

ACCESSIBILITY

# Colorado Municipalities

Vol. 100, No. 3, July 2024

## ON THE MOVE

Creative solutions  
for public transportation

## BREAKING BARRIERS

Making the great outdoors  
attainable for all

## LIMITLESS

Imagining the future  
of accessibility



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# Colorado Municipalities

Vol. 99, No. 1, January 2023

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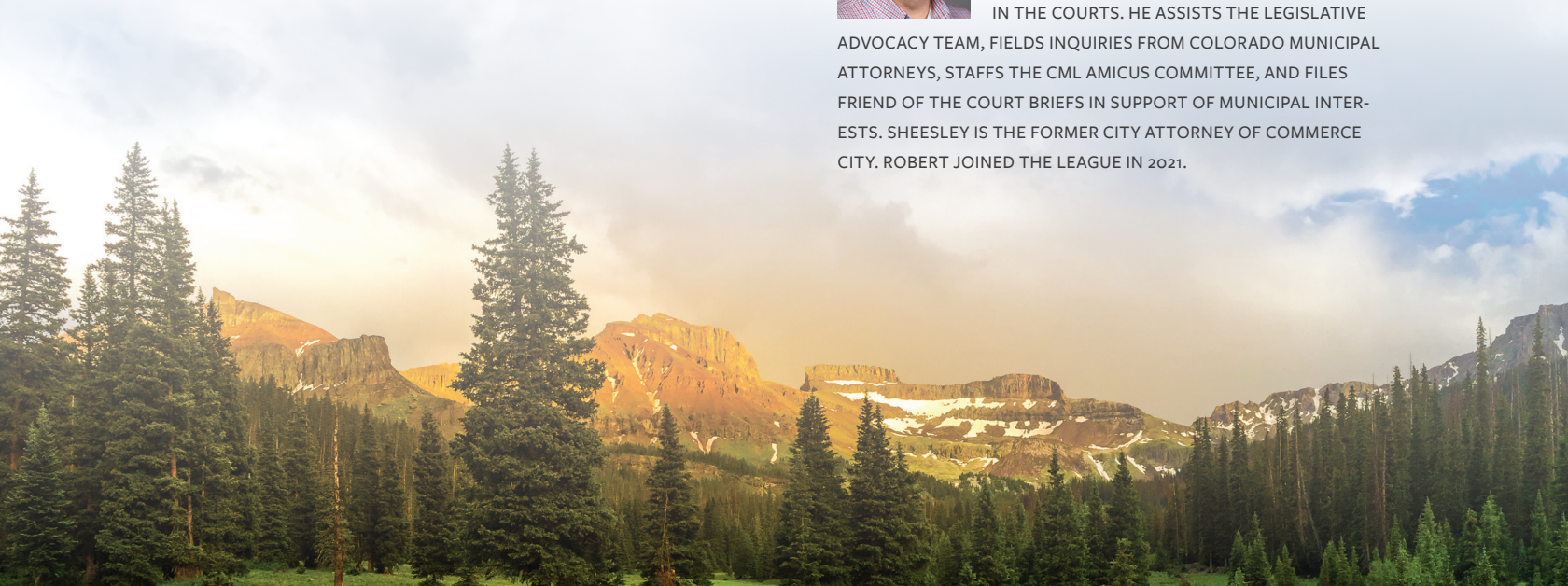
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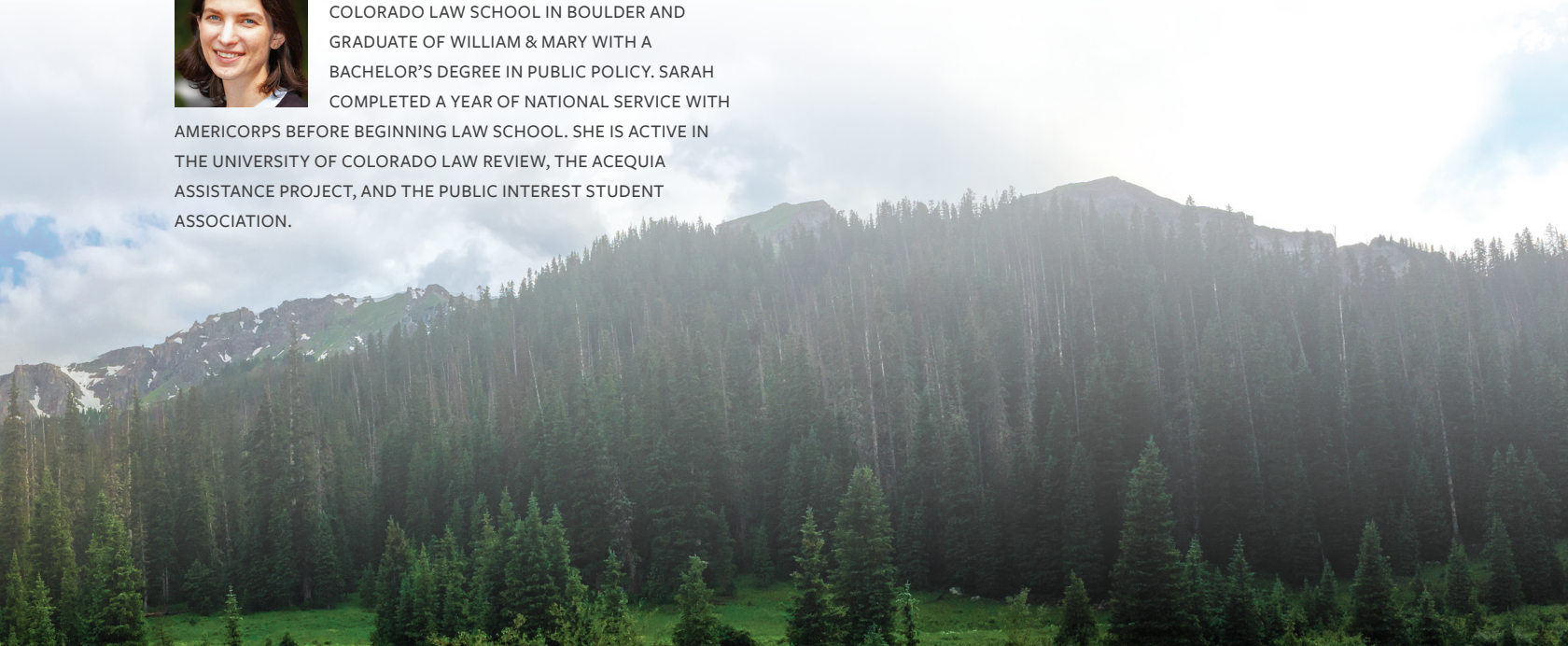
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## About CML

The Colorado Municipal League is a nonprofit association organized and operated by Colorado municipalities to provide support services to member cities and towns. The League has two main objectives: 1) to represent cities and towns collectively in matters before the state and federal government; and 2) to provide a wide range of information services to help municipal officials manage their governments.

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*Colorado Municipalities* is published to inform, educate, and advise appointed and elected municipal officials about new programs, services, trends, and information to help them perform their jobs and better serve their citizens and communities.

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# BREAKING BARRIERS

## How Colorado municipalities are making the great outdoors accessible to all

By **Rachel Woolworth**, CML municipal research analyst

**T**he great outdoors is a fundamental part of the human experience. Time in nature provides a range of physical, emotional, and mental benefits, helping improve mood, self-confidence, and feelings of belonging.

Yet people living with disabilities, whether cognitive, physical, sensory, or otherwise, are often excluded from the outdoors. Such barriers include inaccessibility of built environments such as playgrounds and trails, lack of information on existing accessible outdoor infrastructure, and social stigma often taking the form of ableism.

Efforts to improve outdoor accessibility in Colorado are underway at the state and local levels. In fact, outdoor space accessibility is the focus of one of four subcommittees of the Task Force Related to the Rights of Coloradans with Disabilities, convened by the Colorado General Assembly last year.

The subcommittee, comprised of disabled persons and industry professionals, is currently working to identify barriers to accessing and enjoying the Colorado outdoors for persons with disabilities. By the end of the year, the group will submit a report with findings and recommendations to the state legislature.



*Photo courtesy of City of Boulder Open Space and Mountain Parks*

Participants enjoy an experiential wheelchair hike sponsored by the City of Boulder Open Space and Mountain Parks.

# “We’ve been able to elevate our accessibility work from the minimum standards to the next level.”

— MATHEW MENDISCO, HAYDEN TOWN MANAGER

At the local level, municipalities are also working hard to improve the accessibility of outdoor spaces such as parks, playgrounds, trails, and open spaces for their residents.

## PARKS & PLAYGROUNDS

Between grading, surfaces, signage, and play features, cities and towns consider various factors when developing or revamping municipal parks and playgrounds with accessibility in mind.

“Outdoor accessibility work is tough in open spaces in the Springs because we are basically a city on a mountain,” Colorado Springs Parks, Recreation and Cultural Services Capital Project Coordinator Jake Butterfield explained. “So, when we jump over to developed parks, we try our best to do our due diligence. Everything new that we build at parks and rec now has an emphasis on accessibility.”

For example, Colorado Springs recently enhanced the surfaces and play features at Palmer Park Playground to improve accessibility. The city replaced 6,500 square feet of sand at the base of the playground with engineered wood fiber — a surface easily navigable for people using mobility devices — and installed adaptive

swings. Other playgrounds across the city offer wheelchair-accessible merry-go-rounds and saucer swings, cozy domes for neurodivergent folks, and various brightly colored materials to enhance visual stimulation.

Colorado Springs is not alone in its commitment to creating inclusive play spaces. Further west, the Town of Hayden has also taken significant steps to ensure that children of all abilities can enjoy their parks.

Hayden recently rehabilitated Dry Creek Park Playground to make it more inviting to children living with disabilities. Accessible play features include a roller slide offering tactile and vestibular stimulation, spinning wheels with different auditory elements, adaptive swings, and a ground-level spider web accessible to mobility devices.

The focus on accessibility is not limited to play. Colorado Springs has taken a holistic approach, extending its commitment to educational settings like the historic Rock Ledge Ranch. The city unveiled new educational opportunities for persons with disabilities at the living history museum in Garden of the Gods this summer.

