



## CML identifies key legislative issues for upcoming session

*By Kevin Bommer, CML executive director, and Heather Stauffer, CML legislative & policy advocate*

The Colorado Municipal League Executive Board held its final meeting of 2022 on Dec. 9. At the meeting, the Board made key decisions related to positions on legislative proposals set to be introduced in the 2023 session beginning Jan. 9, the procedure for filling an upcoming vacancy on the board in the Small Municipality (under 8,000 population) category, and approval CML's 2023 budget and strategic plan.

### KEY LEGISLATIVE ISSUES FOR 2023

#### State preemption of municipal authority:

We are aware of a number of potential bills that seek to preempt local authority in areas such as local zoning and land use ordinances, broadband, and building codes. CML remains opposed to state preemption of local authority in these and other areas and any interference with home rule authority granted by Art. XX, s. 6 of the Colorado Constitution.

**Affordable housing:** The availability and affordability of housing is of utmost concern to Colorado's municipalities. CML supports continued work in partnership with the state and public private partnerships to give local governments the tools to work on solutions in their communities.

**Criminal justice:** CML supports collaborative relationships with the state on criminal justice issues that avoid expansion of local taxpayer liability and will support efforts to mitigate increased rates of vehicle theft in communities across Colorado.

**Regulated substances:** CML supports maximum local control of regulated substances and will support efforts to include a greater degree of local control in the operation of natural medicine facilities legalized by Proposition 122.



For a full list of CML's 2023 legislative priorities, visit <https://bit.ly/3FC3OT7>.

### UPCOMING CML BOARD VACANCY – SMALL CATEGORY

With a vacancy to occur in January, the board decided to accept letters of application through 5 p.m. Monday, **Jan. 9**, to fill a position on the Colorado Municipal League Executive Board "Small" category (under 8,000 population).

Elected or appointed municipal officials in municipalities with a population under 8,000 who wish to be considered for appointment by the CML Executive Board should follow the instructions below. Under CML bylaws, population figures are based upon population estimates from the Colorado Department of Local Affairs used in computing 2023 municipal dues.

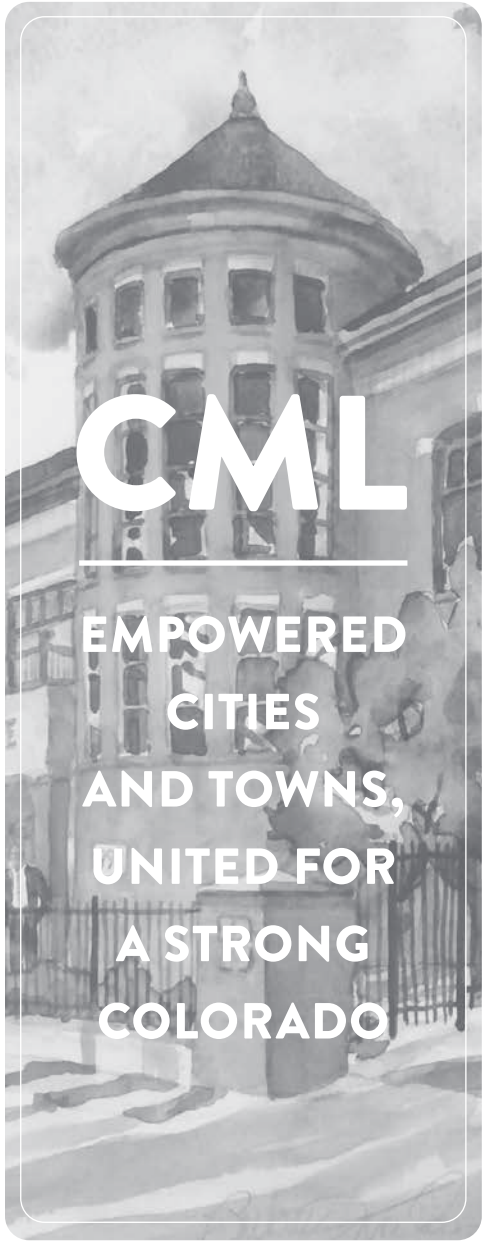
Any eligible official who desires to be considered for the position must:

- Submit an application for nomination, in a letter or other written form, no later than 5 p.m. Monday, **Jan. 9**

- Include an endorsement in writing from the applicant's city council or board of trustees with the application by 5 p.m. Monday, **Jan. 9**. The endorsement need not be a formal resolution. A letter signed by the mayor affirming the support of the council or board will suffice. A city council or board of trustees may endorse the nomination of only one official.

