



Beyond the Session:

Colorado interim committees finalize 2025 legislation

By CML Advocacy Team

While the regular legislative session may have concluded back in May, work has continued at the Colorado State Capitol. Interim committees met throughout the summer to examine issues and ultimately recommend legislation for the upcoming legislative session.

While some interim committees, like the Transportation Legislation Review Committee and the Water Resources and Agriculture Review Committee, convene every year per statutory requirements, other interim committees are approved annually by the legislative executive committee to further study emerging issues of importance to the state.

Legislators participating in interim committees may request for bill drafts to be created. If approved by a two-thirds majority of interim committee members, bill drafts are then referred to the Legislative Council. The Legislative Council meets each year to approve legislation for introduction in the upcoming legislative session.

The CML Advocacy team watches and participates in interim committees on behalf of our municipal members throughout the summer. This year, 16 interim committees met and referred legislation to the Legislative Council. Below are summaries of the bills that passed out of interim committees that CML is monitoring.

CELL PHONE CONNECTIVITY INTERIM STUDY COMMITTEE

*Local Government Permitting of
Wireless Telecommunications Facilities*



This bill requires local governments to approve or deny a permit application for a new cell phone tower or substantial change to an existing tower within 60 days. The requirements of the bill go far beyond current Federal Communications Commission regulations which set so called “shot clocks” for approval of collocation or non-substantial changes to existing towers.

Wireless Telephone Infrastructure Deployment Incentives

The bill establishes the Wireless Telephone Infrastructure Grant Program to support wireless telephone service deployment in identified unserved and underserved areas of the state. Funds come from the High Cost Support Mechanism,

which supports both broadband and wireless projects throughout the state.

TRANSPORTATION LEGISLATION REVIEW COMMITTEE

Paratransit Services

This bill would require local governments that currently offer paratransit services to establish a plan for offering paratransit services during an emergency to ensure that fare collection technology is comparable to what is offered for non-paratransit services. The bill would also require such governments to conduct an impact analysis before reducing the service area for paratransit.

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EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

CML EVENTS

EFFECTIVE GOVERNANCE

Nov. 7, at CML in Denver

Join us on Nov. 7 for CML's *Effective Governance Workshop*, a full-day essential training designed for both new and seasoned municipal leaders (elected officials and staff) looking to sharpen their skills and elevate their community leadership. This in-person workshop covers the critical elements of effective governance, providing practical insights you can immediately apply to your role. Register at tinyurl.com/3p4hm8w9.

EFFECTIVE GOVERNANCE — ON THE ROAD

Dec. 5, at the Sterling Public Library, 420 N. 5th St. Sterling, CO

We are bringing CML's popular workshop on the road to our members in Northeast Colorado. This interactive workshop focuses on practical governance skills for elected officials and staff from staff/council relationships, ethics, liability, open meetings, media relations, civility, and more. Register at tinyurl.com/45ttf6a.

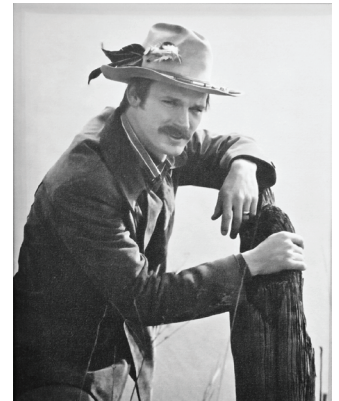
IN MEMORIAM

MARK ACHEN

Former Grand Junction city manager

Our municipal family recently lost a great friend and role model for excellence in city management. Mark Kennedy Achen, former city manager of Grand Junction, passed away on Sept. 26, 2024 at the age of 81.

After graduating from Evergreen High School in 1961, Mark began his studies at Stanford University, followed by the University of Washington and the University of Nevada-Reno. He concluded with earning his doctorate at the University of Missouri in 1972. His professional career began as assistant city manager of Ferguson, Mo. and later city manager of Mounds View, Minn. before settling in Grand Junction in 1984 as city manager.



After 16 years, he retired from Grand Junction but continued to serve as a Range Rider – now known as Senior Advisor – for the Colorado City/County Management Association (CCCMA) and the International City Management Association (ICMA), serving as a resource for others in the profession in Colorado and beyond. For all his contributions, Mark was awarded CCCMA's Lifetime Achievement Award in 2015 – an award that now bears his name.