A new kiosk with videos of different

experiential learning opportunities offered across the site, such as interviews with historical interpreters and demonstrations of old-time trades, is now available for those who are unable to enter the historic structures. The municipality also showcases tactile elements near the kiosks, such as blacksmith and wool goods. Students at the Colorado School for the Deaf and Blind tested the kiosk before the municipality opened it for public use.

“There are limitations to what we can do to improve physical accessibility at the ranch without compromising its historical significance,” Jason Crowe, the city’s accessibility coordinator, explained. “The kiosk is a way to help everyone enjoy the museum.”

Collaboration between municipal departments and external grant funding are essential pieces of outdoor accessibility work for Colorado Springs and Hayden.

In Colorado Springs, the accessibility office and parks department routinely compare notes on infrastructure priorities and projects. When the city received a complaint about the lack of accessibility at a local dog park last year, Butterfield and Crowe partnered

to fix runoff issues and build an Americans with Disabilities Act (ADA) compliant ramp simultaneously.

“The more we can team up and tackle projects together, the better,” Butterfield said.

Hayden, similarly, has leveraged external partnerships to finance and collaborate on outdoor accessibility work. In recent years, the town received \$1 million from the Colorado Health Foundation and \$500,000 from Great Outdoors Colorado for various park projects, as well as a sizable land donation from a local housing developer.

“Like all small towns, we make everything work with grant funding,” Hayden Town Manager Mathew Mendisco said. “We’ve been able to elevate our accessibility work from the minimum standards to the next level.”

### TRAILS & OPEN SPACE

In many municipalities across Colorado, trails and open space are an important part of everyday life for residents. Cities and towns are working to improve the inclusivity of such outdoor spaces by building and maintaining accessible trails, spreading the word, and offering recreational programming for people living with disabilities.

The City of Boulder Open Space and Mountain Parks (OSMP) and City of Fort Collins Natural Areas Department (NAD) are two municipal leaders in this realm. Both cities dedicate a portion of their municipal sales tax to acquiring and maintaining open space, helping fund accessibility projects in natural areas.

Boulder offers more than 30 trails and natural sites accessible to peo-



Photo courtesy of City of Colorado Springs

Colorado Springs recently updated Palmer Dog Park to include an ADA compliant ramp.

ple living with disabilities. These include the Sensory Trail off Flagstaff Summit Road, which is lined with ropes to assist people with vision impairment, and the Bobolink Trail, which offers crusher fine surfacing and plentiful shade for people using mobility devices.

Fort Collins maintains more than 20 accessible trails and outdoor sites, including a boardwalk around the bird-filled marshes of Riverbend Ponds, an ADA-compliant fishing pier at North Shields Ponds, and a wheelchair-accessible trail made of crusher fine along Bobcat Ridge.

“You get more of a nature fill when you’re out on the gravel or a boardwalk,” Topher Downham, education outreach program manager for OSMP, said of Boulder’s efforts to utilize surfaces other than concrete on their trails.

However, according to Downham, building and maintaining trails is only

part of the challenge. Municipalities must also engage the community around such assets to improve public awareness and encourage use.

Boulder and Fort Collins publish an accessible trail guide and map, respectively, to help people living with disabilities locate trails and sites customized to their needs. The guides detail nearby natural and cultural attractions, trail type, length, and width, and whether there is ADA parking. Both municipalities also assign accessibility rankings to different trails and sites.

Inclusive recreational programming is another way to welcome people living with disabilities to municipal open spaces. Such programming helps introduce residents to new trails, activities, and community members.

OSMP, for example, offers guided roll-and-stroll hikes using mobility devices, adaptive bike rides on mountainous terrain, and experiential

wheelchair hikes to give able-bodied people the experience of using wheelchairs and other mobility devices. Fort Collins, in a similar spirit, offers adaptive birding classes and accessible trail maintenance volunteer opportunities. The city also recently added a disability accommodation form to its online recreational programming sign-up system.

### COMPLIANCE IS NOT ENOUGH

For the municipalities highlighted in this article, mere ADA compliance is not enough. Colorado Springs, Hayden, Boulder, and Fort Collins are proactively looking to shape the future of outdoor accessibility and to create parks, playgrounds, trails, and open spaces that benefit the mental and physical well-being of individuals of all abilities.

Fort Collins, for example, is currently working with a group of disabled residents to build an accessibility toolkit to incorporate into the planning process for newly acquired natural areas.

“They’ve noticed, yes, this is technically right but it’s not as good as it could be,” AJ Chlebnik, public engagement specialist for NAD, explained of the advisory group. “This input is essential if we want to move beyond ADA to true inclusivity.”

Along the same lines, Hayden recently reworked the town’s purpose, vision, mission, and values statements to reflect the importance and interconnected nature of inclusivity, sustainability, and the great outdoors.

“It’s really great that DEI (Diversity, Equity, and Inclusion) and accessibility are in the forefront now,” Downham said. “People with disabilities need the outdoors as much or more than everybody else.”

## MUNICIPAL FUNDING OPPORTUNITIES FOR OUTDOOR ACCESSIBILITY

### Colorado Parks & Wildlife Outdoor Equity Grant Program

This funding opportunity is open to local governments working to increase access to the outdoors for youth and families from communities that are traditionally underrepresented in outdoor recreation and conservation.

**Funding amount:** Up to \$100,000

**Application cycle:** Spring

### Colorado Health Foundation Equitable Community-Designed Outdoor Spaces Grant Program

This funding opportunity supports planning grants to inform the design and construction of outdoor spaces, such as playgrounds and parks across Colorado that allow children, youth, and families to become co-designers of their own reimagined spaces for physical activity while fostering a sense of community, agency, and belonging.

**Funding amount:** \$25,000-\$50,000

**Application cycle:** Winter

### Great Outdoors Colorado Community Impact Grant Program

This funding opportunity is available to local governments looking to develop and revitalize parks, trails, schoolyards, fairgrounds, environmental education facilities, and other outdoor projects important to Colorado communities.

**Funding amount:** Up to \$1 million

**Application cycle:** Three cycles annually

SPOTLIGHT

# Task force seeks to bring together accessibility stakeholders

BY COLORADO LT. GOVERNOR DIANNE PRIMAVERA  
AND STATE REP. DAVID ORTIZ

**IN** Colorado, we are working to make our state accessible and welcoming to all people and we know that bringing together stakeholders and community members is an important part of the work to meet people where they are with what they need.

From expanding access to our world-class outdoors to ensuring state laws promote accessibility for all Coloradans, we continue efforts to make our state the best place to live, work, and thrive for all residents.

With approximately 20% of Coloradans living with a disability, we know just how essential it is to have Coloradans with lived experience at the table as we build legislation and develop blueprints for Colorado's future. While the 2024 legislative session is now complete, we are executing the final stages of disability-focused, community-guided planning, set in motion in the 2023 session, and are seeking stakeholder feedback and review.

One such initiative is the Task Force on the Rights of Coloradans with Disabilities. The mission of the task force is to bring together disability advocates, local government representatives, businesses, elected leaders, and state and local representatives to identify key opportunities to expand and support accessibility for persons with

disabilities. The task force, and subcommittees, focus on the following areas.

- **The Rewrite Subcommittee** — This group is working to make recommendations for a thorough revision and rewrite of the Colorado Anti-Discrimination Act to improve clarity, ensure the civil rights of Coloradans are protected, and ensure the protections are enforceable.

- **The Outdoors Subcommittee** — This group is identifying barriers to basic access to and the enjoyment of the Colorado outdoors for persons with disabilities and making recommendations for addressing those barriers.

- **The Housing Subcommittee** — This group is exploring how we expand access to secure, affordable, accessible, and attainable housing for Coloradans with disabilities.

- **The Government Subcommittee** — This group is working to ensure people with disabilities can access the services they need, are able to effectively participate in public discussion, are able to be employed by governmental agencies, and can run for and effectively serve in elected positions within state and local government.

Since the fall of 2023, the task force and its subcommittees have been meeting to explore, discuss, and learn from a wide variety of individuals with both lived



experience and professional expertise relating to each of the issues before the subcommittees. These discussions have given members an opportunity to understand the barriers and potential opportunities experienced by the disability community. These meetings have helped prepare members to begin considering potential solutions and recommendations.

This summer, each subcommittee will share its preliminary plans and proposed solutions for continued feedback and discussion. These ideas will be shared on the Department of Regulatory Affairs (DORA) webpage for public input.

Public input is an important part of drafting impactful recommendations. Meetings of the task force and its subcommittees are open to the public and all meeting times and materials are available online. Each meeting has a

public comment period and input can also be provided through the webpage. All meetings are streamed live and available to view at any time on the DORA YouTube channel.

We welcome local governments to join and participate in these important meetings and to make their voices and the voices of their constituents heard. The subcommittee reports are due to the task force on Dec. 1, 2024. The task force will then produce a final report and submit it to the Governor and General Assembly by Jan. 30, 2025.

We know that as we strive to build an accessible, vibrant Colorado now and for generations to come, it takes all of us working together, bringing our perspectives, ideas, and questions to the table, to make a real impact on our state. That's exactly what the task force is working to do, and we welcome all participation in this important effort.





# Public transit connects Colorado

## Municipalities get moving on mobility issues

By **Rachel Woolworth**, CML municipal research analyst

**M**obility is essential to economic and social integration. Public transportation connects people to employment, healthcare, education, and community. Unfortunately, a lack of accessible public transit often prevents people living with disabilities from fully integrating into society.

Common public mobility barriers for disabled persons include a lack of accessible curbs, crosswalks, and sidewalks, signage without inclusive sensory elements, and public transit vehicles not compliant with Americans with Disabilities Act (ADA) standards. In many rural areas, a total absence of public transportation further isolates people living with disabilities.

Title II of the ADA, signed into law in 1990, protects the rights of individuals living with disabilities to access public transportation. The law and federal regulations mandate that all new pub-

lic transit vehicles must be accessible to individuals using mobility devices, hold designated seating for disabled passengers, and provide auditory stop announcements. The legislation also requires all transit operators to offer paratransit services for those who cannot use mass transit.

