



NEWLY ELECTED OFFICIALS WORKSHOP

Set the stage for success by empowering local officials

Stepping into the role of a municipal elected official is both an honor and a challenge. Transitioning from candidate to governing body can be daunting, filled with complexities one never anticipated. The Colorado Municipal League is here to help.

The Newly Elected Officials workshop is designed to ease this transition by equipping new leaders with the tools and knowledge they need to govern effectively. For city managers and clerks, this is a perfect opportunity to encourage new leaders to start their terms with clarity and confidence, even if they've yet to take the oath of office.

BUILDING A STRONG FOUNDATION

The workshop provides a foundation of local government functions, laws, and resources, covering essential topics such as:

- Understanding the structure and functions of local government

- Defining the roles and responsibilities of elected officials
- Navigating open meetings, ethics, and liability to ensure transparency and accountability
- Discovering leadership styles, fostering team collaboration, and resolving conflicts
- Leveraging clerks as an invaluable resource for effective governance
- Accessing CML's tools and support for municipal leaders

Attendees will leave with a clearer understanding of municipal governance and connections with peers across Colorado.

WHY IT MATTERS

The shift from citizen to public servant requires not only knowledge but a commitment to serving the community effectively. Every decision impacts residents, services, and community growth, making

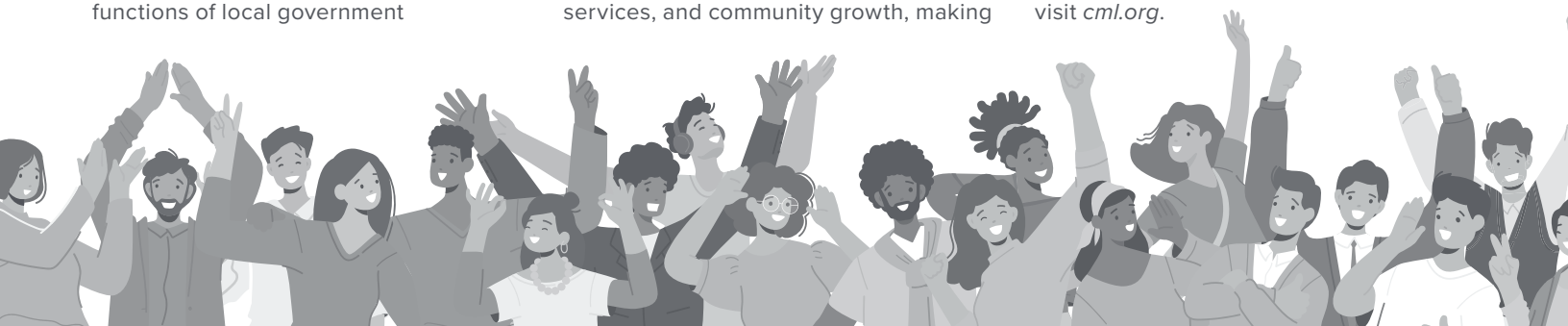
preparation essential. This workshop provides a unique opportunity for new leaders to ask questions, build confidence, and start their terms on solid footing.

City managers and clerks play a key role in ensuring the success of their councils and boards. By encouraging newly elected officials to attend, they help create a more cohesive and effective governing body.

TAKE THE NEXT STEP

Join us for the Newly Elected Officials workshop Dec. 12. This one-day hybrid event invites participants to immerse themselves in a collaborative learning experience at CML in Denver or join virtually from anywhere. Start your term with the confidence and tools you need to succeed — because strong leaders build strong communities.

For more information and to register, visit cml.org.



EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO



COLORADO
MUNICIPAL
LEAGUE **NEWSLETTER**

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CML EVENTS

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/45ttfj6a.

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.

NEWLY ELECTED OFFICIALS WORKSHOP

Dec. 12 in-person at CML and online

Newly elected? Now what? Congratulations on your new role in public service. CML is here to ensure you're well-prepared for your journey in municipal government as you transition from election candidate to elected official. Join us for dynamic, one-day interactive workshop that provides a comprehensive overview of municipal government, covering ethics, liability, open meetings, and your responsibilities as an elected official. Register at cml.org.

