



COLORADO  
MUNICIPAL  
LEAGUE

# NEWSLETTER

Vol. 50, No. 19, September 20, 2024

## Effective Governance

### CML workshops teach practical skills to empower local leaders

*By Denise White, CML engagement & communications manager*

**S**erving in municipal government involves significant responsibility, from making informed decisions to fostering positive relationships within the community. For new and experienced leaders, understanding the foundations of effective governance is crucial for driving meaningful change. In response to this need, the Colorado Municipal League has expanded access to its Effective Governance training, taking it on the road to make it more accessible for municipalities across the state.

Recent workshops in Glenwood Springs and Durango attracted over 30 participants from a range of communities, including Bayfield, Crawford, Dove Creek, Gypsum, Ignacio, La Jara, and Marble. The training covered a wide range of essential governance topics, such as the role of a municipal leader, ethics and liability, open meetings, media relations, civility, and grassroots advocacy. The course aimed to provide local leaders with the tools needed to navigate complex governance issues and make informed decisions.

The workshops also featured insights from local leaders, including Town of New Castle Mayor Pro Tem Grady Hazelton and Town Manager David Reynolds, as well as City of Cortez Mayor Rachel Medina and City Manager Drew Sanders. These speakers shared their experiences managing council-staff

relations, offering practical strategies for fostering productive relationships and addressing common challenges in municipal governance.

Participants, mainly from smaller and rural communities, noted the value of having training sessions closer to home. Accessibility and the opportunity to connect with regional peers facing similar challenges were highlighted as key benefits, fostering a sense of connection and community.

Looking ahead, CML will continue its commitment to empowering local leaders with upcoming workshops in Denver on Oct. 24, Sterling on Dec. 5, and into 2025. These sessions aim to support municipal officials in enhancing their governance skills and strengthening their communities.



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# EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

## STATE OF OUR CITIES AND TOWNS

### PARTICIPATE IN CML'S STATE OF OUR CITIES AND TOWNS SURVEY

CML invites you to participate in the 17th annual State of Our Cities and Towns survey! The deadline to complete the survey is Sept. 27. This year, CML is researching the many types of partnerships municipalities may have with each other and other local governments — in what areas do local governments collaborate, how are these partnerships structured, and what are some of the challenges and benefits your municipality experiences through such partnerships. If you are unsure if your municipality has received a link to complete the survey via email, please contact CML Municipal Research Analyst Rachel Woolworth at [rwoolworth@cml.org](mailto:rwoolworth@cml.org) or 303-831-6411.

## CML EVENTS

### FALL DISTRICT MEETINGS

CML staff has been traveling around the state in the month of September to meet our municipal members face-to-face at Fall District Meetings. We've had a great time getting to know municipal staff and elected officials and learning about the issues that matter most to them and their communities. The series wraps up soon, with meetings in Ridgway, Sept. 23; Ignacio, Sept. 24; La Junta and Kremmling, Sept. 25; and Grand Junction, Sept. 26. We look forward to meeting you!

### CML WEBINAR: 2024 REGULATED MARIJUANA PROGRAM UPDATES

Sept. 26, noon-1:15 p.m.

The Marijuana Enforcement Division (MED) will present updates related to 2023 and 2024 legislative changes, MED rule changes, and ongoing MED initiatives to identify regulatory efficiency measures and streamlined processes. This presentation will include 2024 rule updates driven by Senate Bill 24-076, which impacted licensing processes, social equity eligibility criteria, fees, and transfers of genetic materials, among other topics. A summary of 2024 legislation is available on the division's website, and information about the ongoing rulemaking process can be found on the MED Rulemaking Webpage. This free webinar has been approved for CLE credits. Register at [tinyurl.com/y32mvae9](https://tinyurl.com/y32mvae9).

## TRAINING OPPORTUNITY

### LAND USE, ZONING, AND INDIVIDUALS WITH DISABILITIES

Tuesday, Oct. 1, 9 a.m. to noon, in Littleton

Presented by the Colorado Agency for Recovery Residences, this fair housing training is specifically designed for municipalities to understand their legal obligations as they apply to housing for individuals with disabilities, including recovery residences. Topics will include a legal overview of the fair housing legal protections for individuals with disabilities, municipal land use and zoning compliance with the fair housing anti-discrimination protections, and the fair housing reasonable accommodation legal obligations of municipalities. Register by visiting [tinyurl.com/kzc49a8d](https://tinyurl.com/kzc49a8d).