Yet the ADA is difficult to enforce. The law is complaint-driven, leaving the burden of policing transit operators to people living with disabilities. Filing a complaint or taking legal action requires significant time, money, and expertise.

Almost 30 years after the passage of the ADA, accessibility advocates are looking beyond the minimum requirements of the law to advocate for a more holistic understanding of mobility justice. Such a lens looks at transit accessibility as a civil rights issue with far-reaching consequences for the social-

emotional health and economic mobility of disabled persons.

From the Eastern Plains to Southwest Colorado, cities and towns across the state are working to tackle mobility issues at the local level through forward-thinking municipal planning, external funding, and regional partnerships.

### PEDESTRIAN ACCESS IN LAMAR

Throughout the 1990s, Lamar worked hard to bring its downtown pedestrian corridor into compliance with the ADA. Thirty years later, many of these curbs, ramps, and sidewalks need rehabilitation.

Lamar is rebuilding accessible pedestrian infrastructure along the east side of its Main Street, thanks to a nearly \$2 million grant from the Transportation Alternatives Program (TAP), a federal

grant administered by the Colorado Department of Transportation (CDOT). The program seeks to expand infrastructure for non-motorized forms of transportation. The municipality will tackle pedestrian infrastructure on the west side of Main Street next year.

Lamar is also working to extend the Lamar Loop — a six-mile, shared-use path connecting Lamar High School, Prowers County Sand and Sage Fairgrounds, and Lamar Community College. The entire loop is accessible for people using mobility devices.

“It works to our advantage that Lamar is flat, and we don’t have to deal with hills and slopes,” Lamar Public Works Director Pat Mason explained. “We still have to move dirt, and there are still issues that come up, but the landscape makes it pretty easy for us.”

Lamar’s flat topography, the city’s manager Rob Evans said, allows the municipality to complete various transit-related planning reviews in house, saving the city money. Evans estimates more than half of Lamar’s accessibility work is grant funded, allowing the municipality to keep up with a range of accessibility requests filed by residents living with disabilities.

### **PUBLIC TRANSIT ACCESS IN SOUTHWEST COLORADO**

While Lamar focuses on improving pedestrian infrastructure, other rural areas of the state, such as Southwest Colorado, seek to overcome accessibility challenges in public transit.

Common barriers to transit in rural Colorado include low population density — equating to lower ridership and lower revenue for transit

systems — long route distances, extreme weather, and mountainous terrain. Some rural communities do not offer public transit at all.

The City of Durango, however, the largest municipality in Southwest Colorado, maintains a robust public transit system. The city offers five fixed bus routes, an on-demand microtransit service, and a paratransit service — all ADA accessible and operating seven days a week.

## **Residents who need to get to the hospital in Durango will often call the ambulance for assistance in non- emergency situations, leaving a gap in ambulance coverage.**

The fixed route system operates from 7 a.m. to 8:30 p.m. year-round, helping connect residents to Durango’s urban core, various healthcare facilities, Walmart, and Fort Lewis College.

DuranGO!, the city’s new on-demand bus service, operates year-round from 5 p.m. to midnight. For a flat \$2 per ride fee, residents can enjoy curb-to-curb services similar to Uber or Lyft. Since the city launched DuranGO! in 2023, thanks to a federal 5311 Rural Area Formula Program grant, ridership has increased by 30% month over month.

“It underscores the need for a transit option that is actually meeting the needs of people in our community,” Durango Department of Transportation Director Sarah Hill said.

Durango’s paratransit service, the Opportunity Bus, provides door-to-door transportation service within city limits for senior citizens and qualifying persons living with disabilities. Though seniors frequently use the Opportunity Bus, Hill noted that the service is underutilized by younger people living with disabilities.

While Durango locals enjoy several public transit choices within city limits, nearby towns have fewer options. Residents of Silverton, for example, face significant challenges traveling to Durango for employment, medical care, and educational opportunities.

“We are a very rural mountain community. It is 50 miles in either direction over one of two mountain passes to a full-service grocery store,” Silverton Mayor Dayna Kranker explained of the 700-person town. “Getting anywhere for anybody is a challenge for anyone, much less people living with disabilities.”

Silverton does not offer public transportation. A few years back, the San Juan Basin Area Agency on Aging attempted to coordinate a weekly shuttle service to Durango but encountered difficulties insuring vehicles and drivers.

The lack of medical resources and accessible public transit in Silverton hold far-reaching consequences for locals, Kranker said. Getting to and from medical appointments or the pharmacy can often take Silverton residents an entire day, costing anywhere from \$30 to \$50 in gas.



Southwest Rides is a door-to-door, driver-assisted transportation service for people living with disabilities.

Another consequence of lacking public transit is overuse of Silverton Medical Rescue's ambulance service. Residents who need to get to the hospital in Durango will often call the ambulance for assistance in non-emergency situations, leaving a gap in ambulance coverage.

Instead of piecing together public transit to send residents out of town, Silverton and San Juan County are focused on bringing services, such as a weekly primary care clinic, to town. This effort is particularly important, Kranker said, as one-third of Silverton's population is over 60 years old.

"With a small community like ours, it's tricky because the return on investment for transit services just simply isn't there," Kranker explained. "That's where regional partnerships come to bear."

Southwest Rides, an ADA accessible, door-to-door driver-assisted transportation service for people with disabilities, the aging, and veterans, is looking to expand services to Silverton. Historically, the service, administered through Southwest Center for Independence, has only operated in La Plata County (of which Durango is the county seat). But Southwest Rides

sees an opportunity for collaboration in Silverton.

The City of Durango collaborates in several regional partnerships including a pass share with Road Runner Transit, which connects Ignacio and Bayfield to Durango. Other partnerships include a carpooling incentive program promoted across La Plata County and a shared payment application for transit services with other transit providers in the area.

Additionally, the Southwest Regional Transit Coordinating Council provides an opportunity for municipal and county governments and private transportation providers to meet routinely,

# MUNICIPAL FUNDING OPPORTUNITIES FOR TRANSPORTATION ACCESSIBILITY

## Colorado Department of Transportation (CDOT) Revitalizing Main Streets Program

This funding opportunity is open to local governments working to encourage physical activity and enhance local economic vitality through infrastructure projects in downtown hubs. One of the grant program's goals is to provide safe access to mobility for residents of all ages, incomes, and abilities.

**Funding amount:** Varied

**Application cycle:** Rolling

## CDOT Transportation Alternatives Program

This federal funding opportunity managed by CDOT is open to local governments planning transportation improvement projects that expand travel choice, strengthen the local economy, improve quality of life, and protect the environment.

**Funding amount:** Varied

**Application cycle:** Spring

## Federal Transit Administration Innovative Coordinated Access and Mobility Grant Program

This funding opportunity is open to local governments that operate a public transportation service seeking to finance innovative projects for the transportation disadvantaged that will improve the coordination of transportation services and non-emergency medical transportation services.

**Funding amount:** No minimum or maximum

**Application cycle:** Winter

helping stakeholders coordinate services without redundancy.

“The need for transportation services doesn't end at the jurisdictional line,” Hill said. “As much as we can coordinate our services and get past those boundaries, the stronger our communities.”

### OVERCOMING OBSTACLES

Though the challenges of public transit accessibility in Colorado are

vast, especially in rural areas, municipalities are rising to the occasion. Cities and towns are leveraging external funding and regional partnerships to build accessible pedestrian infrastructure, maintain the accessibility of fixed bus routes and paratransit services, and offer on-demand curb-to-curb bus services. These efforts help municipal residents living with dis-

abilities maintain employment, access healthcare, and connect to community — all important determinants of mobility justice.

“Sometimes the most important thing is just getting people out of their homes and into society,” said Patrick Davis, transportation program manager for Southwest Rides. “We all need to work together to make that happen.”



SPOTLIGHT



# Bringing ADA compliance within reach

## Tips from the Denver Division of Disability Rights

By **Alison Butler**, director of the Denver Division of Disability Rights

**I**N 1990, President George H.W. Bush signed the Americans with Disabilities Act (ADA), declaring, “Together, we must remove the physical barriers we have created and the social barriers that we have accepted. For ours will never be a truly prosperous nation until all within it prosper.”

These inspiring words united the disability justice community, but 34 years later, many municipalities still

struggle to comply with the ADA. For some, programmatic access, including interpreters and service animals, are difficult to navigate. For others, physical barriers continue to pose a challenge, whether buildings are historic or newly built.

Keep in mind, the ADA requires that any municipal building constructed for first occupancy after Jan. 26, 1993, or substantially renovated after Jan. 26,

1992, meet specific accessibility requirements. The law also requires municipalities to remove other physical and programmatic barriers to access of its facilities, programs, and services.

In Denver, we are steadily working to remedy over 17,000 physical and programmatic barriers that we have identified since 2017. Here are some of the lessons we have learned in our quest to become more disability friendly.

# Train your staff on ways to work with the disability community appropriately and respectfully.

## ASSESS THE SITUATION

You must first determine the accessibility of your municipality's programs, facilities, and services. It's best to have specialists complete full ADA surveys, but if resources do not allow, then grab a checklist based on the accessibility guidelines and undertake your own review to determine how people with various disabilities can fully access your facilities and services. Consider:

- **Entrance** — Is the main entrance step-free, with 36" wide doors that can easily be opened by people with various abilities?
- **Accessible route** — Once inside, can a person using a wheelchair, walker, or service animal safely fit through the aisles and around the space? Can they reach counters, cash registers, or any other services or amenities?
- **Restrooms** — Is there at least one accessible restroom? Look at the width of the door, turnaround space, appropriate grab bars, and accessible hand washing stations.
- **Communication** — Does your municipality have a procedure to hire sign language interpreters when requested?

What about Braille? How do you communicate this to the public?

## PRIORITIZE, WITH EQUITY IN MIND

You will likely discover multiple barriers that need to be addressed, so prioritization is key. Determine your municipality's most vital services and facilities and start remediation work there. Voting, social services, emergency shelters, and the like should all be high on the list. Also consider how your accessible services are spread geographically across your community, working to ensure that people with disabilities have service and location choices, just as those without disabilities enjoy.

