments need to build internal structures for managing AI before they scale its use.

Cleveland established an Office of Urban AI through legislation. The office oversees Cleveland's open data portal and supported the relaunch of 311 as an entry point for city services. The portal includes an insights tool

that provides information needed when evaluating a property.

Avondale, Arizona, began with an AI governance committee and a limited pilot involving 14 employees using a general-purpose large language model. Rather than pursuing highly visible applications, the city focused on identifying recurring operational problems that AI might help address. Avondale's advice to other local leaders is to start with defined problems, not with technology. Louisville, Kentucky, took a citywide approach by creating a chief AI officer position and asking agencies to identify their most significant operational challenges before the city developed solicitations or selected tools.

What's clear is that local governments succeed when they start with clarity: clear problems to solve when adopting AI, and clear benefits to communicate when proposing infrastructure like data centers. Both require the same groundwork, governance structures, defined goals, and early resident engagement to build lasting public trust.

This article was originally published by the National League of Cities.

What

HOMER SIM

taught me about

ARTIFICIAL
INTELLIGENCE





SIMPSON

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The 1995 episode that carries prescient lessons for today

By **ANDY FROHARDT**,
Boulder assistant city attorney

For the better part of a decade, I fell asleep to “The Simpsons.” It was my bedtime comfort show. Predictable.

When you spend thousands of nights under Springfield’s bright blue sky, you begin to see more. Matt Groening and company created the perfect canvas for snarking about modern life — or, for me back then, 1990s and early-2000s life — a level of irreverence and subversion that often made it impossible to discern their true beliefs on any given issue.

Watch an episode once and you can pick up on its core themes and satire. Watch it 10 times and you begin to see it in new, deeply philosophical, and insightful ways.

Season seven’s episode, “King-Size Homer,” is a prime example. When it aired in 1995, it resonated with me mostly for its absurd gags. But today, in the era of artificial intelligence, agentic agents, and an ever-increasing loss of human control and spirit, the cautionary lessons Homer (inadvertently) taught me back then are now more prescient and important — and frightening — than its writers ever imagined.

So let’s get to it!

Disclaimer: While writing this, I had several moments where I thought, “This is really stupid. I should stop.” Accordingly, you may want to stop reading here. You’ve been warned.

WELCOME TO SPRINGFIELD

In the 1995 episode, “King-Size Homer,” buffoon patriarch Homer Simpson learns that gaining an unhealthy amount of weight will qualify him for disability, allowing him to work from home and dodge the plant’s new exercise program.¹ Homer, ever the corner-cutter, and over his daughter, Lisa’s, sage objections that he’s taking advantage of a program meant to support workers in true need, embarks on an urgent weight gain journey.² The resulting montage shows Homer — assisted by his rebellious son, Bart — consuming large amounts of the least healthy foods possible.³

When Homer achieves his weight-gain goal, his employer installs a remote computer terminal in the Simpson’s living room. Homer can now perform his nuclear safety inspector duties at home.

Remote work was rare in 1995. Today, we can connect with colleagues over video conference, share documents online, and — for those of us knowledge workers who remain committed and productive — handle the vast majority of our duties at home. To 1995 Homer, work-from-home presented a wholly different proposition. No more mandatory exercise programs. No more long commutes to the office.⁴ And, as the episode later shows, no more direct oversight. Homer, the plant’s nuclear safety inspector, is free to perform his work away from the rigors and prying eyes of in-office work.

MUUMUUS & FLAT CAPS

Given Homer’s new flexibility at work, he intends to fully take advantage. His work-from-home now lets him

dress as he likes. And, in true Homer fashion, he chooses pure, unadulterated comfort. At “The Vast Waistband” clothing store, he proceeds to purchase a bright blue muumuu with bold flower designs. He completes his outfit with a white flat cap. The new outfit elicits gawking by his fellow Springfieldians, but Homer doesn’t care. He’s comfortable. And to Homer, comfort is all that matters.

While the episode uses Homer’s weight gain and outfit for a few cheap gags, the implications are much deeper. Homer’s appearance now mirrors his mental metamorphosis. He no longer strives to be better, particularly at work. He has no desire to hone his skills or character. He takes no pride in his job. More broadly, he does not wish to hone his wisdom, judgment, or logical reasoning. Homer has, quite literally, opted out of work. A “quiet quitter” circa 1995.

“Y-E-S”

For his first workday, Homer arrives at his at-home terminal at 8:58 a.m., ready to work.⁵

Homer learns that his new duties consist of responding “Yes” or “No” to a series of computer prompts. The terminal asks if he wants to check the nuclear core’s temperature. “Yes,” he types. It informs him that the core temperature is normal. The terminal asks if he wants to “Vent Radioactive Gas?” When Homer responds, “No,” the terminal corrects him: “Venting Prevents Explosion.” Homer promptly corrects his answer to “Yes.”⁶ Turns out, the software was designed so the correct response from Homer is always “Yes.”

-
- 1 The exercise program consists of 5-minutes of light calisthenics where Mr. Burns shouts “Let’s see more Teddy Roosevelt and less Franklin Roosevelt!”
 - 2 Or, as resident quack doctor Dr. Nick Riviera describes it, teaching Homer to eat a diet of the “neglected food groups,” including the “whipped group, the congealed group, and the chocotastic.” Homer need only rub food against a paper bag — if the paper turns clear, it is his “window to weight gain.”
 - 3 Bart when Homer is eating a banana split: “Eat around the banana, dad. It’s just empty vitamins.
 - 4 Homer on hearing the radio discuss a severe traffic jam while he gets to work from home: “I pity those poor suckers on the freeway. Gas-brake-honk. Gas-brake-honk. Honk-honk-punch. Gas-gas-gas.”
 - 5 Significant because, as Homer boasts, it’s the first time he’s ever been early for work.
 - 6 Upon doing so, viewers are shown a far-away switch turning, which opens a hatch that releases radioactive gas (directly onto a farm, actually).

As his workday progresses, Homer discovers that he need only press the “Y” key to give his “Yes” response. Homer proudly proclaims to his wife, Marge, that he’s tripled his productivity.

The plant automated his duties to such an extent that his job — the proverbial “human in the loop” — is meaningless. Homer’s duties are mostly illusory. For all practical purposes, the machine is in charge. The immediate implication is clear: Homer doesn’t need to be there.

This begs the question: how many of our employees have work tasks that amount to little more? Is that employee’s time — and intellect — properly used on tasks that could be readily automated? Could their time and effort be better put to use by, say, evaluating a machine’s output for accuracy and validity?

Then again, were we to automate these tasks, what would be left? When and where would the introduction of human intelligence interact with the reasoning and decisions of the software? In the age of AI, this issue is critical and complex. It is at the forefront of AI implementations.

Virtually all AI outputs for consequential decisions need some form of human involvement, judgment, and validation. The decision about when and how humans are involved in evaluating AI output is perhaps the most important component of safe AI implementation. And, as will be shown, removal of human oversight can be disastrous.

BOREDOM & MONOTONY

Homer quickly realizes his “job” isn’t all it’s cracked up to be. Monotony sets in. Homer’s eyes glaze over. He settles into watching day-time soaps, sitting on the couch

near his work terminal while using a broom to smash the keyboard until the “Y” key is pressed.

With all meaningful thought and decision-making removed, Homer disengages from work. And who can blame him? His job is menial, requiring little in the way of reasoning or complexity. Homer begins to “check out.” He no longer pays attention to the prompts.

On a long enough time-horizon, Homer will forget what the prompts are altogether. Homer will be — or perhaps already is — incapable of explaining his job and

how it impacts the broader plant operations. Homer is the “human in the loop” — for monitoring what the system is doing and hitting prompts — but he’s not truly “in the loop” because he’s incapable of understanding the system.

THE BOBBING BIRD

With a monotonous job, Homer’s need for entertainment overrides what little discipline he has. He wants to go to the movie theater. But what about

his task of smashing the “Y” key?

Well, why not innovate? In a surprising display of problem-solving, Homer uses a drinking bird toy — an office desk accessory that “perpetually” bobs its head up and down.⁷ Homer sets the bird over the “Y” key, positioned so that it presses the key each time its head bobs down.

Though rudimentary, the bird is Homer’s technological solution to a mundane task — an “autonomous” solution, at that. Homer needs only to set it up, and it will — in theory — perform its task without oversight. The bobbing bird, however, is not equivalent to modern AI.

Modern AI is often characterized as a technology that (1) perceives (it has some way of “reading” or “hearing”



⁷ In real life, the bird is called a dipping bird. It’s near perpetual motion occurs when the water on the bird’s beak evaporates, which creates a pressure difference inside the bird that causes its neck to rise; rinse-repeat.

or otherwise obtaining information; (2) abstracts (it has a system for filtering and generalizing information, leading to what can appear to be reasoning); and (3) infers (it can use perception and abstraction to draw its own conclusions). This combination of traits makes modern AI look more like human reasoning and decision-making.