## CELEBRATE WITH CML

CML wants to hear about your community's success. Tell us about a grant you've won, a new water tank, or anything else you're excited about. Email CML Publication & Design Specialist Alex Miller, [amiller@cml.org](mailto:amiller@cml.org).



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# Long-time Colorado demographer to retire in November

By the Department of Local Affairs

After two decades of dedicated service, Elizabeth Garner, Colorado's State Demographer, has announced her retirement effective Nov. 29. Garner's work and commitment have significantly shaped the state's demographic understanding and planning, leaving an indelible mark on Colorado's development.

Since joining the Department of Local Affairs (DOLA) in 2004, Garner quickly established herself as a leading expert in population trends, demographics, and their impact on Colorado's economy, infrastructure, and social services. Her invaluable insights have been instrumental in shaping public policy and informing critical decision-making across various sectors.

"Elizabeth's contributions to the State of Colorado are immeasurable," said Maria De Cambra, executive director of DOLA. "Her deep knowledge, commitment, and passion for understanding our state's

demographic landscape have left a lasting legacy. We thank her for her years of service to our great state."

Garner's career highlights include:

- Population projections: Garner's accurate projections and analyses have been vital for planning in infrastructure, education, healthcare, and economic development.
- Data-driven policy: She made demographic data accessible, guiding public policy, economic strategies, and community planning statewide.
- Public engagement: Garner educated the public and officials, delivering more than 800 presentations on Colorado's demographic changes and its impact.
- Census leadership: Garner led Colorado's Census efforts in 2010 and 2020, ensuring accurate counts and effective outreach.
- Economic insights: Her demographic analysis has supported workforce and

economic development initiatives, identifying key trends and challenges.

"Working as Colorado's State Demographer has been an incredible honor," Garner said. "I am proud of what we have achieved together and grateful for the opportunity to contribute to the understanding and planning for Colorado's demographic and economic future. I look forward to seeing how the collaborations continue to evolve and how the state continues to thrive."

While Garner is stepping down from her role, she will continue her work in demographic and economic analysis and spend more time traveling and volunteering with organizations that align with her interests, further contributing to the community in meaningful ways.



*Colorado Municipal League is grateful for Elizabeth Garner's many contributions to the State of Colorado, and we thank her for her years of dedicated service.*

## CLERKS CORNER

# Clerks association reaches out to new municipal clerks

By Karen Goldman,  
CML Municipal Clerks Advisor Program

At the end of July, more than 100 municipal clerks from around Colorado gathered in Fort Collins for the 49th annual Municipal Clerks' Institute. During the course of a week, clerks learned about liquor and marijuana licensing procedures, elections management, conflict de-escalation, among other topics, and got to participate in a hilarious mock council meeting.

Of these 100-plus clerks, more than half were first-year attendees, and of those, a good portion were brand new clerks, including one who had started his job the day before the start of institute. Because our clerks come from a variety of backgrounds and many have little or no municipal experience, it is a testimony to both the clerks who are eager to learn and to their elected officials and management who understand that training clerks is a benefit to the

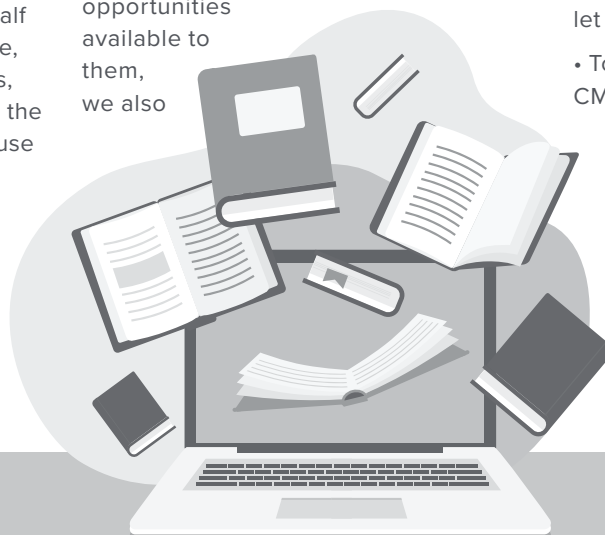
municipality and that so many "newbies" were in attendance.