"A highlight in my career was being awarded a lifetime achievement award named in Mark's honor. He was one of the best city managers I ever worked with. Grand Junction is a better place because of him. May Mark's memory be a blessing," stated retired League Director Sam Mamet.

Outside of his professional life, Mark loved the outdoors – including conquering all 54 of Colorado's fourteeners – as well as hiking, skiing, boating, golfing, and tennis. He was also an active Rotarian.

Mark was preceded in death by his parents, Marjorie and George Achen; his brother, Fred Achen; and his granddaughter, Sayler Mackenzie Corr. He is survived by his wife, Mary Ann Achen; daughters Wyndi Marie Achen and Kara Lynn Southall; three grandchildren; one brother and four sisters; as well as many in-laws, several nephews and nieces, and many great nieces and nephews. A memorial service was held in Grand Junction on Saturday, Oct. 12th, 2024 with many family, friends, and former colleagues in attendance, and Mark was laid to rest at Orchard Mesa Cemetery. Memorial donations can be made to GJ Rotary or Hopewest.



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

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Mayors' Roundtable congratulates Coal Creek Mayor Judy McCormick as she prepares to step down

By H.A. "Buck" Wenzel, Silver Cliff mayor

The October meeting of the District 13 Mayors' Roundtable was bittersweet. The monthly meetings were started 14 years ago by Coal Creek Mayor Judy McCormick. As she decided to not run for another term and pursue semi-retirement, the meeting was Judy's last official engagement.

Judy was the "go-to" mayor for everyone in our district. Over the years, she has shared her unconditional friendship, guidance, and direction to anyone in need. Judy was always accessible, kind, and caring, and she always provided a variety of resolutions to problems that were posed. She never wavered in the face of adversity and was never hesitant to address the needs of her community or fellow electeds. During her farewell, she left us with these parting words:

"Never forget to support each other no matter what town you are in — we can't do it alone and we need to help each other no matter what." And "I'll still be around if you ever need anything."

In addition to serving her town of Coal Creek as mayor, she was an inspiration and driving force as a member of the Regional Water Resource Board that serves the city of Florence and towns of Coal Creek, Rockvale, Williamsburg, and Brookside.

Mayor Judy is looking forward to unfettered camping and travel opportunities and more quality time with her family and grandkiddos.

Here's a closing fun-fact. The Mayors' Roundtable meetings are "traveling meetings"



and hosted by every municipality. When Mayor Judy hosts, she always bakes us her "to die for" cinnamon rolls.

Mayor Judy McCormick is an inspiration to us all, and she'll be dearly missed!

McGinnis Gymnasium restored: Buena Vista celebrates new life for historic site



U.S. Rep. Brittany Pettersen presents remarks at the re-opening of McGinnis Gymnasium, a historic gymnasium in Buena Vista that was vacated in 2008 due to the identification of hazardous materials, including asbestos, lead-based paint, and mold. Watershed Inc., a local preservation-focused nonprofit, collaborated with the Buena Vista School District to restore the facility with the assistance of federal, state, and local dollars. The project was awarded an almost \$1 million Brownfields Cleanup Grant from U.S. Environmental Protection Agency, \$250,000 from the State Historical Fund, \$15,000 from the Town of Buena Vista, state preservation tax credits, and more. The gym will be used as a space for elementary school programming, town recreational programming, performing arts events, and more. "The McGinnis Gym project, which is taking a structure back to its historic use, will help increase facility capacity for our schools and community, as well as our town's recreation department," noted Buena Vista Town Administrator Brian Berger.

Watkins joins DOLA as new State Demographer

The Department of Local Affairs (DOLA) is excited to announce the appointment of Kate Watkins as its new State Demographer. Watkins will join DOLA part-time starting Nov. 4 and will take over the full-time role starting Dec. 2.

Watkins brings nearly two decades of experience in applied economic and socioeconomic analysis, having served as chief economist for Colorado's General Assembly, where she led a team forecasting economic and state revenue conditions and authoring fiscal and demographic impact analyses. She has also worked as an economist for the Denver Branch of the Federal Reserve Bank of Kansas City and as a private sector economic consultant.

