



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

Vol. 50, No. 25, December 13, 2024

EFFECTIVE GOVERNANCE TRAINING GOES THE DISTANCE



PHOTO BY DENISE WHITE

Local officials from across northeast Colorado attend CML's Effective Governance training Dec. 5 in Sterling.

The Colorado Municipal League's Effective Governance training series traveled across Colorado this year, bringing nearly 50 municipal leaders together at sessions in Sterling, Glenwood Springs, and Durango. These sessions were designed in response to member feedback highlighting the challenges of traveling to Denver and the preference for in-person learning.

The workshops drew participants from a diverse range of communities, including Haxtun, Fleming, Wray, Yuma, Bayfield, Crawford, Dove Creek, Gypsum, Ignacio, La Jara, and Marble. Attendees appreciated the experience of having

the training come to them, with one participant sharing, "This was my first CML training. I enjoyed it and am looking forward to attending more."

These on-the-road sessions provided practical tools and expert-led training that allowed local leaders to strengthen their governance skills close to home.

CML continues to offer valuable Denver-based sessions, including a full-day Effective Governance training each fall, while planning to expand in-the-field training opportunities in 2025 to serve even more communities statewide.

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CML EVENTS

POLICY COMMITTEE

January 17 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/mrt65tm6.

MAYORS' SUMMIT

Reception Jan. 22, workshop Jan. 23 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.

ANNOUNCEMENT

COLORADO'S INDEPENDENT ETHICS COMMISSION SEEKS APPLICATIONS FOR FIFTH COMMISSIONER SEAT

The Independent Ethics Commission seeks applications from local government officials or employees to fill an upcoming commissioner vacancy. The seat being vacated will be available for a new commissioner appointment starting on Jan. 14. The initial appointment term will end on June 30, 2027. The commission will thereafter consider appointment to a full four-year term. Interested applicants may submit a résumé by email to iecinfo@state.co.us. Questions may be directed to IEC Executive Director Dino Ioannides at (720) 625-5697 or iecinfo@state.co.us.

The Independent Ethics Commission is a constitutionally created independent commission and is charged with the implementation of Article XXIX of the Colorado Constitution. The purpose of the commission is to give advice and guidance on ethics issues arising under Article XXIX and any other standards of conduct or reporting requirements as provided by law, and to hear complaints, issue findings, and assess penalties and sanctions where appropriate.



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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.

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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. Get in touch with CML Publication & Design Specialist Alex Miller, amiller@cml.org, to have your community featured in the CML Newsletter.



CU Denver New Directions master's program on local leadership

School updates Best and Brightest Fellowship

For 30 years, CU Denver's Center for New Directions in Politics & Policy has been developing the knowledge and skills of local Colorado leaders through weekend intensive courses taught by experienced practitioners. This fall the center welcomed a new director, former Denver City Councilwoman Robin Kniech, who spent 12 years governing in Denver and engaging with regional entities, statewide organizations, and national networks of local elected officials and governments.

New Directions provides a full master's degree and four-course certificates for those interested in enhancing their education without a full degree. Through the years, the program has broadened beyond local governments to include other forms of local leadership and management, including non-profit and labor organizations. Students interested in local government will acquire relevant and practical public sector knowledge and skills, along with context on the political realities and inequalities impacting their communities and learning about the community organizations they're likely to partner and engage with. In the same way, students interested in community-based leadership will leave with a deeper understanding of how local governments operate.

New Directions is proud to have helped found Colorado DOLA's Best and Bright-



est Fellowship, which places graduate students in small, local jurisdictions for two years. DOLA is reinvigorating the Fellowship in 2025 with a salary increase to \$57,000 (year one)/\$63,000 (year two), plus retention bonuses and professional development support to try to recruit and retain more students in this fellowship that has a deep history of delivering a pipeline of city managers and other professionals to communities across the state of Colorado. Jurisdictions interested in hosting should reach out to their Regional DOLA Coordinators ASAP if they aren't already working on proposals. CML member municipalities can help by advertising the application in early 2025 and identifying potential applicants interested in advancing careers in local government along with a master's degree.

