



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

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2025

Legislative Preview

BY HEATHER STAUFFER, CML LEGISLATIVE ADVOCACY MANAGER

During the upcoming Colorado General Assembly legislative session, CML expects to see a range of policy proposals and priorities that will have a direct impact on local governments across the state. With a continued focus on affordability, sustainability, taxation and criminal justice, municipalities should prepare for discussions on critical issues such as housing affordability, transportation infrastructure, climate resilience, municipal court sentencing, and local revenue mechanisms.

The budget is expected to take center stage during the Colorado legislative session. As the Joint Budget Committee (JBC) grapples with the arduous task of cutting millions of dollars from the state budget, lawmakers will face critical decisions on funding priorities and the allocation of resources across a range of programs. Given the complexity of the fiscal landscape, CML will be closely monitoring the JBC's recommendations, as cuts to state programs often have direct impacts on local funding, and to ensure that fiscal burdens are not shifted to the local level.

With the outcome of the 2024 elections shaping the legislative landscape, this session may bring shifts in party dynamics and policy direction that will impact the type of legislation we see. CML will be keeping a close watch on emerging legislation and be poised to advance the interests of municipalities across the state.



Below are CML's specific legislative priorities, at the time of this writing, going into the 2025 Legislative Session.

HOUSING

The availability and affordability of housing is of utmost concern to Colorado's municipalities. CML supports state incentives that support communities' efforts to build affordable housing and appropriate state assistance in strategic planning. CML supports the state addressing construction defects litigation reform to increase the availability of affordable housing. CML opposes state preemption of local authority to adopt and enforce zoning and land use ordinances and any interference with home rule authority granted by Art. XX, S. 6 of the Colorado Constitution. CML supports protecting municipal authority to establish and

CONTINUED ON PAGE 5

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

CML EVENTS

Register for CML events at cml.org/home/education-training.

2025 LEGISLATIVE PREVIEW WEBINAR

Jan. 8 at noon

During this event, the CML's advocacy team will explain the topics and bills of municipal interest that will come up in the General Assembly during the Legislative Session.

DIGITAL ACCESSIBILITY WEBINAR

Jan. 14 and 21 at 10 a.m.

Join CML and Aten Design Group's in-house IAAP-certified web accessibility expert in a two-part webinar series that will help you understand why websites should be accessible, what guidelines are recommended, and steps you can take to make your website more accessible for everyone.

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 relationships.

EPR PREPARATION FOR LOCAL GOVERNMENTS WEBINARS

Join CML and Recycle Colorado for a new monthly webinar series starting January 2025 to help local governments prepare for Colorado's statewide Extended Producer Responsibility (EPR) recycling program implementation in 2026. Registration is required. Registrants will receive a Zoom link prior to each session start.

- Jan. 30 at 2 p.m., Extended Producer Responsibility (EPR) 101
- Feb. 26 at 2 p.m., Collection Models
- March 27 at 2 p.m., End-Markets — The Whole Point of Recycling
- April 23 at 2 p.m., Partnership Models — You are not alone!
- May 22 at 2 p.m., Local Policy Dive
- July 23 at 2 p.m., EPR and The State

MEMBER HIGHLIGHTS

LAKESWOOD

Reaching out to seniors: Lakewood's Dave Appel has been chosen to receive a 2024 Al Berger Community Service in Aging Award from the Colorado Gerontological Society. Appel manages the Reachout Office at the city's Clements Community Center for older adults.

COLORADO SPRINGS

Revitalization of historic neighborhood park: The city is developing a master plan for Stratton Neighborhood Park. The department held a neighborhood meeting Dec. 3 to inform residents of the history of the park and engage in dialogue to understand community values and desires for the future of the park.

NEW CASTLE

Annual Snowman Building Contest: Winter is here, and with it comes New Castle's Snowman Building Contest. Starting Jan. 1, snow enthusiasts of all ages can join the fun by creating their own unique snowman masterpiece. This year's contest runs through Feb. 14.



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SYLVIA ARLENE McKIE

Former Log Lane Village mayor and Colorado Municipal League executive board member Sylvia Arlene McKie passed away Dec. 2. Sylvia was born Oct. 15, 1934, to Guy and Gertrude Yearous and was one of seven children. Sylvia lived her entire life in Morgan County, primarily in Fort Morgan.

Sylvia married James “Jim” McKie on Nov. 27, 1952. Sylvia worked tirelessly to serve many organizations in Morgan County throughout her life in both volunteer and paid positions for Farmers State Bank, First United Methodist Church, Fort Morgan schools, Camp Fire Girls, Boy Scouts, Masonic Temple (principally with



the Order of the Rainbow), and in her small business as a day care provider. Sylvia served on the Morgan County

Economic Development Corporation Advisory Council, Colorado Municipal League executive board (2000-2002) while mayor of Log Lane Village, and as an officer for the Colorado Association of Family Child Care.

