



COLORADO
MUNICIPAL
LEAGUE

Newsletter

Vol. 46, No. 21, October 23, 2020

Expanding barrier-free access to COVID-19 testing



By Beauclarine Thomas, CML legislative and policy advocate

Currently, Colorado is experiencing an increase in positive COVID-19 cases. To ensure that all municipalities have the resources they need, CML has been working

with county and state public health leaders to provide support to municipalities interested in expanding their COVID-19 testing infrastructure. To increase testing capacity, CML urges municipal leaders to work through their county public health department to address the

availability of community testing sites and testing resources. Additionally, in conversations with the state public health department, CDPHE, CML has learned that the state will be providing additional curative tests to counties based on population

percentages, implementing kiosk-based testing, and expanding second courier testing relationships. CDPHE also stressed that they are willing to assist counties with fleshing out plans to expand barrier-free testing.

Please work through your county public health department if you would like to expand access to testing in your municipality. As cases increase, it is pertinent that municipal leaders have the support and resources to meet the needs of their residents.

A searchable map that provides a list of community testing centers statewide can be found at bit.ly/2HgifQU. This map can be customized by typing in your municipality. Additionally, Coronavirus Relief Funds, also known as CARES or CRF, can be used to address local testing needs. These funds can be utilized until **Dec. 21**. Please contact Kevin Bommer at kbommer@cml.org or Meghan Dollar at mdollar@cml.org if you have any questions on these funds.

Welcome SIPA's new executive director, Ajay Bagal



The State Internet Portal Authority (SIPA) is happy to announce its new executive director, Ajay Bagal!

"After a very thorough search, the Board would

like to welcome Bagal to lead Colorado SIPA," said Patty Salazar, chair of SIPA's Board of Directors. Salazar goes on to say, "The Board is excited to work with Bagal as our new executive director and confident that SIPA will be well-positioned under his guidance to thrive in the years to come."

Bagal has more than 20 years of executive leadership experience with expertise in strategic planning, board operations, technology optimization, operations management, organizational development, corporate governance, vendor management, customer experience, and fiscal discipline.

"I appreciate the Board's confidence in me, and I'm delighted to have the opportunity to lead such a great organization," says Bagal. "Colorado SIPA has a bright future and I know we can move forward and continue to provide the increasing demand for efficient cost-saving technologies to better connect constituents with their government."

Bagal has lived in Colorado for 18 years and is proud to call Colorado his permanent home. He is dedicated to improving the lives of all Coloradans through public service. His commitment to maintaining and building trust is a core value and at the foundation of his diverse professional and social relationships.

Bagal holds a bachelor's degree in Economics from Boston University and a master's degree in Management and Organization from the University of Colorado. He also completed a Negotiation Master Class at Harvard Law School.

Congratulations

CML congratulates Kevin Bommer and Meghan Dollar who celebrated their work anniversary in October.



Kevin Bommer
executive director
21 years



Meghan Dollar
legislative advocacy
manager
9 years

FEMA opens \$600M grant application process



FEMA has opened applications for two hazard mitigation grant programs totaling \$660 million.

The two grant programs, the Flood Mitigation Assistance grant (bit.ly/3ITar74) and the Building Resilient Infrastructure and Communities grant (bit.ly/2H3Jn5Z), or BRIC, will provide funds to states, local communities, tribes and territories for eligible mitigation activities. These programs allow for funding to be used on projects that will reduce future disaster losses and strengthen our nation's ability to build a culture of preparedness.

This will be the first time FEMA has offered the BRIC grant, which was made possible by the Disaster Recovery Reform Act of 2018 (bit.ly/3iZ511L), allowing for a stable funding source to fund mitigation projects annually.

The new BRIC grant is for pre-disaster mitigation activities and replaces FEMA's existing Pre-Disaster Mitigation program. BRIC will offer \$500 million in grants to help

support states, tribes, territories and communities throughout the nation as they design and begin new infrastructure projects – projects that will reduce future disaster recovery costs and help save lives. The program will also provide incentives to local governments to adopt and enforce modern building codes.

FEMA is also opening the application period for the Flood Mitigation Assistance grants. There is \$160 million available in flood mitigation grants, with \$70 million of that amount set aside for community flood mitigation projects (bit.ly/378rP3h).