There is a troubling lesson in Homer's decision — simultaneously terrible and rational.

It is terrible because Homer has selfishly divested himself from his work responsibilities. The safety of Springfield's denizens has been, quite literally, left to the beak of a bobbing bird. There is no longer a human monitoring the system — and the plant doesn't know what he's done.

It is here that a principal issue of AI governance lies. What are the consequences of a total — or even partial — failure in the software? Use of AI in low-risk or heavily controlled circumstances may very well be appropriate, while use of the same AI in a high-risk, high-consequence circumstance may not be. In technology, the specifics matter.

DISASTER STRIKES!

Upon his return from the movie theater, Homer is confronted with disaster: the bobbing bird has fallen over! The terminal screen blares, and panic sets in. Homer scans the chat history on screen to learn that an explosion is imminent due to his failure to vent the gas!

One need not have 20-20 hindsight to see how this could have been avoided.

Homer could have put some basic thought into what could go wrong — performing a risk assessment, an important piece of what AI nomenclature refers to as governance/administrative controls. The mere anticipation of what and how things could go wrong, and the consequences, can allow for examination and resolution of risks.

What if Homer had glued or screwed the bird in place so that it couldn't fall over? Or put something around the bird, like a box, to block environmental interference? Both options are physical controls, ways we can

adapt the physical world to minimize the harm caused by AI failures.

Or maybe Homer takes a different path altogether. He could call a plant-employee buddy and have him modify the software to notify Homer or the plant if the bird has stopped. This approach, one of many potential technical controls, involves modifying software to address risk.

And then there is the most important step Homer could have taken: speaking to his employer. The plant would almost certainly take more sophistication in addressing the bird's risks than Homer. For starters, given the drastic consequences of a failure in the bird — the destruction of all of Springfield! — the plant would most likely not allow this functionality to be automated. Maybe the plant undertakes an initial harm assessment — harm to people, the organization, and nature — and decides it simply isn't worth it. The prospects of causing a full-scale nuclear meltdown that kills every citizen in Springfield and destroys the environment may be too much.

The plant might also consider the optics and political circumstances surrounding the use of the bird. How would employees feel, knowing a bird is doing their job? How about the citizens of Springfield? If the press got wind that a bobbing bird was the sole safeguard against total immolation, would they raise issue?

And what about implications for the plant? What would government nuclear safety inspectors think? With so much automation, does Homer understand his job well enough to explain it to regulators — or future litigants?

The crazy thing about Springfield, however, is that if Homer had merely asked his employer to use the bird, his employer may have allowed it.⁸

The plant might, for example, undertake a detailed evaluation of the bird's design and functionality. Was it ever designed to perform this task? If not, is it a viable option? The plant might engage in testing and monitoring, to evaluate the bird's performance. Likewise, maybe there are compensatory technical

8 This is Springfield, after all, a place known for absurdities.

controls in the software that would allow the plant to modify it to work better.

And what of policies and procedures? Maybe the plant, recognizing poor Homer can't sit there all day long, implements policies that require, say, that a human always monitor the activities of the bird. Further, how about contractual covenants and risk-shifting? Could the plant shift responsibility for meltdowns directly to the bird manufacturer? Risk-shifting wouldn't prevent a meltdown, but given Mr. Burns has an escape rocket — designed with room for Mr. Smithers to nestle at his feet — in case of emergency, maybe Burns would see it as a shrewd business decision.

SAVING SPRINGFIELD

As his computer beeps, the urgency of the situation sets in. Homer can't stop the meltdown from home. Avoiding catastrophe means he must step out of his house, back into the real world, and hustle to the plant.

But Homer's newfound girth betrays him. He can't function in the real world like he used to. He eventually hijacks an ice cream truck and races to the plant, enjoying ice cream along the way.

When Homer reaches the plant, he falls directly onto the exploding gas hole, successfully plugging it and stopping the meltdown. "King-Size Homer" closes with Mr. Burns paying for Homer to get liposuction so he can get his original job back.

Homer has saved the day. Through a bit of luck, he's overcome the dysfunction of the unaccountable, unmonitored, and totally uncontrollable system he implemented to overtake his critical job functions. He's escaped repercussions — for now.⁹



The employer implications of "King-Size Homer" are clear. AI can promote efficiencies, productivity, and overall enhancements to work quality. In cases where the consequences of failure are manageable, proper controls are in place, and the decision to implement AI is well-considered, AI can be an important compliment to the workforce of tomorrow — one that employers ignore at their peril.

But with each delegation to AI, organizations run the risk of losing something, such as the knowledge, skill, and engagement of staff. These people are aware of the real-world context in which the organization operates, value human connection, and can apply organizational values. This hidden toll is not always quantifiable in the ones and zeros of business planning, but it is there, and it is critical.

Organizations should be careful about the extent to which they authorize or encourage the use of AI. With each use of AI, each offloading of cognitive load from yourself to a software, with each circumvention of human thought and critique, with each dissolution of complex work to the output of our "new work associates," you run the risk of losing your own skills, expertise, and judgment; you run the risk of losing your own patience, willpower, and ability to "do the hard work." And a legitimate question arises: if the bobbing bird is doing your work, why, exactly, are you needed?

So take caution in how much and how you use AI, lest the day come when you notice others gawking at you, and in a spurt of confusion you look down at yourself, only to discover you've got a broomstick in hand and are wearing a bright blue muumuu.

⁹ The plant even gives him a medal for his heroism, delivered while he sits stuck in the hole he plugged and while his behind is being decontaminated by people in hazmat suits.

Putting artificial intelligence to the test

CML asked an AI tool to draft a municipal ordinance.
Caution is advised

By **ROBERT SHEESLEY**, CML general counsel

The use of artificial intelligence tools to write court briefs has landed lawyers and litigants in hot water in recent years, as the tools often create fictitious facts and legal precedent. But can they write good passable ordinances? I asked one tool, Claude (Sonnet 5) to write a data center moratorium to see how it would do.

My brief conclusions: municipal officials should be extremely cautious when relying on artificial intelligence to generate or review local laws and policies. Never bypass a municipal attorney's review, staff's expertise, or the public deliberation and decision-making process that a governing body needs to follow to make good and valid laws.

I gave this prompt: Draft an emergency ordinance for consideration by a Colorado statutory town to impose a one-year moratorium on the use of land for hyperscale data centers. Include any necessary factual recitals

and statements of law. I made the task easier by avoiding home rule questions, specifying the application of Colorado laws relating to towns, limiting the time of the moratorium to a period that courts are likely to find acceptable, and narrowing the scope to hyperscale data centers. I did not identify which laws or legal principles to use, define "hyperscale" or "data center," or tell it anything about the town's situation.

Claude produced a six-page Microsoft Word document that appeared deceptively ready for a board packet. It looked great and seemed to hit many high points when considering land use moratoria (e.g., a defined subject of regulation, a time period, a reason to justify the ordinance, exemptions) and an appropriate emergency declaration. The ordinance identified a range of concerns about data centers, like electrical and water demand, noise pollution, air quality, and building standards.

The tool offered "notes on what's baked in and what still needs local attention," but didn't clearly distinguish what questions needed to be asked and confirmed by a town attorney.

Claude identified correct statutory authority for emergency ordinances and suggested the town attorney identify any local procedural requirements. Claude did not volunteer any substantive requirements for emergency ordinances.

Claude also identified some relevant provisions of Title 24 and Title 31 of the Colorado Revised Statutes and one case citation, but didn't consider statutory land use authority under Title 29 or critical judicial precedent affecting land use authority and moratoria.

Claude suggested that the town should review specific definitions and thresholds to meet local requirements, as it acknowledged using "placeholders pulled from common practice in comparable ordinances."



Whether this AI-generated draft was a good starting point is questionable. Citations to legal authority were very broad and incomplete. Assumptions were made about pending applications, current deficiencies in the town's existing code, and the scope of the moratorium. There was no external reference for the specific definition of "hyper-scale data center" or the scope of the moratorium on city actions. Cleaning up and verifying information in the draft could take an attorney more time than it would to write it from scratch.

More importantly, the draft robbed the drafter and lawmaker of a deeper understanding of what the law did, why it was needed, and how it would operate. By relying on such an apparently thorough draft, attorneys and municipal officials could overlook critical local issues, stake holding, and relevant concepts by assuming the tool captured everything.

While the tool can be useful, users need to remember that artificial intelligence doesn't have the necessary understanding of your governing body's

interests or your community's needs, or the nuanced understanding of the law and judicial rulings to provide you competent legal advice. The product is only as good as the information the user inputs, the assumptions the tool makes, and the data the tool collects and relies on.

Disclaimer: I don't recommend relying on the prompt in this article to generate an ordinance for local use. Always consult with your municipal attorney and take the time to study and understand issues before regulating them.