- Be prepared to attend the CML Executive Board meeting Friday, **Jan. 27**, from 10 a.m.-1:30 p.m., if selected to be recommended to the full board for appointment.

Application materials and any questions should be emailed to Executive Director Kevin Bommer at [kbommer@cml.org](mailto:kbommer@cml.org). Clerks and managers in small municipalities will be sent this information plus additional details to share with interested individuals.



CONGRATULATIONS

Massey receives IMLA service award



Wynetta Massey, Colorado Springs city attorney and CML secretary-treasurer, received the James H. Epps, II Award for Longevity of Service to a Community from the International Municipal Lawyers Association.

New faces on CCCMA Board of Directors

Congratulations to the newly elected members of the Colorado City & County Management Association Board of Directors.

- President-elect: Travis Machalek, Town of Estes Park town administrator
At-large representative: Carly Lorentz, City of Golden deputy city manager
Emerging Manager representative: Grace Johnson, City of Woodland Park assistant to the city manager

Colorado Veterans Leading Government representative: John Trylch, City of Fountain administrative services director

CCCMA exists to connect local government managers and assistants through professional networking and career development, supporting their service to Colorado communities.

CML announces scholarships available for 2023 Annual Conference in Aurora

Plans are underway for the Colorado Municipal League's 101st Annual Conference, to be held June 25-28 at the Gaylord of the Rockies in Aurora.

This conference is the signature event of the year, where municipal officials from around the state gather to network and exchange ideas. Year after year, attendees rave about the valuable experience and how inspired they are to get back to work and put their newfound knowledge to use.

CML is pleased to offer 10 scholarships to the 2023 annual conference. Scholarships are open to all member municipalities. Applicants can be a manager, clerk, mayor, councilmember, town board member, or key department head.

will receive complimentary registration; lodging (arranged by CML at a contracted hotel); travel stipend; and tickets for lunch on Monday and Tuesday and one of the following: Elected Officials Breakfast, Managers Breakfast, or Attorneys Lunch on Wednesday.

For more information and to apply, visit https://bit.ly/3E5PUGU. Please complete the application, include all necessary paperwork, and return to CML by Feb. 24. Incomplete applications will not be considered.

If you have any questions about the conference or scholarships, please contact Karen Rosen at krosen@cml.org.

We hope you will consider this opportunity to join your colleagues from around the state for a very productive, exciting, and rewarding conference.

CML NEWSLETTER
CML Newsletter (ISSN 7439903) is published biweekly by the Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207, for Colorado's municipal officials. (USPS 075-590) Periodical postage paid in Denver, Colorado.
Designer: Alex Miller
Circulation/mailling lists: Mark Vanderbrook
POSTMASTER: Send address change form 3579 to Colorado Municipal League, 1144 Sherman St., Denver, CO 80203-2207; (p) 303-831-6411 / 866-578-0936; (f) 303-860-8175.
Subscription to CML Newsletter is offered as a portion of member dues.
Get this newsletter by email. The CML Newsletter is available by email three days before it arrives in the mail! Sign up at bit.ly/CMLNewsletter.



# Upcoming CML webinars on psychedelics, Statehouse, crisis communications



## Crisis Communications: When the Never Expected Happens — Marshall Fire Lessons Learned

**WEDNESDAY, JAN. 18, 12-1 P.M.**

When wildfire hit highly populated areas never imagined to be in a danger zone, it put Boulder County government communicators to the ultimate test.

Join leaders from the Town of Superior, the City of Louisville, and Boulder County to hear:

- Lessons gained and reinforced in terms of thinking about crisis response communications, frameworks, and tactics; plus, real-life examples that can help you ensure you're prepared both professionally and personally
- How times of crisis offer an opportunity for government to build bridges between partner agencies, community groups, subject matter experts, department leadership, media, and residents
- Key takeaways on the importance of a digital-first strategy for crisis response and other communication channels to reach all audiences
- Valuable ways for monitoring community sentiment during and after crisis response to ensure optimal support, appropriate services, and long-term healing

To register, please visit <https://bit.ly/3iUygPG>.

## Psychedelics, Housing & Wine: A Review of 2022's Propositions 122, 123, and 125

**WEDNESDAY, JAN. 11, 12-1 P.M.**

Presented by Robert Sheesley, CML General Counsel, and Rachel Bender, CML Associate Counsel.