The number of first-year attendees reminds us that the turnover in the position of municipal clerk, for whatever the reason, is sometimes high and that the Colorado Municipal Clerks Association (CMCA) is often in the dark as to who these new clerks are. Why do we care? We care because not only do we want to make our educational opportunities available to them, we also

care because we want to welcome them to become a part of an amazing community of dedicated professionals who are always willing to assist by providing documents, information, and support.

CMCA's ability to do just this is hampered, however, when we don't know about new clerks. So, CMCA is making several requests:

- To current clerks — If you know of a recent hire in a neighboring municipality, let CMCA know.
- To new clerks — contact CMCA and/or CML to let them know you're here.
- To elected officials and managers/administrators — When you hire a new clerk or when a new clerk is elected, contact CML and/or CMCA. You can make contact by one of the following: [cityclerks@gmail.com](mailto:cityclerks@gmail.com), [cml@cml.org](mailto:cml@cml.org), or [charna48@comcast.net](mailto:charna48@comcast.net) (the Municipal Clerks Advisor Program).





# MUNICIPAL GRANTS & FUNDING OPPORTUNITIES



## SOLAR PERMITTING

Colorado Energy Office is excited to announce that the APPS grant program re-opens Sept. 19. APPS is a non-competitive grant for local governments that wish to adopt an automated solar permitting platform, such as SolarAPP+ or Symbium. Automated permitting platforms can verify the code compliance of solar systems and instantly issue permits, saving governments money and hours of time normally spent on manual permit reviews. Since the City of Denver adopted SolarAPP+ in 2023, they have issued 759 permits with the platform, saving city staff around 320 hours of review time. While the software platforms are free, the grant reimburses for costs associat-

ed with platform adoption such as staff time, installation or integration fees, and installer training. To learn more about the program, visit [tinyurl.com/fu4x5s7c](https://tinyurl.com/fu4x5s7c) or contact [ari.moledina@state.co.us](mailto:ari.moledina@state.co.us).

## GRANT WRITING BOOTCAMP

The Bipartisan Infrastructure Law has provided cities with unprecedented opportunities to apply directly for federal funding, but some cities and towns have fewer resources and staff, impeding their ability to bid effectively. Through the Local Infrastructure Hub, small and mid-sized municipalities can receive an expert suite of supports to develop strong, competitive grant applications through pro-bono grant-writing bootcamps.

This fall, the Local Infrastructure Hub is hosting five bootcamps focused on different funding opportunities made available through the Bipartisan Infrastructure Law and Inflation Reduction Act. These bootcamps are open for registration. Learn more at [tinyurl.com/rue769r5](https://tinyurl.com/rue769r5).

## DIGITAL EQUITY GRANT

The National Telecommunications and Information Administration is accepting applications for the Digital Equity Act's \$1.25 billion Competitive Grant Program, which funds programs that ensure communities have access to devices and skills to fully participate in the digital world. Learn more at [tinyurl.com/2cm9pvch](https://tinyurl.com/2cm9pvch).

## Broadband grant program opens

The Colorado Broadband Office (CBO) has opened the Advance Colorado Broadband Grant Program to accept applications for Broadband Equity, Access and Deployment (BEAD) funding. The federal BEAD Program will invest \$826.5 million into Colorado's broadband infrastructure and connect unserved and underserved homes and businesses.

Municipalities are highly encouraged to apply for these funds to further their broadband programs.

The grant program will accept applications through Oct. 28. Applicants can access the BEAD application in the Advance Colorado Broadband Grant Portal, [tinyurl.com/53hapwkc](https://tinyurl.com/53hapwkc).

The CBO website provides timelines, key documents, and information to help local governments complete the application process.

