



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

Vol. 50, No. 11, May 31, 2024

MEMBER SPOTLIGHT

Once-in-a generation opportunity

Woodland Park acquires 120 acres for conservation, recreation

By Kristen Higginbotham, City of Woodland Park communications and marketing coordinator

IN December 2023, the Woodland Park Parks and Recreation Advisory Board unveiled an ambitious proposal to secure 120 acres of open land described as a “once-in-a-generation opportunity.” Today, we’re excited to share the latest developments on this groundbreaking initiative that promises to shape the future of our community.

SECURING GREEN SPACE FOR GENERATIONS

As part of the Parks and Recreation Master Plan, a community survey was conducted with 83% of respondents in favor of adding green space and trails to our community. Due to the strong community support from the Parks and Recreation Advisory Board, Teller Trail Team, and city staff including Parks and Recreation Director Cindy Keating, the Woodland Park City Council voted unanimously to proceed with the purchase of the Avenger Open Space land.

A BOOST FROM GREAT OUTDOORS COLORADO

The Great Outdoors Colorado board awarded the City of Woodland Park a generous grant of \$523,250, securing 69% of the funding needed for the \$753,250 purchase, thanks to the dedication and resolve of the leadership team. Additional help was drummed up



PHOTO BY ROB HERRMANN

In response to the community’s desire to add green space and trails, Woodland Park purchased land for the Avenger Open Space.

by the Parks and Recreation Advisory Board, who set their sights on gathering \$80,00 in private fundraising and have, thus far, secured nearly \$50,000 of committed donations toward that goal. These significant contributions allow the city to invest in the community without burdening its taxpayers, further enhancing the exceptional opportunity.

PAVING THE WAY FORWARD

Having secured funding and overcome hurdles, the next steps are to finalize agreements for public access to the surrounding U.S. Forest Service land. The leadership team has been toiling away at navigating this final task. The city closed on Avenger Open Space on April 19.

Palmer Land Conservancy will carry the conservation easement to ensure this land remains in its natural state for all to enjoy and share.

LASTING LEGACY

With momentum building for the project, Woodland Park is poised to leave a lasting legacy for future generations. The city is working through final details and preparations and will announce the official public opening of Avenger Open Space in the coming weeks. From hiking and mountain biking trails to recreational spaces, the Avenger Open Space promises to be a beacon of natural beauty and community pride!

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

WELCOME TO CML



CML welcomes our new law clerk, Taylor McGaughey. Taylor is a third-year law student at the University of Denver Sturm College of Law. He is a graduate of the University of Colorado with a bachelor's degree in history and taught English in Vietnam before beginning law school. He clerked at the Arvada City Attorney's Office, and he is a staff editor for the Transportation Law Journal and an active member of the Law Student Ambassadors.

LEGISLATIVE UPDATE

GOVERNOR VETOES BILLS

Gov. Jared Polis vetoed several bills that had been noted for immediate attention in the previous CML Newsletter. House Bill 24-1260 ("Protection Against Employee Discipline"), which was opposed by CML, would have prohibited employers from requiring employees to view communications, listen to speech, or

attend meetings involving "religious or political matters" and created liability for public entities. Senate Bill 24-150 ("Processing of Municipal Solid Waste") would have restricted methods of processing waste and municipal authority related to solid waste-to-energy incineration systems. Neither bill will become law and can be disregarded.

CML CONFERENCE

CML ANNUAL CONFERENCE

Registration is open for the 2024 CML Annual Conference. The conference is the premiere educational event for municipal officials in Colorado. Every year it brings together more than a thousand leaders from across the state to get to know each other and learn more about the important issues affecting cities and towns. The conference will take place June 18-21 in Loveland.

Register at www.cml.org/conference.



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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! Email CML Publication & Design Specialist Alex Miller, amiller@cml.org.



\$39M in energy & mineral grants awarded to communities

The Department of Local Affairs' (DOLA) Division of Local Government awarded more than \$39 million across 73 projects for Energy/Mineral Impact Assistance Fund (EIAF) grants. These grants aim to assist political subdivisions affected by mineral and energy development, facilitating critical initiatives to improve various aspects of community infrastructure and services.

Funding for this cycle will support projects enhancing drinking water infrastructure, expanding rural broadband, constructing housing, improving road safety, providing childcare services, and revitalizing downtown areas. The grant fund is financed by state severance taxes on energy and mineral production and royalties from federal land mining and drilling.

EIAF has introduced three new initiatives: More Housing Now, Climate Resilience Challenge, and Main Street LIVE. These initiatives aim to support communities in

integrating climate resilience, renewable energy, livability, and long-term sustainability through transformative projects. Local jurisdictions are encouraged to continue to apply for these programs.