Colorado's ongoing data center debate

CML will continue to ensure municipal voices are heard loudly among competing interests

By **BEVERLY STABLES**, CML legislative advocacy manager

Colorado lawmakers spent much of the 2026 legislative session wrestling with a question that is becoming increasingly difficult to avoid: How should we manage the rapid growth of and need for data centers while protecting taxpayers, utility customers, water supplies, and the environment? Two competing bills, House Bill 26-1030 and Senate Bill 26-102, offered sharply different answers. Neither survived the session, leaving the issue unresolved and setting the stage for another fight in 2027.

House Bill 26-1030, titled “Data Center & Utility Modernization,” took an economic-development approach. It would have created a state data

center development and incentive program and offered significant state sales and use tax exemptions to qualifying facilities. The proposal was designed to make Colorado more competitive for an industry attracting billions of dollars in investment as demand for artificial intelligence and cloud computing accelerates. Under the bill, qualifying projects would have faced requirements involving energy, water, environmental protections, and other impacts.

Senate Bill 26-102 started from the opposite premise: large data centers should be required to pay their own way and meet stronger environmental standards. The measure targeted

facilities with peak loads above 30 megawatts and proposed requirements covering electricity costs, grid investments, renewable energy, water consumption, community engagement, and development impacts. Proponents of SB26-102 argued that without such guardrails, existing utility customers and communities could end up absorbing costs generated by new electricity and water demands.

The competing approaches ultimately collided with a broader political problem. Lawmakers and proponents tried to negotiate a compromise that would combine incentives with environmental and consumer protections, but the sides could not agree on



Courtesy image

Architectural rendering of the Flexential data center under construction in Parker.

a package. With both measures dead, Colorado ended the 2026 session without meaningfully addressing data center development.

But the debate is far from over. Data center construction continues, while communities are increasingly making their own decisions about whether and where these facilities should be built. Several municipalities, including Broomfield, Lochbuie, and Woodland Park, have enacted moratoriums on data centers, while others like Aurora and Hayden are allowing their development with certain size and power restrictions.

Business and environmental groups are already working on legislation for

Colorado ended the 2026 session without meaningfully addressing data center development.

next year. One side will continue arguing that Colorado should compete for data center investment, jobs, and tax-base growth — potentially through targeted incentives. The other will push for stronger requirements ensuring developers cover their energy and infrastructure costs and address water and environmental

impacts, which could include pre-emptions on local governments in their permitting processes. Given how far apart these bills were at the end of the 2026 session, a significant compromise will be needed to marry these competing visions.

The central question for 2027 will be less about whether Colorado needs to address data center development on a statewide scale than what that policy should require, and who should pay for the consequences of rapid growth. The state legislature will be under pressure to find a solution as this issue is only becoming more consequential, and CML will continue to advocate for municipal authority in this space.

A first step to regulating data centers locally

By **ROBERT SHEESLEY**, CML general counsel

Public concern about a new data center in a community is reasonable. Local concerns about land use are at their most profound when considering the impacts of any kind of development on water and power resources and infrastructure, community character, tax revenue, and a municipality's economic goals.

New large and resource-intensive uses like data centers can disrupt expectations and investments in a community. Instead of simply reacting to the first proposal across the permit desk, municipalities should approach data center regulations with an understanding of what they're regulating and how it could fit — or not fit — in their communities.

A QUESTION OF SCALE

Data centers have primary functions of housing computer equipment

to transmit, process, or store data, but are commonly broken into four categories based on size and scope.

Edge or micro data centers typically occupy up to 5,000 square feet and use about 0.05-1 MW of electricity at peak load (equivalent to 750-1,000 homes). Enterprise data centers range up to 50,000 square feet (up to about one football field) and use 1-10 MW (equivalent to 10,000-12,000 homes). Regional or colocation data centers can be up to 250,000 square feet (about 6 acres) and use 10-50 MW (about 50,000-60,000 homes). The largest, hyperscale data centers, can exceed 250,000 square feet and use over 700 MW of electricity (enough to power 700,000-800,000 homes).

Any local regulatory definitions should focus first on the scale of data

centers to be regulated to fairly respond to those impacts. While several hyperscale projects in Colorado are in the works, most municipalities are unlikely to see a proposal for a larger data center if they're not in reach of the necessary water, power, and telecommunications infrastructure.

PUT COMMUNITY FIRST

The data center conversation can't begin locally without recognizing the need for consistent public engagement as a municipality develops local regulations. As with any controversial issue, engagement involves listening to individual and aggregated concerns, providing information, connecting experts, and gathering data.

Transparency is a key element of engagement. Beyond the obligations of the Open Meetings Law, the heightened public interest, substantial im-



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pacts, and sheer volume of information should incline any official to find more avenues to avoid distrust. Municipal officials should view developer requests for nondisclosure agreements with skepticism. While such agreements can be lawful, their scope should be extremely narrow and limited to truly confidential and trade secret information and should avoid any decision-making.

LOCAL REGULATORY APPROACHES

More than any other entity, the municipality represents the collective needs of the community and the specific needs of areas targeted for data

center development. Municipalities, when justified, can prohibit specific types of data center use within certain limitations, as the City of Longmont did for hyperscale data centers (measured by the impact on their energy provider's capacity). Short of prohibition, Colorado municipalities can use an array of existing tools to plan for and regulate data center development.

ZONING

Zoning and land use rules are the most direct and accessible local way to affect data center impacts before they arise. A municipality can ensure that data centers are limited to appropriate locations that minimize ad-

verse impacts and are consistent with a comprehensive plan. Use and development standards can address critical matters like site design, building massing, height, setbacks, aesthetic concerns, drainage, fencing, light and sound pollution, and more. Approval criteria can assess sustainability concerns and impacts on surrounding neighborhoods.

The Town of Hayden recently amended its development code to allow data centers (up to 50 MW) only in heavy industrial areas and implemented a 6-month moratorium for further study. The use standards include limiting all buildings to 60,000 square feet and require on-site power generation, public

water and sewer service, and closed-loop or recycled cooling systems. The application for any data center development requires expert studies of energy supply, water demand, noise, and thermal impact mitigation.

Zoning regulations can also establish who approves a new application. A use by right removes the governing body from decision-making on specific proposals; in such cases, regulations, expectations of community engagement, and boundaries of administrative authority must be comprehensive and clearly established to ensure the governing body's policy vision is implemented. A use by right may be appropriate in highly industrialized areas, but a conditional or special use involving a public quasi-judicial hearing before elected officials may be more desirable in some communities.

Particular care should be taken when considering the annexation of new territory, planned unit developments, or site-specific development plans with vested rights implications under C.R.S. §§ 24-68-101 et seq. Municipalities can obtain significantly more concessions in annexations, but broad and unclear provisions in site specific zoning documents can lead to unintended consequences.

NUISANCE & NOISE

Especially for existing developments, enforcement of nuisance ordinances may be an appropriate solution to certain impacts, particularly noise and light pollution that impact quality of life. Pursuant to C.R.S. § 31-15-401(c), municipalities can identify and

abate nuisances. The Noise Abatement Act, C.R.S. §§ 25-12-101 et seq., sets zone-based decibel limits that are enforceable by counties and individuals. Municipalities can enact more stringent rules for particular uses and zones, but are limited in the amount of fines that can be imposed.

TAXING & INCENTIVES

Municipalities can influence the development of data centers and mitigate their impacts using their authority to tax and spend local dollars. Data

Any data center regulation should evaluate and seek to mitigate the impact on power, water, and wastewater utilities.

centers may provide substantial initial building fee revenue and ongoing use and property tax revenue because they contain expensive equipment. Municipalities may wish to consider new or modified sales and use or occupational privilege taxes.

Communities with tax incentive programs may want to review their program criteria and limitations to ensure consistency with the municipality's desires. Data centers may support local business development, but they are not likely to directly provide many new jobs. Data centers requiring large amounts of land may displace more beneficial uses.

UTILITIES

Any data center regulation should evaluate and seek to mitigate the impact on power, water, and wastewater utilities.

Municipalities that provide these utilities may be able to address these impacts through their policies for providing service. For those that don't, engagement with energy providers and water and wastewater providers is critically important. Utility providers can provide offer special input both in developing regulations and reviewing applications.

COMMUNITY BENEFITS AGREEMENTS

The idea of a negotiated, enforceable community benefits agreement is increasingly common with data center development. These agreements can address adverse impacts and create positive benefits for those directly impacted by the project in exchange for public support.

Municipalities should be cautious, however, about allowing such agreements to supersede local ordinances or ensuring benefits only for specific interest groups. Consultation with an attorney is critical to ensure that any direct involvement by the municipality does not impose unconstitutional conditions on land use approvals. Municipalities may have more flexibility with proposals involving annexations.