"I am thrilled to welcome Kate as DOLA's new State Demographer," said Maria De Cambra, DOLA's executive director. "Everyone who has worked with Kate speaks of her stellar reputation and describes her as their go-to resource. Kate is a pillar in the Denver business economics community, and we're lucky that she'll be able to carry on the legacy of excellence at the State Demographer's Office."

In 2022, she founded Bright Fox Analytics, a consulting firm focused on helping Colorado businesses, nonprofits, and governments navigate the evolving economic and policy landscape by providing timely analysis to inform their decisions.

"It is truly an honor to step into the role of State Demographer," said Watkins. "I look forward to working with communities across the state to provide the information needed to understand Colorado's demographics and to plan for the future."

Watkins holds a Ph.D. in sociology from Cornell University and an M.A. in global finance trade and economic integration from the University of Denver. She teaches economics for the University of Colorado Denver's Executive MBA Program. She is also the current president of the Denver Association of Business Economics.

Watkins will be replacing Elizabeth Garner, who has served in the role since 2004. Garner is retiring effective Nov. 29.

Colorado Independent Ethics Commission seeks applicants

The Colorado Independent Ethics Commission (IEC) seeks applications from local government officials or employees to fill an upcoming fifth commissioner seat vacancy. The seat being vacated will be available for a new commissioner appointment starting on Jan. 14, 2025. The initial appointment term will end on June 30, 2027. The commission will thereafter consider appointment to a full four-year term.

Created by Amendment 41 — now codified under Article XXIX of the Colorado Constitution — the IEC hears ethics complaints and issues opinions related to ethics issues. For more information about the IEC, please visit www.colorado.gov/iec.

Interested applicants may submit a resume and/or curriculum vitae by email to iecinfo@state.co.us. Questions may be directed to the IEC Executive Director Dino Ioannides at (720) 625-5697 or iecinfo@state.co.us.

Still time to apply for power grid grants

The grant application window is about halfway through for the Colorado Energy Office's Grid Resiliency program. Applications for Grid Hardening Grants for Small Communities are due Nov. 1. Applications for Advanced Grid Monitoring are due Nov. 15, and applications for Microgrids for Community Resilience are due Dec. 4.

These grants support projects that prevent outages and enhance the resiliency of Colorado's energy grid. More information is available from the Colorado Energy Office, tinyurl.com/yf38s7mj, and from a recent webinar, tinyurl.com/bdhcx7c7.

State Revolving Fund prioritization process improvements go into effect in 2025

The State Revolving Fund is making improvements to its project prioritization process that will go into effect in 2025. The new process is intended to equitably allow eligible systems the chance to apply for funding. The changes are necessary because of increased demand for the program and cuts to the program's funding from the EPA.

The current process is first-come, first-serve and only considers project priority at the end of the process, which can limit funding availability to many priority projects. The new prioritization process will implement project priority scoring early in the process to provide advance notice of project priority and funding opportunities.

The improved process will use a priority point threshold to determine when a project may submit a loan application. Projects that score at or above the threshold may apply at any loan cycle during the year. Projects that score below the threshold may only apply at "open" cycles. Applicants will be provided a preliminary score at the prequalification stage and a final score at the project needs assessment stage.

The Colorado Department of Public Health and Environment will hold a virtual question and answer session at 10 a.m. Nov. 6 to provide more information about the new prioritization process. The session will be online at tinyurl.com/m8hjtjz5.

The State Revolving Fund offers loans with very low-interest rates so that they are affordable to pay back. The fund finances the design and construction of Colorado water, wastewater, and stormwater infrastructure.

CELEBRATE WITH CML

CML wants to hear about your community's success. Tell us about a grant you've won, a new water tank, or anything else you're excited about. Email CML Publication & Design Specialist Alex Miller, amiller@cml.org.

MUNICIPAL MEMBERS EVALUATE CML'S SERVICES

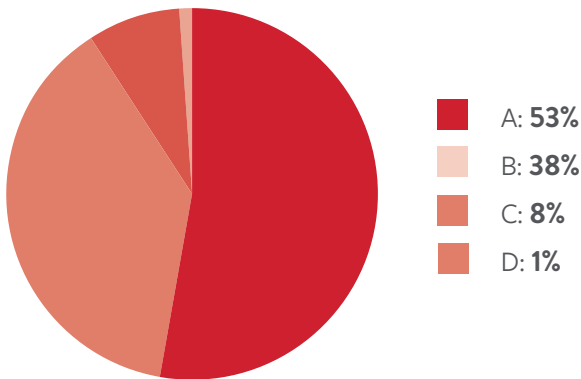
Data visualization by **RACHEL WOOLWORTH**, CML municipal research analyst, and **DENISE WHITE**, CML engagement and communications manager

Every three to five years, CML conducts a member survey to better understand the effectiveness of its services. This year, 502 members completed the organization's survey for a response rate of 10%, indicating strong membership engagement. About 30% of respondents identified as elected officials while 50% identified as municipal staff.