"We are proud to witness the significant impact of EIAF funding across Colorado communities. This vital support addresses diverse needs, from infrastructure enhancement to economic development," said Maria De Cambra, DOLA executive director. "EIAF grants empower local governments to implement innovative solutions, ensuring a brighter future for all Coloradans."

Some of this year's municipal recipients include:

The Town of Rifle was awarded \$1 million for infrastructure updates to reduce water waste and repair costs while improving safety in the downtown corridor.

The City of Glenwood Springs was awarded \$1 million for the replacement of its utility infrastructure.

The Town of Hayden was awarded \$1 million for the construction of a gravity sewer system, and design and engineering for a geothermal utility.

The Town of San Luis was awarded \$1 million for construction of a new town plaza.

The Town of Akron was awarded \$348,763 for accessibility, livability, and infrastructure upgrades downtown.

The Town of Del Norte was awarded \$440,275 from the More Housing Now initiative for horizontal public infrastructure to support an affordable housing development.

The City of Craig was awarded \$1,931,283 from the More Housing Now initiative for the infrastructure of a workforce housing rental community.

DOLA awards funding to build 465 affordable housing units

The Department of Local Affairs (DOLA), through the Division of Housing's State Housing Board, voted on, approved, and awarded more than \$16 million for 465 additional affordable housing units and \$2,388,000 in down payment assistance to an estimated 80 households across Colorado.

Overlook @ Uplands *\$3M to add 247 units*

St. Charles was awarded \$3 million for the construction of Overlook at Uplands, a proposed 247-unit, 7 building, 3-story walkup, multifamily community. The unit mix targets larger working families and single heads of household. All of the units are offered to households at or below 40%, 50%, 60%, and 70% of AMI.

The Edge Phase 3 Apartments *\$4.55M to add 66 units*

The Loveland Housing Authority was awarded more than \$4.5 million for the construction of The Edge III, the third phase of their Edge Affordable Apartment Home Community in Loveland. Upon completion of the final 66 units in Phase III, The Edge will provide 205 units of

affordable multi-family housing (139 units are currently in service). Twelve of the new units will serve very low 30% AMI income levels.

Pine River Commons *\$1.1M to add 22 units*

Esquela San Mateo received a \$1.1 million Prop 123 grant to assist with the construction for Pine River Commons Townhomes Phase 1. Pine River Commons Townhomes will provide 22 deed-restricted for sale townhomes in Bayfield. The project will serve households up to 100% AMI. The entire project will include 66 townhomes and two additional construction phases.

Brigit's Village *\$3M to add 40 units*

Brigit's Village was awarded \$3 million to assist with new construction of Brigit's Village in Frederick. This project will provide 40 rental units, marking the first affordable housing community in Frederick. This endeavor aims to facilitate low-income seniors' ability to age in place while providing families, including a significant number of single-parent households, the chance to reside in

proximity to employment opportunities and educational institutions, mitigating the risk of displacement due to rising housing costs.

Sawmill Meadow Villas *\$3M to add 10 units*

San Luis Valley Housing Coalition, in partnership with Sawmill Meadow Development, was awarded \$3 million for the construction of Sawmill Meadows in South Fork. The planned-use development will provide 10 modular units of ownership workforce housing. They will be sold upon project completion and will remain affordable in perpetuity.

Capitol City Mobile Home Park *\$2.5M to add 80 units*

Sharing Connexion (SCI), a nonprofit, was awarded \$2.5 million for the acquisition of Capitol City Mobile Home Park. The property was listed for sale in the investor market, and the residents have assigned their right to purchase the park to SCI, which will act as the interim owner while the residents decide on the ownership structure.

Colorado Broadband Office embarks on 2024 Summer Roadshow

The Colorado Broadband Office (CBO) is hitting the road! The CBO is traveling around the state to host a Summer Roadshow, where it will meet with broadband decision-makers and partners in every region. Roadshow topics include the Capital Projects Fund, Broadband, Equity, Access, and Deployment and other federal funding programs, mapping, digital equity and other broadband-related topics.

The CBO invites local government officials and anyone invested in the state's broadband expansion and improvement to attend. The Summer Roadshow visited Walsenburg on May 21 and Avondale on May 22. Here are upcoming dates and locations.

Region 10

June 6, 1:30-3:30 p.m.

Region 10 Headquarters at 145 S. Cascade, Montrose

Region 12

June 6, 2-4 p.m.