MAYORS' SUMMIT

Jan. 22 in Denver

Attention all mayors! Join us for a dynamic gathering designed to foster meaningful connections and provide insights into important municipal matters and working relationships. Register at tinyurl.com/4abtp7aa.

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.



Colorado well represented, adds board member at NLC City Summit

Colorado sent nearly 90 municipal officials to the National League of Cities (NLC) 2024 City Summit in Tampa, Florida, from Nov. 13-16, joining around 4,000 other attendees from all 50 states, Puerto Rico, and the District of Columbia. In addition to celebrating NLC's 100th anniversary, attendees spent the week learning best practices, networking with other local leaders, and returning home with new ideas to support their residents.

In addition to all the opportunities for local leaders to learn and collaborate, NLC's City Summit includes the annual business meeting to select the organization's executive officers and board members for the next year, as well as leadership for NLC's advocacy committees, councils, and constituency groups. Of note, Castle Pines Mayor Tracy Engerman was elected to a two-year term on the NLC Board and joins Golden Mayor (and CML secretary/treasurer) Laura Weinberg who just completed her first year of a two-year term. In addition, Commerce City Councilmember Renee Chacón was selected as part of the Leadership Circle of the Local Indigenous Leaders constituency group.

Mayor-President Sharon Weston Broome of Baton Rouge, Louisiana, was elected as the new president of NLC. She will serve a one-year term with a special focus on investing in underserved communities, helping to ensure communities are prepared to withstand the effects of extreme weather and can be more resilient in the face of natural disasters



CML Executive Director Kevin Bommer, right, was one of three recipients of the John J. Stutz Award at the NLC City Summit in Tampa, Florida.



Tracy Engerman

and bridging divides among residents.

Finally, CML Executive Director Kevin Bommer was honored along with the directors of the Iowa League of Cities and the League of Arizona Cities and

Towns with the John J. Stutz Award. The award is presented to state league members that attain 25 years of service. Colorado is the only state with three con-

secutive executive directors that have received the award, with retired directors Ken Bueche (1968-2005) and Sam Mamet (1979-2019) having also received the award.

The NLC Congressional City Conference is scheduled for March 9-12 in Washington, DC. The 2025 NLC City Summit is scheduled for Nov. 19-22 in Salt Lake City, Utah. For more information on NLC membership or programs, contact Kevin Bommer at CML, kbommer@cml.org, or visit www.nlc.org.

Colorado Energy Office conducts survey

The Colorado Energy Office (CEO) is conducting a study mandated by Senate Bill 24-212 to evaluate local government processes for siting commercially viable renewable energy projects and commercial energy transmission facilities. This study aims to understand the regulatory landscape in Colorado and identify opportunities for improvement.

The energy office invites you to participate in this study by completing a survey by Dec. 6. The survey will cover:

- Your organization's experience with renewable energy and transmission facility siting processes in Colorado

- Your perspectives on existing county codes and ordinances related to renewable energy and transmission facilities
- Your recommendations for improving the siting process and facilitating renewable energy development in Colorado

Responses will be kept confidential and will be used to inform the study's findings and recommendations. The final report will be submitted to the General Assembly by Sept. 30, 2025. Take the survey at tinyurl.com/2jsyhs8.

Kate Watkins named state demographer

The Department of Local Affairs (DOLA) has hired Kate Watkins as its new State Demographer. Watkins comes to DOLA with nearly two decades of experience in economic and socioeconomic analysis, including serving as the chief economist for Colorado's General Assembly.

At the General Assembly, Watkins led a team of economists forecasting state revenue conditions. She teaches economics at the University of Colorado Denver's Executive MBA Program, and she is president of the Denver Association of Business Economics.

Northglenn opens sustainable city hall

With a focus on sustainability, the new Northglenn City Hall features a 32,600-square-foot net zero building designed to generate as much energy as it uses. The facility will be the first municipal building in Colorado to achieve the CORE Green Building certification. Most of the impressive aspects of the new facility are not immediately visible — they lie on the roof, buried underground, and within the walls. The building is fully electric, powered by 476 rooftop solar panels generating 195 kW annually. Several cisterns collect rainwater and will serve as irrigation for the landscaping. Recycling was a focus during the construction process, 80% of construction waste was recycled. To save 50% in embodied carbon, 20% of materials were sourced within 310 miles; the farthest-traveled material is the All-Wood Mass Timber Structure from Quebec.