CML PERFORMANCE

More than 90% of respondents gave CML's performance an "A" or "B" grade. Clerks were the most likely to give CML an "A" rating; councilmembers and trustees were the least likely to do so.

MEMBERS RATE CML'S OVERALL PERFORMANCE



CML'S TOP PERFORMANCE AREAS

- 1 Publications
- 2 Communications with members
- 3 Research & professional services

MEMBER ENGAGEMENT

94% of respondents who had contacted CML staff in the last two years said they received a personalized response within two business days

45-59% of respondents, depending on event type, preferred in-person settings

40% of respondents expressed interest in engaging in grassroots advocacy with state legislators

ACTION AREAS

Improve effectiveness of **website**

Offer new **interactive tools** to facilitate member connection

Host more **in-person events**

Highlight effective legislative advocacy on behalf of **rural municipalities**

FROM PAGE 1

*Increase Transportation Mode Choice
Reduce Emissions*

This bill requires local governments with populations of 25,000 or greater with-in Metropolitan Planning Organizations (MPO) to prepare a mode choice implementation plan with mode choice targets. Mode choice refers to the share of total trips within a certain area that are completed using biking, carpooling, public transit, single-occupancy vehicles, or walking.

Local Funding for Vulnerable Road User Protection

This bill authorizes local governments to impose an additional fee on vehicle registrations to fund vulnerable road user (pedestrians and bicyclists) projects within the local government’s jurisdiction.

SALES AND USE TAX SIMPLIFICATION TASK FORCE

Local Government Tax Confidentiality

This bill establishes confidentiality standards for the protection of taxpayer information used or obtained for a sales and use tax audit performed by a third-party auditor on behalf of a local taxing jurisdiction.

LAW ENFORCEMENT ACCOUNTABILITY WORKGROUPS (HB24-1460)

This unofficial workgroup was established

to address concerns related to policing, accountability, and due process raised during the House Bill 24-1460 debates. The workgroup has four subcommittees that are focused on: enhancing whistleblower protections, refining misconduct definitions, improving due process in the Peace Officer Database, and reviewing external agency investigations and bodycam footage release standards. The workgroup intends to run at least two bills addressing concerns raised by the subcommittees, however the workgroup has not yet created drafts.

WILDFIRE MATTERS REVIEW COMMITTEE

Landowner Immunity for Emergency Access to Property

The bill provides immunity from civil liability for damage or injury to persons or property for landowners who allow entry and exit access to their property in connection with an emergency. Immunity is not granted when damage or injury arises from gross negligence or willful misconduct caused by the landowner.

Forestry & Firefighter Workforce and Education

The bill authorizes the State Forest Service to implement various initiatives to engage youth in opportunities related to forestry, wildfire, and natural resources. It also re-

quires the Department of Public Safety to award grants for firefighter certifications, provide train-the-trainer opportunities, and conduct an outreach campaign related to firefighting opportunities.

Support to Increase Prescribed Burns

The bill creates the Prescribed Fire Claims Cash Fund. The state will use the fund to pay damage claims resulting from prescribed fire projects, conditional on requirements set by the bill and Colorado Division of Fire Protection and Control. The bill also allows reciprocity eligibility in the certified burner program in Colorado Department of Public Safety (CDPS) by allowing a person with valid burner certification from another state government or entity to apply to the CDPS for certified burner status.

WATER RESOURCES AND AGRICULTURE REVIEW COMMITTEE

Future of Severance Taxes & Water Funding Task Force

The bill creates the “Future of Severance Taxes and Water Funding Task Force” in the Department of Natural Resources. The task force will be asked to explore options to continue funding for state water needs if severance tax revenue is expected to decrease.