A PAUSE FOR ENGAGEMENT & RULEMAKING

Most Colorado communities have yet to tackle explicit regulations of

RESOURCES

Colorado Data Center FAQ

Office of Economic Development & International Trade

tinyurl.com/OEDITdatacenters

Community Strategies to Address Data Center Development and Operation

National League of Cities

tinyurl.com/NLCcommunitystrategies

Data Center Impacts on the Environment, Public Health, and Energy Costs

Legislative Council Staff

tinyurl.com/COLEGdatacenterimpacts

Getting It Right: Local Approaches to Data Center Development

Southern Environmental Law Center

tinyurl.com/local-data-center

Data Center Planning Resources for EDDs & RDOs

National Association of Development Organization

tinyurl.com/NADOresources

Local Guidelines for Data Center Development

Urban Land Institute

tinyurl.com/ULIguidelines

City of Longmont Ordinance No. o-2026-34

tinyurl.com/Longmont2026-034

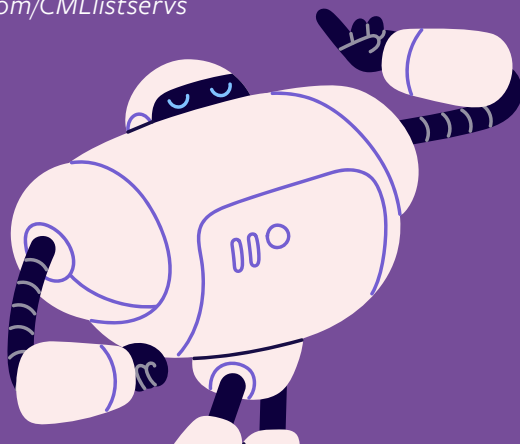
City of San Marcos Land Development Code

tinyurl.com/SanMarcoscode

Do you have other helpful resources?

Use CML listservs to share them with fellow municipal leaders.

tinyurl.com/CMLlistservs



data centers in their land use codes, utility programs, or comprehensive plans. Given the complexity of the issue, municipalities can easily justify hitting the pause button to study the matter, engage with the public, partners, developers, and experts, and update their plans and regulations. The length and scope of a moratorium can be crafted based on the particular needs of a municipality.

The uncertainty of state regulation reveals another valid reason to wait on local regulation and development. This year, the General Assembly failed to resolve two different approaches to state data center regulation. SB26-102 focused on environmental protection and community benefits and expressly preempted local regulations. HB26-1030 offered incentives for development that would have mitigated impacts while preserving broad local authority. These concepts are likely to reappear next year and could undermine any local laws enacted in the meantime.

The apparent inevitability of data center development and state action should not stop municipalities from understanding the potential for development in their communities and planning a response. Municipal officials should take the first steps now to review how data centers fit in their comprehensive plan and economic development goals, to understand how they would be regulated under current laws, to meet with utility providers to understand impacts on infrastructure and service, and to develop public engagement strategies.



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Automated speed enforcement:

Public trust must come first

By **SHERRI-JO STOWELL**,

founder & principal consultant at Sworn Impact

Automated speed enforcement can be a valuable traffic safety tool. It can also become a public-relations problem almost overnight. Colorado communities have recently seen what happens when residents begin to believe a program is more focused on revenue than safety. Once that perception takes hold, even a legally compliant program can struggle to regain credibility.

For municipalities considering automated enforcement, the lesson is clear: The public information strategy cannot be added at the end. It must be built into the program from the beginning. A successful program should be tied to a documented safety concern, explained clearly to the public, and evaluated by whether driving behavior improves — not by how many citations are issued.

START WITH THE PROBLEM, NOT THE TECHNOLOGY

The first question municipal leaders should be able to answer is simple: What problem are we trying to solve? Locations should be selected using objective information such as speed studies, crash

data, citizen complaints, pedestrian activity and documented enforcement challenges.

That same information should form the foundation of the public education campaign.

Residents are more likely to support — or at least understand — a program when they see a clear connection between a safety concern and the municipality's response. When camera placement appears arbitrary or poorly explained, skepticism grows quickly.

Data should not remain buried in a staff report. It should be translated into plain language and shared through municipal websites, public meetings, newsletters, social media, and local news coverage.

DEFINE SUCCESS BEFORE THE FIRST CITATION

Municipalities should decide how they will measure success before enforcement begins. Citation volume should not be the headline. In fact, a successful program should eventually produce fewer violations as drivers change their behavior.

More meaningful indicators include reduced speeds, fewer repeat violations, fewer crashes and a decline in traffic-related complaints. Those goals should be communicated at the outset and reported regularly.

This distinction matters. If leaders describe a program as a safety initiative but only report citations and revenue, residents may understandably question its true purpose.

The most important measure is not how many drivers were caught. It is how many drivers slowed down.

EDUCATE THE PUBLIC EARLY

Public information should not begin after criticism surfaces. By then, municipal leaders are often responding defensively instead of shaping a clear understanding of the program. A communications strategy should be developed alongside the operational plan.

Municipal communicators and law enforcement public information professionals should be included before contracts and launch dates are finalized. Their involvement can help identify likely concerns, clarify complicated procedures, and ensure public messaging reflects how the program will actually operate.

An effective education campaign should explain why automated enforcement is being considered, how locations were selected, what warnings and signage will be used, how alleged violations are reviewed, how residents can contest a citation, and how costs, revenues, and results will be reported.

Communities should test their messages against the questions residents and reporters are most likely to ask. If elected officials, municipal staff, and law enforcement leaders cannot provide clear and consistent answers, the community may not be ready to begin enforcement.

CHOOSE THE VENDOR WITH PUBLIC TRUST IN MIND

For most municipalities, purchasing equipment, processing violations, and mailing citations internally is not practical. That means a private vendor will likely become a visible part of the

program — and, in the public's eyes, an extension of the municipality.

Vendor selection should be viewed as a public-trust decision, not merely a procurement decision. Municipal leaders should examine a company's reputation, customer-service practices, transparency, complaint history, and experience working with other communities. They should also speak with agencies that have used the vendor, including law enforcement leaders and communications staff who can describe how the program was received publicly and how concerns were handled.

Even when a vendor operates the equipment or sends citations, residents will hold their local government accountable. A municipality's reputation will be closely tied to the vendor's performance, making careful due diligence, clear expectations, and ongoing oversight essential.

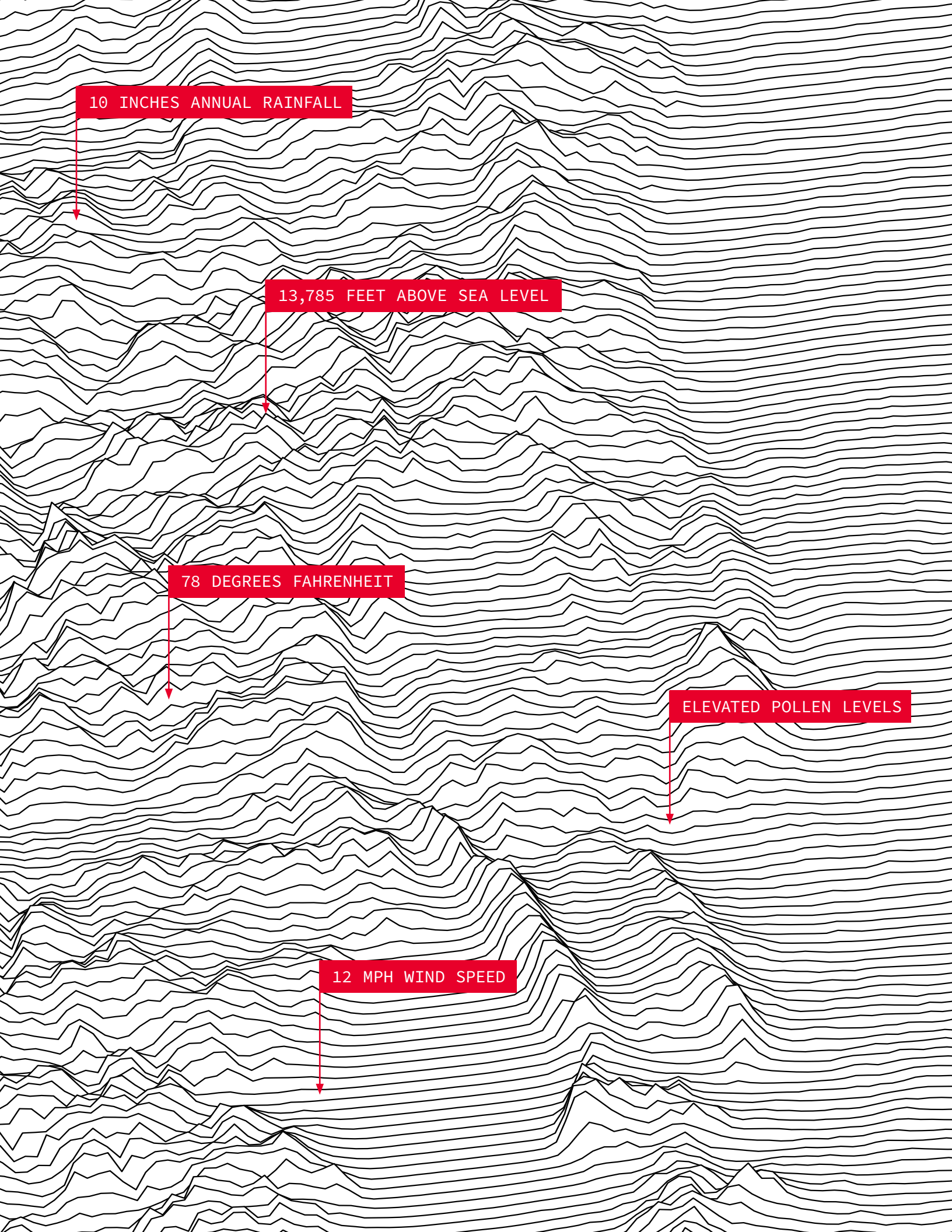
TRUST IS PART OF THE SAFETY OUTCOME

Automated enforcement will not be the right solution for every roadway or every community. But where it is used, residents should be able to see that the municipality made a thoughtful, independent decision based on safety data and community needs.