“From the very beginning, we wanted our city hall to be an inspiring civic resource for our residents, serve as a gathering place for connection and foster an overall sense of pride and camaraderie in the community,” said Mayor Meredith Leighty. “About 60 people work out of the facility, and it was important for us to provide a healthy, safe, and progressive work environment for city staff — it reflects our organizational culture.”

AN ACCESSIBLE SPACE FOR ALL

Residents will find improved accessibility to city services on the first floor, conference rooms outfitted with state-of-the-art technology, ADA-compliant features, intuitive signage, and user-friendly service desks. Other prominent features include an interior design theme that reflects Northglenn’s natural landscape, abundant natural light, improved safety and security, right-sized office spaces, enhanced council chambers, a view of the Veterans Memorial from the dais, and electrical vehicle charging stations for the public and city fleet vehicles.

A SYMBOL OF CIVIC PRIDE

The new city hall serves as a physical and symbolic center for the Northglenn Civic Center, along with the recreation center, senior center, and theatre.



Northglenn City Hall is designed to produce as much energy as it uses.



Gov. Jared Polis, center, visits the new Northglenn City Hall.

The facility was not financed; funding came from the .5% sales tax and 4% Special Marijuana Tax, both of which can only be used for capital projects. \$33.78 million was approved for construction. The city will receive about \$164,000 in solar panel tax credits and rebates through the federal government and XCEL Energy.

All are welcome to visit the new city hall at 11701 Community Center Drive. To learn more or arrange a tour, contact City Manager Heather Geyer, hgeyer@northglenn.org.

RESEARCH CORNER

UTILIZING VACANT BUILDING ORDINANCES

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

Vacant and neglected properties present several challenges for municipalities across Colorado. Such sites pose a threat to public safety and health due in part to an increased risk of crime and fire, serve as aesthetic eyesores, and lead to lowered tax revenue, decreased property values, and lost opportunities for community housing. Dealing with vacant and neglected properties is expensive and time consuming. Such costs to municipalities include administrative oversight, emergency response to properties, abatement work, and legal fees. Despite this, cities and towns are expanding tools to address such problem properties through vacant building ordinances (VBOs).

MUNICIPAL TOOLS TO ADDRESS VACANT AND NEGLECTED PROPERTIES



Property databases: Such databases are used to keep track of vacant and neglected properties in cities and towns. Some databases include an “early warning” component to identify problem properties ahead of time. Others include a prioritization system to rank vacant sites based on need, helping municipalities appropriately target resources.

Denver maintains a list of “neglected and derelict” buildings. There were 164 properties on the list as of August 2024.



Registration programs: Though different in every jurisdiction, such programs ask property owners to register vacant sites. Registration programs usually require the property owner to provide emergency contact information, keep up with maintenance requirements, hold active liability insurance, pay a reoccurring registration fee, and develop a remediation plan.

Lakewood requires owners to create a vacant property plan and pay a \$700 fee every six months, as well as an \$800 fee for emergency calls to the property.



Municipal staff: Some large cities across the country have hired vacant property coordinators to administer VBOs. Such positions often focus on code enforcement and bringing together stakeholders from impacted municipal offices (e.g., police, fire, planning, public works, and legal). Cities and towns that may not have the resources to hire a full-time coordinator have formed municipal task forces to work on the issue.

Denver hired a full-time employee to manage the city’s vacant building program in 2024, Denver’s first position of its kind.



Enforceable code: Developing clear and enforceable municipal code around vacant and neglected properties allows for better regulation. Enforceable code includes specific language around remediation timeframes, inspection rights, abatement orders, and municipal court penalties.

Greeley passed its VBO in 2022, making violation of the ordinance punishable as an administrative code violation.



Tax liens: Unpaid fines and abatement costs can be collected through property taxes. A tax lien can be placed on a vacant property if the owner fails to pay property tax bills. It is often challenging, however, for cities and towns to be repaid as property tax revenue will not be received immediately, the lien process is complicated, and the amount of recovery is uncertain.