NWCCOG Central Office, at 249 Warren Ave., Silverthorne

Region 9

June 7, 9-11 a.m.

Durango Public Library & Botanic Gardens, at 1900 E. 3rd Ave., Durango

Region 4

June 13, 10 a.m.-12 p.m.

County Building boardroom, at 856 Castello Ave., Fairplay

Region 5

June 18, 10 a.m.-12 p.m.

Limon Community Building, at 477 D Ave., Limon

Region 8

June 27, 10 a.m.-12 p.m.

Council of Governments Building, 610 State Ave., Alamosa

Region 6

July 18, 10 a.m.-12 p.m.

Otero County Government Annex, 411 N. 10th St., Rocky Ford

Region 13

July 25, 10 a.m.-12 p.m.

Chaffee County Administrative Building, Commissioner's Board Room, 104 Crestone Ave., Salida

NTIA Approves Colorado's Digital Access Plan, awards \$12M grant

The National Telecommunications and Information Administration (NTIA) has approved Colorado's Digital Access Plan and an initial \$12 million from NTIA's State Digital Equity Capacity Grant. This is a transformative opportunity to bridge the digital divide in Colorado by making internet access affordable, providing devices and offering essential digital skills training to empower Coloradans for a brighter, more connected future. The plan was written by the Office of the Future of Work within the Colorado Department of Labor and Employment, Office of eHealth Innovation, and Colorado Broadband Office.

"As a long-time health care advocate, I know that internet and digital devices, such as computers, are important tools when it comes to staying in touch with medical providers, refilling prescriptions, paying bills, or just managing day-to-day life," said Lieutenant Governor Dianne Primavera, director of the office of Saving People Money on Health Care. "Through the implementation of Colorado's Digital Access Plan, we hope to address health and financial disparities, while equipping Coloradans with the tools they need to stay safe online, ensuring that all Coloradans have access to high quality and affordable care."

"We understand that access to technology and the internet is crucial," said Katherine Keegan, director of the Office of the Future of Work. "The Digital Access Plan has been designed to ensure that every Coloradan has access to a computer, a strong internet connection, and the necessary skills to navigate the digital world."

Highlights of the Digital Access Plan:

- Create local digital inclusion coalitions composed of officials, residents, and community organizations to identify technology programs and funding specific to their community

- Create a network of device refurbishers, technical support, and recycling
- Promote resources to make home internet subscriptions more affordable
- Engage in work to improve accessibility of state websites and services

Learn more about the state's digital equity initiatives on the Office of the Future of Work website, cdle.colorado.gov/digitalinclusion.



THE FACES OF PUBLIC SERVICE



During the month of May, CML profiled various elected officials in cities and towns across the state concluding or continuing long terms of public service. Many of these officials have served municipal offices for years, others for decades.

By Rachel Woolworth, CML municipal research analyst



JACKIE MILLET, FORMER LONE TREE MAYOR

City of Lone Tree mayor 2016-2024, mayor pro-tem 2008-2016

Q: What has serving in municipal office meant to you?

A: As I come to the end of my tenure as Lone Tree’s mayor, I am filled with a profound sense of fulfillment and gratitude for the privilege to serve this phenomenal city. Over the past 20 years, serving as a planning commissioner, city councilmember, and mayor, it has been my honor to work alongside dedicated elected officials, talented staff, and engaged community members to shape the vibrant community that is Lone Tree today. As a civil engineer turned public servant, I have been driven by a simple belief: solutions are born from action, not rhetoric. Much has been accomplished in service of this community and the journey has certainly been memorable.

Collective action has ensured the City of Lone Tree is a model of efficient, transparent, and inclusive government. We have prioritized partnerships, fact-based decision making, proactive infrastructure development, and public safety. The fiscal future of our city was secured with the 2021 passage of 2E, ensuring the continuation of high quality services and amenities. Today, Lone Tree has earned a well-deserved reputation as one of Colorado’s premier communities.

Looking forward, I am filled with optimism for my community. Lone Tree’s future will be guided by the values and principles that have defined us from the very beginning – respect, collaboration, inclusivity, and innovation.

Q: What is one piece of advice you would like to leave with those set to take office this spring?

A: My advice is: be kind, give grace, show up and actively participate!



JAMES DUSTIN, FORMER WALDEN MAYOR

Town of Walden mayor 2014-2024, mayor pro-tem 2014

Q: What has serving in municipal office meant to you?