## Grant will support economic, workforce development in southeast Colorado

The Department of Local Affairs (DOLA) is proud to announce that its Southeast Economic Development Grant Program has been selected as one of 20 projects nationwide to receive funding from the U.S. Department of Energy's Transmission Siting and Economic Development Grants Program through the Grid Deployment Office.

The program will receive a \$9.5 million investment to support communities in southeastern Colorado affected by the Three Corners Connector transmission project, with an additional \$500,000 awarded by the developer of the project, Grid United.

The grant will provide economic development, workforce training, and other opportunities to communities impacted by the transmission line. The federal award is contingent upon the transmission proj-

ect, which should make the timeline for funding no sooner than 2025 and no later than 2028.

This significant investment represents a continued commitment from DOLA to support southeast Colorado.

The Southeast Council of Governments was also recently awarded \$500,000 through DOLA's Energy/Mineral Impact Assistance Fund to conduct a Renewable Energy Impact Study across 18 eastern plains counties to analyze the impacts of renewable energy development and work toward effective solutions to mitigate any negative impacts and offer strategies to capitalize on any positive impacts.

## RESEARCH CORNER

# State policies protect mobile home park residents

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

Over the last five years, the Colorado General Assembly has passed several bills widening protections for residents of mobile home parks. Thanks to these bills, municipalities that accept an assignment of a group of mobile home owners' opportunity to purchase now hold the right of first refusal, as well as the authority to create ordinances to regulate such parks.



### **HB19-1309** **MOBILE HOME PARK** **ACT OVERSIGHT**

Grants municipalities power to enact ordinances addressing the safe and equitable operation of mobile home parks and creates a program to maintain a park registration system, investigate complaints and enforce actions, and conduct outreach to tenants and landlords



### **HB20-1201** **MOBILE HOME PARK** **RESIDENTS OPPORTUNITY** **TO PURCHASE**

Provides a group or association made up of at least 51% of the mobile park's homeowners an opportunity to purchase their park



### **HB21-1121** **RESIDENTIAL TENANCY** **PROCEDURES**

Prohibits park landlords from increasing rent more than one time in a 12-month period



### **SB21-173** **RIGHTS IN RESIDENTIAL** **LEASE AGREEMENTS**

Widens tenant rights in association with the levying of late fees, grace period for paying back rent, and more

Several other bills passed in recent years have amended HB19-1309 to widen protections for tenants. Such amendments include prohibitions around landlord retaliation, increased transparency around utility billing, language translation requirements, and right of first refusal for public entities.

## **SPOTLIGHT** RESIDENT-OWNED MOBILE HOME PARKS

### **Cooperativa Nueva Union, Leadville**

Residents purchased the 30-home mobile home park in downtown Leadville in 2023 with administrative help and financial support from ROC USA and the Colorado Health Foundation.

### **La Luna Cooperative, Lafayette**

Mountain View Mobile Home Park became a resident-owned community earlier this year, after La Luna Cooperative financed acquisition of the park through several grants and low-interest loans. Government financing of the purchase included: City of Lafayette (\$495,000), Boulder County (\$1.05 million), Department of Local Affairs (\$1.24 million).

### **Montevista Comunidad, Denver**

Sharing Connexion, a rescue nonprofit, purchased one of the last mobile home parks left in Denver in 2024. The nonprofit will serve as interim owner until Montevista residents are prepared to buy the property back for zero profit. The City and County of Denver contributed a \$2.6 million loan to help finance the acquisition.



# Special session at the Capitol produces property tax deal

By Rachel Bender, CML senior associate counsel, and Elizabeth Haskell, CML legislative and policy advocate

A special session of the Colorado General Assembly ended Aug. 29 with the passage of House Bill 24B-1001, which establishes additional cuts in property taxes beyond those provided by Senate Bill 24-233. CML's position was "amend." In particular, CML testified that the decoupling of school property taxes from all other local governments should be reversed, as well as to amendments that would make the required form of the question for a local government to exceed the cap described below more transparent. The bill was signed by the governor Sept. 4, following the withdrawal of Initiatives 50 and 108 earlier in the day. The proponents of Initiatives 50 and 108 have promised that so long as the terms of the bill remain in place, they will not pursue ballot measures to reduce assessment rates or further cap revenue growth for six years. However, there is no such restriction on other groups.

