



RESULTS



Cities & towns across Colorado hold MUNICIPAL ELECTIONS

By Maeve McHugh, CML municipal research analyst

In early April and recent months, voters in at least 13 cities and towns across Colorado have participated or will participate in municipal elections, considering local candidates and ballot measures. Voters in **Colorado Springs**, **Delta**, **Durango**, **Glenwood Springs**, and **Paonia** held either regular or special elections April 1. **Windsor** and **Lakewood** held special elections Feb. 18 and March 25, respectively. **Aspen** held its regular election March 4, followed by a runoff election April 1. Recall elections were held in **Nucla** on April 1 regarding the mayor's seat and in **Dillon** on March 4 for three council seats. **Georgetown** held its regular election April 7 and **Grand Junction** on April 8. **Pueblo** will hold a special election May 6. **Ridgway** and **Starkville** canceled their elections, as permitted by law, due to a lack of competitive races.

In total, six elections focused solely on candidates, four included both candidates and ballot issues, and three addressed only ballot issues. More than 18 municipal ballot measures have been or will be considered across the state. Six municipalities held special elections for constituents to vote on ballot measures or recall concerns. The following results are unofficial and subject to change.

TAXES AND FUNDING

Voters in the **City of Durango** authorized an extension of its sales tax to 2056, to ensure continued funding for

parks, open space, and trails, as well as for financing capital improvement projects, including payment of the \$61 million debt authorized by the question to restore historic buildings and build a new city hall and police station.

CHARTER AMENDMENTS AND ELECTIONS

The **Town of Windsor** passed a comprehensive package of charter amendments Feb. 18, including reducing redistricting cycles, clarifying candidate eligibility, conforming disqualification for municipal office to the Colorado Constitution, clarifying term limits, amending causes of vacancies for certain felony convictions, amending mayoral vacancy procedures, changing board voting thresholds for new laws, and amending the effective date of ordinances to align with voter referendum timelines in state law.

The **City of Delta** approved adopting an amended Home Rule Charter as recommended by the Charter Commission.

On April 8, **City of Grand Junction** voted to adopt a charter amendment to move city elections to November in odd years starting in 2027, conduct those elections as coordinated elections, and extend the terms of city council to accommodate the new election date. They also voted to reject a charter amendment to increase council member salaries in respect to local income levels.

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EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO



COLORADO
MUNICIPAL
LEAGUE **NEWSLETTER**

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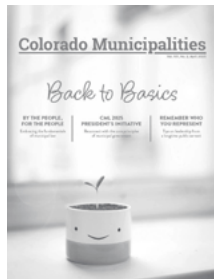
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CML STAFF ANNIVERSARY



This month marks two years since Denise White joined CML as our engagement and communications manager. During this time, she has focused on strengthening member relationships and enhancing communications to support municipal advocacy efforts and professional training for elected officials and staff.

APRIL 2025 COLORADO MUNICIPALITIES



This month, *Colorado Municipalities* magazine dives into the 2025 CML President's Initiative — *Back to Basics*. In a time of growing challenges, we're refocusing on the core principles that keep municipal government running smoothly. Explore how elected officials, staff, and engaged residents can reconnect with the fundamentals of governance to serve their communities with clarity, purpose, and integrity. Read the April 2025 issue at tinyurl.com/2p9nnu8y.

CML EVENTS

CIVILITY STARTS HERE

Wednesday, April 30, 12-1:30 p.m.

Civility in public discourse is declining, yet, according to the 2023 American Bar Association's Survey of Civic Literacy, 79% of Americans want leaders to work together for better solutions. This class explores the role of municipal leaders in fostering respectful dialogue and restoring trust in governance. Participants will define civility, learn key guiding principles — such as active listening, focusing on issues over individuals, and seeking common ground — and practice actionable techniques for productive discourse. Join us to lead by example and create a more engaged, respectful, and solution-oriented community. Registrants will receive a Zoom link two days before the webinar. To allow for active participation, we're limiting this session to 30 attendees. Register at tinyurl.com/ybyzxe9.