These grants are used for projects that reduce or eliminate the risk of repetitive flood damage to buildings that are insured by the National Flood Insurance Program. Projects are selected based on the cost-effectiveness and eligibility of the proposal. FEMA has provided more than \$1.3 billion on more than 2,900 flood mitigation projects since these grants began in 1996.

Both grant applications will be open from **Sept. 30 – Jan. 21, 2021**. Eligible applicants must apply for funding using the new FEMA Grants Outcome (FEMA GO) at bit.ly/33GxRX1. Applications received by FEMA after this deadline will not be considered for funding. If you have any questions, please contact FEMA Office of Intergovernmental Affairs at 202-646-3444 or at FEMA-IGA@fema.dhs.gov.

Southwest Colorado receiving \$6.3M in high-speed broadband funding

The United States Department of Agriculture announced that it is investing \$6.3 million to provide broadband service in unserved and underserved rural areas in Colorado. This investment is part of the \$550 million Congress allocated to the second round of the ReConnect Program.

"The need for rural broadband has never been more apparent than it is now – as our nation manages the coronavirus national emergency. Access to telehealth services, remote learning for school children, and remote business operations all require access to broadband," U.S. Secretary of Agriculture Sonny Perdue said. "I am so proud of our rural communities

who have been working day in and day out, just like they always do, producing the food and fiber America depends on. We need them more than ever during these trying times, and expanding access to this critical infrastructure will help ensure rural America prospers for years to come."

Emery Telecommunications & Video Inc. will use a \$6.3 million ReConnect grant to deploy a fiber-to-the-premises network to connect 1,638 people, 91 farms, 52 businesses, three fire stations and two post offices to high-speed broadband internet in Dolores, San Miguel and Montezuma counties in Colorado.



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MAYOR'S WATER CHALLENGE!

SAVE. CONSERVE. PROTECT

MONTROSE FINISHED
4TH OF 379 CITIES
IN THE NATION!



**1,300 LOCAL
PLEDGES =
4,444,978
GALLONS OF
WATER SAVED**

Montrose finishes 4th in national water challenge

Some 1,300 Montrose residents made pledges to save over four million gallons of water, resulting in the City of Montrose finishing 4th in the nation during the 9th Annual Wyland National Mayor's Challenge for Water Conservation.

In addition to reducing overall water waste, Montrose residents pledged to reduce their use of single-use plastic water bottles by more than 10,000 and to take actions that will prevent 232 pounds of hazardous waste from entering watersheds.

Through the 1,300 online pledges, residents committed to cut overall water usage by 4,444,978 gallons per year. By altering daily lifestyle choices, Montrose residents also pledged to put 108,000 fewer pounds of waste into landfills. Potential savings of 30,000

gallons of oil, 15.5 million pounds of carbon dioxide, 276,000-kilowatt hours of electricity, and \$55,000 dollars in consumer cost savings rounded out the final pledge results.

"The City of Montrose did quite well," Mayor Barbara Bynum said when announcing the news during the City Council's regular meeting on Tuesday. "Placing in the top five at number four is something we can be really proud of."

Bynum also announced that Montrose resident Gary Robertson won a local drawing for a portable shower system, manufactured by Geysler Technologies in Montrose.

Robertson was randomly selected from among the 1,300 local pledges.

The Geysler Technologies shower system uses one-tenth of the water and is half the weight of any other portable shower system on the market. The city purchased the system to coincide with the national challenge.

Montrose placed 4th nationally in the population category of 5,000 to 29,900. The top 10 in this category include:

1. Laguna Beach, CA
2. White Bear Lake, NM
3. West Saint Paul, MN
- 4. Montrose, CO**
5. Agoura Hills, CA
6. Christiansburg, VA
7. Corinth, TX
8. Yorkville, IL
9. Rexburg, ID
10. Hermosa Beach, CA

Overall, 379 cities across the nation competed in this population category. In 2019, the city finished 6th in the same population category.

The City of Montrose has participated each year since 2012.

The presenting partner of the Mayor's Challenge is Toyota. Additional partners include the USEPA, the National League of Cities, The Toro Company, ECOS Earth Friendly Products, Conserve Irrigation, and Petal.