## PARTNER WITH LOCAL BUSINESSES

Encourage local businesses to become disability friendly and be a resource for them. In Denver, we started a Good Access is Good Business program in which our team provides free accessibility assessments to businesses to help them identify and remedy barriers to access. This helps make the entire community more accessible and welcoming.

## TRAIN YOUR EMPLOYEES

With more than 25% of Americans living with disabilities, using outdated terms like "handicapped" or "impaired" can immediately result in unintended offense. Train your staff on ways to work with the disability community appropriately and respectfully.

## WORK WITH THE DISABILITY COMMUNITY

This is your target audience, and they are experts. Provide various avenues to solicit feedback from the disability community and incorporate their suggestions into your prioritization plan to remedy barriers. And don't forget to share your remediation plan with the community; your transparency will help build trust.

Though ADA compliance may feel overwhelming, remember that the goal is to ensure everyone in your community can get through your doors and feel welcome once they do. Embrace this simple idea and making your municipality disability-friendly is not out of reach.

# DOG LAW







## SPOTLIGHT

# Is it a pet or a service animal?

By **Sarah Walker**, former CML law clerk

Individuals with disabilities have an established right under state and federal law to be accompanied by service animals in any place of public accommodation. Service animals provide critical, often lifesaving, care to their owners and are important members of communities. Unfortunately, instances of individuals fraudulently identifying their pets as service animals has led places of public accommodation to unlawfully deny access to individuals with disabilities with service animals. No official registration or certification mechanism for service animals exists, posing a challenge to public entities that want to verify an animal's status as a service animal. In *Stalder v. Colorado Mesa University*, the Colorado Court of Appeals provided some clarity on the law governing service animals.

In *Stalder*, a Colorado Mesa University student sued the school and two school employees for denying him the ability to bring his service dog onto campus. The student testified that he personally trained his dog to remove him from situations that could trigger his post-traumatic stress disorder, provide pressure therapy, and remind him to take his medications. The school employees asked the student about the status of his dog as a service animal and, based on the student's statement that the dog was an emotional support animal as well as the employees' observations of the dog's behavior,

determined that the dog was not a service animal covered under the Colorado Anti-Discrimination Act (CADA) or the Americans with Disabilities Act of 1990 (ADA). When the student tried to bring the dog onto campus, the school employees refused to allow him to do so. While the district court granted summary judgment in favor of the school, the Court of Appeals reversed the district court's decision and remanded for further proceedings.

## GOVERNING LAW

Colorado courts have long held that CADA and the ADA are “substantially equivalent” so CADA should be interpreted consistently with the ADA. Under ADA regulations, a service animal is defined as “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” Further, the tasks or work the dog performs must be related to the individual's disability. CADA goes further than the ADA and includes service dogs-in-training.

The ADA does not mandate any specific training standards, nor does it require service animals to have a certain amount or type of training. This means an animal's owner may train their service animal themselves. Under ADA regulations, public entities may not ask about the nature or extent of a person's disability and may only ask two questions to determine whether an animal qualifies as a service animal: (1) If the animal is required because of a disability, and (2) What work or tasks the animal has been trained to perform. Mu-

nicipalities may not ask the latter question when it is obvious what task or work the service animal is trained to do, such as a guide dog for a visually impaired person. They also may not ask for the service animal to perform their trained task. Lastly, the public entity cannot require documentation of the animal's status as a service animal, including documentation showing that the animal is certified, trained, or licensed as a service animal.

However, service animals must be under their handler's control. Public entities may ask for a service animal to be removed if the animal is being disruptive, aggressive, or is not housetrained.

## REJECTION OF THE ‘LEGITIMATE SUSPICIONS’ DOCTRINE

Some federal district courts outside of the Tenth Circuit Court of Appeals have previously held that a public entity may inquire beyond the two permissible questions if there are “legitimate suspicions” about an animal's status as a service animal. This doctrine, however, does not appear in the ADA or in any ADA regulations.

In *Stalder*, the school sought to invoke the legitimate suspicions doctrine. In a matter of first impression in Colorado, the court held that the legitimate suspicions doctrine is inconsistent with ADA regulations and cannot support inquiries made by public entities that go beyond what the regulations expressly permit.

## EFFECT OF THE COURT OF APPEAL'S DECISION

For individuals with disabilities, the court's decision strengthens their

legal right to service dogs and reduces fear that they may be unlawfully discriminated against. The lawyer for the student emphasized that the court's rejection of the legitimate suspicions doctrine removes obstacles individuals with disabilities face when public entities question them because their service animal does not seem legitimate.

For municipalities, however, the standard established by the Court of Appeals significantly limits their ability to ensure people do not abuse this right that is critical for individuals with disabilities. Recognizing the prevalence of the issue, Colorado law tries to deter people from lying about their dog's status as a service animal. Under C.R.S. 18-13-107.7, individuals may not intentionally misrepresent an animal in their possession as their service animal or service animal in training for the purpose of obtaining additional rights. A violation of this law carries with it a fine ranging from \$25 to \$500. The court's decision in *Stalder*, however, may make it more difficult for public entities to combat the issue and to prosecute people under this law.

Further, a handful of Colorado municipalities have ordinances banning residents from owning pit bulls or other similar dogs. Significantly, under the ADA, these bans cannot deny individuals with disabilities from owning one of these dogs as a service animal.

To comply with the ADA and CADA, municipal officials should be informed of and understand the limited questions they may ask to determine whether an animal is a service animal.



**Service animals  
provide critical,  
often lifesaving,  
care to their owners  
and are important  
members  
of communities.**

## SPOTLIGHT

# DIGITAL ACCESSIBILITY

## Manitou Springs works toward compliance with HB21-1110

By **Rachel Woolworth**, CML municipal research analyst

**F**or mid-sized and small municipalities like the City of Manitou Springs without a standalone accessibility department, compliance with House Bill 21-1110, Colorado Laws for Persons with Disabilities, is a heavy lift.

“We are a relatively small but mighty staff. I think we are doing what we can,” Alex Trefry, Manitou Springs’ former public information officer, said of the city’s work to meet the law’s technology accessibility standards.

Passed by the state legislature in 2021, HB21-1110 requires governments across Colorado to provide proper technology accommodations for individuals living with disabilities. The

bill’s provisions, such as providing text descriptions of images and transcriptions of video content, aim to create a level playing field where everyone can fully participate in and benefit from government services and programs.

If municipalities do not meet the technology accessibility standards outlined by the Colorado Governor’s Office of Information Technology by July 1, 2024, they could face a court order requiring compliance, monetary damages, or a fine of \$3,5000 if a person in the disability community is limited in their access. A bill passed in the 2024 legislative session, HB24-1454, provides a defense to claims

made prior to July 2025 if the public entity proves it has made good faith efforts toward compliance.

Though Manitou Springs formally started working on a digital transition plan in June 2023, technology accessibility work had already been informally underway for years before. This allowed the municipality to tailor its transition plan to align with state mandates, rather than building it from the ground up.

Manitou Springs kicked off these efforts by hiring a consultant to conduct an accessibility assessment of the city’s web platforms, including payment forms, PDFs, digital newsletters, and



public meeting agendas, to name a few. The assessment identified issues on vendor and internal platforms, as well as how to rectify them.

The city responded to external problems by adding technology accessibility guidelines to procurement processes for any vendor that may generate digital content on behalf of the municipality. Vendors managing preexisting web content, such as CivicPlus, were asked to make retroactive software changes.

To address internal problems, Manitou Springs required 20 employees to participate in a 13-step training on web accessibility led by the city's consultant. The training, which staff com-

pleted in March, taught city employees how to properly generate compliant documents on Adobe Acrobat and Microsoft Word, how to audit preexisting content, and more.

In April, Manitou Springs City Council adopted its digital accessibility transition plan — a requirement of HB21-1110. The plan sets a remediation timeline for high, medium, and low-priority digital assets. The city aims to bring high-priority content into compliance by the end of this year.

The plan also directs staff to hire a full-time digital accessibility coordinator to oversee the implementation of the transition plan, maintenance of

digital content, and responses to digital accessibility complaints.

“We have a plan in place, we have a process in place for feedback and complaints, and soon we will have a person in place to oversee the effort,” said Mitchell Carter, Manitou Springs' public information officer, of the city's movement towards compliance.

Colorado Municipal League members can access a library of digital accessibility plans completed by various municipalities across the state on CML's website. The library serves as a resource for municipal members at varying stages of their digital accessibility journey.

# Municipal funding opportunities for digital accessibility

## COLORADO STATEWIDE INTERNET PORTAL AUTHORITY (SIPA) MICRO-GRANT PROGRAM

This funding opportunity is available to local governments with a SIPA Eligible Government Entity (EGE) agreement in place working to connect residents to government by putting more information and services online.

**Funding amount:** Up to \$10,000

**Application cycle:** Spring

## SIPA GOVGRANTS PROGRAM

This funding opportunity is available to local governments with a SIPA EGE agreement in place that are working on innovative government technology projects that improve efficiency and effectiveness of government service delivery, implement high-impact technology solutions, and support Gov. Polis’ policy agenda.

**Funding amount:** \$25,000 and up

**Application cycle:** Spring

## SIPA ACCESSIBILITY GRANTS PROGRAM

This funding opportunity is available to local governments with a SIPA EGE agreement in place looking to utilize CommonLook Suite Licenses and CommonLook training to help with the digital PDF compliance outlined in HB21-1110.

**Funding amount:** One-year license

**Application cycle:** Spring



# Q&A

## With Denver Councilmember Chris Hinds and former Wiggins Town Manager Tom Acre

By **Rachel Woolworth**, CML municipal research analyst

**A**ccessibility holds a wide variety of meanings at the municipal level. As discussed throughout this magazine, accessibility includes access to municipal services, transportation, housing, the outdoors, and more. At the forefront of local accessibility advocacy work in Colorado stand Chris Hinds, Denver councilmember for District 10, and Tom Acre, former Wiggins town manager.

Hinds, who is paralyzed from the chest down, is the first elected official in Denver who uses a wheelchair for mobility. He is a fierce advocate of equitable access at the local, state, and federal levels, serving as a subject matter expert on transportation and disability topics. In 2018, Gov. Hickenlooper signed the Chris Hinds Act into law, closing loopholes to prevent the fraudulent use of disability parking.