The ultimate goal is not to catch more drivers. It is to encourage drivers to slow down before someone is injured or killed.

Technology may detect speeding; public trust depends on something more: a clear purpose, early education, responsible vendor selection, consistent messaging, and honest reporting.





10 INCHES ANNUAL RAINFALL

13,785 FEET ABOVE SEA LEVEL

78 DEGREES FAHRENHEIT

ELEVATED POLLEN LEVELS

12 MPH WIND SPEED

Roadmap to municipal GIS

By **RACHEL MEDINA**, Colorado Department of Transportation GIS Data Management Unit manager

As technology becomes increasingly woven into our daily lives, the value of Geographic Information Systems (GIS) is becoming more widely recognized in local government. GIS helps staff understand location-based patterns, make better decisions, and respond more effectively to real-world challenges.

We live in a 3D world, so having the ability to represent it digitally over space and time is becoming critical. GIS data is more than points, lines, and areas on a screen. It tells the story of each community and gives staff the information they need to make informed decisions.

Whether directly or indirectly, nearly every department can benefit from GIS. The most common example, and a directly beneficial application, is how it helps dispatch centers identify the district where an emergency is occurring so the right first responders can be sent at a moment's notice. It also preserves a record of local history by showing where and when growth and change have taken place. Any information tied to a location can be mapped to help people better understand the situation. We have mapped

our world for generations, and GIS builds on that tradition by making spatial data easier to analyze, understand, and share.

Many communities may be asking how they can expand GIS staffing and strengthen their capabilities while revenue is shrinking and costs

**Colorado has a
robust GIS network
that includes
regional & statewide
organizations.**

continue to rise. Fortunately, local governments have several practical options as they transition from paper maps to reliable digital data.

GIS is a growing technical field, and many colleges now offer certificate programs that require students to complete internships. Bringing in interns can be an effective way to supplement existing staff, build a future talent pipeline, and complete focused GIS projects. When funding allows, paid internships are preferable

because they help attract strong candidates and support young adults entering the workforce.

Another approach used by rural Colorado communities is to collectively hire a GIS consulting firm to serve multiple municipalities and counties. This model spreads the cost across participating agencies while also helping align data across jurisdictions. Shared services can meet immediate needs while giving each community time to decide whether and when to bring GIS work in-house.

Colorado has a robust GIS network that includes regional and statewide organizations. These groups offer technical assistance, training opportunities, networking events, and free listservs that can support users at every level — from beginners to experienced GIS professionals.

Whether your community is on the cutting edge of GIS or just beginning to build capacity, it is important to move at a pace that staff can support and residents can understand. Communities will always be at different stages, but strong networks and shared resources can help them move forward.

RURAL VOICES

Technology does not scale down with population

By **KIM BOYD**, Kiowa town administrator

In a small rural municipality, technology is rarely someone's only job. There is no IT department down the hall. The employee processing utility bills may also manage records, update the website, troubleshoot technology, respond to CORA requests, and prepare for a board meeting. In the Town of Kiowa, with a population of roughly 800, technology is essential to nearly every municipal function, but the resources available to manage it have not grown at the same pace.

Residents expect many of the same services available in larger communities: online information, electronic payments, accessible records, reliable communication, and responsive government. Meanwhile, we must protect sensitive information, preserve records, maintain critical systems, meet regulatory requirements, and defend against sophisticated cyber threats.

The expectations do not shrink because our population does.

Mike Fischer, owner and director of sales at Phoenix Technologies, which provides contracted IT services to Kiowa, sees this challenge firsthand.

"Staff in these organizations routinely wear multiple hats," he says. "There is rarely a dedicated IT department."

For Kiowa, contracting for IT expertise is not about replacing employees. It is about extending the capacity of a small staff with specialized knowledge we could never maintain in-house.



Another valuable resource is one Colorado municipalities already have: each other. Kiowa benefits from relationships with larger municipalities, including the City and County of Broomfield, whose staff have willingly shared knowledge and technical expertise. Somewhere in Colorado local government, another municipality has likely already encountered the challenge we face. Sharing lessons learned, policies, and practical solutions allows smaller communities to strengthen their capabilities without recreating the organizational structure of a much larger government.

Technology can address challenges accumulated over generations. Kiowa recently received a Statewide Internet Portal Authority grant to digitize town records, including historical records. This is more than scanning paper. It preserves our community's history while making information more searchable, accessible, secure, and manageable.

Residents can see a pothole. They cannot see an aging server, an untested backup, or a cybersecurity vulnerability.

That foundational work becomes even more important as municipalities explore artificial intelligence.

AI offers tremendous possibilities for small governments. It can help organize information, search records, draft routine communications, summarize complex material, and streamline repetitive work. When a small staff performs work divided among entire departments elsewhere, giving an employee even an hour back matters.

But AI is not a magic solution. As Fischer notes, “the knowledge and

budget to implement AI effectively are often missing.” Cybersecurity, privacy, records retention, accuracy, and human oversight still matter.

That creates a rural technology paradox: the municipalities that could benefit most from technology's ability to expand capacity may have the fewest resources to implement it responsibly.

Technology investments compete with needs residents can physically see. Residents can see a pothole. They cannot see an aging server, an untested backup, or a cybersecurity vulnerability.

For rural municipalities, the answer is not avoiding technology. It is building capacity through strategic investments, grants, trusted partners, and collaboration with one another.

Technology, including AI, can be an extraordinary equalizer for rural government — but only when we recognize that capacity matters just as much as responsibility.



Exploring new technology to improve wastewater treatment efficiency

By **CASSIE MELVIN**, Colorado Springs Utilities public affairs specialist

A collaborative effort between Colorado Springs Utilities' (Springs Utilities) wastewater team and the Colorado School of Mines is helping pave the way for a promising technology upgrade at the utility's J.D. Phillips Water Resource Recovery Facility.

As part of a senior design project, Colorado School of Mines students evaluated innovative treatment technologies that could improve energy efficiency and optimize wastewater treatment operations. Working closely with Springs Utilities staff, the team studied several alternatives and ultimately recommended incorporating Membrane Aerated Biofilm Reactor (MABR) technology into the facility's existing treatment process.

MABR technology delivers oxygen directly through specialized membranes, allowing microorganisms to efficiently treat wastewater while using significantly less energy than traditional aeration methods. Because aeration is one of the largest energy consumers in wastewater treatment, the technology has the potential to reduce utility costs while maintaining high treatment performance.

A key advantage identified during the study is that MABR systems can be installed within existing aeration basins with minimal disruption to



Colorado Springs Utilities

J.D. Phillips Water Resource Recovery Facility

operations. Unlike some alternative technologies that require tanks to be taken out of service during installation, MABR units can be added while the facility remains online, reducing operational impacts and downtime.

The student team's research also explored equipment configuration, maintenance considerations and projected energy savings. Springs Utilities plans to incorporate portions of the design work developed through the School of Mines partnership as future upgrades

are evaluated and implemented at the resource recovery facility.

The collaboration demonstrates the value of partnering with higher education institutions to explore innovative solutions to real-world challenges. By combining academic research with operational expertise, Springs Utilities is identifying opportunities to modernize infrastructure, improve efficiency and continue providing reliable wastewater treatment for Colorado Springs for years to come.

Preparing for new infrastructure funding challenges:

Who will pay for PFAS?

By **KYLA TENG DIN**, SL Environmental Law group, marketing manager for education & outreach

Infrastructure funding is a top priority for local government leaders. In recent years, the American Rescue Plan Act and Infrastructure Investment and Jobs Act programs have provided historic federal investment in municipalities' most critical projects. Now that these programs are ending, cities may need new solutions to fill budget gaps. The timing is especially difficult as municipalities prepare for current and potential costs tied to per- and polyfluoroalkyl substances (PFAS), or "forever chemicals."