SPRING DISTRICT MEETINGS

CML's Spring District Meetings are just around the corner, offering municipal leaders across Colorado valuable opportunities to connect, collaborate, and prepare for the year ahead. From May 13-29, join us in your region to network with peers, analyze impacts from the 2025 legislative session, and explore emerging challenges facing municipalities. Register online, www.cml.org/home/networking-events.

DIGITAL NEWSLETTER

The CML Newsletter is going fully digital. Starting this year, new CML members and associate members will receive the newsletter exclusively by email, with an option to temporarily opt-out and request a printed copy. Later this year, as part of a planned transition, everyone will begin to receive the CML Newsletter by email only, and the League will cease printing it altogether. The decision to go fully digital reflects a commitment to using member resources more effectively. Questions or requests to start receiving CML Newsletter via email right away should be sent to cml@cml.org.

Make plans to attend 2025 CML Annual Conference

Register now for this year's CML Annual Conference, happening June 24-27 in beautiful Breckenridge, Colorado. Register online at www.cml.org/conference.

TICKETED EVENTS

Join leading experts across the state for an unforgettable experience packed with fresh ideas, actionable strategies, and a boost of motivation.

Be sure to claim your spot for a breakfast or luncheon event. Space is limited and tickets must be purchased in advance, as they are not available onsite. Even if you've already registered for the conference, you can adjust your reservation online to add tickets.

Our conference is an opportunity to deepen your learning, connect with leaders, and leave with tools you can use



immediately. Visit www.cml.org and add ticketed events to your registration.

LEARN & CONNECT

The Annual Conference is CML's signature training event of the year, where

municipal officials from across the state come together to learn, share ideas, and build connections. The conference features informative sessions designed to tackle the important issues municipal leaders face every day. But what really sets it apart is the chance to connect with peers from other communities who are navigating similar challenges. You'll leave with fresh ideas, new contacts, and practical takeaways to bring back to your community.

More information is available on the CML website, cml.org/conference. Don't miss this amazing opportunity to grow professionally, make valuable connections, and bring back new ideas to strengthen your community!

Municipal League accepting applications for CML Board candidacy

*By Kevin Bommer,
CML executive director*

Half of the 20 elected seats on the Colorado Municipal League Executive Board will be on the ballot in June. CML will accept applications from candidates meeting the necessary criteria through Friday, May 23.

BOARD SEATS ON JUNE BALLOT

- **Largest Category**
(Population 250,000+):
Two positions (one for a two-year term, one for a one-year term)
- **Large Category**
(Population 50,000–249,999):
Three positions (two-year terms)
- **Medium Category**
(Population 8,000–49,999):
Three positions (two-year terms)
- **Small Category**
(Population <8,000):
Three positions (two-year terms)

Population figures for the June 2025 election will be based on Colorado Department of Local Affairs (DOLA) estimates used to establish 2025 mu-

nicipal dues for member municipalities. Members can contact CML to confirm their population category.

Candidates meeting all qualifications will be placed on the slate by the CML Nominating Committee and be voted on by the membership at the CML Annual Business Meeting on Thursday, June 26, during the 103rd CML Annual Conference in Breckenridge. Voting procedures will be outlined in the "Notice of Annual Business Meeting," which will be sent to all member municipalities before the conference.

CML Executive Board members are elected at-large, meaning each member municipality can vote for candidates in all population categories.

APPLICATION PROCEDURE

CML bylaws require Executive Board members be elected or appointed officials of member cities and towns. To be nominated for a board position, an official must:

- Apply to the Nominating Committee by Friday, May 23

- Obtain and submit a written letter or resolution signed by the mayor (or appropriate substitute, if needed) affirming the endorsement of the applicant's candidacy by the city council or board of trustees, also by Friday, May 23.

Note: Each city council or board of trustees may endorse only one nominee from their municipality. Individual endorsements or endorsements signed by staff do not satisfy this requirement.

Sample application and endorsement letters will be available on the CML website by Monday, April 7. Additional information and reminders will be published in future newsletters, on the CML website, and through direct member communication.

