



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

Vol. 50, No. 17, August 23, 2024

Make plans now to attend CML

Fall District Meetings

By Karen Rosen, CML meeting and events planner

Summer is coming to a close and it's time to recommit to our municipal roles and focus on our communities. CML Fall District Meetings are a fantastic chance for municipalities to collaborate and share ideas. We had a great response from the revamped meeting format introduced at the spring district meetings and plan to continue the new format this fall. The meetings kick-off with a social hour, providing a perfect opportunity for networking and engaging with other CML members in the area. Dinner follows at 6 p.m. with the CML business meeting and the popular "around the room."

These gatherings are also a wonderful opportunity for one-on-one interactions with CML staff. We want to hear

about the issues and challenges that matter most to you and your community. Let us know how CML can support the unique needs of your municipality.

The Fall District Meetings will start Sept. 4 and continue throughout the month. For more details or to register, visit tinyurl.com/yruxvw74. If you have any questions about the meetings, feel free to reach out to Karen Rosen at krosen@cml.org.

CML members are welcome to attend any district meeting that fits their schedule or piques their interest. A map of the new districts is online at tinyurl.com/mr2zfty4. We look forward to connecting with members and learning about what's happening in your city or town!

2024 FALL DISTRICT MEETING SCHEDULE

- **District 1** meeting hosted by the City of Brush! on Sept. 11
- **District 2** meeting hosted by the City of Fort Collins on Sept. 18
- **District 3** meeting hosted by the City of Cherry Hills Village on Sept. 12
- **District 4** meeting hosted by the City of Cripple Creek on Sept. 11
- **District 5** meeting hosted by the Town of Limon on Sept. 4
- **District 6** meeting hosted by the City of La Junta on Sept. 25
- **Districts 7 & 14** meeting hosted by the Town of La Veta on Sept. 18
- **District 8** meeting hosted by the Town of La Jara on Sept. 17
- **District 9** meeting hosted by the Town of Ignacio on Sept. 24
- **District 10** meeting hosted by the Town of Ridgway on Sept. 23
- **District 11** meeting hosted by the City of Grand Junction on Sept. 26
- **District 12** meeting hosted by the Town of Kremmling on Sept. 25
- **District 13** meeting hosted by the Cities of Cañon City and Florence and the Town of Silver Cliff on Sept. 12
- **District 15** meeting hosted by the Town of Breckenridge on Sept. 19

Empowered cities & towns, united for a strong Colorado

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

CML EVENTS

EFFECTIVE GOVERNANCE ON THE ROAD

CML continues to bring its popular Effective Governance workshop on the road to our members across Colorado. The final stop in our workshop series will be Aug. 29 in Durango. Effective Governance workshops focus on practical governance skills, staff/council relationships, ethics, liability, open meetings, media relations, civility, and more. Don't miss out on the opportunity to engage with experts, exchange ideas, and empower your community. Register by visiting cml.org/home/education-training.

ANNUAL SEMINAR ON MUNICIPAL LAW

Mark your calendars! CML's Annual Seminar on Municipal Law provides expert Colorado-specific information directly relevant to the daily practice of municipal attorneys, as well as opportunities to network with peers. The seminar will take place Sept. 20-21 in Colorado Springs. Register by visiting tinyurl.com/CMLAttorneySeminar.

TRAINING OPPORTUNITY

LAND USE, ZONING, AND INDIVIDUALS WITH DISABILITIES

Tuesday, Oct. 1, 9 a.m. to noon, at Red Rocks Community College's Arvada Campus

Presented by the Colorado Agency for Recovery Residences, this fair housing training is specifically designed for municipalities to understand their legal obligations as they apply to housing for individuals with disabilities, including recovery residences. Topics will include a legal overview of the fair housing legal protections for individuals with disabilities, municipal land use and zoning compliance with the fair housing anti-discrimination protections, and the fair housing reasonable accommodation legal obligations of municipalities. Register by visiting tinyurl.com/kzc49a8d.



COLORADO
MUNICIPAL
LEAGUE **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.

Editor: Denise White
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.

CELEBRATE WITH CML

CML wants to hear about your community's successes. Tell us about a grant you've won, water tank that's finally finished, or anything else you're excited about! Email CML Publication & Design Specialist Alex Miller, amiller@cml.org, to have your community's news featured in the CML Newsletter.