Colorado Municipal League releases fall municipal election preview

On **Nov. 3**, voters in 70 cities and towns across Colorado will consider local questions and races in addition to the state and federal races on the ballot. Avon, Castle Rock, Central City, Dacono, Gilcrest, Granby, Hayden, Holyoke, Hudson, Kiowa, Lochbuie, Palmer Lake, Parker, Snowmass Village, Superior, and Williamsburg will hold their regularly-scheduled candidate election, while the remainder are holding special elections on initiated and referred ballot questions. Over 100 municipal ballot questions are being considered across the state.

Ballot questions being considered by voters include:

Tax and bond issues

Sales tax questions will be on the ballot in:

- Cokedale – for general operating and maintenance expenses;
- Denver – one tax to fund programs to eliminate greenhouse gas emissions and air pollution and to adapt to climate change; and a separate tax to fund housing, shelter, or services for people experiencing homelessness;
- Eads – for the construction of a public swimming pool;
- Eckley – for community infrastructure and maintenance;
- Hayden – for parks and recreation;
- Kiowa – for general operating expenses;
- Loveland – for public safety, infrastructure and capital equipment, and operational expenses;

- Marble – for general operating expenses;
- Mead – one tax for police department expenses; and a separate tax for street improvements and maintenance;
- Monument – for police services, programs, and facilities.

Sales tax extensions are being requested by:

- Aspen – for educational purposes;
- Fort Lupton – for street improvements;
- Greeley – for capital construction projects;
- Pueblo – for economic development.

Boulder is requesting authority to extend and expand the purposes for which a utility occupation tax was approved, to include costs associated with the formation of a municipal electric utility and to be used to fund initiatives that support the city's clean energy goals in the context of the city's racial equity goals and commitment to the Paris Climate Agreement.

A tobacco tax question is on the ballot in Gypsum.

Louisville voters will consider a tax on disposable bags.

Lodging taxes will be on the ballot in Eagle, Eaton, Englewood, Nucla, and Windsor. Holyoke is requesting an extension to their existing lodging tax.

In Boulder, voters have the option to levy an excise tax to be paid by residential landlords to fund a program to provide rental assistance for persons vulnerable to eviction and to provide legal representation to tenants who face eviction.

Two property tax extensions are on the ballot:

- Snowmass Village – for educational purposes;
- Ouray – for flume, drainage, debris, and flood control repairs

Debt authority is being requested by:

- Castle Pines – \$30 million for road improvements, to be paid from an accompanying mill levy increase
- Hayden – \$3.8 million for parks and recreation purposes
- Longmont – \$80 million to finance water system improvements.

Gallagher Amendment adjustments

Avon, Broomfield, Eagle, Fraser, Glenwood Springs, Kremmling, Vail, and Winter Park are requesting authority to adjust their respective mill levy rates annually as needed to offset revenue reductions caused by state-imposed changes to the percentage used to determine assessed valuation of property, such as due to requirements of the Gallagher Amendment.

Revenue retention

Grand Junction and La Junta are requesting authority to collect, retain, and spend all revenues as allowed by voter approval under the Taxpayer's Bill of Rights (TABOR).

Colorado Springs is requesting permission to retain excess revenue in 2019 and 2020, as well as authority to use 2019 revenues, rather than 2020 revenues, as the base from which future revenue and spending limitations are calculated.

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Historically, municipalities have passed a majority of the TABOR-related questions that have been asked, with a 61% approval rate for tax questions, 70% approval rate for debt questions and 87% approval rate for revenue retention questions since voter approval was first required in 1993.

Governance

Boulder and Littleton voters will consider charter amendments providing that the mayor be directly elected, rather than selected by city council. Should Boulder's amendment pass, the election of the mayor will be decided by ranked-choice voting, also known as instant runoff voting.

In Severance, voters will decide if the town should initiate the process to become a home rule municipality.

Iliff voters will decide whether to reduce the number of trustees on their town board from six to four. Fleming, Iliff, and Peetz voters will consider eliminating term limits for their elected officials.

Idaho Springs is asking whether the position of the city clerk should transition to an appointed position rather than an elected position.