For applications, endorsements, or questions about the Executive Board or election process, contact Kevin Bommer, Executive Director, at kbommer@cml.org.

MUNICIPAL ELECTION RESULTS

FROM PAGE 1

LAND USE AND PUBLIC ASSETS

On March 4, voters in the **City of Aspen** approved a referendum allowing the state to use land for a highway realignment, transit, and wildfire evacuation route. However, a referendum which would require 60% voter approval to sell or change the use of parks and open spaces in the future failed.

Town of Paonia voters repealed an ordinance passed in 2024 regarding regulation and licensing of short-term rentals.

MARIJUANA

Windsor voters, in February, rejected a citizen-initiated measure to allow cultivation, testing, and retail marijuana sales in town.

PUBLICATION REQUIREMENTS

Voters in **Paonia** authorized the publication of ordinances by title only, provided full text is available for review at their town hall.

UTILITIES

On May 6, **City of Pueblo** voters will weigh in on the future of the municipality's contract with Black Hills Energy and explore taking over such services.

MUNICIPAL UPDATES

COLORADO SPRINGS

The City of Colorado Springs Parks, Recreation, and Cultural Services Department has been awarded a **\$250,000 Non-Motorized Trails Grant** through a multi-agency partnership that includes Colorado Parks and Wildlife, Great Outdoors Colorado, the Colorado Lottery, and the Federal Recreational Trails Program. This funding will support vital improvements within Austin Bluffs Open Space, focusing on trailhead improvements, trail connectivity, and enhanced wayfinding for visitors.

GLENWOOD SPRINGS

Through May 31

Get ready for an evening of laughter, music, and entertainment at The **Glenwood Vaudeville Review Spring Show!** This two-hour, family-friendly spectacle blends comedy, dance, and music into a truly magical experience — a must-see in Glenwood Springs.

LOUISVILLE

May 10-Oct. 11, 9 a.m.-1 p.m.

Although a few more cold spells may be ahead of us, spring is in the air! That

means Louisville is just weeks away from getting fresh produce and other goodies from the beloved **Louisville Farmers Market!** Mark your calendars for the first market in May — we can't wait to get the season started!

May 17, 10-11 a.m.

Join us for this historical walking tour of downtown Louisville, hosted by the **Louisville Historical Museum**. Explore the rich history of the town while visiting sites where buildings once stood, now lost to time. Using vintage viewfinder toys, you'll get a glimpse of these vanished structures through historical photos, bringing the past to life in a fun, interactive way.

NEW CASTLE

May 23

Symphony in the Valley is thrilled to host the inaugural **Spring Swing Golf Tournament** at the stunning Lakota Canyon Golf Club. All proceeds will directly support the local symphony, helping to expand musical outreach programs and inspire young musicians in the community. Join Symphony of the Valley for a day of golf, special contests, live music, and a catered lunch in the clubhouse following the tournament.

PUEBLO

July 11, 6:30 a.m.

Charity Golf Tournament **Hope Fore Survivors** will raise money for the Becky Baker Foundation Give Hope For Breast Cancer Survivors. Breakfast, golf, lunch, awards, a dozen balls for every player, and prizes for the closest to the pin long drive (men's and women's).

WESTMINSTER

April 26-May 3

Westminster Arts Week is a celebration of makers, creators, and artists across the community from the Orchard Town Center to Westminster's new downtown area to our eclectic Historic Westminster. Westminster invites you to join these free events, meet neighbors and local business owners, meet local makers/creators/artists, make some art for you and your family, and enjoy great local music and performances.

Join us for the 2025

CML ANNUAL CONFERENCE

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alongside Colorado's most talented

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Stakeholder meetings for disaster debris

The Colorado Department of Public Health and Environment is excited to invite you to participate in stakeholder meetings aimed at improving disaster debris management in Colorado. These meetings are a crucial part of updating Colorado's Integrated Solid Waste Management Plan, and your involvement is vital to our success.