DOLA awards nearly \$65M in Energy/Mineral Impact Grants

The Department of Local Affairs' (DOLA) Division of Local Government recently awarded \$64,940,795 across 82 projects for Energy/Mineral Impact Assistance Fund. This program assists local governments affected by the development, processing, or energy conversion of minerals and mineral fuels.

The last grant cycle included three special initiatives: More Housing Now, Climate Resilience Challenge, and Main Street LIVE. All three received significant interest from local communities, and each initiative successfully made awards.

"These grants invest in projects which have significant impact for Coloradans in both rural and urban areas of our state," said Maria De Cambra, DOLA executive director. "Funding these projects enhances livability in our Colorado communities through housing, resiliency efforts, and energy impacts."

ELIZABETH COMMUNITY-SENIOR CENTER ENGINEERING PLANS

Elizabeth — Elbert County

The Town of Elizabeth was awarded \$200,000 for architectural and engineering design for a community/senior center to address the limited social and activity amenities in the area, affecting seniors and the broader community.

POUDRE FIRE AUTHORITY TRAINING FACILITY MASTER PLAN

Fort Collins — Larimer County

The Poudre Fire Authority was awarded \$62,500 to develop a Master Plan for an emergency responder regional training hub that will offer national and international instruction to provide critical services that save lives, address hazards and support community safety.

FRISCO DOWNTOWN STREETS FINAL DESIGN

Frisco — Summit County

The Town of Frisco was awarded \$200,000 from the Main Street LIVE special initiative for design and engineering for workforce housing development to increase pedestrian activity, infill, and economic development through mixed-use development of the area.

SWCCOG ALPINE LOOP CNLS & EQUIPMENT

Southwest Colorado

The Southwest Colorado Council of Governments was awarded \$999,999 for equipment to connect to Carrier Neutral Locations in Cortez, Mancos, Durango, Bayfield, and Poncha Springs to enhance bandwidth and network reliability.

BUENA VISTA SCHOOL DISTRICT EARLY CHILDHOOD EDUCATION CENTER

Buena Vista — Chaffee County

Buena Vista R-31 School District was awarded \$1 million for construction of an addition to the Public Works building to expand the district's early childcare education center to improve social equity and generate workforce resilience.

PUEBLO REAL TIME CRIME CENTER

Pueblo — Pueblo County

The City of Pueblo was awarded \$1 million for equipment purchase and installation to implement innovative technology including gunshot detectors, mounted cameras, computer consoles, specialized software, and permanent trailer units to assist law enforcement and reduce the city's crime rate.

ROUND MOUNTAIN WESTCLIFFE WASTEWATER DEMONSTRATION UPGRADE

Westcliffe — Custer County

Round Mountain Water & Sanitation District was awarded \$546,750 for a demonstration project of wastewater treatment through electrocoagulation within a lagoon system to advance new construction of affordable housing, growth, and economic development in the area.

AURORA 13TH AVENUE TRANSIT DEVELOPMENT

Aurora — Arapahoe, Adams, and Douglas Counties

The City of Aurora was awarded \$2 million from the More Housing Now special initiative for bridge deck construction to connect 920 units of affordable rental and

for-sale housing units adjacent to an RTD transit station.

HAYDEN NORTHWEST CO BUSINESS PARK GEOTHERMAL UTILITIES

Hayden — Routt County

The Town of Hayden, a Just Transition community, was awarded \$2 million for construction of a closed loop geothermal network at the Northwest Colorado Business Park in order to phase out natural gas and move towards a net-zero carbon emission community, resulting in reduced energy consumption and increased resiliency for the town.

EASTERN PLAINS RENEWABLE ENERGY IMPACT STUDY

Southeast Colorado

The Southeast Council of Governments was awarded \$500,000 to conduct a Renewable Energy Impact Study across 18 eastern plains counties to analyze the impacts of renewable energy development and work toward effective solutions to mitigate any negative impacts and offer strategies to capitalize on any positive impacts.

DURANGO DOWNTOWN STREET IMPROVEMENTS DESIGN

Durango — La Plata County

The City of Durango was awarded \$640,000 from the Main Street LIVE special initiative for design of street improvements in the downtown area to include Americans with Disabilities Act (ADA) compliant features, landscaping, sidewalk upgrades, light improvements, and updated pedestrian amenities to improve livability of the downtown by making it safer and more accessible.

