



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

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Voters to decide tax and debt issues, charter amendments

By Rachel Woolworth,
CML municipal research analyst

On Nov. 5, voters in at least 70 cities and towns across Colorado will consider local candidates and/or ballot measures in municipal elections. Only 30 of these elections are regularly scheduled; 40 municipalities are holding special elections for constituents to vote on initiated and referred ballot measures. More than 115 municipal ballot issues and questions will be considered across the state. At least seven municipalities canceled their regular elections.

TAX AND BOND ISSUES

Sales and use tax increases will be considered in:

- **Cañon City** – through 2050 to fund the

construction and maintenance of a community recreation pool

- **Castle Rock** – for public safety, including additional police and fire personnel
- **Denver** – one tax increase for health and hospital authority services and a separate tax increase for affordable housing
- **Fort Lupton** – for law enforcement, including additional police personnel and equipment
- **Leadville** – for an aquatics center
- **Loveland** – for any municipal purpose, including services and infrastructure
- **Mead** – for public safety, including additional police officers and equipment
- **Merino** – for the health, safety, and welfare of residents

• **Olathe** – for law enforcement, transportation and road improvements, and maintenance of existing infrastructure

• **Palisade** – for capital infrastructure projects and emergency services

• **Severance** – for transportation facilities and infrastructure

• **Superior** – for capital projects, including streets, swimming pools, and parks and playgrounds, in conjunction with authorization for a \$20 million increase in debt

Sales and use tax extensions will be on the ballot in:

- **Aspen** – 20-year extension for affordable housing and day care
- **Colorado Springs** – 10-year extension

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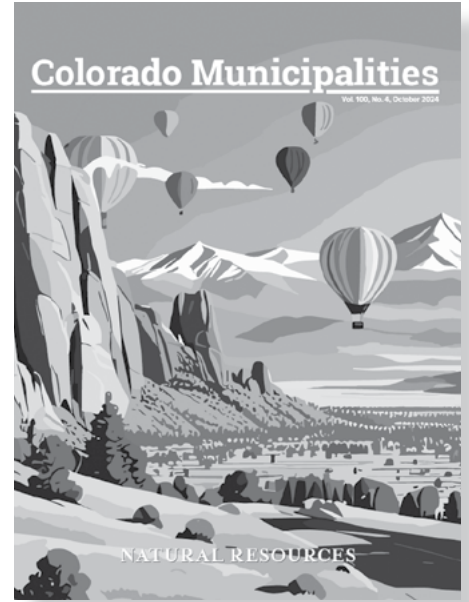
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CML PUBLICATIONS

OCTOBER ISSUE OF *COLORADO MUNICIPALITIES* EXPLORES STATE'S NATURAL RESOURCES

The Arkansas River brings water, as well as recreational and economic opportunities, to the Colorado communities along its banks. Westcliffe and Silver Cliff harness the majesty of the night sky. Northwest Colorado manages the decline of the coal industry by laying the foundation for a resilient future. From the Western Slope to the Eastern Plains, Colorado is blessed with an abundance of natural resources. The October issue of *Colorado Municipalities* takes a look at how cities and towns across the state interact with the splendor of nature. Read *Colorado Municipalities* online at cml.org.



CML EVENTS

EFFECTIVE GOVERNANCE

Oct. 24, at CML in Denver

Strengthen your leadership skills and enhance your community impact by attending the Effective Governance workshop at CML. This interactive daylong workshop focuses on practical governance skills from 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 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 Effective Governance workshop on the road to our members in Northeast Colorado. This interactive workshop focuses on practical governance skills from staff/council relationships, ethics, liability, open meetings, media relations, civility, and more. Register at tinyurl.com/45tffj6a.

POLICY COMMITTEE

Dec. 6, in-person at CML and online

The December meeting of the CML Policy Committee will be held in a hybrid format (in-person at CML and online via Zoom) starting at 9 a.m. Coffee and a continental breakfast will be available. You must be a committee member, alternate, or section chair to register for this meeting. On-site parking is available on a first-come, first-served basis. Register at tinyurl.com/mptdf7bd.

