



Fall municipal election results

On **Nov. 5**, voters in nearly 80 cities and towns across Colorado voted on a combined total of more than 100 municipal tax issues and other questions. Two-thirds of these municipalities also had candidate elections. The following results are unofficial and subject to change.

Tax and bond issues

Sales tax questions passed in:

- Alamosa – for roads;
- Frederick and Montrose – to fund public safety; and
- Monte Vista – to fund capital projects.

Unsuccessful sales tax questions included:

- Center – for the general fund;
- Fort Lupton – for culture, parks, and recreation;
- Fountain – for roads;
- Longmont – for a new recreation center with pool and ice rink, included request for \$45.5 million in debt authority;
- Loveland – one question to fund community improvement projects, and one question to fund a community recreation center;
- Manitou Springs – to fund facility improvements and the arts, culture and heritage;
- Mead – for roads, included a request for \$21 million in debt authority; and
- Westcliffe – for capital projects.

Tobacco tax questions passed in Crested Butte, Glenwood Springs, New Castle and Vail, while Boulder voters approved a tax on tobacco vaping products.

Several municipalities received approval for sales tax extensions for a variety of uses, including:

- Boulder – for open space;
- Colorado Springs, Longmont, and Rocky Ford – to fund transportation system improvements;

- Fort Lupton – for recreation facilities and park improvements;
- Nucla – for the provision of medical services; and
- Trinidad – to fund capital projects.

A property tax for emergency services was approved in Steamboat Springs. A property tax extension was approved in New Castle, for public safety and parks, while a property tax for public safety needs was defeated in Rockvale.

Rico voters elected to be included in the San Miguel Authority for Regional Transportation (SMART), which entails adding both the property tax and the sales tax associated with inclusion in the authority. Rico's request for up to \$3 million in debt authority, with an associated property tax increase, to finance a wastewater treatment plant failed.

Basalt voters approved setting the mill levy at a rate that matches its most recent amount levied.

Mountain View voters defeated a tax on short-term rentals. Voters in Mt. Crested Butte and Telluride, whose question included authorization for up to \$9.9 million in debt, approved a short term rental tax, in order to fund affordable housing programs.

Other tax questions included:

- Black Hawk – an increase to the device tax passed;
- Fort Lupton – a lodging tax failed; and
- Parker – an excise tax on new residential development passed.

Debt authority was approved by voters in:

- Boulder – \$10 million for a middle-income housing program;
- Grand Junction – \$70 million for transportation improvements;
- Sterling – \$37 million for wastewater system capital improvements; and

- Telluride – \$7.4 million for wastewater treatment plant capital improvements.

Revenue retention

- Colorado Springs – approved retention of excess revenue from the 2018 fiscal year for parks and recreation improvements.
- Aspen – approved retention of excess revenue from its 2017 tobacco tax.
- Louisville – approved retention of all revenues from its 2016 sales and use tax increase to use for operating and maintenance expenses at its recreation center.
- Manitou Springs – approved retention of excess revenue remaining in a fund for downtown public improvements.

This year's tax questions followed a similar trend of voters saying yes to local TABOR questions more often than not. Historically, municipalities have passed a majority of the TABOR-related questions that have been asked, with a 61% approval rate of tax questions, 70% approval rate for debt questions, and 87% approval rate for revenue retention questions since voter approval was first required in 1993.

Sports betting

As stipulated by HB 19-1327, Black Hawk, Central City, and Cripple Creek requested authorization of sports betting, provided that sports betting is also concurrently authorized at the statewide election in Proposition DD. The three municipal questions passed.

Governance

Eagle voters approved the formation of a home rule charter commission, and selected their commission members.

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In memory

Ruth Fountain passed away Nov. 1, 2019. She was a CML Board member from Aurora from 1973–1978 — serving as secretary/treasurer from 1974–1975, vice president from 1975–1976, president from 1976–1977, and immediate past president from 1977–1978.

A celebration of her life will be held **Dec. 12** at 2 p.m. at Aurora City Hall in the Council Chambers. Fountain's friends and colleagues will speak about her dedication and service to the City of Aurora and the State of Colorado, followed by a reception in the lobby. In addition, the Aurora History Museum and the Ruth Fountain wing will also be open for guests.

"Ruth was a wonderful municipal leader and loved both her CML involvement and all things Aurora. She was state director for U.S. Sen. Bill Armstrong and she was always helpful to Ken Bueche and myself on issues the Senator could help us with in the Congress. A great lady indeed," stated Sam Mamet, retired CML executive director.

In lieu of flowers, her family suggests any donations be directed to the Aurora Symphony Orchestra, P.O. Box 441481, Aurora, CO 80044.