Sylvia is survived by her children and their spouses, James “Jim” (Betty), Laura (George) Luke, Margie Burgesser, and Jerome “John,” as well as nine grandchildren and eight great-grandchildren. She was preceded in death by her loving husband Jim, her parents, her brothers and sisters-in-law, her sister, her daughter Ann, and a son-in-law.

A family remembrance will be scheduled at a later date.

Town of Superior becomes 108th home rule municipality

By Kevin Bommer, CML executive director

In a special election held Dec. 10, Superior voters overwhelmingly approved the town’s proposed home rule charter by a nearly 70-30 margin. The vote and subsequent certification of results establishes the Town of Superior as Colorado’s 108th home rule municipality.

Superior’s journey began with the election of a home rule charter commission in November 2023, which met over six months and submitted the draft charter on

May 2, 2024. The town board approved a ballot question for the proposed charter in June, and it was originally intended to appear on the November coordinated ballot. However, circumstances required it to be instead consider at a special election run by the town.

“The Colorado constitution gives municipalities the ability to be self-governing, and they derive their power from the constitution,” Mayor Mark Lacin said in an interview with a local news outlet. Noting that Superior’s neighbors,

along with many of the municipalities in the Denver Metro area are already home rule, Lacin said, “Superior’s getting with the program and joining them.”

The Colorado Municipal League congratulates the Town of Superior and all who helped make the charter a reality that voters approved. More information on the town’s charter and the process to bring to voters can found by visiting tinyurl.com/46jrr8f5.

Registration for NLC Congressional City Conference now open

By Kevin Bommer, CML executive director

As the National League of Cities (NLC) closes the book on a successful centennial celebration, which culminated at November’s City Summit in Tampa, the focus shifts to the Congressional City Conference (CCC) in Washington, DC, March 10-12.

The 2024 election changed the much of the political landscape, and it will be as important as ever for municipal officials to show up to provide a strong voice for municipal issues, learn from experts, and make new connections. Information about CCC and a link to register can be found at www.nlc.org.

Colorado will again send a strong contingent to DC, and CML is working to ensure members will get additional value out of the conference through exclusive events. CML’s “Colorado Welcome Reception” will occur the evening of March 9 — a day earlier than past years. Staff is working on locations and invitations for a lunch meeting with available members of Colorado’s House delegation and a breakfast with Colorado’s senators. Due to possible space limitations, the number of attendees at the delegation meetings may need to be capped. More information and registration info will be available in coming weeks to those registered for CCC.

Finally, members will once again note an option during CCC registration to participate in NLC’s Hill Day on March 12. Please note that meetings arranged with representatives and senators via Hill Day are done by a third party, not CML. Members may wish to contact delegation members’ offices directly to request individual meetings on other days.

If you have any questions about CCC, please contact NLC directly. Questions about Colorado activities should be directed to Kevin Bommer, CML executive director, kbommer@cml.org.

Affordable housing grant program opens soon

Colorado's Department of Local Affairs (DOLA) has announced its next funding cycle for Local Planning Capacity grants, a Prop 123 funding program that supports local governments' housing goals including efforts to streamline affordable housing developments and achieve Prop 123 commitments.

The next round of funding opens Feb. 14 with an application deadline of March 14. A webinar for prospective applicants is scheduled for Jan. 9. Register for the webinar by visiting tinyurl.com/yp7m4h8y.

Application materials are available on the program website, tinyurl.com/2hcve56u, and interested applicants will need to schedule a pre-application meeting with Program Manager Robyn DiFalco, tinyurl.com/2apaf2vj, to discuss their proposed projects.

To remain eligible for Prop 123, local governments must demonstrate they have implemented an expedited review process for affordable housing by the end of 2026. This grant program provides funding to support local governments

with implementation of this requirement and can also support local government capacity to achieve local affordable housing goals.

Communities are encouraged to apply early. Applicants in this upcoming funding cycle would be notified of awards in April, which will allow 12-18 months for implementation efforts. Communities that wait until future funding cycles will have less than a year to achieve the Prop 123 requirements.

Energy Office RFI for Gas Planning Pilot Communities

The Colorado Energy Office (CEO) has just released a Request for Information (RFI) for Gas Planning Pilot Communities as required by House Bill 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 are interested in becoming a gas planning pilot community.

Local governments must complete and submit the RFI by Jan. 31.