Things to know about New Directions:

- Weekend intensive courses (three Saturday/Sunday weekends per course)
- In person, with hybrid possibilities and some on-line courses
- Affordable program
- One-time scholarships available for new students focused on affordable housing, experienced with civic engagement or leadership, DACA/Dreamers, and based on need
- Small class sizes and personalized experience

For more information, please contact Robin Kniech, director, University of Colorado Denver Center for New Directions in Politics & Public Policy, at Robin.Kniech@ucdenver.edu.

Digital ADA compliance tools available for local leaders

With less than two years until the Department of Justice's (DOJ) deadline for local governments to make their websites accessible to people with disabilities as required by the Americans with Disabilities Act (ADA), the time to act is now.

The DOJ is requiring local governments to comply with Web Content Accessibility Guidelines (WCAG) standards by 2026-2027. As government services increasingly move online, ensuring digital accessibility has become both a legal requirement and a moral imperative. Yet many organizations are struggling to comply.

Colorado has its own accessibility law, and the Colorado Office of Information



Technology (OIT) has adopted Rules Establishing Technology Accessibility Standards to help clarify the law's compliance parameters. More information and tools to help local governments achieve

digital accessibility are available on the OIT website, tinyurl.com/38cbbs9s.

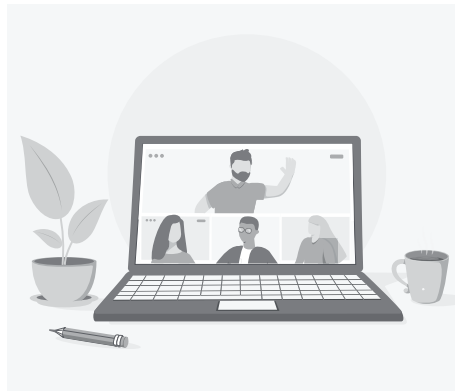
The Colorado Municipal League is planning a webinar on digital accessibility in June, to be lead by Aten Design Group.

ClearGov, a firm specializing in budgeting and finance software for local governments, has produced a guide to digital ADA compliance. The guide covers the critical components of the DOJ's 2024 ruling and what it means for local governments, common challenges in achieving accessibility, and how to develop a strategic roadmap for achieving digital ADA compliance. The guide is available at tinyurl.com/2p9espd7.

Advance Colorado Broadband grant program releases guidelines, webinar

The Advance Colorado Broadband State & Local Dollars Grant Program (Advance-Local) will award state funding to middle mile, last mile and non-deployment projects. The Advance-Local program will complement federal broadband infrastructure programs and ensure 99% of Colorado households are connected to high-speed internet.

The Colorado Broadband office has published guidelines, which outline elements of the Advance-Local grant program such as scoring criteria, eligible entities and projects, eligible locations, and timelines. Additionally, a webinar was held to discuss key elements of the program. The



guidelines and a recording of the webinar are available on the Advance Colorado website, tinyurl.com/ybkhzave.

Colorado Energy Office releases RFI for Gas Planning Pilot Communities

The Colorado Energy Office (CEO) has released the Request for Information (RFI) for Gas Planning Pilot Communities as required by HB 24-1370, Reduce Cost of Use of Natural Gas. This statute requires the office to issue an RFI to identify local governments whose residents and businesses receive gas service from a dual-fuel utility and that are interested in becoming a gas planning pilot community. CEO believe this may be of interest

to you, your organization, and/or your networks.

The RFI is available on CEO's website, tinyurl.com/4jwja7zk. All responses are due Jan. 31. More information on this initiative, timelines, and filling out the form can be found on the website. If you have any problems utilizing the form, you may request a version in Microsoft Word by emailing gov_ceo_policy@state.co.us.