Funds for the grant program are derived from the state severance tax on energy and mineral production and from a portion of the state's share of royalties paid to the federal government for mining and drilling on federally owned land.

The department anticipates announcing more awards in November. More information about the Energy/Mineral Impact Assistance Fund Grant program is available at tinyurl.com/bdffvwwc.

When the heat is on: How cities & towns can protect at-risk residents

By Monica Gregory, NLC climate resilience program manager, and Shweta Arya, senior project manager at the American Public Health Association

Extreme heat is a silent killer. As the National League of Cities noted in 2023, warming from climate change — compounded by urban heat islands — is already having a severe impact on the health and well-being of communities across the country. Between 1994 and 2023, extreme heat caused more fatalities compared to other extreme weather events such as floods, tornadoes, cold, and hurricanes. This invisible threat silently escalates into a public health crisis. Our bodies struggle to regulate temperature, leading to heat-related illnesses ranging from cramps to life-threatening heat stroke. Further, the stress of extreme heat can worsen chronic conditions like heart disease and diabetes. Mental health is impacted as well, noting increased anxiety and depression occur during heatwaves. The burden falls heaviest on vulnerable populations: children, elderly adults, and those without access to air conditioning.

While dangerous, heat waves are predictable. Local leaders can take steps today to communicate the dangers of high heat to protect resident's health and well-being while exploring long-term solutions to prepare communities for future extreme heat conditions.

COMMUNICATE THIS HEAT SEASON

A recent survey by the American Public Health Association (APHA) in partnership with ecoAmerica reveals a troubling disconnect. Despite heat being the leading cause of weather-related deaths in the United States, only 37% of respondents expressed concern about heat waves as a public health threat.

Recently, the Center for Disease Control and Prevention (CDC) partnered with the National Oceanic and Atmospheric Administration's National Weather Service to launch the Heat and Health Initiative, which includes three resources. Local

leaders can use these this summer to better prepare residents.

- The HeatRisk Forecast Tool, online at tinyurl.com/2ct28ybj, provides a national seven-day heat forecast
- The HeatRisk Dashboard, tinyurl.com/mum245x2, combines heat forecasting data with other information to inform communities on how best to minimize impacts to their health
- CDC clinical guidance, tinyurl.com/2urhmca3, supports clinicians in their work to keep at-risk individuals safe from heat impacts

MAKE COOL SPACES AVAILABLE FOR ALL

Availability of designated cooling centers and other air-conditioned spaces — including public spaces like libraries — are critical during an extreme heat event. During high-heat days, local leaders can use communication tools like radio stations and social media channels to ensure residents can find and access cool spaces, particularly unhoused residents or residents who do not have access to personal air conditioning in their homes. Jacksonville, Florida, created an Excessive Heat Task Force and a plan to respond to extreme heat, including through the identification of cooling centers that open under certain conditions. Austin, Texas, created a cooling center map where users can find directions in a few easy steps.

Many communities are creating resilience hubs utilizing trusted community spaces like libraries or neighborhood resource centers. Resilience hubs are typically known as community spaces that serve residents through various types of programming throughout the year while being a one-stop shop before, during, and after an emergency event. Resilience hubs can serve as a central place to coordinate the distribution of vital resources, from serving as a meeting location and cooling center to providing real-time information to the neighborhood to allocating water and food.

CREATE EXTREME HEAT EVENT RESPONSE PLANS

As high-heat days impact communities this year, local leaders can implement emergency solutions for the most vulnerable, giving their municipalities more time to develop longer-term plans after the heat season.

Some states have adopted standards for heat exposure to protect both indoor and outdoor workers who work in extreme conditions. These standards could be models at the local level. Learn more about heat exposure standards from the Occupational Safety and Health Administration, tinyurl.com/4ne7duj4.

At-risk populations include older adults and children, the unhoused, and residents suffering from underlying physical or mental illnesses. During high-heat days, local leaders may consider:

- Adopting limits on time, children spend outside for recess and sports-related activities
- Opening government-owned emergency shelters for the unhoused or those without access to other cool spaces

PLANNING FOR TOMORROW

Planning for extreme heat impacts can look different depending on the geography and size of a municipality. Listed below are some tools available from federal agencies and nonprofit organizations to assist municipalities in their extreme heat planning efforts.