The updated management plan aims to support Colorado's solid waste stakeholders by addressing several key areas:

- **Estimating Future Waste Generation:**
We will forecast the future generation of waste from the renewable energy sector to better prepare for sustainable waste management.
- **Disaster Debris Management:**
Developing a comprehensive disaster debris template for local governments to enhance response and recovery efforts.
- **Waste Diversion Assessment:**
Evaluating current waste diversion policies and providing recommendations to improve waste diversion and tracking in Colorado.

These meetings will focus on evaluating disaster debris needs and providing

policy recommendations. Additionally, we will develop strategies and templates for local governments to manage debris from natural disasters effectively.

Five stakeholder meetings will be held to gather insights and recommendations from various stakeholders. Your participation will help shape the future of disaster debris management in Colorado. By joining these meetings, you will contribute to the development of effective policies and strategies that will benefit Colorado's communities and environment.

REGISTER

Follow the links below to register for one of the five disaster debris meetings.

- **Meeting 1:** April 16, 12:30-2 p.m.
tinyurl.com/debrismeeing1
- **Meeting 2:** May 2, 11 a.m.-12:30 p.m.
tinyurl.com/debrismeeing2
- **Meeting 3:** May 27, 10-11:30 a.m.
tinyurl.com/debrismeeing3
- **Meeting 4:** June 10, 1-2:30 p.m.
tinyurl.com/debrismeeing4
- **Meeting 5:** July 1, 9-10:30 a.m.
tinyurl.com/debrismeeing5

GOCO hosting webinar for grant applicants, traveling across state for 2025 Roadshow

Great Outdoors Colorado (GOCO) has released its 2025 Strategic Plan, including updated grant opportunities informed by its partner network. It is holding a couple of events to let people know about the new plan and how to successfully apply for grants.

GOCO invites CML members to learn about what's new and how they can secure funding for their upcoming outdoor projects. This Zoom event will introduce grant opportunities, the application process, and how applicants can deliver a competitive project proposal. Register online, tinyurl.com/yy5y8ejj.

GOCO is coming to a city or town near you. During the 2025 GOCO Roadshow,

GOCO's regional officers will be on tour hosting events throughout the state to share what's new, connect with current and new partners, and learn about opportunities in your communities. More information and registration is available online, tinyurl.com/yybcd94b.

GOCO invests a portion of Colorado Lottery proceeds to preserve and enhance the state's parks, trails, wildlife, rivers, and open spaces. Its independent board awards competitive grants to local governments and land trusts and invests through Colorado Parks and Wildlife. Since its creation by Colorado voters in 1992, that's \$1.4 billion invested in 5,800 projects in all 64 counties.

Free public works training program

The Colorado Road and Bridge Institute is a free training program for individuals interested in careers in public works. The intensive, three-week program provides a foundational education to immediately enter the public works, road and bridge, and streets industry in Colorado. Funding is available for assistance with childcare, mileage, lodging, and food.

Applications for the upcoming Colorado Road and Bridge Institute are open and will be accepted through May 4. The Institute will run from June 2-20 at the Center for Integrated Manufacturing at Front Range Community College in Longmont.

Training includes certifications in OSHA-10, Flagging, and First-Aid/CPR. Graduates will receive the Road Safety Champion certificate from National Center for Rural Roadway Safety and Roads Scholar I recognition from Colorado LTAP. Participants will be eligible for six or more credits in Front Range Community College's highway maintenance management degree program.

Graduates can also earn a free Commercial Driver's License (CDL Class B) upon three consecutive months of employment with a local public works agency.

More information is available online, tinyurl.com/2jwnj7xf.

Essential tax reporting updates for DOR

House Bill 24-1050 requires every municipality to report specified information about sales or use tax on building or construction materials and any local lodging tax that it imposes to the Colorado Department of Revenue (DOR) by June 15, 2025, for biannual publication. To facilitate the initial collection of this data and ensure accurate reporting for its publication, DOR is asking municipalities to respond to two online surveys related to building materials sales and use taxes (tinyurl.com/ycx99tbv) and local lodging tax (tinyurl.com/fy7x8prd) by the end of April. Please remember to provide DOR with the required documentation by June 15 even if you complete this survey.