Application period for Water Quality Control grants closes Dec. 23

The Water Quality Control Division's Local Assistance Unit is accepting applications for the 2025 Assistance Grants Program. These grants provide financial assistance for systems that need help reaching or exceeding compliance requirements or addressing a water quality challenge.

Total funding is \$150,000, with individual grants up to \$25,000. All public water systems are eligible. Projects must be completed within the 2025 calendar year.

This program primarily funds infrastructure projects and requires systems to address

operational and administrative improvements, such as emergency response plans, main break response procedures, and storage tank inspection plans.

The application period will close Dec. 23. When applying, please have the system's Public Water System Identification Number (PWSID) handy. After the application period has closed, applications will be reviewed and ranked. A division committee will evaluate top-ranked applications. We anticipate notifying finalists in February. The application form is available online, tinyurl.com/5x28e6hv.

Wildfire Resiliency Code Board to host virtual town halls

The Wildfire Resiliency Code Board (WRCB) is about to initiate several opportunities for stakeholder engagement to raise awareness of and seek feedback on the draft Wildfire Resiliency Code for Colorado. The board is hosting a series of virtual town halls, including one aimed at local government officials scheduled for Jan. 17.

The town hall will be a 90-minute session hosted on Zoom. A panel of WRCB members will provide an update on their progress on the Wildfire Resiliency Code, followed by a review of the draft code before opening the floor for stakeholder and public comment. More information and a link to the virtual town hall can be found on the WRCB website, tinyurl.com/2fcwhhs8.

Anyone interested in providing comment at a town hall are asked to RSVP via the stakeholder and public feedback form. Written comment may be submitted to the WRCB at cdps_dfpc_wrcb@state.co.us.

The mission of the WRCB is to ensure that Colorado communities are safer from and more resilient to wildfires by reducing the risk to people and property through the adoption of statewide codes and standards based on best practice approaches to hardening structures and reducing fire risk in the defensible space surrounding structures in the Wildland Urban Interface (WUI).

The WRCB is tasked, per Senate Bill 23-166, to define the WUI and identify the areas of the state that are included within it, adopt minimum codes and standards for new construction and significant repairs or alterations based on best practices to reduce the risk to life and property from the effects of wildfires taking into consideration the fiscal impact of such codes, identify the hazards and types of buildings, entities, and defensible space around structures to which the codes apply, and establish a process for a governing body to petition the board for a modification to the codes and establish the criteria and process for the board to grant or deny an appeal from a decision of the board on a petition for modification.