Colorado Springs Fire Department's whole blood program saves lives

The Colorado Springs Fire Department began their Whole Blood Program in May of 2024. They became the first metro fire department in Colorado to carry whole blood. This was the culmination of a year and a half effort to research existing programs, develop policies and procedures, obtain state medical waivers, and obtain the needed equipment to ensure the program's success. The key to this program becoming reality was the partnership between the fire department's Medical Division staff, it's physician advisor's group and the UCHealth nonprofit hospital system. The hospital provided the blood bank and support to enable a consistent supply for the program, and the UCHealth Memorial Foundation generously provided the additional funding needed to purchase the high-tech equipment required to properly store, transport, reheat, and transfuse the whole blood.

The fire department and UCHealth were motivated to create the Whole Blood Program because:

- Blood loss is the leading cause of death in ages under 46

- Uncontrollable hemorrhage is the No. 1 preventable death in the United States

- There is a 20-fold increase in survival when blood is given in less than 34 minutes

- In Colorado Springs, one patient bleeds out every 48 hours

- There is a three-fold increase in long term survivability in the first 30 days post incident.

A wide range of patients have benefited from the Whole Blood Program, including those in hemorrhagic shock from shootings, stabbings, traffic accidents, falls and other multi-system trauma situations. Also, GI bleeds, labor and delivery complications, and other forms of hypovolemic shock.

Patients receive the blood via the treatment provided by the initial crew on scene and one of the fire department's medical lieutenants who are a mobile 24-hour resource that carries the blood and equipment. They monitor the radio and when a call has a potential need for blood, they respond. If an ambulance is already on scene and the patient is load-

ed, the medical lieutenant will rendezvous with the ambulance enroute, jump in the rig, and blood will be provided from that point on.

The UCHealth Blood Bank replenishes the fire department's stock after each call. The equipment includes cooling and warming units. The units keep the blood at 36 degrees. The unit then can be safely warmed to 100 degrees in 6 seconds when it is determined that it is needed. Ultrasounds are utilized in certain cases to determine blood loss.

The fire department has provided 48 units of whole blood in the field to 40 patients. Thirty-three of them were able to walk out of the hospital. This is an additional save rate of about 60% based on survival rates for these types of incidents. The 30-day survival rate has also increased. Another additional benefit is a decrease in blood bank waste at UCHealth. Previously the hospital had to dispose of 13-20 units of blood each month, but the fire department's whole blood program has brought that number has down to six to seven.

Help is just around the corner

The Municipal Clerks Advisor Program, a collaboration among the Colorado Municipal League, Colorado Intergovernmental Risk Sharing Agency (CIRSA), and the Colorado Municipal Clerks' Association (CMCA) is the brainchild of former CML Executive Director Sam Mamet. CML had been receiving many questions from municipal clerks regarding specific issues related to their positions. He had the idea to have a clerk complement his staff by providing assistance to all municipal clerks in both technical and practical administrative areas as well as mentoring. He tapped long-time retired municipal clerk Karen Goldman, MMC, to facilitate the program. Since this program began, new, new-to-the profession, and seasoned clerks have

utilized this free program to learn the responsibilities of their jobs, how to make their way through thousands of pages of state statutes, troubleshoot individual issues, and work with their elected officials and citizens. Site visits are available and if the need is outside the purview of this program, suggestions can be made as to where to find help.

This program can be accessed not only by municipal clerks but by elected officials, administrators, and attorneys when they believe more training is needed or some mentoring might be beneficial. The Municipal Clerks' Advisor Program works best when the municipal clerk is also a member of the CMCA. It's main purpose is to provide educational and training opportuni-

ties in both administrative responsibilities and leadership traits. The advisor program works closely with CMCA to supplement the trainings provided. Elected officials and administrators are strongly encouraged to provide membership opportunities for their clerks; the benefits to their municipalities having well-informed and well-educated clerks cannot be overstated.

The Municipal Clerks Advisor Program may be one reason why municipal clerks give high marks and kudos to CML for its assistance to them.