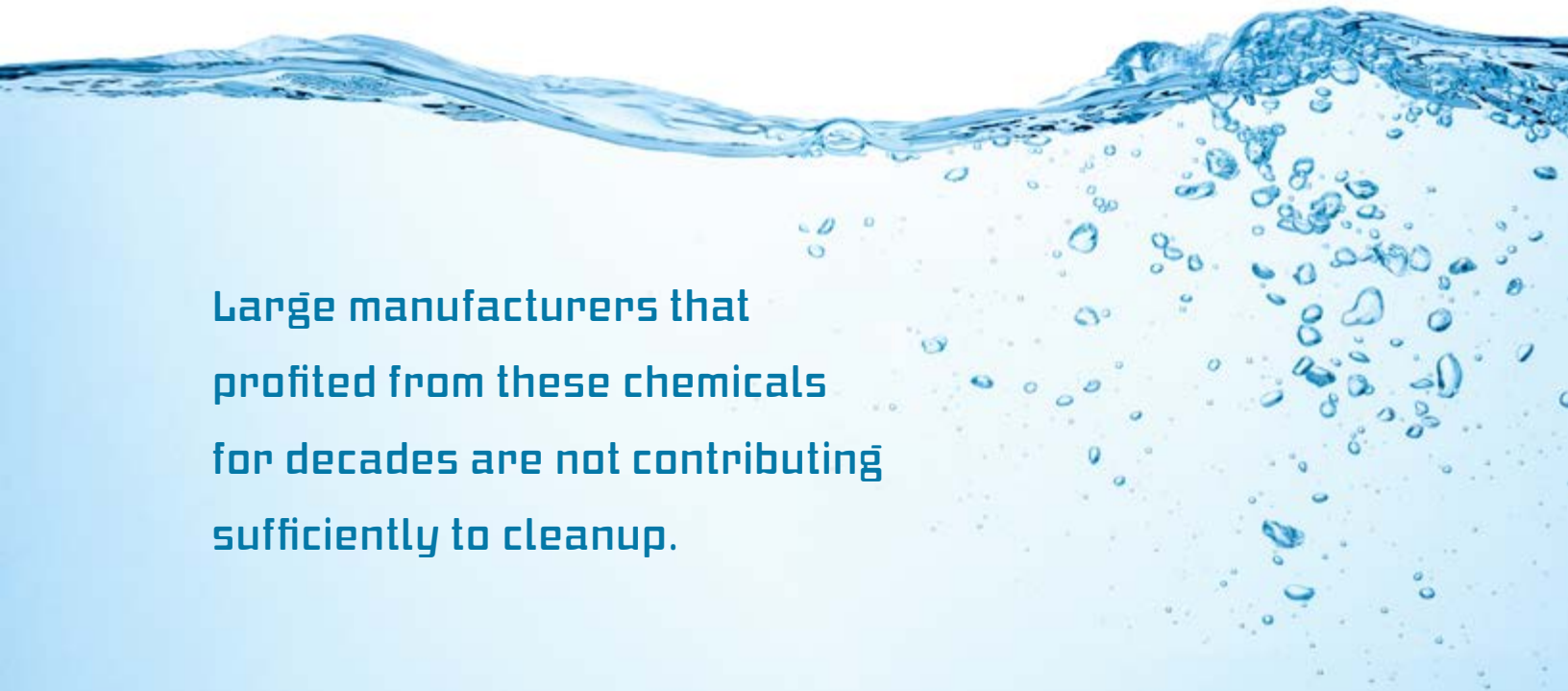
For years, most public discussion and regulatory attention focused on drinking water. Now, many cities are

discovering new PFAS impacts that could lead to high costs.

Because PFAS are used in consumer and industrial products, they can enter wastewater through no fault of utilities. States nationwide, including Colorado, are responding by adding testing requirements and restrictions on biosolids management. Cities that own airports or firefighting training facilities may face soil contamination or costs from tighter rules on the use and disposal of firefighting foam containing PFAS. Municipal leaders are now asking: Who will pay for these additional PFAS costs?

FUNDING OPPORTUNITIES SHIFT TO WASTEWATER & SOIL CONTAMINATION

Wastewater utilities are passive receivers of PFAS from municipal and industrial waste streams, yet they face growing pressure to manage contamination they did not produce. Meanwhile, large manufacturers that profited from these chemicals for decades are not contributing sufficiently to cleanup. While intended to protect public health by limiting contamination, the recent regulatory trends often saddle municipalities with an unfair financial burden. For example, public utilities are seeing exponential



Large manufacturers that profited from these chemicals for decades are not contributing sufficiently to cleanup.

cost increases in Maine, where land application of biosolids has been prohibited. Other states have implemented testing programs to inform potential future regulatory development. In Colorado, biosolids must be sampled and analyzed for PFAS in accordance with the state's PFAS Interim Strategy. Results must be reported to the Colorado Department of Public Health and Environment's Water Quality Control Division, which may lead to Preliminary Source Investigations and/or Source Reduction Plans for some utilities. While land application remains an available option for biosolids disposal in Colorado, municipalities may incur expenses for sampling and lab analysis. If stricter regulations follow, costs could expand to cover hauling, disposal, and long-term infrastructure investments if PFAS treatment is needed.

PFAS contamination in soil and groundwater creates another challenge for municipalities that own airports or

firefighting training facilities where PFAS-containing products were used, stored, or disposed of. For decades, aqueous film-forming foam (AFFF) containing PFAS was used for training and emergency response at airports and firefighting facilities. Unfortunately, these facilities, and the cities that own them, were never warned of any danger. Impacted municipalities may need site investigations, infrastructure updates to protect neighboring water supplies, and sometimes remediation or disposal of contaminated soil.

EMERGING PROBLEMS CALL FOR INNOVATIVE FUNDING SOLUTIONS

In addition to traditional funding strategies, many municipalities are also exploring litigation against PFAS manufacturers. This approach aims to shift the financial burden of PFAS management away from municipalities and onto those truly responsible for contamination. Most claims related to

PFAS wastewater and soil contamination have been grouped into the Aqueous Film-Forming Foam multi-district litigation (AFFF MDL), which streamlines the legal process while allowing each municipality to maintain control of its own claim and settlement decisions. The MDL already led to settlements totaling over \$14 billion for U.S. public drinking water providers affected by PFAS, and other claims are expected to be resolved through future settlements or litigation.

With PFAS risks and regulations evolving and some federal funding programs ending, future expenses may be unpredictable. Many cities already face high costs for contamination they did not create. Municipalities that have incurred PFAS-related expenses — or are concerned they may soon — can evaluate legal claims and other funding tools to build resilience for a more sustainable future.



**Many cities already face high costs
for contamination they did not create.**



Y2K as a reason for hope

By **ALEX MILLER**, CML publication & design specialist

For local government leaders, artificial intelligence dangles the tantalizing possibility of increasing efficiency while decreasing costs. The drawbacks of this technology, however, have become hard to ignore. Communities have seen utility rates rise as the data centers that power AI consume electricity and water. Public servants using AI tools run the risk of unwittingly releasing confidential data. The misuse of AI in hiring has resulted in major lawsuits. Tech companies have reported losing control of their own AI agents. And in September, the leaders of three major AI firms called on the U.S. government to regulate the industry, warning of potentially catastrophic outcomes unless the pace of AI advancement slows.

But this is not the first time humanity has faced a daunting technological challenge. Before the turn of the 21st century, we grappled with Y2K. In her book, *Year 2000: The Inside Story of the Y2K Panic and the Greatest Cooperative Effort Ever*, risk analyst Nancy P. Jones describes the fear and uncertainty over what could have happened when digital two-digit date fields encountered the year 2000.

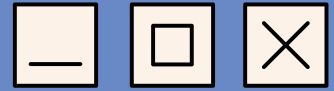
“Worst case scenarios predicted a complete collapse of our nation’s – perhaps our planet’s – infrastructure, causing massive deaths, casualties, and destruction mid-winter, the worst possible time for a crisis in the northern hemisphere.”

With the fate of the world at stake, the Colorado Municipal League did its part to help! The League featured Y2K on the cover of a 1988 edition of *Colorado Municipalities*, and an article inside, “Y2K: Impacts,” (reprinted on the following pages) detailed the possible consequences for municipalities and urged them to take action.

Fortunately, humanity averted Y2K. Billions of lines of computer code were rewritten. Governments and businesses spent prodigiously to install up-to-date computers and programs. As James tells it, “This positive outcome was not a stroke of luck, nor was it because people overestimated or exaggerated Y2K risk. It was only possible because people across industries and sectors worked together to offset disaster.”

One lesson of Y2K is that we can solve even the knottiest technological problems. In a 1998 speech, President Bill Clinton suggested that future generations might look back on Y2K as “the first challenge of the 21st century successfully met.”