Acre has worked in municipal government for nearly 20 years, serving in various senior management roles in Commerce City, Trinidad, South Fork, Dillon, and Wiggins. Acre



**Chris Hinds**



**Tom Acre**

currently serves as a Gov. Polis appointee on the Task Force Related to the Rights of Coloradans with Disabilities Rewrite and Modernization Subcommittee. The following comments are provided by him as an individual with a disability, not speaking on behalf of the task force subcommittee.

In a Q&A session with Colorado Municipal League, Hinds and Acre shed light on how their identities as disabled persons inform their calls to public service, the significance of accessibility at the municipal level, and shifts in cultural understandings of disabilities.

**CML:** *How has your identity as a disabled person informed your work in municipal government?*

**Hinds:** We all deserve representation, and I feel honored that the people of Denver chose to elect me as the first councilmember in Denver's history who uses a wheelchair for mobility. As the disability community says, "nothing about us without us." I'm very open about my disability and openly identify as a member of the disability community.

Photos of me include my wheelchair as it is a part of who I am and how I interact with the world. I'm proud to provide that representation in conversations while policy is getting considered so we can ensure we have additional consideration in the policy we create.

**Acre:** Becoming a disabled person nearly six years ago has given me an enhanced awareness of the challenges the disabled community face when needing to access government services and public spaces.

**CML:** *Chris, you have served on Denver City Council since 2019. What accessibility-related initiatives and policies are you most proud of?*

**Hinds:** In 2019, the Americans with Disabilities Act marked its 29th anniversary. Despite that, Denver City Council's Chambers remained inaccessible to wheelchair users. It was only after I was elected that we modified it, restrooms in city hall, and more. Regarding specific legislation, we've passed legislation ensuring new parking lots with electric vehicle charging stations are universally designed, accommodating all vehicles including wheelchair-accessible vans. As the nation invests billions in an electric vehicle charging network, Denver led by example, passing legislation in 2023 mandating universal design. Effective February 2024, this initiative ensures inclusivity in the electrification revolution, promoting equitable access for all.

**CML:** *Tom, you have worked for several small to mid-sized municipalities in rural areas of Colorado. What are some*

*common barriers to accessibility in small towns and/or in rural parts of the state?*

**Acre:** Often, rural communities lack the staff and financial resources needed to adequately address their accessibility issues. Lack of awareness of the need to make accommodations may also play a role in small and rural communities.

**CML:** *Why is it important for local governments to be leaders in accessibility work?*

**Hinds:** Government's job is to represent all the people, not just a subset. People with disabilities are mothers, fathers, cousins, sons, and daughters. People with disabilities are born with them or acquire them through working hard to put food on the table for their families. People with disabilities sacrifice their ability in service to our country so we all can enjoy our American way of life. I've heard time and time again from elected officials throughout Colorado (and beyond) how disabilities have affected their families — or sometimes them personally through skiing mishaps or automobile crashes. The disability community is the only protected class that anyone can join at any time, whether they are expecting it or not.

**Acre:** Local governments have an important role and the ability to be leaders in accessibility work through leading by example and making buildings, facilities, and resources easily accessible and available to everyone. Local governments can lead accessibility work in the community by providing education to the public and business

owners on accessibility requirements. Local governments can and should enact regulations and codes with accessibility in mind.

**CML:** *How can municipalities leverage funding opportunities, public-private partnerships, regional collaboration, and more to confront accessibility issues?*

**Hinds:** It's important to note that, while the word "disability" starts with "dis-" there are many who don't think those with disabilities are the opposite of those with abilities. Attention to detail from someone on the autism spectrum could make that person far superior in certain roles. For me, I spend less time running, skiing, playing soccer, etc., because I can no longer do any of those activities. Instead, I choose to spend that time helping constituents and learning more about best practices of other cities that I can use to incorporate here in Denver. The best way to collaborate on accessibility issues is to engage your constituents with disabilities to learn about their needs and to reach out to peers who could share accessibility perspectives. (Yes, feel free to contact me!)

**Acre:** To confront accessibility issues, municipalities need to make accessibility one of their higher priorities in order to have the resources available to leverage opportunities as they are presented, may it be funding or partnership related. Many local governments already collaborate regionally on several issues, and elevating accessibility issues would allow municipalities to look at regional and public-private partnerships for solutions. Many communities in a region face common



## “In my experience, cultural competency around disabilities has seen little improvement.”

— TOM ACRE, FORMER WIGGINS TOWN MANAGER

issues that by working together they can find cost effective solutions.

**CML:** *House Bill 23-1296 created the Task Force Related to the Rights of Coloradans with Disabilities to study and make recommendations on modernization of Colorado Revised Statutes concerning civil rights for people with disabilities, as well as accessibility of the outdoors, housing, and government. What are your hopes for this task force?*

**Hinds:** My hope is it provides concrete, stakeholder-sourced, actionable recommendations for leaders — including municipal ones — to ensure access to government services and our public realm. We’re losing that bill’s prime sponsor — David Ortiz — as he is not seeking re-election. He’s the state’s first elected person who uses a wheelchair, and I am sad to lose that voice. I also hope HB23-1296 creates a more normalized pathway for people with disabilities to seek and win elected office.

**Acre:** My hope for the task force is that its work will result in the modernization of the Colorado Revised Statutes that is simplified, easy for the general public to read, not overly burdensome, and easily understood with clearly defined guidelines, regulations, and penalties. The task force needs to evaluate their recommendations to prevent the potential for unintended consequences to occur.

**CML:** *Is cultural competency around disabilities improving? If so, what forces are contributing to this change?*

**Hinds:** We all hope to see people we identify as looking like us in areas of leadership, responsibility, and respect. Since one in four Americans has a disability, it’s a huge population that could benefit from community members in those sorts of roles. We’re getting more — like Rep. Ortiz and I — and that is helping normalize people with disabilities as well as creating conversations

that haven’t happened before. As a result, some competencies are improving. We need more from the community to, ahem, “step up” for those who can’t do the stepping themselves. That will further contribute to increased cultural competency.

**Acre:** In my experience, cultural competency around disabilities has seen little improvement. I attribute most of the lack of improvement to a lack of education around the needs of the disability community and a small portion of it to a disregard of the need for accessibility. For example, non-handicap individuals often park in marked handicap parking spots for convenience. Many facilities and businesses could be made accessible at a low cost but do not know whether the change is needed or required. Businesses might not recognize that by making their space accessible, they might gain visitors.

# Access to local government

## What municipalities need to know

By **Heather Stauffer**, CML legislative and advocacy manager  
and **Robert Sheesley**, CML general counsel

**T**he phrase “local government is closest to the people” may sound hollow to people with disabilities who cannot fully participate in the various processes of governance. Barriers in both the physical and virtual worlds often reduce opportunities for participation by persons with disabilities.

Over the last few years, legislation and administrative rulemaking have attempted to lower specific barriers to local government access through a mix of new standards coupled with legal remedies. The need for accessibility, however, goes beyond evolving legal requirements. Ensuring accessibility keeps local government connected to everyone the government is intended to serve and represent.

### **PREMISE OF DISABILITY RIGHTS LAWS**

Legal protections for persons with disabilities arise from a simple and unobjectionable concept: a person with a disability should not, because of their disability, be excluded from participation in or denied the benefits of a public entity’s services, programs, or activities. This standard is repeated in federal law, like Title II of the Americans with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973 (for programs receiving federal assistance) (Rehabilitation Act), and state law, the Colorado Anti-Discrimination Act and related statutes (CADA).<sup>1</sup>

Public accommodations laws, including Title III of the ADA and CADA, also protect the right of a person with a disability to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a “place of public accommodation” (such as parks, recreation centers, stores, museums, golf courses, or senior centers).<sup>2</sup> Similar requirements extend to employment, transportation, housing, communications, and more.

### **TECHNOLOGY ACCESSIBILITY**

Access to government services, programs, and activities is increasingly available through technology, including websites, kiosks with digital interfaces, and mobile applications. In some

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<sup>1</sup> 42 U.S.C. 12132 et seq.; 29 U.S.C. 794; C.R.S. § 24-34-802(1)(b).

<sup>2</sup> 42 U.S.C. 12181 et seq.; C.R.S. § 24-34-601(2).



cases, the technology that provides information or allows participation in government is the service, program, or activity (like a virtual meeting or online records database).

By July 1, 2024, all Colorado local governments must be making good faith efforts to make digital content accessible to a qualified person with a disability in the same way, and with same ease of use, as it does for a person without a disability.<sup>3</sup> This includes adopting an accessibility plan and com-

plying with technology accessibility standards published in 2024 by the Governor’s Office of Information Technology.<sup>4</sup> The standards apply to all “information and communication technology” (ICT), including hardware, and to both internal- and external-facing ICT that is in active use or new on or after July 1, 2024 (or ICT that is altered or updated after that date).

The technology accessibility standards include compliance options that allow a government to prioritize com-

pliance efforts. Immediately, municipalities should adopt and post an accessibility plan (as required by the statute) and an accessibility statement (as required by the accessibility standards) that includes processes for requesting modifications and accommodations and reporting inaccessible ICT, as well as the municipality’s commitment to timely respond.

The standards allow governments to rely on five apparent safe harbors that relieve some pressure of compliance

<sup>3</sup> C.R.S. 24-34-802(1)(c)(I).

<sup>4</sup> 8 CCR 1501-11.

and reduce risk of liability. These include an opportunity to comply by: demonstrating compliance with its accessibility statement; providing reasonable accommodations or modifications for nonconforming ICT; and showing good faith progress on a plan to remove barriers across all ICT.<sup>5</sup> A technology accessibility plan can include annual status updates, prioritization of ICT, steps to remove barriers, timelines, and policies for testing and remediation.

Further, a 2024 law (HB24-1454) created a temporary affirmative defense based on the government's good faith efforts toward compliance with the accessibility standards and resolution of a complaint.<sup>6</sup> To use the defense, a government must prominently post a redress process on front-facing webpages and create a compliance progress report, updated quarterly, on progress toward making front-facing webpages accessible. The defense only lasts through July 1, 2025.