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Newsletter

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Nucla voters defeated the measure asking to reduce the number of trustees from six to four. Iliff voters chose not to eliminate term limits for their elected officials, while Parker voters implemented a lifetime limit of four terms for their mayor and city council, and Mountain View voters approved a three-term limit for their mayor.

Voters in Brighton elected to recall their mayor.

Broadband

Edgewater, Greenwood Village, Lakewood, Mead, Parker, and Rico received approval to provide or partner to provide broadband services.

Marijuana

Mead voters said no to medical marijuana businesses and retail marijuana establishments. Center's and Loveland's questions allowing cultivation, manufacturing, and testing in addition to sales were also defeated. Loveland voters also turned down a tax on marijuana sales.

Craig voters approved three marijuana questions: to allow retail sales; to allow cultivation, manufacturing, testing, and storage; and a tax on marijuana sales.

An initiated ordinance passed in Alamosa banning the outdoor growing of personal marijuana and overturning outdoor growing regulations previously adopted by the city council.

Louisville voters opted to permit retail marijuana cultivation facilities within the city's industrial zones, as well as the corresponding retail marijuana cultivation facility excise tax.

A retail marijuana sales tax also passed in Las Animas.

Publication requirements

To save money on publication costs, Cripple Creek and Rockvale received authorization to no longer publish the bills list or contracts awarded, while Williamsburg voters defeated a similar measure. Cripple Creek voters denied the request to publish ordinances by title rather than in full.

Election changes

Holyoke voters said yes to moving their regular elections to November of even-numbered years, and Craig received approval

to move elections to November of odd-numbered years.

Lafayette voters accepted the two election changes on their ballot: to adjust initiative and referendum procedures, and to make changes to the city recall process, while also approving a change to the process to fill vacancies on the city council.

Charter amendments

Northglenn voters turned down the option to make language in their charter gender neutral.

The majority of Parker's questions asking voters to eliminate, clarify or otherwise update various provisions of their home rule charter were approved, though one question did fail: to replace all references of the term "Town Administrator" with "Town Manager."

Denver voters amended their charter to assign the management of arts and theater facilities to Denver Arts and Venues, to create a Department of Transportation and Infrastructure, to make changes to fire department personnel, and to update the residency requirements for elected officials.

Voters in Trinidad elected to amend their charter to include the municipal landfill as an enterprise.

Other issues

Other issues included:

- Delta — approved a natural gas franchise to Black Hills Energy.
- Glendale — rejected the elimination of surety bond requirements for elected officials, as well as a second question to expand the radius within which the city manager must live.
- Grand Junction — approved increasing leases in a business park to up to 99 years.
- Lakewood — denied authorization to contract with waste haulers.
- Longmont — rejected allowing leases of city property for up to 30 years.
- Meeker — approved continuation of fluoridation of water.
- Mountain View — approved amendment to the process for increasing compensation of the mayor.
- Wheat Ridge — rejected a rezoning ordinance.

Congratulations to Castle Pines on adopting the standardized sales tax definitions

Only six short months after adopting a home rule charter and becoming Colorado's 102nd home rule municipality, the City of Castle Pines joins the 53 self-collecting sales tax municipalities that have adopted the standardized sales tax definitions in their local tax code. This continues the work undertaken by the municipal tax and finance administration community, originating with a request by the legislature (SJR 14-038) to work on a uniform set of sales tax definitions that could be

adopted in the self-collecting jurisdictions for tax simplification.

The following are the cities or towns that have previously adopted the definitions: Alamosa, Arvada, Aspen, Aurora, Avon, Black Hawk, Boulder, Breckenridge, Broomfield, Canon City, Carbondale, Centennial, Cherry Hills Village, Colorado Springs, Cortez, Craig, Crested Butte, Dacono, Delta, Denver, Edgewater, Englewood, Evans, Federal Heights, Fort Collins, Frisco, Golden, Glenwood Springs, Greeley, Greenwood Village, Gunnison, Gypsum, La Junta, Lamar,

Littleton, Lone Tree, Longmont, Louisville, Montrose, Mountain Village, Mt. Crested Butte, Northglenn, Parker, Rifle, Sheridan, Silverthorne, Snowmass Village, Steamboat Springs, Timnath, Vail, Westminster, Wheat Ridge, and Windsor.

CML would like to congratulate the staff, appointees, and elected officials of Castle Pines for their work and leadership in adopting their ordinances. We now have a total of 54 self-collecting municipalities that have adopted.