Invitation to submit session proposals

for CML’s 2025 Annual Conference in Breckenridge

The deadline to submit a session proposal is Nov. 3.

Learn more and submit your session proposal at cml.org/conference/call-for-sessions.



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CML LEGAL CORNER



What powers do municipalities have to regulate noise?

By Taylor McGaughey, CML law clerk

Colorado has a rich history of live music, whether it's residents seeing a favorite group at Fiddler's Green, experiencing natural serenity at Dillon Amphitheater, or enjoying a local band at the downtown bar. This appetite for live music has only grown in recent years, with new venues and festivals springing up throughout the state.

Municipalities are the primary entity regulating these events and venues within their jurisdiction through their authority to regulate nuisances locally and issue amplified noise permits. However, cases working their way through the state courts are testing whether state noise limits override local government permitting authority.

In 1971, the state legislature passed the Noise Abatement Act (the Act), which established a statewide maximum noise level. C.R.S. § 25-12-103. The Act, however, allows for local governments to exceed the statewide noise level in certain situations.

C.R.S. § 25-12-103(11), added in 1987, states that "[t]his article is not applicable to the use of the property by this state, any political subdivision of this state, or any other entity not organized for profit, including, but not limited to, nonprofit corporations, or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events, including, but not limited to, concerts, music festivals, and fireworks display."

The scope of this exemption has come under scrutiny in two cases in which neighbors have challenged local permits issued to private venues that allow for noise that exceeds the state standards.

BATTLE OF THE BANDS (APPELLATE COURT EDITION)

In *Hobbs v. City of Salida*, a Salida resident unhappy with the noise levels from a new

music venue challenged Salida's ability to permit noise levels that exceeded the statewide standard. The resident argued that C.R.S. § 25-12-103(11) limits Salida to only grant permits for events on property owned by the city or a nonprofit, not to private property. A division of the Court Appeals disagreed with this interpretation, holding that the Act's unambiguous phrasing extended to persons issued a permit by a local government regardless of whether the event occurred on public property, or if the permittee is a for-profit entity. One judge, however, agreed with the resident.

In *Freed v. Bonfire Entertainment*, local property owners challenged the issuance of a noise permit by Chaffee County for a two-day music festival. The property owners employed the same arguments as the Salida resident concerning C.R.S. § 25-12-103(11). However, a different division of the Court of Appeals unanimously agreed and found that the statute was ambiguous. The court looked to legislative history and held that the General Assembly's intended meaning was to provide a limited exemption.

In *Northside Neighbors Association v. Notes Live, Inc.*, a neighborhood association challenged Colorado Springs' permitting of the Sunset Amphitheater, employing the same arguments as the plaintiffs in the Salida and Chaffee County cases. The Court of Appeals dismissed the case on procedural grounds, holding that the association's challenge to the city's noise permit was not ripe for review because no concerts had been held at the venue at the time of the suit. Even if the Court had proceeded to the merits, this case may still have avoided the statutory interpretation issue in *Hobbs and Freed* because Colorado Springs holds a unique defense as a home rule city.

OFF TO THE COLORADO SUPREME COURT

Possibly due to the conflicting Court of Appeals opinions interpreting the Act, the Colorado Supreme Court granted cert to hear the Salida case and has been asked to review the Chaffee County case. The question that the Court will answer is "[w]hether under subsection 25-12-103(11) the City [of Salida] may excuse violations of statewide noise limits set in Colorado's Noise Abatement Act by permitting for-profit entities to exceed the limits when holding 'cultural, entertainment, athletic, or patriotic events' on private property, or are such permits invalid under the Act."

The outcome of this decision could have a significant impact on how municipalities regulate events. If the Colorado Supreme Court sides with the plaintiff's interpretation of the Act this could prevent municipalities from issuing amplified noise permits for events held on private land by for-profit entities that exceed the statewide standard. Such a ruling could potentially shut down or restrict music venues, restaurants and bars, and festivals in municipalities throughout the state. These musical events play a vital role in municipalities' economies, cultural identity, and quality of life for residents.

CML plans to file an *amicus curiae* brief in support of Salida to explain the statewide impact of the case and how municipalities regulate noise and other nuisances. Further, while the Salida case can resolve the statutory interpretation issue, it will not resolve any questions of the authority of home rule municipalities to regulate noise independent of state interference.

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

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