RESEARCH CORNER

SNAPSHOT OF NOVEMBER'S MUNICIPAL ELECTIONS

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

85

MUNICIPALITIES WITH
A NOVEMBER ELECTION

30

MUNICIPALITIES WITH
REGULARLY SCHEDULED ELECTIONS

55

MUNICIPALITIES WITH
SPECIAL ELECTIONS

122

MUNICIPAL BALLOT MEASURES
CONSIDERED ACROSS STATE

66%

OF MUNICIPAL
BALLOT MEASURES PASSED

1.848M

VOTES CAST IN SUPPORT
OF BALLOT MEASURES

520,000

VOTES CAST IN OPPOSITION
OF BALLOT MEASURES

7

SALES AND USE TAX
INCREASES PASSED. **12 FAILED**

7

LODGING TAXES PASSED.
5 FAILED

5

AFFORDABLE HOUSING FUNDING
MEASURES PASSED. **1 FAILED**

76%

OF CHARTER ADMENDMENTS PASSED
IN HOME RULE MUNICIPALITIES

100%

OF BALLOT MEASURES
RELATED TO THE FOLLOWING
TOPICS PASSED

2

MUNICIPALITIES VOTED TO
AUTHORIZE RETAIL MARIJUANA SALES

5

MUNICIPALITIES VOTED
TO CREATE OR INCREASE A TAX
ASSOCIATED WITH MARIJUANA

PUBLICATION
REQUIREMENTS
REVENUE RETENTION
DEBT INCREASES



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CML LEGAL CORNER



The question of the competing ballot measures

By Taylor McGaughey, CML law clerk

This November the City of Colorado Springs had a particularly interesting pair of competing ballot measures. The city council referred ballot question 2D, which proposed amending the city charter to prohibit recreational marijuana establishments in Colorado Springs. Citizen-initiated ballot question 300 asked voters to authorize the selling of recreational marijuana within already existing medical marijuana shops via ordinance.

The day after the election, it appeared that both ballot measures would pass. Ultimately, 2D did not pass. However, this begged an interesting question. What would have happened if both questions had passed?

CHARTER AMENDMENT V. ORDINANCE

The Colorado Constitution authorizes municipalities to adopt home rule charters. The charter will supersede all other laws within its jurisdiction. (Colo. Const. Art. XX, Section 6). Therefore, a charter amendment will supersede an ordinance if they are in conflict.

If both 2D and 300 passed, 2D as a charter amendment would supersede 300, which would be enacted as an ordinance. In this case, recreational marijuana would have been prohibited within the city. This is true regardless of who put forth the respective measures — citizens or the municipality.

What if these ballot measures were two competing ordinances that were both approved by voters?

ORDINANCE V. ORDINANCE

Colorado law states that “if two or more conflicting measures are approved by the people, the one that receives the

greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.” C.R.S. § 31-11-104(2).

For example, assume that 2D was a proposed ordinance rather than a charter amendment. If both 2D and 300 pass, it would trigger C.R.S. § 31-11-104(2). In this case, the two measures are in direct conflict. 2D aims to prohibit recreational marijuana sales, whereas 300 wants to authorize recreational marijuana sales in medical marijuana dispensaries. The ballot measure with the most affirmative votes would become law.

However, there may be a situation where two competing ballot measures have aspects that are not in conflict. C.R.S. § 31-11-104(2) allows for particulars of a ballot measure that are not in conflict to be enacted. For example, perhaps 2D in addition to prohibiting recreational marijuana within the city also prohibited medical marijuana dispensaries from displaying advertisements. The hypothetical anti-advertising provision in 2D would likely not come into conflict with ballot question 300. Even if 2D did not get the most affirmative votes, the anti-advertising provision would be enacted.

Perhaps in this hypothetical, proponents of 300 would argue that the anti-advertising provision does conflict with 300. C.R.S. § 31-11-104(2) does not provide clear guidance on who determines whether ballot measures or specific provisions are in conflict. Additionally, there is no Colorado case law addressing two conflicting ballot measures, so it is unclear how such a case would be resolved if litigated.

WHY INTRODUCE A COMPETING BALLOT MEASURE?

Municipal officials can’t change the contents of an initiated measure before it is

referred. Instead of opposing an initiated measure and living with the outcome, municipalities can use the power of referral to shape the policy while still giving voters the ultimate say.

The City of Lamar faced a similar situation with marijuana dispensaries. In 2021, Lamar residents approved a ballot initiative to permit marijuana dispensaries within city limits. Due to some procedural issues, a judge invalidated the initiative. As a result of the revocation, Lamar’s city council voted to refer a similar ballot question. Ultimately the city council did not move forward with the election due to lack of community support. However, this is a demonstration of how a council can use its referral power to build consensus with its residents.

The City of Denver provides another example, when it temporarily saw two different potential ballot measures. Over the summer, some Denver residents collected signatures to get a collective bargaining measure on the November ballot. In response, the Denver City Council introduced a charter amendment for the November ballot on collective bargaining. The citizen led group withdrew its initiative, and Denver City Council created a compromise ballot measure, which represented both parties’ interests.

These cases show that municipal governing bodies can use their referral power to help shape legislation when there is strong community interest.

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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