## KEY COMPONENTS

HB24B-1001 establishes a new local government revenue limit, as well as new assessment rates and value reductions for both residential and non-residential property. Like SB24-233, schools are decoupled from all other local governments in that schools have a higher residential assessment rate than other local governments. Unlike SB24-233, schools will be subject to a new property tax revenue limit, however, it is more generous than the limit for other local governments. The details provided below only address non-school local government changes.

### Local government revenue limit

The new local government revenue limit starts in the 2025 property tax year (PTY) and replaces the limit established in SB24-233. However, as in SB24-233, the limit does not apply to home rule municipalities or to municipalities with property tax revenue subject to TABOR or the existing statutory 5.5% limit. Local governments subject to the limit can still ask voters to waive the limit for one year, multiple years, or all future years.

The new local government revenue limit is 10.5% for the two-year property tax reassessment cycle. The growth is calcu-

lated from whichever property tax year in a previous assessment cycle had the greatest revenue collection. If the local government does not utilize the full 10.5% increase for the reassessment cycle, it can be carried over for one reassessment period. The revenue limit excludes revenue from the following sources:

- New construction
- Changes in law for property tax classification
- Annexation or inclusion of additional land
- Revenue from the expiration of a TIF
- Previously omitted property
- Revenue abated or refunded
- Revenue attributable to previously exempt property that becomes taxable
- Revenue from oil and gas
- Revenue to provide for the payment of bonds or other contractual obligation approved by voters
- Revenue attributable to specific ownership tax
- Revenue expended for declared disasters
- Revenue from new mills approved by voters on or after Nov. 5, 2024

### Residential assessment rates

HB24B-1001 does not make any changes to the residential assessment rate for the 2024 PTY, which is 6.7% with a \$55,000 exemption from the actual value. Below are details showing the residential assessment rate for the 2025 PTY and beyond as compared to rates in SB24-233.

#### 2025 PTY

- SB24-233: 6.4%
- HB24B-1001: If statewide actual value change is more than 5%, the assessment rate is 6.15%; if statewide actual value change is less than or equal to 5%, the assessment rate is 6.25%

#### 2026 PTY and beyond

- SB24-233: 6.95% with a value reduction of the lesser of 10% of the actual value or \$70,000, indexed to inflation
- HB24B-1001: If statewide actual value change is more than 5%, the assessment rate is 6.7%; if statewide actual value change is less than or equal to 5%, the assessment rate is 6.8%

### Non-residential assessment rates

HB24B-1001 made a slight modification to non-residential assessment rates for the 2024 PTY, which was simply to extend the 27.9% assessment rate and \$30,000 value reduction to lodging properties. Below are details showing the non-residential assessment rates for the 2025 PTY and beyond as compared to SB24-233.

#### 2025 PTY

- SB24-233: 27% for improved commercial and ag; 29% for all other
- HB24B-1001: 27%

#### 2026 PTY

- SB24-233: 25% for improved commercial & ag; 29% for all other
- HB24B-1001: 25% for improved commercial and ag; 26% for all other

#### 2027 PTY and beyond

- SB24-233: 25% for improved commercial and ag; 29% for all other
- HB24B-1001: 25%

### Backfill

HB24B-1001 provides limited backfill for non-school local governments for the 2025 PTY. The bill directs the state to reimburse local governments in an amount equal to the decrease, if any, in assessed value between the 2024 and 2025 PTYs due to this bill, multiplied by the local governments' mill levy rate from the 2024 PTY, excluding mills for bonds and contractual obligations. Most local governments are unlikely to receive significant backfill.

## OTHER INFORMATION ABOUT THE SPECIAL SESSION

During the special session, Rep. Mike Weissman and Sen. Chris Hansen introduced HCR24B-1001, requiring local approval for any statewide property tax initiative to go into effect locally. The concurrent resolution passed the House but was killed in the Senate due to lack of Republican support and because it would have killed "the deal." CML supported the concurrent resolution. Specifically, CML cited the nonbinding nature of statutory changes and that only the constitutional replacement for the voter-repealed Gallagher Amendment would provide any real certainty against further initiated or legislative tinkering with local property taxes.