Today, no one knows if humanity will rise to the challenges posed by artificial intelligence. But our experience with Y2k can be a source of hope.



Originally published in Colorado Municipalities No. 5, Vol 74, 1998.

The article ran as part of a package of Y2k stories compiled by CML staff from written materials provided by the National League of Cities, Public Technology Inc., and the International City/County Management Association.

Y2K: The Impacts

Nobody is sure what computers – or for that matter, any of the countless devices and systems controlled by microchips – are going to do at the stroke of midnight when Dec. 31, 1999, rolls over to Jan. 1, 2000. Many computers and systems will make the change smoothly; some will stop working; others will behave erratically.

The problem is not just one of hardware and chips. Any software that stores and uses dates – spreadsheets, databases, financial management software of all kinds, human resources software, and a host of other programs – is vulnerable to the Year 2000 problem. By extension, so are all the data files used by those programs.

In short, anything electronic that depends on dates or on calculations involving dates is vulnerable.

A MANDATE FOR LEADERSHIP

The mandate for leadership by local officials is compelling. Should systems fail, the frustrations and ire of citizens will be directed at city and county leaders. Unfortunately, the liability will extend beyond the walls of city hall. To ensure that the public is as prepared as it can be, local officials need to enlist support from and galvanize the community at large: business, industry, civic organizations, schools, and neighboring jurisdictions. It is not just a local government challenge: It is a problem that may negatively affect everyone if not properly managed.

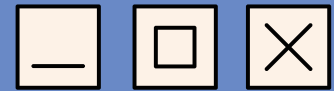
Local elected officials are well positioned to form strategic partnerships with stakeholders whose contributions help make communities work. Community forums, business roundtables, media strategies, and even personalized contacts will all be needed to ensure that the community is informed and prepared to respond to Year 2000 problems.

PUBLIC SAFETY

The first thing you may notice on Jan. 1, 2000, is that the computer on your desk tells you the date is Jan. 1, 1980. Or it may give no date at all.

Looking beyond the computer on your desk, and even beyond those throughout government offices, the Year 2000 problem will affect your city or county in far-reaching ways,





both directly and indirectly. Two of the broadest, but closest to home, for local elected officials, are public safety and the local economy. Local governments are directly responsible for the former and play an important role in the latter.

Today's criminal justice system – from police to the courts – is heavily dependent on electronic technology. Police departments use microwave communications systems, criminal records systems, offender information (including fingerprint identification) systems, computers and telecommunications equipment in police vehicles. All are vulnerable. In the courts, systems for tracking pardons and paroles, scheduling court action, and documenting evidence are vulnerable, along with the normal data processing systems. Corrections records are vulnerable, as are the electronic systems that provide security and environmental control in police stations, courthouses and prisons.

Emergency response systems are vulnerable through their reliance on telecommunications and data processing, of course, but they also have a less widely known problem related to the global positioning system used to keep track of the whereabouts of police, fire, and other emergency vehicles. The GPS system may fail in August 1999 because of a date-related processing problem of its own.

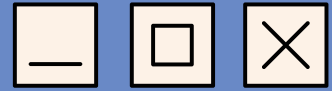
Transportation control systems for streets, highways, mass transit systems and railroads, to say nothing of air traffic control systems, are another vulnerable area. Traffic lights, freeway on-ramp controls, traffic monitoring, and rail switching systems are all based on chips that could fail entirely or become dangerously confused.

Utilities are particularly vulnerable. Water and waste treatment systems are controlled by automated systems that rely on computers and by flow-control devices that rely on chips; problems with hardware, software, or chips could lead to system shutdown or groundwater contamination. Power companies use computer systems to control operations and manage the distribution of power. Y2K problems with the hardware and software could lead to system failures. And of course, like any business, they depend heavily on computers for billing, personnel, payroll, and other general operations.

EFFECT ON THE LOCAL ECONOMY

Any local business could have Y2K problems; many of them will. In many cases the effects on one business or organization could cascade throughout an entire community. Banks, credit unions, and other financial institutions might not be able to record the date of deposits and withdrawals or correctly calculate interest on loans or savings accounts. Payrolls could be hopelessly snafued if human resource departments are unable to calculate wages and salaries, withholding, vacation time and the like. Accounting departments may be unable to process accounts payable and accounts





receivable. Inventory could become unmanageable. Local telephone systems could shut down because their chip-driven switches go into some kind of silicon limbo; their billing procedures could be confused, or automated voice mail systems could handle calls incorrectly.

The infrastructure of computers in communities is such that each depends on the operation of others. If cities and counties are concerned only with fixing their own computers, they need to begin taking a proactive leadership role in helping their communities prepare as well. Payment to one entity is dependent on revenue to another. If electric companies cannot produce electricity, many parts of the community will shut down; if they cannot generate revenues, they will be unable to make transactions with other businesses. There could be an avalanche of negative causes from merchants' inability to charge for services, including the dire prospect of economic downturns, business shutdowns, and layoffs.



At the same time, security systems in private as well as public buildings, including alarm systems, automatic door locking and opening systems, and identification systems, could operate erratically or not at all, putting people and goods at risk and disabling authorized access to important functions.

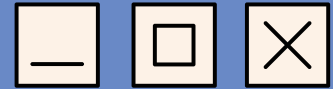
Programmable elevator systems could go into weekend mode on weekdays, or into weekday mode at night or on weekends, leaving buildings open; or could go into emergency or maintenance modes at the wrong times, leaving buildings inaccessible.

THE LOCAL ECONOMY AND LOCAL GOVERNMENT REVENUES

Local government and local businesses are linked by a two-way exchange of information. Taxes licenses, real estate information, development programs, and other city programs depend on the flow of information, and so do businesses. Ignoring the Y2K problem threatens that flow of information, and thus the health of the local economy and the fiscal health of the local government.

Local governments whose computer systems are vulnerable to Y2K problems face potential loss of revenues if they do nothing. Dayton, Ohio, for example, saw the Y2K problem as a threat to \$210 million a year in revenues from water fees, income taxes, and accounts receivable. The city plans to have systems installed sometime this year to keep its revenue streams flowing.

Tax bills could be overdue or not due at all, licenses could expire and not be renewed, building permits could go unissued, and so on – while the link between local business and local government becomes hopelessly tangled. And beyond those are still other effects that local government and local business, too, need to consider, including legal liability.



LEGAL LIABILITIES

The potential effects of the Year 2000 problem seem likely to create an environment in which legal action will thrive. So far, with no lawsuits filed, there are no court decisions and no case law. But there will be. Warren Reid, an Encino, Calif., legal consultant specializing in Y2K issues, told clients in a recent white paper:

“Failing to fix your upcoming Year 2000 problems can not only cause disruption and loss of market share, productivity, and profitability in your company, but will expose the company and you to class-action lawsuits, possible loss of coverage from insurance companies, malpractice for professionals, and director and officer liability – a grand slam!”

Several states have passed laws to protect private businesses and state agencies from just that kind of legal action related to the Y2K problem. Despite those efforts, and despite the fact that the Year 2000 Problem is a technical problem with a technical solution, your city or county attorney should be aware of legal risks.

THE COST OF COPING

Both the time and the money that it will take to solve Y2K problems in your local government or in your community will very likely be available only at the expense of other improvements and other projects.

It will require reprogramming, replacing, or retiring older “legacy” computing systems – the mainframes and minicomputers that were the mainstay of computing before the advent of the personal computer. But it will also require that newer systems be checked as well as systems that aren’t computer systems but use microchips – elevator controls and security systems, for example.

The exact cost of doing that will depend on the size of the city and the extent of its use of information technology. Seattle estimates that it will spend more than \$50 million to reprogram major applications affected by the problem and replace the city’s accounting system. Some cities are fortunate to have recently launched major IT plans that will replace old systems with new ones in time to avoid the Year 2000 problem. In these cases, many of the Y2K compliance costs are covered by funds budgeted for system improvements in the overall city budget.

The Year 2000 problem is a real problem, with serious impacts on local governments, local businesses, local economies. It is essential that local officials be aware of the problem and that they take the lead, not only in city hall but in the wider community, to make sure that the year 2000 will begin as free of problems as possible.

The case for in-person community engagement by local governments

In our increasingly technologized world, it's more important than ever to cultivate human connection

By **KRISTIN KEMP**, CML engagement & communications manager

I've done community engagement and public communication for nonprofits and government agencies since 2003. I'm old enough — ahem, *seasoned* enough — that fax machines were once an innovative technology at my workplace. I've hosted dozens of in-person and virtual events ranging from multi-thousand civic programs to public comment hearings for contentious permit applications.



Elected officials must make *informed* decisions. Community feedback is a critical component of informed decision-making. Community engagement can take many shapes, including formal public comments at hearings, conversations at community meetings, surveys, and more. Whether or not it's virtual or in-person, community engagement provides a sense of shared purpose. It invites people to play a role in shaping where they live. Successful community engagement leads to more productive public comments.