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.

Proposition 123 funds awarded to build affordable housing in Estes Park, Commerce City, and Grand Junction

Affordable housing projects in three Colorado municipalities have been selected to receive Proposition 123 Equity program funding. These funds will provide investment capital for low- and middle-income multifamily affordable rental housing projects, supporting the creation of an estimated 292 affordable housing units.

The voter-approved Proposition 123 Equity program offers below-market-rate equity investments for developers focused on building low- and/or middle-income housing. The projects announced today were selected as part of a special strategic investment round, introduced to respond to a demand for funding that exceeded available funds during the first application cycle.

A total of \$21 million has been preliminarily approved for three recipients. Final award details will be determined during the underwriting process for each project. Approximately \$117 million has been awarded to date through the Affordable Housing Financing Fund.

FALL RIVER VILLAGE

The Estes Park Housing Authority plans to purchase and convert short-term lodging units at the existing Fall River Village Resort into 66 long-term affordable housing rental units serving households earning 60-80% of the Area Median Income (AMI). The project is part of a broader economic development initiative to support the sale of the Stanley Hotel, establish the Stanley Film Center as an

international attraction, and create cost-effective workforce community housing walkable from downtown Estes Park.

THE VISTA AT GREYHOUND PARK

Proposed by DelWest Development Corp., The Vista at Greyhound Park will provide 120 townhomes to families in Commerce City with incomes 30-90% of AMI. This rental development is part of the Mile High Greyhound Park Urban Renewal Plan, a 65-acre, mixed-use, mixed-income community which, at full build-out, will include over 900 multifamily units, single-family homes, duplexes, and townhomes as well as commercial and community commercial and park space. The redevelopment is transforming the former Mile High Greyhound Park racetrack into a vibrant, inclusive community.

THE TERMINAL

A partnership of the City of Grand Junction, their Downtown Development Authority, and Headwaters Housing Partners, The Terminal in Grand Junction will provide 106 rental units for individuals and families earning between 70-100% of AMI. The Terminal will replace a former Greyhound bus station in the center of downtown Grand Junction and include ground-level commercial spaces, artist studios, and exhibition spaces for local artists. The Terminal was selected as a Colorado Creative Industry Space to Create Project and received a Community Revitalization Grant in 2023.

MUNICIPAL GRANTS

\$279.9M IN CYBERSECURITY GRANTS AVAILABLE

As part of its efforts to help boost to cybersecurity resilience, the U.S. Department of Homeland Security has announced \$279.9 million in grant funding for the Fiscal Year 2024 State and Local Cybersecurity Grant Program.

The federal program aims to empower state, local, tribal, and territorial governments to strengthen their defenses against the increasing threat of cyberattacks on critical infrastructure like hospitals and schools.

The program allows funding to be used for hiring cybersecurity personnel, planning, and improving vital services. Eligible entities can apply for funds through Dec. 3. More information is available online, tinyurl.com/3y8fvsc.

COLORADO GRANT WRITING ASSISTANCE PROGRAM

Colorado is hiring consultants to be on-call to provide grant writing and technical assistance for projects eligible for funding from the federal Infrastructure Investment and Jobs Act and Inflation Reduction Act, including site assessments, permitting, cost estimating, design assistance, stakeholder engagement. The consultants will be deployed for priority projects by the Governor's Office of Economic Recovery at no cost to the awarded entity.

Local governments are eligible to apply for assistance. More information is available from the Colorado Department of Local Affairs, tinyurl.com/52kaw7pn.