Gaming

Black Hawk, Central City, and Cripple Creek are each asking their voters for authorization to replace the single bet limit of up to \$100

with unlimited single bets and to delegate authority to their respective city councils to authorize additional games, provided that the statewide initiative allowing these changes (Amendment 77) is also approved in the November election.

Broadband

Berthoud, Denver, and Englewood are seeking approval to join the 112 municipalities already exempted by local voters from the statutory restriction on providing broadband or telecommunications services that also prohibits most uses of municipal funding for infrastructure to improve local broadband or telecommunications services.

Marijuana

Marijuana businesses are on the ballot in:

- Buena Vista – retail stores;
- Cedaredge – medical dispensaries and retail stores;
- Eckley – retail stores, cultivation, manufacturing, and testing;
- Fort Lupton – medical dispensaries and retail stores;
- Kiowa – medical dispensaries and retail stores;
- Lakewood – retail stores and cultivation;
- Littleton – retail stores;
- Paonia – medical dispensaries and retail stores;

- Romeo – retail stores, cultivation, manufacturing, and testing.

Marijuana taxes are being considered in Broomfield, Buena Vista, Cedaredge, Dinosaur, Fort Lupton, Kiowa, Paonia, and Winter Park.

Publication requirements

To save money on publication costs, Palmer Lake is requesting authorization to no longer publish in the newspaper the bills list or contracts awarded, while Fleming is seeking permission to publish ordinances by title rather than in full.

Election changes

Monument is asking voters to move their regular elections to November of even-numbered years, and Yuma is requesting a move to November of odd-numbered years.

Charter amendments

Several charter amendments are on the ballot in home rule municipalities around the state:

- Avon – regarding council compensation
- Boulder – regarding membership of the Boulder Arts Commission
- Broomfield – allowing the extraction of minerals to be considered a change of use in areas designated as "open space"
- Colorado Springs – two amendments, only one of which may become effective, to require conveyances of city-owned parkland be approved either by a super-majority of the council or by voters

Continued on page 6



"CML releases fall municipal election preview" continued from page 5

- Edgewater – authorizing the city council to consolidate, but not abolish, city departments established by the charter
- Longmont – allowing for leases of city property of up to 30 years

Craig charter amendments up for approval include updated residency requirements for the city manager, city attorney, and municipal judge, as well as amendments regarding the responsibility of the mayor to present a state of the city message and regarding vacancies on the city council.

Denver also has several charter amendments on the ballot. Three amendments concern city council authority to consent to certain mayoral appointments; to initiate a supplemental appropriation or transfer, following a consultation with the manager of finance; and to procure professional services without executive branch approval. Other amendments would create the Board of Transportation and Infrastructure to advise the department manager; provide more

flexibility in the procedures and scheduling of meetings; and expand the appointment authority of the elected clerk and recorder.

Other issues

Other issues to be decided include:

- Boulder – granting a franchise to Public Service Company of Colorado for gas and electricity distribution
- Cañon City – granting a franchise to Black Hills Energy for electricity distribution
- Denver – granting a provisional permit to pit bull owners, thus overturning the current ban on pit bulls
- Eagle – organization of a downtown development authority
- Milliken – sale of public property
- Montrose – granting a franchise to Delta-Montrose Electric Association for electricity distribution.

CML thanks the city, town, and county clerks who assisted CML staff in compiling this election data.

Recognition



Several municipal leaders will be leaving office with the conclusion of their current term. Among them are Holyoke

Councilmember Scott Murray and Parker Councilmember Debbie Lewis, both of whom first served their respective municipalities in the 1990s before returning for their more recent terms.

Other long-serving municipal leaders include Gilcrest Trustee Laura Meisner, Hayden Mayor Tim Redmond, Parker Mayor Mike Waid, Williamsburg Mayor Forrest Borre and former Mayor, Trustee, and Planning and Zoning Commissioner Jerry Farringer.

Public service at the municipal level is the highest calling, and CML has been honored to know many of these individuals. We recognize and appreciate their work for their communities and their support of CML.

Predicting a smooth coordinated election and prompt results



By David Broadwell, CML general counsel

When Colorado first began to authorize all-mail ballot elections for some state and local elections starting in 1990, the objective was to save costs and increase participation. Little did they realize they were creating the ideal system for voting in a global pandemic.