Three of the citizen-initiated statutes approved by voters in November 2022 will impact Colorado municipalities: Proposition 122 (legalizing natural medicine); Proposition 123 (affordable housing funding); and Proposition 125 (allowing the sale of wine in grocery stores). CLE credits anticipated.

To register, please visit <https://bit.ly/3he6Rri>.

## 2023 Legislative Update

**WEDNESDAY, JAN. 20, 12-1 P.M.**

Presented by the CML Advocacy Team.

Learn what to expect during this session of the Colorado General Assembly. Get the latest news on potential legislation and ask questions about issues that could affect your city or town.

To register, please visit <https://bit.ly/3HFJUbX>.



# GRANT OPPORTUNITIES FOR LOCAL GOVERNMENTS



## BHA releasing \$130 million in community grant programs

The Behavioral Health Administration is excited to announce over \$130 million of grant opportunities for local governments. BHA will be accepting applications on a rolling basis beginning **Dec. 8**. The first group of applications should be submitted by **Jan. 15** and will be awarded by **March 1**.

There are four grant programs to choose from. The Criminal Justice Early Intervention Grant Program was created by Senate Bill (SB) 22-196, Health Needs Of Persons In Criminal Justice System. The program

has \$49 million of funding available, and allowable uses of the program include the establishment of a court reminder program for municipal courts.

There are three grants related to House Bill (HB) 22-1281, Behavioral Health-care Continuum Gap Grant Program:

- Community Investment Grant Program (\$34 million)
- Children, Youth, and Families Grant Program (\$39 million)

- Substance Use Workforce Stability Grant Program (\$14 million).

The BHA will also offer technical assistance and support for local governments submitting applications. For more information, including how to apply, deadlines, and technical information visit the BHA Funding Opportunities website, <https://bit.ly/3PcuI7p>, which has more information on the grant process, application requirements and review timeline.

## Grant program for remote education, health resources in rural, tribal communities

U.S. Department of Agriculture is accepting grant applications for the Distance Learning and Telemedicine program, <https://bit.ly/3VxCpav>, to help people in rural and tribal communities access remote education and health care resources.

The program helps fund real-time, interactive distance learning and telemedicine services in rural and tribal areas to increase access to education, training and health care resources that are otherwise limited or unavailable. This effort is part of the Biden-Harris Administration's goal that every American has access to affordable, reliable, high-speed internet. Digital equity is an important component of that mission. For instance, the program gives students the opportunity to participate in classes that may be in places that are too far to access. Funds can help connect rural people virtually to medical professionals without leaving their home. USDA plans to make \$64 million available in fiscal year

2023. Of this amount, \$12 million is intended for projects that provide substance use disorder treatment services to people in rural areas.

Eligible applicants include state and local governmental entities, federally recognized tribes, nonprofits, and for-profit businesses.

Applications must be submitted electronically through [grants.gov](https://grants.gov) no later than **Jan. 30**. For additional information on projects in Colorado contact Bradley Clausen, [bradley.clausen@usda.gov](mailto:bradley.clausen@usda.gov).

USDA is offering priority points to projects that advance key priorities under the Biden-Harris Administration to help communities create more and better market opportunities, advance equity and combat climate change. These extra points will increase the likelihood of funding. More information is available online at <https://bit.ly/3gVAM7r>.

## \$2.5M available to fight opioid crisis

The Colorado Opioid Abatement Council is accepting applications for \$2.5 million of the 2022-23 Opioid Infrastructure Share funds. Local governments that participated in the Colorado Opioid MOU and Colorado Opioid Regions are eligible to apply for Infrastructure Share funds to develop the infrastructure necessary to combat the opioid crisis in Colorado. Deadline is **Jan. 13**. More information is available on the Opioid Abatement Council website, <https://bit.ly/3EZfcXA>.

## Waste diversion grants available

The Recycling Resources Economic Opportunity program provides funding that promotes economic development through the management of materials that would otherwise be landfilled. Funds are available to support recycling, composting, anaerobic digestion, source reduction, and beneficial use/reuse. The application deadline is **Jan. 5**, and more information is available online, <https://bit.ly/3VstR4N>.

## Outdoor recreation grant deadline Dec. 31

The Colorado Outdoor Recreation Industry Office is accepting applications for projects related to economic development and recovery in the outdoor recreation sector.

The next application deadline is **Dec. 31**. More information is available online, <https://bit.ly/3ulBONm>.

Eligible entities include government bodies, nonprofits, colleges/universities,

economic development organizations. Applications will be accepted on a rolling basis with quarterly review deadlines of **March 31, June 30, Sept. 30, and Dec. 31** of each year through 2025 or until all funding is allocated. These funds are made available through the Economic Development Administration as a part of the American Rescue Plan Act.