# CML LEGAL CORNER



## Protections for personal goods left on public property

By Taylor McGaughey, CML law clerk

With the *City of Grants Pass v. Johnson* ruling, municipalities have clear direction that urban camping bans do not violate the Eighth Amendment of the U.S. Constitution. There has been suggestion that the decision will empower municipalities to disband homeless encampments on public property more aggressively. However, the *Grants Pass* decision reminded municipalities of their obligations with respect to the constitutional rights of individuals experiencing homelessness.

Rights implicated by homeless encampments include protecting the right to assemble in public areas under the First Amendment; prohibitions on laws that invidiously discriminate between persons under the Equal Protection Clause of the Fourteenth Amendment; and the takings provision and protection of liberty interests under the Due Process Clause of the Fifth and Fourteenth Amendments.

Most commonly, the Fourth Amendment underlies the limits on government action when handling items left at a homeless encampment. This often involves consideration of whether an item has been abandoned on public property.

### THE FOURTH AMENDMENT STANDARD

The Fourth Amendment to the U.S. Constitution protects the rights of people, without distinction as to status, to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. Generally, this means that a municipal government cannot seize someone's personal property or enter a private space without a warrant.

A seizure of property violates the Fourth Amendment only if the individual had a reasonable expectation of privacy in the property at the time of the search or seizure. An unreasonable seizure requires

that: (1) a person have an actual subjective expectation of privacy in the property; and (2) that was objectively reasonable. *Smith v. Maryland*, 442 U.S. 735.

Courts have found that, when property is abandoned, the owner of the property has no reasonable expectation of privacy as to the property. *Abel v. United States*, 362 U.S. 217. Whether a person has abandoned their property is determined by the objective facts available to the government actor, not the owner's subjective intent. *United States v. James*, 534 F.3d 868.

Courts will examine where the property is left and in what state the property is in to determine if the property was abandoned. *United States v. Washington*, 536 Fed. App'x 810.

### TREATMENT OF ABANDONED PROPERTY

No appellate cases in Colorado's state courts or the federal Tenth Circuit have dealt with unreasonable seizures of property from the disbandment of a homeless encampment. Other courts have developed frameworks to determine whether the abandoned property was properly treated.

Courts typically want at least 24 hours' notice but less notice may be justified by other factors. The method of notification and clarity of communication is also important. Finally, courts examine whether the government entity provides an opportunity to people to retrieve property left behind (but not abandoned).

### MOVING FORWARD

Without guidance from Colorado's federal and state courts, a municipality disbanding a homeless encampment should continue to use the processes implemented over the past few years to promote the protection of Fourth Amendment and other rights. Fair notice, proper planning of municipal staff and resources, and coordination with part-

ner agencies is critical to ensure a process that is both constitutional and supportive.

First, a municipality should give notice at least 24-hours in advance, but less or more notice may be appropriate depending on the circumstances (e.g., time of year, weather, health and safety concerns, etc.)

Second, the notice should clearly and plainly describe the action to be taken and what will happen to any property left in the area. The notice should be communicated in a manner that is reasonably likely to be understood. Printed notices (in multiple languages, if needed) can be posted in the affected area, placed on or near personal property, and distributed by hand. Notices may also include suggestions of available resources. Verbal communications can enhance the effectiveness of the warning and provide a personal connection to resources.

Finally, out of an abundance caution, property that does not appear abandoned likely should be cataloged and retained in a safe place for a reasonable period. Personnel should be trained to recognize property that might not be abandoned (e.g., packed bags, organized materials, etc.). For any property retained, notices should be left to provide instructions for retrieving property and should warn of the disposal of property if it is not retrieved in a set time.

Despite the significance of the *Grants Pass* case, Colorado's municipalities may not change their practices dramatically. The decision freed municipalities from the concern that major resource limitations in providing shelter space prevented them from addressing pressing community issues. Municipalities are likely to proceed, subject to available resources, in a manner that is both constitutional and supportive.

*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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- Municipal grants and funding opportunities
- Research Corner: State policies protect mobile home park residents
- Legal Corner: Protections for personal goods left on public property

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