Colorado was slightly ahead of the federal government in directly addressing technology accessibility. This year, the U.S. Department of Justice issued technology accessibility rules under the ADA and Rehabilitation Act.<sup>7</sup> In general, the federal rules appear to be narrower; for example, they apply to a smaller range of technologies and have extended compliance timelines.

## TAKE NOTE

**Colorado's tech accessibility rules apply to all information and community technology (ICT), such as software and apps, hardware (computers, scanners, printers, phones, servers, routers, etc.), kiosks, websites, web content (images, audio, video, documents), and more.**

**At a minimum, by July 1, 2024, Colorado local governments should have:**

- **Adopted an accessibility plan**
- **Posted an accessible accessibility statement with processes for requesting modifications and accommodations and reporting inaccessible ICT and stating a commitment to timely respond to reports and requests**
- **Posted an accessibility redress process**
- **Begun tracking a progress report on compliance of the entity's front-facing webpages**

However, the standards share common elements, such as provisions excusing non-compliance in limited circumstances where compliance would fundamentally alter the nature of the service, program, or activity or impose an undue financial or administrative burden.<sup>8</sup> Each also sets high standards and documentation requirements for governments to meet the exceptions.

Keep in mind that even if an exception exists, a municipality must still address a request for a particular record by a person with a disability, under other provisions of law, by making reasonable modifications or providing auxiliary aids or services.<sup>9</sup> Even if compliance

would result in a fundamental alteration or impose an undue burden, the municipality must comply to the extent that it can without resulting in a fundamental alteration or undue burden.<sup>10</sup>

## ACCESS TO PUBLIC MEETINGS

In the last two years, legislators have introduced significant pieces of legislation aimed at expanding access to state and local government meetings for persons with disabilities.

In 2023, HB23-1308, Access to Government by Persons with Disabilities, would have required that any public meeting at which public business is discussed or formal action taken be accessible in real time by live streaming video or audio accessible to persons with

<sup>5</sup> 8 CCR 15091-11.7(B)

<sup>6</sup> C.R.S. 24-34-802(1)(c)(II).

<sup>7</sup> 89 FR 31320 (including 28 C.F.R. Part 35, Subpart H and Appendix D).

<sup>8</sup> 28 CFR 35.200(b); 28 CFR 35.204; 8 CCR 1501-11.3; 8 CCR 1501-11.5; 8 CCR 1501-11.10.

<sup>9</sup> 28 C.F.R. 35.130(b)(7); 28 C.F.R. 35.160; 8 CCR 1501-11.3; 8 CCR 1501-11.11.

<sup>10</sup> 28 C.F.R. 35.204; 8 CCR 1501-11.10. Colorado adds an exception for a "direct threat" to health and safety.



disabilities. A public body would have been required to post on its website, within specified periods, any documents that would be distributed during the meetings and would have been required to allow any person to participate in the meeting and offer public testimony by using a video conferencing platform. The bill would have required a public body to provide any auxiliary aids or services requested in time for the meeting for which they were requested without an explanation of need; the meeting would have to be if the requested auxiliary aids or services were not available. The bill allowed only six

months for compliance. HB23-1308 was ultimately postponed indefinitely at the sponsor's request to allow the Task Force to Study the Rights of Persons with Disabilities, created in HB23-1296, time to weigh in on the issue.

The 2024 session once again saw legislation aimed at expanding access to state and local government meetings for persons with disabilities. HB24-1168, Equal Access to Public Meetings, as introduced, mirrored many of the provisions of HB23-1308. Most notably, the bill required live streaming of public meetings and real time virtual access for persons with a disability. While

not perfect, CML worked sponsors and proponents to amend many provisions of the bill to create standards that would be more easily and practically implemented by local governments of differing sizes. However, the bill failed to move forward due to the anticipated costs the bill would place on the state.

### **TASK FORCE ON THE RIGHTS OF COLORADOANS WITH DISABILITIES**

HB23-1296 created the Task Force on the Rights of Coloradans with Disabilities in the Colorado Civil Rights Commission. This task force is charged with creating at least four subcommittees to

# Comparison of Colorado and Federal Technology Accessibility Standards

	COLORADO	FEDERAL
<b>WCAG guidelines</b>	WCAG 2.1 (8 CCR 1501-11.5)	WCAG 2.1 (28 C.F.R. 35.200(b)(1))
<b>Success criteria</b>	Levels A and AA (8 CCR 1501-11.5)	Level AA (28 C.F.R. 35.200(b)(1))
<b>Compliance dates</b>	July 1, 2024 (C.R.S. 24-34-802(1)(c)(I))	April 24, 2027 (<50,000 population) (28 C.F.R. 35.200(b)(2))  April 24, 2026 (50,000 or more population) (28 C.F.R. 35.200(b)(1))
<b>Web content</b>	Yes	Yes (28 C.F.R. 35.200(a)(1))
<b>Mobile apps</b>	Yes	Yes (28 C.F.R. 35.200(a)(2))
<b>Technology accessibility plan and statement</b>	Yes (C.R.S. 24-34-802(1)(c)(I); 8 CCR 1501-11.6)	Not required
<b>Categorical exceptions</b>	No	Yes (archived web content; preexisting conventional electronic documents; content posted by a third party for itself; conventional electronic documents about a specific individual; preexisting social media posts) (28 C.F.R. 201)
<b>Conforming alternate versions</b>	Yes (8 CCR 1501-11.4, -11.8)	If web content can't be made directly accessible (28 C.F.R. 202)
<b>Defenses</b>	Minimal impact or good faith (compliance with accessibility statement, providing reasonable accommodations, and evidence of good faith progress) (8 CCR 1501-11.7)	Minimal impact (28 C.F.R. 205)



study and make legislative recommendations on issues related to persons with disabilities. The four subcommittees are: the “government subcommittee” tasked with making recommendations on basic physical and programmatic accessibility within state and local government; the “rewrite subcommittee” tasked with studying and making recommendations for rewriting and modernizing the statutes related to civil rights of persons with disabilities; the “outdoors subcommittee” tasked with making recommendations related to basic access of outdoor spaces for persons with disabilities; and the

“housing subcommittee” tasked with making recommendations related to the affordability, accessibility, and attainability of housing for persons with disabilities.

The task force began its work in late 2023 and is due to present recommendations to the General Assembly in early 2025. These recommendations may dovetail with promises by proponents of accessibility legislation to bring similar bills to be considered in future legislative sessions.

Municipalities hold a unique opportunity now to review their internal practices, technology, and funding

with an eye for accessibility. Asking questions about the accessibility of municipal public meetings, municipal public spaces, and auxiliary services will help cities and towns ensure that all members of the community are easily included.

Approaching accessibility issues proactively will help insulate municipalities from possible future penalties or unfunded state mandates. Additionally, taking intentional steps forward in the accessibility space will ensure as many people as possible in Colorado’s cities and towns can take part in the democratic process.

## SPOTLIGHT

# Getting it done

Many laws mandating accessibility for people with disabilities come from state & federal government — but it's up to cities & towns to take action

By **Jack Johnson**, public policy liaison at Disability Law Colorado

Since July 26, 1990, Americans with disabilities have relied on the federal Americans with Disabilities Act (ADA) to access the world around them. The ADA was a sweeping piece of legislation that impacted everything from private businesses to city halls.

In addition to other '90s reforms, many states, including Colorado, have passed additional laws to enhance and expand rights for Americans with disabilities through the Colorado Anti-Discrimination Act (CADA). This law protects Coloradoans with disabilities from discrimination in housing and places of public accommodation, and it seeks to create a level playing field for people with disabilities, so they may enjoy equal access to everything our communities have to offer. Under these laws, local governments have the same obligation as state governments to provide access to individuals living with disabilities.

There are two important ways to view the obligations under the laws

that protect the rights of Coloradoans with disabilities: local governments as a market actor and local governments as a government actor.

When a local government acts as an employer in the job market, it must follow all relevant employment laws, such as ensuring equal access to employment for people with disabilities, just like every other private business in their municipality. Additionally, when a local government administers an exclusive government action, such as providing a service or holding a meeting, it has specific obligations to ensure access for a person with a disability.

Because of this, it is important to understand that a variety of recent legislation related to disability rights affects local governments. Outlined below are a few examples of how these new laws and potential future laws may affect local governments.

Changes in technology create new obligations and opportunities for government actors when it comes to

protecting the rights of Coloradoans with disabilities. In 2021, Colorado passed House Bill 21-1110, which requires digital materials to be accessible to those with vision or reading impairments. This sweeping law, which came into effect in July of this year, exemplifies how government obligations to protect and expand access shift as technology advances.

In addition to the state law, the U.S. Department of Justice issued an opinion that, under Title II of the ADA, governments must make their digital materials accessible. These dual laws provide a framework that local governments must follow to ensure citizens with visual or reading impairment have equal access to digital materials.

Another example of this development is requirements around electric vehicle (EV) chargers. When the ADA was passed, electric vehicles were barely a thought in the mind of most Americans, but today they are one of the country's fastest growing markets.





These vehicles require new infrastructure developments, namely EV charging stations. Many local and state governments undertake or supervise such development. As a result, Coloradoans with disabilities who want to drive electric vehicles depend on state and local governments to ensure their ability to use EV charging stations.

Right now, is a crucial time for local governments to make these facilities accessible. While accessibility features may be expensive, it is much cheaper to build an accessible station at the beginning of the process than it is to build an inaccessible one and then be required to remediate it after a lawsuit. New state guidance from HB24-1161 and new federal guidance, which will be issued based on the U.S. Access Board's recommendations, could be the basis for such lawsuits.

Finally, many Coloradoans with disabilities are kept from attending in-person meetings because of various barriers whether a lack of public tran-

sit, physical impairments in buildings or rooms where meetings are held, or the impact of a disability that limits a person's ability to be in large groups. These factors prevent Coloradoans with disabilities from accessing their government and participating in public meetings.