- The White House published a list of extreme heat-related resources, tinyurl.com/984mca3t
- NLC's resource on urban heat islands, tinyurl.com/57phdaef, assists local leaders in identifying solutions to extreme heat. It includes a database from the EPA of actions communities have taken to reduce heat islands with funding sources listed

RESEARCH CORNER

ECONOMIC DEVELOPMENT, INFRASTRUCTURE CHALLENGE MAYORS ACROSS THE COUNTRY

Data visualization by **RACHEL WOOLWORTH**, CML municipal research analyst,
and **ALEX MILLER**, CML publication & design specialist

The National League of Cities (NLC) released its eleventh annual State of the Cities report this month, offering a look at the challenges and successes 2024 brought to municipal governments across the country. Much like Colorado Municipal League's State of Our Cities & Towns report, NLC utilizes surveying and personal interviews to better understand the experiences of municipalities. The full report is available by visiting tinyurl.com/2m22zf5a.

TOP 2024 MAYORAL PRIORITIES



Economic development

Top challenges: attracting businesses; insufficient federal and/or private investment

Top strategies: business attraction and retention; downtown revitalization



Infrastructure

Top challenges: aging infrastructure and resilience of systems; extreme weather events

Top strategies: increase funding; seek external support



Housing

Top challenges: high cost of housing; lack of supply

Top strategies: municipal action; public-private partnerships



Public safety & health services

Top challenges: substance misuse and mental health; cybersecurity

Top strategies: recruit and retain diverse public safety and health workforce; creation or expansion of civilian-led crisis response teams



Win a year of expert technical assistance

The Sustainable Development Code (SDC) is excited to announce the Colorado Sustainable Development Code Challenge. The challenge offers two selected communities in Colorado the chance to receive expert technical assistance at no cost, funded by the Gates Family Foundation.

This initiative aims to help communities address sustainable development issues such as affordable housing, climate change, alternative energy, water conservation, and wildfires.

Over a year from September 2024 to July 2025, the SDC will evaluate and provide recommendations on a few targeted sustainability issues within local development codes. The chosen communities will drive the focus areas of this assistance, ensuring relevance and impact. Insights gained from this challenge will be shared to benefit other local governments across Colorado in their sustainable development efforts. The application is easy and quick, and the deadline is Aug. 30. Register for the Colorado Sustainable Development Code Challenge online by visiting tinyurl.com/32cnx4vn.

Apply now for energy code grant program

\$2.8 million in grants is available to support local governments with adoption, implementation, and enforcement of the 2021 International Energy Conservation Code.

Building energy codes establish minimum requirements for new construction and major renovations, enabling buildings to use energy more efficiently. These codes help ensure the safety, durability, sustainability, and affordability of homes and buildings through moisture management, improved

indoor air quality, better fire safety, and increased resiliency.

Individual local governments are eligible for grants of up to \$125,000, and partnerships of local governments can receive up to \$250,000. The program is supported by federal funds through the Department of Energy's Office of Energy Efficiency and Renewable Energy. The deadline to apply is Sept. 20.

For more information or to apply, visit the Colorado Energy Office website, tinyurl.com/msjp8hzx.

Housing Colorado webinar

Housing Colorado will host a virtual forum on housing challenges across the state as part of its Summer 2024 Outreach Series.

The virtual forum is a half-day event hosted via Zoom. It will include panel discussions on Prop 123, homelessness, affordable rental housing, and affordable homeownership. Housing Colorado is hosting the event in collaboration with the Colorado Department of Local Affairs' Division of Housing, Colorado Housing and Finance Authority, and the

Office for Economic Development and International Trade.

There is no cost to attend; however, space is limited, and registration is required. Register by visiting tinyurl.com/ysbbyknr.

Housing Colorado is a statewide membership organization committed to providing advocacy, professional development, and issue expertise for the affordable housing community.



CML LEGAL CORNER



‘Natural medicine’ rules leave broad room for local regulation

By Robert Sheesley,
CML general counsel

In 2022, Colorado voters approved Proposition 122 that legalized “natural medicine,” or plant- or fungus-based psychedelic substances, for personal use and cultivation as well as state-licensed businesses. The law permitted some local regulation of the “time, place, and manner” of healing centers but otherwise substantially restricted local regulation.