In an increasingly digital world, it can be easy to assume that community engagement no longer needs to happen face-to-face. Online tools add value: they can make information easier and more affordable to share, more accessible to more people, empower anonymous feedback in hostile environments, and foster connections that would otherwise not occur.

Nonetheless, technology should complement — not replace— the human connection that develops when people gather together. This is all the truer for municipal governments that serve geographically localized communities.

Meeting in-person creates the opportunity to build meaningful relationships. When people sit together, talk informally, and get to know one another beyond a particular issue or agenda, they develop a stronger sense of belonging. In a time when many people experience increasing social isolation, creating regular opportunities for neighbors and community members to come together is more important than ever.

WHAT'S THE DIFFERENCE BETWEEN COMMUNITY MEETINGS, PUBLIC COMMENT & A HEARING?

A **community meeting** — virtual or in-person — is like a group conversation that a government body has with your community. The goal is information sharing. Elected officials or subject matter experts describe a topic. In turn, residents have opportunities to ask questions, share experiences, discuss solutions, hear from one another, and hear answers to their questions. It's a two-way dialogue during which decision-makers make no decisions and commenters' comments are not formally logged into the record.

Separately, government bodies often designate a comment period at formal meetings. **Public comment** is one of the most important opportunities for residents to communicate directly to their governments. It is one-way communication where the community member addresses the governing body in a formal, public setting. Officials do not need to — and likely should not — respond.

Municipal governing bodies also take comment in the form of testimony in **public hearings**, typically on specific legislation or in quasi-judicial hearings for land use or licensing matters. Public hearings are tools for the governing body to receive the evidence they use to make a decision. Procedural concerns are highest in these settings.



Illustrations by
Adobe Stock

Another intangible benefit of in-person engagement is trust-building. Strong communities depend on people believing that their neighbors, leaders, and organizations are willing to listen and work together. Trust is harder to establish through occasional online interactions. Repeated face-to-face encounters allow people to develop familiarity and confidence in one another.

Pragmatic benefits of in-person engagement include:

- **Increased accuracy of communication.** Body language, facial expressions, tone of voice, and spontaneous conversation can communicate things that are easily lost or

The value of public engagement depends on what elected officials do with what they hear.

misinterpreted in an email or online meeting.

- **Increased accountability for behavior.** In-person meetings hold people more accountable to behave respectfully, cordially, and professionally as there is less room for anonymity.
- **Increased access to hear other perspectives.** Participants at in-person meetings are exposed to the per-

spectives of others in attendance whereas online it's easy to scroll past other commenters.

The value of public engagement depends on what elected officials do with what they hear. Public comments should not be treated as a procedural “checkbox.” When elected officials listen respectfully, acknowledge concerns, investigate legitimate questions, and report back on what happens next, public engagement and public comment becomes much more than a few minutes at the microphone. It becomes part of a two-way relationship between government and community that fosters sustainable trust.



ACTIONABLE TAKE-WAYS FOR PUBLIC COMMENT

Listening creates an obligation to close the feedback loop, but it should not turn public comment periods into back-and-forth exchanges. Complex issues are difficult to address accurately on the spot, and improper responses may be perceived as filibustering public comment time or harassing the speakers. Worse, you may lose control of the meeting or make a rushed, imprudent decision.

At the least, the chair should acknowledge that the body heard the commenter and thank them for participating. When appropriate, take action to investigate the comment: that might mean asking staff to investigate, requesting additional data, placing an issue on a future agenda, or scheduling another informational community meeting. It might mean explaining why you cannot take the requested action. When your governing body deliberates on a vote, re-acknowledge that the comments you received were a component of your decision-making process.

Look for patterns in the feedback you receive in addition to the number of people speaking. Fifty people may indicate a significant community concern or just an isolated issue with a coordinated response, but a single commenter may bring forward a matter of extreme importance.

PRACTICAL TIPS FOR IN-PERSON COMMUNITY MEETINGS

- Provide ample notice (no less than two weeks) and post the invitation on your website so all community members have equitable access to the invitation.
 - Host meetings during non-business hours, such as in the evenings or weekends, so community members need not leave work to participate. Host the identical program at different times to accommodate more people.
 - Offer a “child-friendly area” and provide simple activities, such as coloring sheets or fact sheets about your municipality. Be mindful of how you describe the offering: an area that is designated as “child-friendly” need not be supervised by certified childcare providers.
 - Unless you need to capture names for a particular purpose, don’t bother with a sign-in or a registration form. Just let people drop by casually.
-

PRACTICAL TIPS FOR MANAGING TIME DURING PUBLIC COMMENT

- Set a reasonable time limit for comments that suits your body’s capacity and the need to hear from a variety of people and to conduct other business. Be transparent about this time limit: post it on signage and describe it orally. Display a timer that indicates when time is up.
- Hold all speakers equally accountable to the time limit. Use phrases such as “Thank you for your comment. You are taking time away from your neighbors who, like you, are here to speak. It is now their turn.”
- Expedite the time between commenters by creating a queue — with stanchions or merely tape on the floor — so that the subsequent speaker is ready to take the mic. If you anticipate a large volume of commenters, have a staff member assign each speaker a numbered card upon entering the meeting. Communicate regularly about the status of the queue, such as “You are speaker number forty-two of sixty anticipated commenters.”
- Highlight other opportunities to address the body and officials, either at community meetings, by email, or through forums.

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COLORADO MUNICIPALITIES

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HOUSING SERIES

Civic Results, in partnership with the Denver Regional Council of Governments (DRCOG), Colorado Housing and Finance Authority (CHFA), and Common Sense Institute, is hosting a six-session housing series beginning in late 2026 and continuing into early 2027. The series will bring local leaders, housing experts, and community partners together to dig deeper into our region's housing challenges, explore practical solutions, share what's working, and identify ways we can work together to move housing forward.

Remaining 2026 Sessions

**NOV
12**

Future Housing Coalition: Moving From Ideas to Implementation
8:00 - 11:00 AM
DRCOG Offices

**DEC
10**

CHFA 101: Understanding the Tools Behind Housing
8:00 - 11:00 AM
Location TBD

For more details and updates about these events, please visit our website, scan the QR code, or follow us on social media
civicresults.org/events-updates/housing-series



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Resilience in the Rockies is a four-part waterloop docuseries showcasing 12 Colorado communities making major strides on water conservation through the support of WaterNow's Project Accelerator.

October 20, 2026

11 AM-5 PM

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waterloop.org/resilience-in-the-rockies

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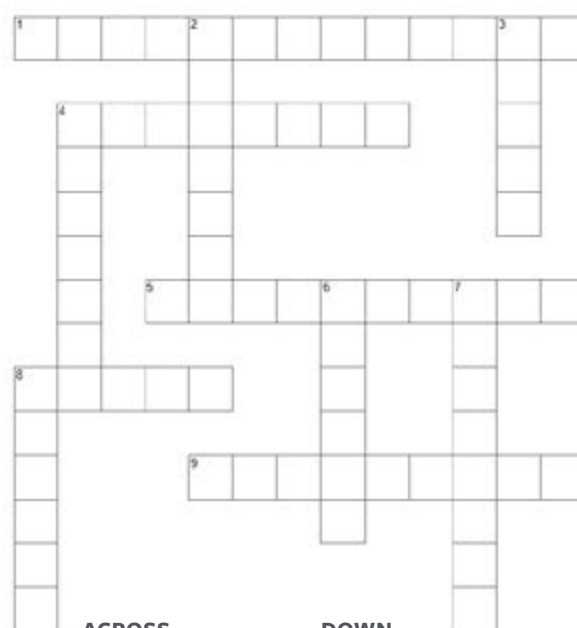


COLORADO CROSSWORD

City & Town Names

Welcome to the first edition of the Colorado Crossword, an AI-generated crossword puzzle. This edition's topic is Colorado city and town names.

The process of creating the crossword provided an example of the shortcomings of AI. The AI-generated puzzle misidentified towns as cities and vice versa, and in selecting municipalities to include, the AI demonstrated a strong bias toward the Front Range and ski destinations. Humans on the staff of CML intervened to correct these flaws.



ACROSS

- 1 Western Slope city home to River Hawks hockey team
- 4 Largest city in Colorado's Eastern Plains
- 5 Coal mining city turned tech hub
- 8 Ski city that shares name with a tree
- 9 Historic mining city at high elevation

DOWN

- 2 Southwest Colorado city home to the Iron Horse Bicycle Classic
- 3 Known as the "Switzerland of America" in Colorado
- 4 Oldest continuously occupied town in Colorado
- 6 Whitewater rafting hub on the Arkansas River
- 7 City known for its Valentine re-mailing program
- 8 Third most populous city in Colorado

Crossword by **PuzzleMe** and CML staff







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