When the COVID-19 pandemic swept across the United States, many governing bodies shifted operations to virtual and remote work. Governments used telecommunication platforms to conduct open and transparent meetings during a time when laws prohibited in-person gatherings. This rapid shift to remote meetings meant that for the first time, many Coloradoans with disabilities could participate in the governing process.

During this past legislative session, HB24-1168 sought to make changes to Colorado's open meetings law. The bill would have permanently required remote access to streamed government meetings. Although the bill did not

pass, it is very likely to be re-introduced in the 2025 legislative session.

Technology is not the only challenge local governments face. Other obstacles include problems related to crime, law enforcement, and an increasing unhoused population. Several high-profile disputes have occurred between persons with disabilities and local law enforcement.

Earlier this year, the City of Boulder paid out a settlement to an individual after police officers failed to recognize she was deaf, and consequently and unjustly removed custody of her children from her. Many people with disabilities are captured in the criminal justice system because of their disability, and often they are pushed into a cycle of incarceration that becomes inescapable without proper intervention.

While much of the responsibility for preventing this lies with counties and states, local governments play an important role. Whether it is changes to law enforcement practices, incentivization of capital construction for mental and behavioral health facilities, or simply using resources to advocate at the county and state level for better systems of care to be put into place, every local government can take steps to create more accessible communities.

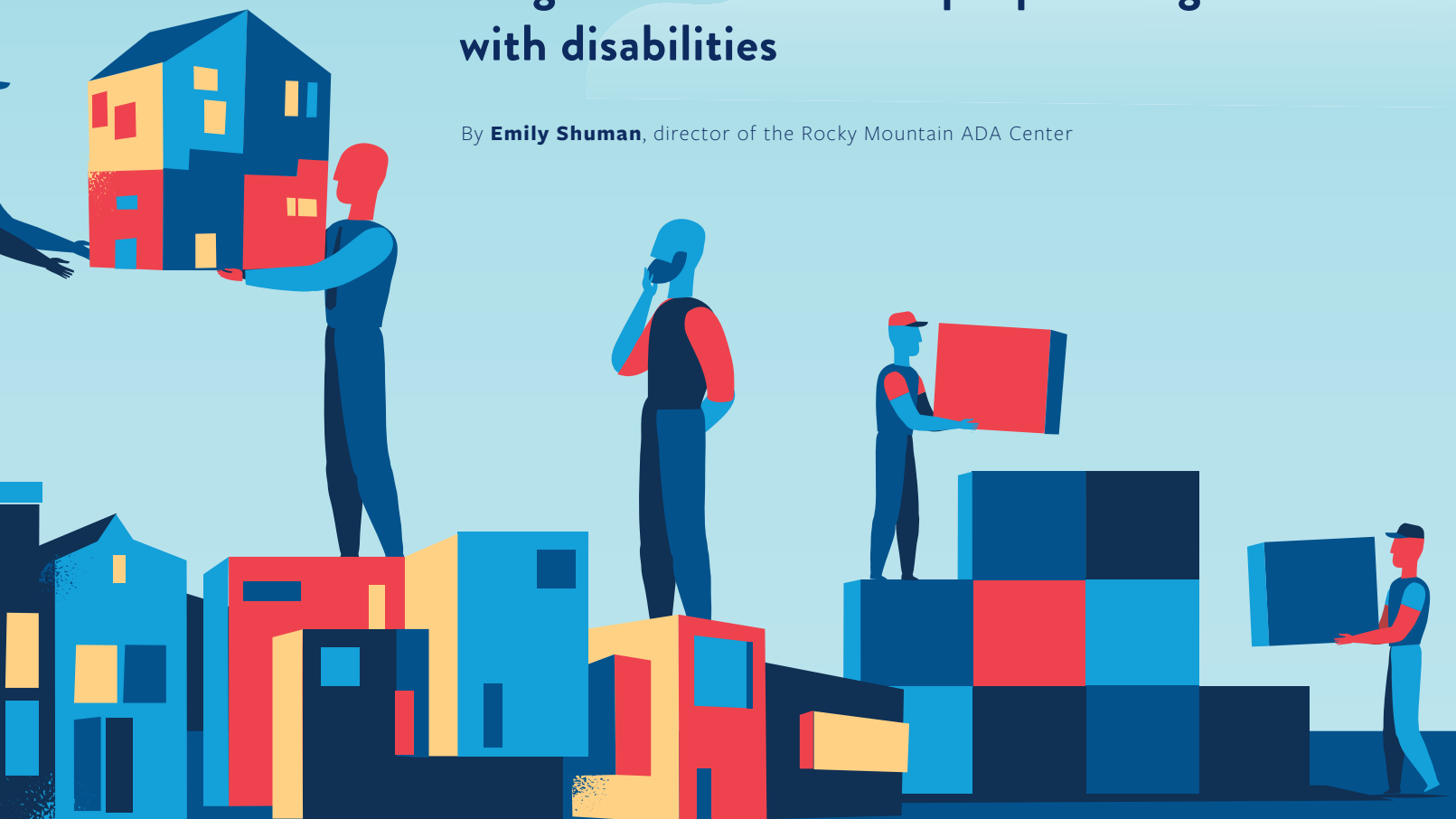
State and federal law continue to enhance the rights of Americans with disabilities, and much of these enhanced rights fall on local governments to follow and protect. The future of disability law in Colorado depends upon an updated CADA, more requirements to ensure open government meeting access, and a renewed focus on making spaces accessible for all.



# Imagining the FUTURE of accessibility

Emerging technologies pave the way  
for greater inclusion of people living  
with disabilities

By **Emily Shuman**, director of the Rocky Mountain ADA Center



**AS** director of the Rocky Mountain ADA Center, I have the privilege of working at the intersection of policy, innovation, and education on accessibility for individuals with disabilities. Our mission is to provide information, guidance, and training on the Americans with Disabilities Act (ADA) to ensure equal opportunity for people with disabilities. The future of accessibility will be shaped by emerging technologies and trends that promise to augment the lives of millions.

### **DIGITAL ACCESSIBILITY**

In today's digital age, website accessibility has become a critical area of focus. The World Health Organization estimates that over 1 billion people live with some form of disability, and for many, digital environments can be both a lifeline and a barrier. Inclusive design principles are being integrated into software development, ensuring websites, mobile apps, and other digital platforms are accessible to everyone, including those with visual, auditory, motor, or cognitive disabilities. Among them, the Web Content Accessibility Guidelines (WCAG) have provided a robust framework for making web content more accessible. Compliance with these guidelines, however, remains inconsistent.

### **ARTIFICIAL INTELLIGENCE & ASSISTIVE TECHNOLOGIES**

Recent advancements in artificial intelligence (AI) have led to the develop-

ment of sophisticated screen readers and voice-activated assistants that can provide more intuitive and effective interactions for users with disabilities. AI-driven tools can automatically identify and correct accessibility issues, such as missing alt-text for images or improper use of headings. While these tools should not be considered a complete replacement for the sophistication of the human mind, they can make it easier for web developers to ensure compliance with WCAG and to continuously monitor accessibility as websites evolve.

AI is also revolutionizing assistive technologies. Voice recognition software, like Apple's Siri and Google Assistant, have become commonplace, enabling people with mobility or visual disabilities to interact with their devices using voice commands. AI-powered applications can now provide real-time transcription services, converting spo-

ken words into text for individuals who are deaf or hard of hearing. Blind users benefit from tools like Be My AI or Apple's Detection Mode, which uses AI to provide descriptions of surroundings.

Another exciting development is the advent of AI-driven personal assistants for people with cognitive disabilities. These assistants can help manage daily tasks, provide reminders for medication, and even offer companionship. By leveraging machine learning, these tools can adapt to the unique needs of each user, providing a level of support that was previously unimaginable.

### **ACCESSIBLE TRANSPORTATION**

Transportation has always been fraught for people with disabilities. The advent of autonomous vehicles (AVs) may hold tremendous promise for enhancing mobility and independence. Companies like Waymo and Cruise are exploring ways to make AVs



accessible by incorporating features such as wheelchair lifts, voice-controlled interfaces, and advanced navigation systems that cater to the needs of passengers with disabilities.

Air travel is another area where people with disabilities have often been left behind due to a lack of accessibility. Recent advancements, however, promise to make flying more inclusive. Several policy enhancements are forthcoming under the purview of the U.S. Department of Transportation. This includes improving aircraft design, such as more spacious lavatories and improved seating options for passengers with disabilities.

Innovative solutions are also being implemented by airlines. Some carriers are introducing accessibility features in their mobile apps, such as the ability to request assistance or communicate with flight attendants via text. More than 220 airports worldwide participate in the Hidden Disabilities Sunflower program, which helps people with hidden disabilities discreetly inform others — through the use of a Sunflower printed lanyard — that they have a disability that may not be readily apparent.

### **SMART CITIES**

Smart city initiatives are transforming urban landscapes with the aim of creating more efficient, sustainable,

and inclusive environments. For people with disabilities, smart cities can offer enhanced accessibility through intelligent infrastructure. Examples include sensor-equipped crosswalks that detect and respond to pedestrians, smart public transportation systems that provide real-time updates and personalized assistance, and accessible public spaces constructed with universal design principles.

### **TELEHEALTH & REMOTE WORK**

The COVID-19 pandemic accelerated the adoption of telehealth and remote services, highlighting their potential to improve accessibility for people with

## Remote work, which became widespread during the pandemic, has opened new opportunities for people with disabilities.

disabilities. Telehealth eliminates the need for transportation, which can be a significant barrier. It also provides a convenient way for people with disabilities to access specialized care that may not be available locally.

In Colorado, the adoption of telehealth has been particularly impactful in rural areas. The Rocky Mountain ADA Center anticipates continued expansion of telehealth services. It is critical to ensure that such services are accessible. This involves promoting the use of accessible platforms, adherence to the WCAG, and providing training for healthcare providers on accommodating patients with disabilities in a virtual setting.

Employment is a key area where accessibility advancements can have a profound impact. Remote work, which became widespread during the pandemic, has opened new opportunities for people with disabilities. Flexible work environments that adapt to the individualized needs of people with disabilities are a promising development for the future of accessibility.