More information on the program can be found on the CML website, tinyurl.com/2dy6kc2p. To utilize the program, contact Karen Goldman at charna48@comcast.net.

CML LEGAL CORNER



Municipal liability for an employee's criminal act

By Rachel Bender,
CML senior associate counsel

CML's annual State of Our Cities and Towns reports recently have reflected challenges for municipalities in recruiting and retaining police officers and concerns for increased municipal liability for law enforcement actions. The liability concern, however, has not extended to potential liability for criminal acts of officers, which have been consistently excluded from indemnity or liability standards under both state and federal law. Two recent cases reveal legal theories that would impose greater financial responsibility on municipalities when a peace officer engages in criminal conduct.

Important public policy reasons caution against using taxpayer funds to pay for criminal acts. These reasons include not protecting individuals from the penalties for their criminal acts and the unfairness of imposing liability for conduct that the employer could not anticipate or control. Further, such acts would not be covered through insurance and would have to be paid through other resources.

EMPLOYER LIABILITY UNDER SECTION 1983

Claims that actions taken “under the color of law” violate rights under the federal constitution or law arise under 42 U.S.C. § 1983 (Section 1983). Government entities cannot be held liable under Section 1983 on a *respondeat superior* theory of liability, which is the idea that an employer is liable for the act of an employee taken within the scope of employment. The government employer is only held directly liable if the plaintiff's injury, or the officer's wrongful or illegal acts, are attributable to an entity policy, practice, or custom. This includes acts by “final

policymakers” that are attributed to the municipality.

In *Whitson v. Board of County Commissioners of County of Sedgwick*, 106 F.4th 1063 — a recent decision out of the federal Tenth Circuit — a county was held liable for the heinous criminal act of the elected sheriff. While transporting an inmate to jail, he took her to his home and sexually assaulted her — an act that violated both law and the sheriff's policy. Reasoning that the transportation of inmates was within the sheriff's policy-making capacity, the Court held that the county was liable regardless of the criminal act that was done without any municipal purpose. This apparent expansion of entity liability under Section 1983 may subject municipalities to increased liability for acts of final policymakers.

EMPLOYER LIABILITY UNDER STATE LAW

Before 2020, peace officers and their employers could be sued in tort under state law. The Colorado Governmental Immunity Act (CGIA) sets forth the obligation of public entities to defend and indemnify public employees, including officers. However, the CGIA makes clear that there is no such obligation for an officer's willful and wanton conduct, or if they act outside of the scope of their employment.

In 2020's Law Enforcement Integrity Act (LEIA), part of SB20-217, Colorado adopted cause of action similar to Section 1983 that allows an individual to sue a peace officer for violating their rights under the Colorado Constitution. The LEIA does not permit claims against a peace officer's employer but requires the employer to indemnify the officer for a judgment or settlement. The officer can be directly liable for 5% or \$25,000, whichever is

less, if they did not “act upon a good faith and reasonable belief that the action was lawful.” If the officer cannot pay, the employer must pay the full amount.

Before its adoption, the law was amended specifically to remove the employer's indemnity obligation if the officer was convicted of a crime for the conduct from which the claim arose. Lawmakers understood that, with the amendment, some plaintiffs would not be compensated for injuries. The LEIA's liability provision was intended to mirror existing law to eliminate any financial obligation of an employer.

However, in two recent cases out of Fremont County, the district court held the county liable for a LEIA judgment against a jail deputy who had been criminally convicted for sexual assault on two inmates. The court reached this decision by finding that the exception for criminal conduct only applied to “indemnification” of the officer and not to “satisfaction” of a judgment, as those terms are used in different parts of the statute. The cases are currently on appeal to the Colorado Court of Appeals.

WHAT COMES NEXT

The courts and perhaps legislatures ultimately will clarify the scope of a government employer's responsibility for criminal acts of their employees. Until then, municipalities should continue to focus on preventing such wrongful conduct through training and appropriate oversight.

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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Featured in this issue

- CML invites newly elected officials to workshop
- Member Spotlight: Northglenn and Colorado Springs
- Research Corner: Utilizing vacant building ordinances
- Legal Corner: Municipal liability for an employee's criminal act

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NEWSLETTER

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