A: I hadn’t intended to become mayor of Walden. My intention was to become the incumbent mayor’s political stooge, but he died unexpectedly, leaving me to take over. I was in the Yukon when I received the news. But I have to say, after my 10-year tenure, I am prouder of what my staff (never forget the employees) and I accomplished than anything I have ever done in my life. Among other things, we received \$5 million in grants and financial aid for infrastructure projects, saved the town from bankruptcy, saved the gas utility from being taken over by the courts, expanded our public works staff, repaved nine streets and two alleys, established countywide uniform building codes, created a countywide public nurse service, stopped putting half-treated sewage out in the sun to dry, and did all of this without raising taxes. I’m really proud of that last point.

Q: What is one piece of advice you would like to leave with those set to take office this spring?

A: My one piece of advice: It’s not tax money. It’s not your money. It’s not the town’s money. It’s the people’s money.

RESEARCH CORNER

LEGAL ACTIONS IMPACT MUNICIPALITIES

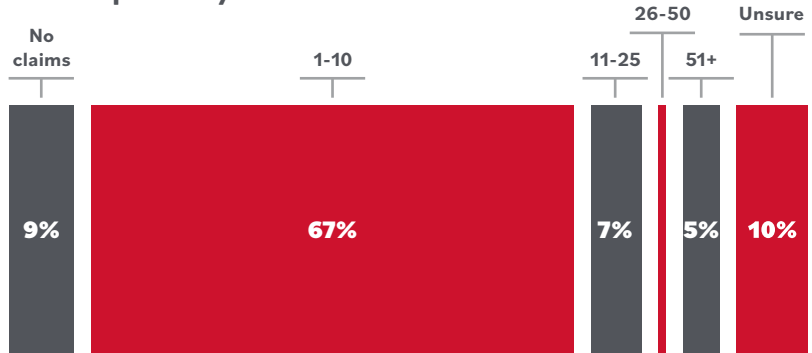
Data visualization by **RACHEL WOOLWORTH**, CML municipal research analyst, and **ALEX MILLER**, CML publication & design specialist

Colorado Municipal League identified public entity liability as a challenge for municipalities in its 2023 State of Our Cities and Towns survey. Such legal actions, including notices of claim that must precede certain types of lawsuits under the Colorado Governmental Immunity Act and lawsuits themselves, can impact municipalities' fiscal and operational capacity.

FREQUENCY OF LEGAL ACTION

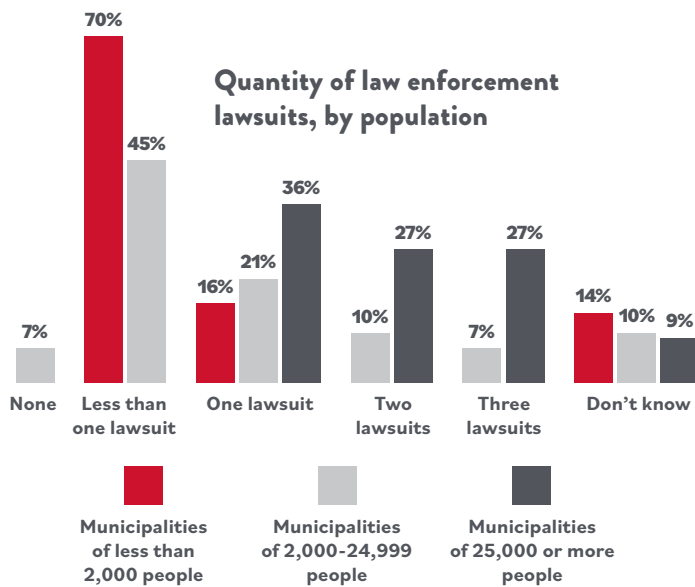
The majority of responding municipalities received, on average, one to 10 notices of claims annually throughout the past five years. The survey did not determine the validity of these claims or lawsuits.

Average annual number of notices of claim over the past five years



LAW ENFORCEMENT LAWSUITS

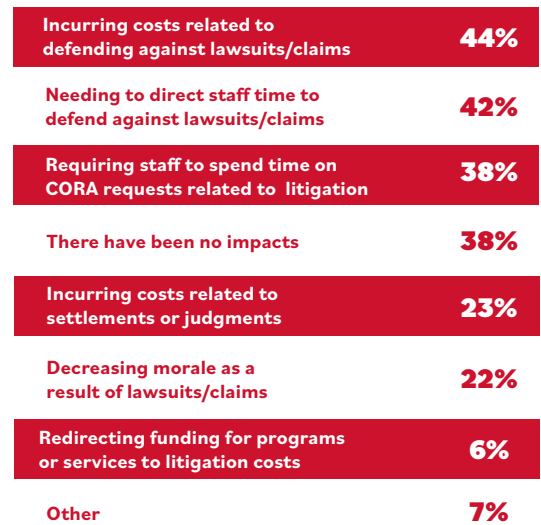
Law enforcement related lawsuits were the most common type of litigation encountered by responding municipalities over the past five years. A few large cities on the Front Range reported an average of five or more law enforcement lawsuits annually.