### CUTTING-EDGE ACCESSIBILITY INITIATIVES

One of the most ambitious accessibility initiatives is the Smart Columbus project in Ohio. This smart city initiative aims to transform Columbus into a model of accessible urban living. The

project includes the deployment of autonomous shuttle services designed to accommodate passengers with disabilities and mobility assistance for people with cognitive disabilities.

The Smart Columbus project also emphasizes community engagement, working closely with local disability advocacy groups to ensure the voices of people with disabilities are heard and their needs are met. By prioritizing accessibility, Smart Columbus is setting a precedent for other cities to follow in the future.

Microsoft's AI for Accessibility program is a prime example of how technology can be harnessed to empower people with disabilities. This initiative provides grants, technology, and expertise to developers, researchers, and organizations working on AI solutions that address the needs of people with disabilities.

Exciting developments in this area include Seeing AI, an app that narrates the world for people who are blind or have low vision, and Helpicto, which translates spoken language into pictograms for individuals with autism. By leveraging AI, these projects are eliminating barriers and creating new opportunities for people with disabilities.

### AN ACCESSIBLE FUTURE

The future of accessibility is bright. Emerging technologies and innovative

projects are paving the way for greater inclusion and independence for people living with disabilities. From digital accessibility and autonomous vehicles to smart cities and AI-driven solutions, the accessibility landscape is evolving rapidly. It is imperative, however, that we continue to seek robust policies and inclusive design practices that keep pace with these advancements.

While technology plays a crucial role, policy and education are equally important in advancing accessibility. The ADA has been instrumental in promoting equal access, but as we move into the future, it is essential to stay abreast of new regulations and enforcement activities. Policymakers must ensure technological developments adhere to accessibility standards and don't create new barriers for people with disabilities.

Disability organizations play a vital role in public education, awareness, and accountability. Collaborative efforts between government agencies, private companies, and disability groups will be key to creating a future where accessibility is not an afterthought but a fundamental aspect of all innovation. At the Rocky Mountain ADA Center, we continue to embrace these innovations while remaining focused on the ultimate goal — ensuring people with disabilities can fully participate in all aspects of life.

SPECIAL  
SECTION

# CML ANNUAL CONFERENCE SPARKS INNOVATION AND LEADERSHIP

By **DENISE WHITE**, CML engagement & communications manager

**C**olorado Municipal League welcomed 1,200 municipal leaders and members from across the state to its highly anticipated 102<sup>nd</sup> Annual Conference in Loveland. This year's event, a cornerstone in municipal governance, featured a rich tapestry of sessions, keynotes, and networking opportunities aimed at addressing the most pressing issues facing Colorado's municipalities.

## KEYNOTE ADDRESSES

The conference opened with an inspiring keynote by Justin Forsett, celebrated NFL Pro Bowler and entrepreneur, who shared moving insights on "how to go from good to great," overcoming obstacles, and achieving success. Heather R. Younger, CEO of Employee Fanatix, delivered a powerful session on the importance of inclusive leadership





Staff photos by Alex Miller

Hundreds of municipal officials listen as former NFL running back Justin Forsett speaks at the 2024 CML Annual Conference.

with an emphasis on civility and the importance of active listening.

### SESSIONS & WORKSHOPS

Attendees engaged in over 40 concurrent sessions covering diverse topics such as affordable housing, home rule governance, artificial intelligence, accessibility, staff retention strategies, and equity initiatives. Notable sessions included discussions on tiny town solutions and the impact of pickleball on community noise levels.

### SPECIAL EVENTS

Beyond the sessions, the conference offered various networking opportuni-

ties, including the Welcome Reception and themed luncheons featuring prominent speakers like Colorado Attorney General Phil Weiser and Environmental Protection Agency Regional Administrator KC Becker. The conference also honored the significance of Juneteenth by connecting attendees to historical information on the holiday and showcasing artwork from local Black artists.

Attendees had the chance to participate in mobile tours showcasing innovative ideas including a 3D-printing facility that creates houses for Habitat for Humanity in Greeley.

### RECOGNITION & AWARDS

One highlight of this year's conference was the presentation of the 2024 Sam Mamet Good Governance Awards to outstanding municipal leaders. This year, the City of Central Fire Chief Gary Allen and former City of Lone Tree Mayor Jaqueline Millet were recognized for their exemplary contributions to local governance. Additionally, several municipal officials were honored for reaching the Graduate and Leadership levels in CML's MUNI-University program, celebrating their dedication to municipal education and leadership development.





Attendees listen to a presentation as the 2024 CML Annual Conference gets underway.



Central Fire Chief Gary Allen, left, receives a Sam Mamet Good Governance Award from CML Executive Director Kevin Bommer.



Municipal officials prepare to tour a 3D-home printing facility.



Keynote speaker Heather R. Younger addressed the conference.

## 2024-2025 EXECUTIVE BOARD ELECTION

CML held its annual Executive Board election, with 21 candidates competing for 11 open positions.

Newcomers elected include Cortez Mayor Rachel Medina and Montrose Mayor Pro Tem Dave Frank (medium category), Estes Park Town Attorney Dan Kramer, Norwood Mayor Candy Meehan, and Lyons Mayor Hollie Rogin (small category). Re-elected members include Colorado Springs City Attorney Wynetta Massey (largest category), Greeley Mayor Pro Tem Dale Hall, Broomfield Council Member James

Marsh-Holschen, and Parker Councilmember Joshua Rivero (large category), Lone Tree City Manager Seth Hoffman and Golden Mayor Laura Weinberg (medium category). The Board elected Massey as president, Hoffman as vice-president, and Weinberg as secretary/treasurer.

## EXHIBITOR HALL & COMMUNITY ENGAGEMENT

The Exhibitor Hall buzzed with activity as attendees explored offerings from top-tier companies and institutions catering to municipal needs. Special features like complimentary pro-

fessional headshots and charitable initiatives, such as packing boxed lunches for KidsPak, underscored CML's commitment to professional development and community engagement.

The CML 102nd Annual Conference reaffirmed its status as a pivotal event for Colorado's municipal leaders and staff, fostering collaboration, innovation, and leadership in local governance. As municipalities face evolving challenges, CML continues to serve as a vital platform for sharing knowledge, advancing policy, and celebrating excellence in community leadership.



Staff photos by Alex Miller

## CML EXECUTIVE BOARD 2024-2025

Front row, left to right: James “Jim” Keehne, Liz Hensley, Jessica Sandgren, Wynetta Massey, Laura Weinberg, Hollie Rogin, Michelle Eddy, and Anna Stout. Back row: Carol Saade, Amanda Sawyer, Dave Frank, John Marriott, Dale Hall, James Marsh-Holschen, Seth Hoffman, Rachel Medina, Robert “Bob” Widner, Candy Meehan, and Joshua Rivero. Not pictured: Dave Kerber and Dan Kramer.

## WYNETTA MASSEY, CML EXECUTIVE BOARD PRESIDENT

Wynetta Massey was elected by the CML Executive Board as the 104th president of the Colorado Municipal League on June 20, becoming only the fourth municipal attorney to hold the position in the past 38 years.

“I am honored to serve on the Executive Board, and I appreciate the confidence the Board has shown by electing me president for 2024-2025,” Massey said. “I believe in the mission of CML and will continue to collaborate with the Board and our exceptional member municipalities as we stand united, supporting local control, and working for a strong Colorado.”

Massey has been a member of the Colorado Springs City Attorney’s Office since 1990 and was appointed City Attorney/Chief Legal Officer in 2014. She holds bachelor’s degrees from the University of Missouri in speech communication (with honors) and political science, and she graduated from the University of Kansas School of Law in 1989.



Massey is a national speaker on a variety of municipal law topics, including ethics, land use, marijuana regulation, and the council-mayor form of government. She chaired the CML Budget, Audit, and Management Committee as CML Secretary-Treasurer, served on the CML Policy Committee, and chaired both the CML Amicus Committee and the Attorneys Section. She also serves on the International Municipal Lawyers Association (IMLA) Board of Directors, is an IMLA Local Government Fellow, has contributed to IMLA’s Legal Advocacy Program, and is a 2022 recipient of the Epps Award for Longevity in Service to a Community.

“I can’t think of a more dedicated, experienced, and passionate public servant than Wynetta Massey to serve as president of CML’s Executive Board,” said Colorado Springs Mayor Yemi Mobolade. “Throughout her career, Wynetta has been generous in sharing her time, wisdom, and expertise, and she is truly a champion when it comes to local government.”



Attendees chat at the end of the conference's opening day.



Colorado Attorney General Phil Weiser speaks during a luncheon.



Colorado's newest town, Keystone, receives a state flag.



EPA Administrator K.C. Becker laughs during an interview.



Loveland Mayor Jackie Marsh speaks at the conference.



Attendees line up for the CML Annual Business Meeting.

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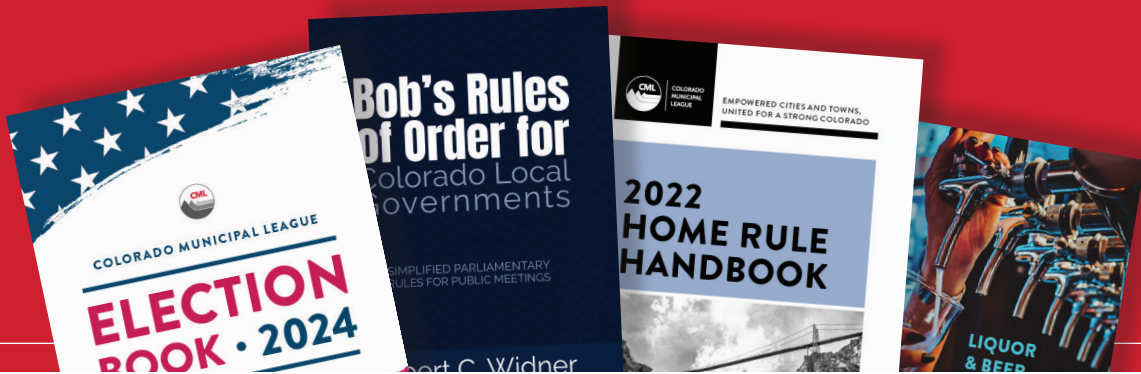


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