CML LEGAL CORNER



The danger of state-created danger

By Taylor McGaughey, CML law clerk

Municipalities face potential liability for many different reasons. For example, negligent actions by employees, dangerous conditions in buildings, or violations of employment or disability laws. In these examples a municipality or their employee is alleged to have directly inflicted an injury on a party.

But, what about cases where a third party caused the injury? Can the municipality be held liable? In some cases, the answer is yes.

THE FRAMEWORK OF STATE CREATED DANGER

While individuals have sought to hold government entities liable for not acting in situations where a third party causes an injury, the U.S. Supreme Court has generally rejected those Fourteenth Amendment substantive due process claims. The basis for rejecting those claims is that the Due Process Clause does not “require the State to protect the life, liberty, and property of its citizens against invasion by private actors.” *DeShaney v. Winnebago County Dep’t of Social Servs.*, 489 U.S. 189, 195 (1989).

However, the Tenth Circuit has developed two exceptions to this rule. *Matthews v. Bergdorf*, 889 F.3d 1136, 1143 (10th Cir. 2018). First, where there exists a special custodial relationship between the state and the victim. Second, if the state actor intentionally or recklessly created the danger that precipitated the deprivation (also known as the “state created danger” theory).

For the danger-creation exception, a plaintiff must first show that the state actor engaged in affirmative conduct

(whether an act or omission) and that there is an injury caused by private violence. Then, a plaintiff must prove the following: (1) the state actor created the danger or increased plaintiff’s vulnerability to the danger in some way, (2) plaintiff was a member of a limited and specifically definable group, (3) the state actor’s conduct put plaintiff at substantial risk of serious immediate, and proximate harm, (4) the risk was obvious or known, (5) the state actor acted recklessly in conscious disregard of the risk, and (6) such conduct, when viewed in total, was shocking to the conscience.

A plaintiff can also bring a state-created danger claim under the Colorado Constitution’s due process clause (article II, § 25). See *People ex rel. Juhan v. District Court*, 439 P.2d 741, 745 (Colo. 1968). Recently, those claims have been brought using the Colorado Law Enforcement Integrity Act (SB 20-217). C.R.S. § 13-21-131.

MUNICIPAL CONTEXT

State-created danger claims are mostly brought against municipalities in the law enforcement context. However, courts are typically unwilling to hold municipalities liable for violence perpetrated by a third party. For example, state-created danger claims have been brought against police officers for failing to enforce a restraining order, a fatal crash cause by a suspect pursued by police, and in a case where a 911 caller was killed by their attacker while the caller was on a call with the 911 operator who suggested that the caller return to the city where the attack took place. In all these cases the courts found that though the government entities’ actions may have contributed to the injury, the actions of the government did not rise to the level of state-created danger.

However, there are a few cases where the Tenth Circuit held a complaint sufficiently alleged conduct under which a public entity could be liable for state-created danger. For example, the Tenth Circuit declined to extend qualified immunity to an officer who gave a private citizen a gun and a badge and instructed him to enter the woods to try to locate a fleeing suspect, and the private citizen shot the suspect. *Waugh v. Dow*, 617 Fed. Appx. 867, 878 (10th Cir. 2015).

AN EXPANSION OF STATE-CREATED DANGER?

A group representing unhoused individuals in Boulder is pursuing a claim under Colorado’s due process clause relying on a state-created danger theory. The claim involves tickets for violating City of Boulder ordinances while “involuntarily unhoused” and exposing individuals to harm. This novel theory would dramatically expand the doctrine to place an affirmative duty on municipalities to provide protection or housing, or to refrain from enforcing local laws.

As in other courts, the claim was rejected by a Colorado district judge. The court found that the complaint failed to state such a claim because the plaintiffs failed to allege facts that they suffered harm resulting from private violence created by the affirmative actions of the city. Although the court didn’t reach other aspects of the theory, other courts have rejected the state-created danger doctrine in the context of camping bans.

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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- Don't miss out on ticketed events at CML Annual Conference
- Free training program for careers in public works
- Legal Corner: The danger of state-created danger

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NEWSLETTER

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