## Webinar is an opportunity to weigh in on Colorado's new energy codes, funding

The Colorado Energy Office and the Colorado Department of Local Affairs, in partnership with Colorado Counties Inc., the Colorado Municipal League, the Colorado Chapter of the International Code Council, and the Colorado City & County Managers Association, invite you to participate in a webinar and listening session that will cover the new building energy code requirements that passed in the 2022 Colorado legislative session in House Bill 22-1362 and the funding opportunities included in that legislation to support local governments and the building industry in meeting those requirements.

The sessions will provide an opportunity for building officials, city councilors, city

and county managers, county commissioners, and other local government officials and staff to provide input to the Energy Office and DOLA on the development of energy code funding programs to ensure they meet the needs of local governments.

There will be three opportunities to participate in a session on the dates and times listed below. Each session will provide the same information.

- **Jan. 12**, 1-3 p.m.  
Register <https://bit.ly/3VN6TWe>.
- **Jan. 19**, 10 a.m.-12 p.m.  
Register <https://bit.ly/3hhGqkE>.
- **Jan. 20**, 11 a.m.-1 p.m.  
Register <https://bit.ly/3i1tzFP>.

## Colorado Energy Office survey will shape vehicle replacement program

The Colorado Energy Office is requesting feedback on a program that will provide financial incentives to income-qualified Coloradans to help replace old, inefficient cars and trucks with electric vehicles.

The program may also provide financial incentives for other transportation options, such as electric bikes or carshare membership. To gain input on the design of this vehicle replacement program, the State of Colorado is inviting Colorado residents to fill out a brief survey, <https://bit.ly/3gSGnve>, (English and Spanish versions available). The program is targeted to launch in spring 2023.

Transportation is the largest single source of greenhouse gas pollution in Colorado. It is a major source of other forms of pollution, including ozone precursors, hazardous air pollutants, nitrogen oxides, and particulate pollution. Electric vehicles will provide many benefits to program participants, including reduced fuel and maintenance costs, lower vehicle emissions, and improved air quality.

Electric vehicles (also known as "EVs") include fully electric vehicles and plug-in hybrid electric vehicles. The Colorado Energy Office will share more information about this vehicle replacement program in the coming months.

## State ethics panel seeks applicants

The Colorado Independent Ethics Commission is seeking applications from local government officials or employees to fill an upcoming commissioner's vacancy through **June 30**. The commission will thereafter consider appointment to a full four-year term. Interested applicants may submit a resume to [iecinfo@state.co.us](mailto:iecinfo@state.co.us). Questions may be directed to Dino Ioannides, the commission's executive director, at (720) 625-5697 or by email to [iecinfo@state.co.us](mailto:iecinfo@state.co.us).

## Saving Places Conference 2023

Join Colorado Preservation, Inc. in 2023 to celebrate the heart of preservation—the people, partners, and funders making a difference in communities throughout Colorado. The conference will explore stories behind the preservation of place, cultural heritage, and the context behind some of our most well-known and overlooked communities. The conference will take place **Feb. 8-10** in Boulder. More information and registration are available online, <https://bit.ly/3Y5iphI>.

# CML LEGAL CORNER



## What the passage of Proposition 122 means for local governments

By Ashlyn DuThorn, CML law clerk

This November, Coloradans voted to pass Proposition 122 (to be codified at C.R.S. §§ 12-170-101 to -115), which legalizes the supervised use of “natural medicine” at state-licensed facilities by individuals over 21 years old and decriminalizes the personal use of natural medicine by individuals over 21 years old. “Natural medicine” means any form of psilocyn and psilocybin until 2026, and may later include dimethyltryptamine (DMT), ibogaine, or mescaline (excluding peyote) if approved by the Department of Revenue. Personal use includes possessing, using, growing, ingesting, or sharing with other persons over 21 years of age. The sale of natural medicine, however, will still be illegal outside of state-licensed healing centers.

### NATURAL MEDICINE WILL NOT BE TREATED THE SAME WAY AS MARIJUANA

Although one might be inclined to compare this measure to the legalization of marijuana in Colorado, there are several significant differences between how the state treats marijuana and how it will treat natural medicine, or “natural psychedelic substances.” One especially important difference is that the sale of marijuana for recreational use is legal in Colorado, but it will not be for natural psychedelic substances. Giving away the substances for free, however, will be lawful.