Colorado certainly benefits from having one of the best voting systems in the country for conducting an election safely during a public health crisis. In other states, over three hundred lawsuits have been filed since the first of the year challenging election

procedures, with nearly half of these cases still pending. Central to many of these cases: hastily-adopted changes to voting procedures in order to make it safer to cast a ballot during the pandemic.

Colorado's well-established system promises to deliver accurate and prompt results after the polls close on **Nov. 3**, including results on municipal questions.

Four key Colorado advantages:

- An abundance of drop boxes. In recent elections, no more than 25% of voters actually mail in their ballot. The vast majority choose to deposit their ballot in a drop box rather than relying on the USPS, and the percentage increases with every election. Many county clerks added drop box locations this year, with the Jefferson County Clerk actually doubling the number in his county.
- Early ballot processing. Unlike other states, county clerks in Colorado are allowed to

begin processing ballots before election day, a system that expedites results, particularly when the ballot is so lengthy.

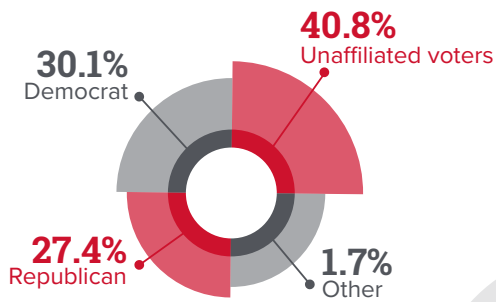
- Tried and true system for signature verification. The entire validity of any mail ballot system depends on guaranteeing that every ballot is legitimately cast by a duly registered elector. Colorado has a seasoned and proven system for signature verification developed over the years.
- A hard stop on election night. With the exception of uniformed and overseas voters, Colorado law definitely requires that a ballot will be counted only if it is received by 7 p.m. on election night. Coloradans who choose to vote by mail have a lot of experience knowing they must vote early to meet this deadline. In other states that are just now expanding mail-in balloting, one of the most contentious legal issues is whether ballots received in the mail after election day should still be counted.

While there is a chance for a glitch or two in every election, Colorado is likely to be spared the major conflict roiling other states during the 2020 election cycle.

Research corner: Colorado voter statistics

AS OF SEPTEMBER 2020

3,647,180 Registered active voters in CO



50.5% female

48.1% male

1.4% unknown

34,652 military and overseas voters

Source: Colorado Secretary of State, bit.ly/3j04nHN

2018 MIDTERM ELECTIONS



2,513,907 Coloradans cast a ballot for a Congressional representative in the mid-term elections **2018**



Colorado's 2nd Congressional District had the highest turnout in Colorado in **2018**

69.6%

Source: U.S. Census Bureau, bit.ly/3j87BJD



65.6% of eligible Coloradans were registered to vote in **2018**

58.1% of eligible Coloradans voted in **2018**

Top

3

reasons Americans did not vote in 2018:

- Too busy/scheduling conflicts **26.9%**
- Not interested **15.5%**
- Illness or disability **12.8%**

Source: U.S. Census Bureau, bit.ly/3nLWc5H

Ballots were mailed to Colorado voters starting Oct. 9, and for the first time, voters in all 64 counties will be able to track the status of their individual mail ballots for the **2020 General Election**, at bit.ly/316Z3fx. Coloradans will also have access to a **14% increase** in voter service and polling centers and a **55% increase** in ballot dropboxes around the state, as compared to 2018 (Colorado Secretary of State, bit.ly/2GTCm84). While turnout is often high in Colorado, **this year is already seeing record-breaking numbers**: as of **Oct. 14**, **over 300,000 Coloradans have voted**, which is **24 times more** than at the same point in 2016 (Colorado Secretary of State, bit.ly/3m2SwLh)



2016 PRESIDENTIAL ELECTION



74.3% of eligible Coloradans were registered to vote

69.5% of eligible Coloradans voted



Colorado was 4th in turnout - behind Washington, D.C., Maine, and Wisconsin

Source: U.S. Census Bureau, bit.ly/3k6anQU



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