Few municipalities have modified local laws to address healing centers or otherwise regulate natural medicine. Most have waited for state rulemaking that would allow for facilitator and business licensing to begin at the end of 2024. These rules, recently adopted by the Colorado Department of Regulatory Agencies, appear to provide sufficient flexibility for reasonable local regulation consistent with the Colorado Natural Medicine Code.

THE NATURAL MEDICINE CODE & RULES

The General Assembly cleaned up Proposition 122 in the 2023 legislative session. The resulting Colorado Natural Medicine Code continued the broad limitations on local authority. The Code preempts local laws that would conflict with its provisions and expressly prohibits local governments from prohibiting licensed facilitators and licensed entities from operating in their jurisdictions. Local governments continue to be able to regulate the time, place, and manner of the operation of licensed entities.

The new Regulated Natural Medicine Rules, 1 CCR 213-1 (available at bit.ly/naturalmedicinerules), implement that code by establishing standards for healing centers and other facility licenses (including cultivation, storage, testing, and manufacturing). Separate regulations, the

Natural Medicine Licensure Rules and Regulations, 4 CCR 755-1 (available at bit.ly/facilitatorrules), establish facilitator training and licensing standards.

The rules address many of the same areas often covered by state and local licensing standards for other regulated substances, like marijuana and alcohol. These include areas like applications, renewals, location changes, disciplinary action, record retention, advertising and marketing, sanitary requirements, waste disposal, and security standards. The rules also address product safety, packaging, and transport. Application requirements include age and criminal history standards, financial disclosures, tax compliance, premises details, and security information.

The rules prohibit the operation of a natural medicine business at the same location as a licensed alcohol or marijuana business. However, natural medicine businesses with the same owner can share locations with other natural medicine businesses (with some limitations). The rules implement the law’s permission for healing centers to co-locate with other types of health-care facilities.

ROOM FOR LOCAL REGULATION

The new rules suggest local governments can at least regulate the facilities from which natural medicine businesses operate, as well as the underlying use of land. For example, Rule 2110.E requires that all applications for state licensure “must comply with Local Jurisdiction requirements.” An application must also demonstrate that the proposed premises “is permitted under the Local Jurisdiction’s zoning laws” for the type of natural medicine business proposed (see Rule 2125.A.2.b). Businesses must grant access to fire, building, and code enforcement officials “to inspect for compliance

with state law, local ordinances or rules ...” (see Rule 3130).

Municipalities working on “time, place, and manner” regulations may focus on locations, zoning districts, and hours of operation. Healing centers may be considered a land use like medical offices and treated similarly in terms of location and hours. Licenses for cultivation or manufacturing may create impacts and involve activities that are more like existing industrial uses. As the law already prohibits healing centers within 1,000 feet of schools and childcare facilities, setback requirements from other sensitive locations may be appropriate. Keep in mind, however, that licensed facilitators can offer administration sessions at health-care facilities, private residences, and other locations.

Local regulations, of course, cannot prohibit facilitators, healing centers, and other licensed businesses. A local regulation that conflicts with the Natural Medicine Code or the administrative regulations may be deemed unreasonable or otherwise found to be preempted by the comprehensive state scheme. Regulating the “manner” of operation of healing centers and other facilities probably presents a higher risk of conflict given the detailed state regulation of their operation.

Due to the novelty of this area, the full scope of local authority to regulate natural medicine businesses and the administration of natural medicine will remain uncertain for some time. When passing regulations, municipalities should consider whether the state regulations expressly prohibit local regulation or address a subject matter fully, leaving no room for local standards.

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



COLORADO
MUNICIPAL
LEAGUE

USPS 075-590

Periodical postage
PAID
at Denver, Colorado

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

- Plan now to attend CML Fall District Meetings
- How cities and towns are protecting residents from extreme heat
- Research Corner: Mayors across U.S. prioritize economic development, infrastructure
- Legal Corner: "Natural medicine" rules leave broad room for local regulation

Featured in this issue

Vol. 50, No. 17, August 23, 2024

NEWSLETTER

COLORADO
MUNICIPAL
LEAGUE