IMPACTS OF LEGAL ACTION

Municipalities identified impacts related to claims and lawsuits such as the cost of legal defense. Respondents selected all impacts that applied.

Impacts of claims and lawsuits on municipalities



CML LEGAL CORNER



The future of local lodging tax

By Rachel Bender, CML senior associate counsel

Many municipalities across the state, both home rule and statutory, have passed voter-approved lodging taxes, which typically include short-term rentals (STRs) or, in some cases, are exclusive to STRs. While the term “lodging tax” may have a specific meaning in some jurisdictions, it is also used as a general term to include lodging tax, lodgers’ tax, accommodations tax, occupation tax for lodging, excise tax on lodging or STRs, and more. When it comes to municipalities, lodging tax has been handled solely at the local level — by obtaining approval for such taxes from local voters, developing local regulations to meet the needs of the community in question, and handling all collection of lodging tax locally.

This year, the Colorado General Assembly passed two bills related to local lodging tax: Senate Bill 24-024, which has already been signed into law, and House Bill 24-1050. While lodging tax is distinct from sales and use tax, these two bills originated in the State’s Sales and Use Tax Simplification (SUTS) Task Force, which meets as an interim committee and includes municipal representation although only legislators are permitted to vote on proposed legislation. These bills serve as two of the first pieces of state legislation impacting municipal lodging tax. However, local governments should not expect these to be the last.

LIMITATIONS ON LODGING TAX RETURNS

SB24-024, Local Lodging Tax Reporting on Sales Return, goes into effect Jan. 1, 2025. This bill requires local taxing jurisdictions, including home rule municipalities, that impose a local lodging tax to apply the same standards and reporting requirements to an accommodation inter-

mediary (e.g., Expedia, Airbnb, VRBO) as to any other marketplace facilitator (e.g., Amazon). In practice, this means municipalities will be restricted in the information and format they can require from these companies when collecting lodging tax. Most significantly, it will prohibit municipalities from requiring property-level lodging tax data. The bill allows home rule municipalities, for purposes not related to the administration of local taxes, to adopt an ordinance governing the issuance of information or data by accommodation intermediaries or marketplace facilitators.

REPORTING LODGING TAX INFORMATION

HB24-1050, Simplify Processes Regarding Certain Local Government Taxes, has passed through the legislature but had not yet become law at the time of publication. This bill will require municipalities to submit information about their local lodging tax to the Department of Revenue (DOR) by June 15, 2025, and to continue providing future changes to DOR at least 45 days before such changes become effective. The bill also includes reporting requirements on sales or use tax on building or construction materials. DOR will begin publishing this information by July 1, 2025, for use by taxpayers. The bill also expands the charge of the SUTS Task Force to include studying the simplification of local lodging taxes and the feasibility and implementation of an electronic system for businesses to collect and remit local lodging taxes.

PLANNING FOR FUTURE SIMPLIFICATION EFFORTS

With the expansion of the scope of the SUTS Task Force into lodging tax upon the passage of HB24-1050, local governments should anticipate more legislative efforts to standardize and simplify local lodging tax across the state. Accommo-

dation intermediaries, more than ever, are expressing concerns about the complicated nature of lodging tax in Colorado and, as a result, the significant time and cost burden associated with lodging tax remittance. CML expects these issues to be brought before the SUTS Task Force for consideration of statewide legislation. As demonstrated by the bills passed this year, the task force is often willing to approve legislation to address the concerns of industry members.

It is important for municipalities to engage in these issues, both with the Task Force and industry members, to ensure municipal voices are heard and to listen to these concerns and find ways to build good partnerships. Better yet, municipalities may be well-served by considering ways to standardize ordinances and processes on a proactive and voluntary basis. Past standardization efforts have successfully headed off legislation that otherwise would have been detrimental to municipalities.

CML, through the work of its Sales Tax Simplification Committee, which is made up of finance professionals from self-collecting home rule municipalities, started a new iteration of the standard definitions project late last year. While these definitions typically pertain to sales and use tax, one subcommittee is discussing lodging-related definitions that could be utilized for lodging tax purposes. This is just one example of the voluntary standardization efforts municipalities have participated in to address the needs of the industry regarding local taxes. It may now be time for municipalities to work through CML to consider further standardization efforts.

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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