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RENOWNED THOUGHT LEADERS



FROM PAGE 1

for road repairs and improvements

- **Fort Collins** – 20-year extension for street maintenance
- **Greeley** – extension of the city’s sales tax on food, until repealed by voters or city council, to fund capital improvement projects
- **Longmont** – indefinite extension for open space purposes

New lodging taxes will be considered in:

- **Gypsum** – for roads, parks and recreation, special events, and other uses
- **Hudson** – for parks and recreational facilities and services
- **Hot Sulphur Springs** – for projects and services addressing visitor impacts and other municipal purposes
- **Keystone** – for capital infrastructure projects and public safety
- **Kiowa** – for streets and capital improvements
- **Minturn** – short-term rental excise tax to fund community projects and services addressing visitor impacts
- **Monument** – for lodging tax administration and parks
- **Yuma** – for general governmental purposes

Lodging tax increases will be on the ballot in:

- **Black Hawk** – for resort destination development opportunities
- **Montrose** – for streets, childcare, affordable housing, tourism promotion, and public transit
- **Mt. Crested Butte** – increasing existing short-term rental excise tax to fund community housing

Other taxes issues include:

- **Aspen** – extension of the city’s real estate transfer tax through 2060
- **Aspen** – recategorizing and lowering a tax on motor vehicles sold, registered, and used in the city as a use tax with the revenue to be used for maintenance of roads, bridges, and other transit related infrastructure

• **Avon** – establishing a use tax on construction materials for projects exceeding \$125,000 to fund community housing

• **Hot Sulphur Springs** – use tax on construction materials to fund any municipal purpose

• **Woodland Park** – repealing a sales tax, the proceeds of which are turned over to the Woodland Park School District each year

REVENUE RETENTION AND DEBT

Keystone will ask voters to allow the town to retain and spend all revenue collected from all sources, including taxes and grants. **Loveland** will request authority to retain and spend all revenues collected for a 12-year period to fund police and fire, as well as construction and maintenance of streets and parks.

The following municipalities will seek authorization to increase municipal debt:

- **Englewood** – up to \$41.5 million for improvements to parks and recreation facilities to be paid through an increase in property tax revenue up to \$4 million annually
- **Greeley** – up to \$65 million for transportation projects
- **Superior** – up to \$20 million for capital projects, including streets, swimming pools, and parks and playgrounds to be paid off, in part, by a sales and use tax increase

ELECTION CHANGES

Voters in **De Beque**, **Oak Creek**, and **Wellington** will decide whether to move their regularly scheduled elections to November of even-numbered years.

GOVERNANCE

Gilcrest will ask voters to eliminate term limits for the town’s elected officials.

PUBLICATION REQUIREMENTS

To save money on publication costs, **Elizabeth** and **Fort Morgan** will request authorization to publish ordinances by title only in the newspaper, provided the ordinances are published in full on the municipalities’ websites.

Dacono, **Fort Lupton**, and **La Salle** will ask voters for approval to publish financial information relating to payment of bills, contracts awarded, and rebates allowed on municipal websites rather than newspapers.

MARIJUANA

In two separate measures, **Alamosa** residents will decide whether to authorize medical marijuana sales and an associated 2% sales tax, as well as recreational marijuana sales and an associated 5% sales tax.

Colorado Springs residents will vote on a charter amendment that would prohibit retail marijuana establishments within city limits, as well as a separate initiated measure that would limit, but not prohibit, the operation of retail marijuana establishments.

Erie will ask voters to authorize a 5% excise tax on retail marijuana sales.

Fort Lupton voters will decide whether the city should allow operation of a limited number of marijuana establishments within specific zoning districts. Residents will also vote on whether the city should levy a 1.5% excise tax on unprocessed retail marijuana.

Littleton will ask voters to increase the city’s special tax on retail marijuana sales by 4% to fund public safety and homelessness prevention.

Loveland will ask residents to authorize medical and retail marijuana sales. The measure is contingent on voters passing a 5% excise tax on retail marijuana sales.

Mead voters will decide whether to authorize medical and retail marijuana in specific districts.

Sterling will ask voters to approve a 5% excise tax on retail and medical marijuana sales to fund marijuana administration and general purposes.