CEO and Xcel Energy will jointly file the results of the RFI with the Public Utilities Commission by April 30. They may propose up to five potential pilot communities and will submit a draft of the agreement between the utility and each community, if applicable.

The RFI is available on the office's website, tinyurl.com/4jwja7zk.

Colorado Senate Bill 24-1370 establishes a process for local governments in Xcel Energy gas service territory to explore neighborhood-scale clean heat projects. By using alternative heat sources — such as geothermal, thermal energy networks, or electric heat pumps — these projects will reduce reliance on the natural gas system in new construction and existing neighborhoods, saving residents money and lowering building greenhouse gas emissions.

Exceptions to housing needs assessment requirement for local governments

Senate Bill 24-174, passed last legislative session, requires all local governments with a population of 1,000 or more to complete a local housing needs assessment by Dec. 31, 2026, and at least every six years thereafter, and that assessment must conform to the methodology that has been created by DOLA. Jurisdictions, however, do not need to complete the assessment if they've had a population loss of 1% or more in the last decennial census, or if

they participate in a regional assessment. Additionally, assessments completed after Jan. 1, 2022, can be submitted for review by DOLA and, if they conform to the methodology, the jurisdiction can avoid redoing this recently completed work.

To have DOLA review a preexisting housing needs assessment, submit it by Dec. 31 to Mark Williams, mark.l.williams@state.co.us.

Dig Once program survey due Dec. 31

The Colorado Department of Transportation (CDOT) is revamping the Dig Once program to comply with the Mobile Now Act, Sec 607. Stakeholders and interested parties are encouraged to complete the CDOT Dig Once Revamp Survey at tinyurl.com/wfk7c8bh.

CDOT will notify broadband companies on the Broadband Open Trench Notification List when a state-funded project requires an open trench longer than one mile for conduit or fiber installation. The list is available by visiting tinyurl.com/4azev5j2.

Colorado Broadband Office to establish work group for grant program

The Colorado Broadband Office is bringing together group of stakeholders to solicit input on strategy for the Advance-Local grant program. The office is looking for representatives of industry associations, local and Tribal governments, and state agencies, as well as broadband consumers and other key

stakeholders. Look for more updates soon on the Advance-Local website, tinyurl.com/ybkhzave.

The Advance-Local program will award state funding to middle mile, last mile, and non-deployment broadband projects, aiming to connect 99% of Colorado households to high-speed internet.



LEGISLATIVE PREVIEW

FROM PAGE 1

enforce permitting processes, including those that apply to housing development.

CRIMINAL JUSTICE

CML supports legislation that gives municipalities the tools to address repeat offenders who are released on Personal Recognizance (PR) bonds and fail to appear in court, as municipalities across the state have seen a rise in petty and misdemeanor crimes. CML supports programs that increase access to the right to counsel for people facing jail sentences. CML supports protecting municipal authority to address alleged police misconduct. CML opposes prescriptive mandates on police and court operations, the expansion or removal of liability caps, and legislation that would require municipal sentencing to mirror state court limits.

ECONOMIC DEVELOPMENT

CML supports measures that promote intergovernmental cooperation on land use issues and supports state laws and policies that encourage sustainable residential, commercial, and industrial development to occur within existing municipalities. CML supports the prohibition of the incorporation of new cities and towns adjacent to, or within the service areas of, existing municipalities. CML

opposes efforts to restrict municipal annexation authority.

TAXATION

CML supports the state extending excise taxing authority to statutory municipalities as a means of generating revenue to address local concerns and fund essential public services. Additionally, CML supports explicit state authorization allowing statutory municipalities the option to levy a vacancy tax with the approval of voters.

TRANSPORTATION

CML supports state funding for transportation system infrastructure improvements that seek to prevent vehicular collisions with vulnerable road users. CML opposes “off-the-top” diversions from the Highway Users Tax Fund (HUTF) and further opposes efforts to alter HUTF allocations that result in reduced funding for local governments to invest in roads and bridges. CML supports state efforts to improve the safety and reliability of public transportation through investment of state and federal funds. CML opposes state preemption of municipal authority for transportation planning at the local level.

UNFUNDED MANDATES

CML opposes state statutes that violate the state’s unfunded mandate statute,

as well as the prohibition on unfunded mandates in the Taxpayers Bill of Rights (TABOR), and place additional fiscal burdens on local governments and their taxpayers.

STATE BUDGET

CML opposes cuts to the state budget that disproportionately impact municipalities, as these reductions threaten vital services and programs that municipalities rely on to serve their communities. CML opposes the sweeping of severance tax revenue — funds that were intended to support municipalities impacted by energy development — into the state’s general fund or for any other purpose.