Additionally, unlike the marijuana regulatory structure, local authority to regulate natural medicine is strictly curtailed. Instead of operating under the same dual-licensing system that marijuana businesses do, healing centers will be solely state-licensed. The state will also be responsible for regulating the manufacture, cultivation, testing, storage, transfer, transport, delivery, sale, purchase, and provision of natural medicine.

While local governments are authorized to regulate the time, place, and manner of the operation of healing centers, local authority is otherwise strictly limited. Under the law, local governments cannot ban healing centers (unless required by a federal grant) or the transportation of natural medicine in the same way that they can deny marijuana dispensaries within their jurisdictions. Local governments are also prohibited from enacting laws that are “unreasonable or in conflict with” the statute.

### PREPARING FOR IMPLEMENTATION

In its current form, the new law’s ambiguities and restrictions on local control will likely create confusion. Municipalities will be impacted in their law enforcement, business licensing, code enforcement, court, and employment roles. For example, the broad permission for personal use and gifting of natural medicine will test the boundaries of lawful searches and seizures. Whether conduct is permitted by the law may be difficult to determine since the law maintains many prohibitions while limiting the ability of law enforcement to act. Consequently, police and code enforcement will have to take extra care not to violate the mandate that natural medicine can be harmed or destroyed.

Local governments should consider appropriate “time, place, and manner” regulations for healing centers. Modifications to zoning laws will be needed. Changes can include identifying where such uses may be right for a community. A cap on the number of establishments may also be lawful.

### OTHER AREAS FOR CONCERN

The law’s broad preemption language will particularly impact local ordinances involving the possession or sale of natural medicine and policies that might be based

on the possession of controlled substances. Other concerns include:

- The impact on drug-testing and drug-free workplace policies, Colorado’s lawful off-duty activities statute, and the remote work environment. The law does not require an employer to permit the possession or use of natural medicine in the workplace, but it also does not discuss an employee being under the influence of natural medicine while in the workplace or while otherwise performing job duties.
- The permission to cultivate natural medicine for personal use, which may conflict with building codes and zoning standards. The law has no limits on the amount of natural medicine that can be grown or where it can be grown.
- The limitation or denial of public assistance based on now-lawful conduct.
- The permission to seal prior offenses based on conduct that would have been lawful under the new law.
- The reclassification of offenses that may affect law enforcement authority.

### WHAT’S NEXT FOR PROPOSITION 122?

The law will likely be effective by **Dec. 31**. The implementation of Proposition 122 is just beginning, and the 2023 legislative session may bring changes to the new law. In the meantime, municipalities should use caution when taking any action with respect to natural medicine, particularly when it comes to law enforcement and code enforcement activities.

Note: CML will be hosting a CLE webinar on Propositions 122, 123, and 125 on **Jan. 11**.

*This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.*

## RESEARCH CORNER

### CML's year in webinars, by the numbers

26

NUMBER OF WEBINARS HOSTED

4

WEBINARS HOSTED PER MONTH IN THE BUSIEST MONTHS FOR WEBINARS: MARCH, APRIL & MAY

1,862

TOTAL ATTENDEES

2,381

TOTAL VIEWS ON CML'S YOUTUBE CHANNEL

290

ATTENDEES OF THE YEAR'S MOST HEAVILY ATTENDED WEBINAR, WATER LAW 101

297

VIEWERS OF THE MOST WATCHED CML WEBINAR ON YOUTUBE, RESILIENT LEADERSHIP TOOLS FOR ELECTED OFFICIALS AND EXECUTIVE LEADERS

### Popular topics



STATEHOUSE REPORT  
7 WEBINARS



ELECTIONS  
3 WEBINARS



HOUSING  
3 WEBINARS



ACCESSIBILITY  
3 WEBINARS



BROADBAND  
2 WEBINARS



RESILIENT LEADERSHIP  
2 WEBINARS



SUSTAINABILITY  
2 WEBINARS



COLORADO  
MUNICIPAL  
LEAGUE

USPS 075-590

Periodical postage  
PAID  
at Denver, Colorado

1144 Sherman St. • Denver, CO • 80203-2207

**Featured in this issue:**

- CML identifies key municipal issues for 2023
- Upcoming webinars on psychedelics, wildfire, Statehouse
- Behavioral Health Administration offers \$130 million in grants
- Legal Corner: What does Proposition 122 mean for natural medicine and municipalities?
- Research Corner: CML's year in webinars, by the numbers

Vol. 48, No. 25, December 16, 2022

# NEWSLETTER

COLORADO  
MUNICIPAL  
LEAGUE