CHARTER AMENDMENTS

Various charter amendments will appear on the ballot in home rule municipalities across the state:

- **Boulder** – three charter amendments conforming city council executive session



procedures with state statute, clarifying criteria for board and commission members, and setting compensation for mayor and city council

- **Broomfield** – seven proposed amendments that adopt Title 1, Colorado Revised Statutes, to govern elections and change terminology, limiting mayor and councilmembers to no more than three consecutive terms of office, extending the mayoral term length from two to four years, permitting council to approve rezonings and other land use cases by resolution, providing for publication of ordinances online, updating language around the Personnel Merit System, and modernizing language regarding the city and county attorney
- **Cherry Hills Village** – a charter amendment relating to the management and protection of Quincy Farm, and a competing citizen-initiated charter amendment and related referred advisory question regarding property tax
- **Craig** – modifying local campaign finance limits to require a local post-election filing and to follow the Fair Campaign Practices Act
- **Dacono** – amendments changing governance structure to a council-manager form of government, conforming municipal court maximum penalties with state statute
- **Denver** – five charter amendments adding the Agency of Human Rights and Community Partnerships as a cabinet department, removing a requirement that police officers and firefighters be United States citizens, establishing collective bargaining for non-supervisory city employees, allowing binding arbitration between the city and firefighters during an impasse in collective bargaining, and establishing non-discretionary adjustments to city council salaries
- **Dillon** – conforming referendum and recall petition signature requirements with the Colorado Constitution
- **Englewood** – amendments to directly elect the city’s mayor and remove an at-large council position, and establishing a supermajority requirement to fill a council vacancy by appointment

- **Fort Collins** – amendments modernizing charter language regarding elections, updating language regarding recall petitions and elections, and modernizing language regarding initiative and referendum processes
- **Greeley** – amendments allowing police sergeants to be included in collective bargaining and modernizing terms regarding finance operations
- **Loveland** – amendments reducing to a majority of the number of city council votes required to appoint and remove a city manager and city attorney
- **Monument** – permitting the town manager to reside outside of town boundaries
- **Morrison** – amending processes around filling board vacancies
- **Mountain View** – amendments changing governance structure to a council-manager form of government, adding language on the adoption of emergency ordinances
- **Pueblo** – four charter amendments removing maximum penalty provisions from the city charter and permitting the city council to establish maximum penalties consistent with state statute, extending the timelines for recall petition review and elections, modernizing election provisions, and modernizing terms and technology relating to emergency ordinances, vacancies, publication of ordinances and notices, city attorney residency requirements, compulsory retirement, and other matters referenced within its charter
- **Thornton** – requiring a special election to fill council vacancies for offices with more than one year remaining in the term
- **Wheat Ridge** – modernizing language and clarifying ambiguities in the city’s charter and conforming to changes in Colorado law, establishing maximum height limits for Lutheran Legacy Campus

OTHER ISSUES

- **Aurora** – repealing the city’s restricted dog breed ban
- **Black Hawk** – approving a cost sharing agreement with Gilpin County to help operate the Gilpin County Community Center

- **Dacono** – authorizing increases to mayor and councilmember compensation
- **Denver** – adopting an ordinance prohibiting the manufacture, distribution, display, sale, or trade of fur products and adopting an ordinance prohibiting slaughterhouses within city limits
- **Dillon** – approving a planned unit development
- **Fraser** – approving formation of Fraser Downtown Development Authority (DDA) and a separate question increasing debt by up to \$25 million on behalf of the DDA
- **Idaho Springs** – authorizing a land swap for the purpose of aligning Virginia Canyon Mountain Park with Gilson Gulch
- **Lafayette** – engaging in collective bargaining with police officers
- **Lyons** – requiring a vote of citizens to annex certain properties less than five acres
- **Walsenburg** – asking whether the city should establish a trash and recycling collection and disposal system

HOUSING

Municipalities across the state will seek funding for affordable housing through tax questions discussed previously. In addition, **Snowmass Village** will seek approval to construct a new workforce housing project consisting of up to 79 units at a cost of up to \$86 million paid from tourism tax revenues, rental income, grants, and other contributions.

UPCOMING ELECTIONS

Superior will hold a special election on Dec. 10 to ask voters to approve the home rule charter submitted by the charter commission.

Not all ballots were available at the time of publication. Any ballot questions not included in this press release will be included in the post-election summary.

Colorado Municipal League thanks the municipal clerks who assisted CML staff in compiling this election information.