MUNICIPAL LIABILITY

CML opposes legislation that attempts to increase liability for municipalities through either expansion of private rights of action, removal of caps or limits on damages, or removal of remedies provisions in law. Increased liability places an undue financial burden on local governments which could divert limited resources away from critical public services and undermine the ability to serve communities effectively. Exposure to excessive liability could lead to higher insurance premiums, which would further strain public finances and could result in cuts to essential programs like public safety, infrastructure, and community services.

CML LEGAL CORNER



The constitutional independence of home rule ethics standards

By Robert Sheesley, CML general counsel

Amendment 41, passed by voters in 2006, established constitutional ethics standards for all state and local government officials and employees. The amendment also established the state's Independent Ethics Commission (IEC) to investigate and adjudicate complaints.

Voters also approved a broad exemption for home rule municipalities that state regulators have sought to narrow. This month, after several years and multiple lawsuits, a court has confirmed the independence of home rule municipalities from Amendment 41 and the IEC's jurisdiction if they maintain local ethics codes.

AMENDMENT 41

Amendment 41's key pieces include a gift ban and restrictions on lobbying after leaving office (for state officials). In creating the IEC, the amendment included jurisdiction to impose penalties of double the amount of financial benefit to the official and processes for complaints, investigations, and hearings. The IEC was also authorized to provide advisory opinions.

The home rule exemption, in Section 7, allowed home rule municipalities to regulate ethics standards of its locally elected officials and local employees. Section 7 provides: "The requirements of this article shall not apply to home rule counties or home rule municipalities that have adopted charters, ordinances, or resolutions that *address the matters covered by this article.*"

Conflicting interpretations arose as to whether local laws adequately "address the matters covered" by Amendment 41 and who could determine that they do. In a position statement first adopted in 2016, the IEC asserted that ethics codes had to include certain key components that

met the purpose of Amendment 41: gift bans; an interdependent body to evaluate complaints; a complaint, enforcement, and penalty process (with penalties); and an advisory opinion process. The IEC also asserted that it had jurisdiction to evaluate whether home rule ethics codes sufficiently included those components. The IEC rescinded the position statement in 2023 but did not adopt a new formal view.

GLENDALE V. IEC

In 2016, the IEC received several complaints filed against elected officials from the City of Glendale. The city ultimately filed suit against the IEC to establish the primacy of the city's ethics standards expressed in its charter, ordinances, and policies and the lack of IEC jurisdiction. Relying on the same theories stated in the 2016 position statement, the IEC asserted that Glendale's laws lacked a sufficient complaint and investigation process.

The court directly rejected the IEC's narrow view of home rule authority in Section 7. The court stated: "There is no limit to how a home rule municipality can deal with the subject of the ethical code of conduct other than that identified in article XXIX. According to the plain meaning of the words, a home rule municipality would not have to adopt detailed and specific rules that mirror article XXIX." Despite the ambiguity of the phrase "address the matters covered by," Glendale had done so by adopting local laws directed to preventing personal financial gain through public office, standards to guide conduct, and a penalty mechanism.

The court also rejected the IEC's contention that it retained jurisdiction to review complaints against Glendale's officials, even though the city was exempt under Section 7. The district court affirmed the

primacy of local ethics standards, holding that "the city's charter and laws governed ethical duties of their elected officials and employees fall within their charter and that decision deprives the IEC of jurisdiction."

DIFFERENT APPROACHES

As is the nature of home rule, municipalities take different approaches to address ethics that consider local concerns, resources, and circumstances. A few have adopted comprehensive ethics standards similar in both content and structure to Amendment 41 and its implementing state statutes. Others, like Glendale, rely on a mix of charter provisions (many of which predate Amendment 41), ordinances, and policies.

One home rule municipality has chosen to officially accept the IEC's jurisdiction, at least partially. The City of Durango maintained comprehensive ethics standards but recently changed them to specifically exclude council members, making those officials subject to IEC jurisdiction. Durango's decision appears to have been based on a concern for politicization of ethics issues and to avoid perceptions of impropriety.

Glendale's hard-fought victory is an affirmation of home rule authority and provides an opportunity to review local standards. The decision remains subject to appeal at this time and suggests that home rule matters must affirmatively touch on some key components of Amendment 41. Moreover, regardless of the approach, the IEC's body of advisory opinions and decisions can be a valuable source for considering local ethics issues.

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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a safe and happy holiday season





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- CML's legislative preview for the upcoming session of the Colorado General Assembly
- Town of Superior becomes state's 108th home rule municipality
- Register now for NLC Congressional Cities Conference in DC
- Legal Corner: The constitutional independence of home rule ethics standards

Featured in this issue

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