CML LEGAL CORNER



Unknown ghosts in the municipal graveyard

By Rachel Bender,
CML senior associate counsel

Throughout September, CML staff traveled around the state for district meetings with our members. These bi-annual events present a wonderful opportunity for staff to hear about our members' successes and challenges and allow municipalities to share their issues and innovations with one another. We see municipalities of varying sizes and experiences facing many of the same problems. But sometimes there are surprising and seemingly unique issues that come up.

This year's District 4 meeting was held at the Hotel St. Nicholas in the City of Cripple Creek. The hotel — a former hospital built in the 1890s — is considered one of the most haunted hotels in the United States, while Cripple Creek is reportedly one of the most ghostly cities. It felt fitting then that the topic du jour was unmarked graves. After being raised by one municipality, many others chimed in that they too have dealt, or are dealing, with this and shared how they have responded. With spooky season upon us, this article will discuss how unmarked graves have come to be an issue in municipalities and some of the law underpinning it.

MUNICIPAL RESPONSE TO UNMARKED GRAVES

The issue of unmarked graves has arisen in many communities — sometimes planned, sometimes not — and continues to be something that municipalities must respond to from time to time. In some cases, municipalities own or manage municipal cemeteries, as provided in C.R.S. §§ 31-25-701 to -708, and have the authority to regulate those cemeteries. In other cases, municipalities have come across unmarked graves on municipal land out-

side of cemetery boundaries. Unmarked graves exist for a variety of reasons including deficient or missing historical records; historical practices of burying people on top of other people, often because individuals were too poor to afford a headstone; or due to mass graves arising out of disasters such as the 1918 Spanish Flu or severe flooding events.

Depending on the circumstances and scope of the situation, different municipalities have taken different approaches to rectify unmarked graves. Upon discovering a proliferation of unmarked graves, many municipalities have hired experts to utilize subsurface radar and other such technology to map, identify, and properly document unmarked grave sites. In some cases, where a mass grave was known or later discovered, monuments have been put up to honor the hundreds or thousands buried therein. In one small town, a municipal staff member reported conducting research herself to identify and properly document people buried in their local cemetery.

The unexpected discovery of unmarked graves on public property outside of cemetery boundaries often arises when excavation for the construction of new roads or buildings takes place, uncovering human remains. These situations are guided by state laws that address unmarked human graves.

STATE REGULATIONS

In 1990, the Colorado General Assembly passed legislation to address unmarked human graves, codified at C.R.S. §§ 24-80-1301 to -1305. "Unmarked human burial" is defined as "any interment of human remains for which there exists no grave marker or any other historical documentation providing information as to the iden-

tity of the deceased." C.R.S. § 24-80-1301. As authorized by C.R.S. § 24-80-1304, the state archaeologist has adopted state regulations at 8 C.C.R. 1504-7, section 13, to further address the proper response upon discovery of an unmarked human burial.

When human skeletal remains are discovered on municipal land (or elsewhere), C.R.S. § 24-80-1302 requires the county coroner or medical examiner to be notified immediately, as well as the police chief or sheriff. An investigation must take place and there is a different process depending on whether the remains have forensic value and therefore should go to the county coroner or, if not, to the state archaeologist. Under C.R.S. § 24-80-1305, a knowing failure to follow these procedures can result in a petty offense or misdemeanor charge; the state regulations clarify that inadvertent action affecting human remains will not result in criminal charges.

THE PRACTICAL IMPACT ON MUNICIPALITIES

For the most part, the main impact of unmarked graves on municipalities is financial — it costs money to conduct the efforts necessary to identify and mark these graves. Moreover, in the case of unexpected, unmarked graves on construction sites, this can result in delays and disruptions to the project, which can also have a financial impact. On the non-tangible side, municipalities must strive to handle this issue with sensitivity, whether accounting for spiritual beliefs of community members, the emotions of property owners, or respect for deceased members of the community.

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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- October issue of Colorado Municipalities explores state's natural resources
- State awards money for affordable housing in three municipalities
- Legal Corner: Unknown ghosts in the municipal graveyard

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