High Court rejects doctors' latest bid to thwart investigation of medical marijuana recommendations

By Laurel Witt, CML staff attorney

Earlier this month, the Colorado Supreme Court blocked an attempt to expand the Open Meetings Law (OML) to include meetings of two or more *staff* persons in a public agency. A group of doctors, who had been referred to the State Medical Board due to suspicious patterns of behavior in recommending medical marijuana, sued, alleging the Colorado Department of Public Health and Environment (CDPHE) violated OML because the staff created and enforced a policy for medical marijuana referrals. The doctors argued the

definition of state public body within OML — which mirrors the definition of local public body — includes staff members when making internal agency policies. The Colorado Supreme Court disagreed with the doctors, articulating the "absurd result" of having all state agency staff — and potentially local government staff — follow the involved OML requirements for routine conversations. Surely, the legislature did not intend such a result.

In two other decisions rendered on the same day, the Supreme Court also upheld the authority of the State Medical Board to issue

subpoenas and investigate the activities of doctors who issue a large volume of medical marijuana recommendations. For years, the state has been attempting to implement measures to improve oversight of the legitimacy of medical marijuana recommendations by licensed physicians in Colorado.

CML joined 17 state agencies *amicus curiae* in the CDPHE case. *Doe v. Colorado Dep't of Pub. Health & Env't*, 2019 CO 92, ___ P.3d___ (Colo. 2019).

Apply for a SIPA Micro-Grant

The Statewide Internet Portal Authority (SIPA) Micro-Grant program is open for applications until **Dec. 30**. This application is quick, easy, and will hopefully get you some extra cash for those projects you have been trying to start (or finish).

There are a few boxes that every grant applicant must check off before applying.

1. Applicants can be CO state & local governments, special districts, or public education institutions.
2. Every applicant entity must have an Eligible Government Entity agreement on file. For more details, visit: sipa.colorado.gov/eg-agreement.
3. Every applicant must complete the Micro-Grant application for each individual project looking for funding.

4. The project(s) requested must aim to put information and services online for residents of Colorado, as SIPA is very fond of eGovernment solutions.

This year's criteria have changed; get the details here: sipa.colorado.gov/micro-grant. Contact Beth Justice with questions, beth@cosipa.gov.

CML welcomes Courtney Forehand

CML is pleased to welcome our new Training and Marketing Specialist, Courtney Forehand. She joins CML after working with the Colorado Department of Transportation (CDOT) as a media and marketing intern in the Office of Process Improvement. Prior to working at CDOT, Forehand worked at National Oilwell

Varco for four years. She earned a Bachelor of Arts in Communications from the University of Colorado Boulder.

In her role at CML, she will work on all things training, including identifying topics, finding speakers and marketing. She will also be

the main point of contact for all advertisers, sponsors, and associate members. She joins Engagement and Communications Manager Sarah Werner, Municipal Research Analyst Melissa Mata, and Design and Communications Specialist Christine Taniguchi on the Engagement and Communications Team.

Kick off the 72nd General Assembly with CML

Join CML's legislative and policy advocates on the first day of the 72nd General Assembly to learn more about Colorado's legislative process, the bills we expect to see this session and how you can be involved. The advocates will also take any questions you may have about the session. This free webinar is perfect for municipal elected officials and staff who are interested in what is happening at the Capitol or who will participate in their municipality's advocacy efforts. To register, visit bit.ly/2020LegWebinar.



Classified corner

The City of Greenwood Village's Fleet Division has multiple vehicles for sale. Items will be auctioned on **Dec. 4**, through Roller Auctioneers at 7500 York St., Denver, CO 80229.

Please direct auction queries to 303-289-1600, or view online at: www.rollerauction.com. If you have any equipment questions, please contact Henry Sliwinski, Fleet Services Manager, at 303-708-6126 or at hsliwinski@greenwoodvillage.com.

**Please note: All of the below vehicles/equipment are sold as is. Also, refer to the last four digits of the VIN.*

1995 Jeep Cherokee
Odometer Reading: 83,740 miles
(VIN: 9765)

1997 GMC Sierra 4WD Truck
Odometer Reading: 83,791 miles
(VIN: 0245)

1999 Chevrolet S-10 Pickup
(VIN: 1033)

1999 Chevrolet S-10 Pickup
Odometer Reading: 91,827 miles
(VIN: 8110)

2013 Ford Interceptor Sedan

Odometer Reading: 79,642 miles
(VIN: 4757)

1998 Case 570 Tractor

Odometer Reading: 5,318 hours
(VIN: 0099)

1999 Chevy 3500 HD w/dump bed

Odometer Reading: 51,204 miles
(VIN: 9006)

2008 Elgin Pelican P Street Sweeper

Odometer Reading: 4,589 hours
(VIN: 0336D)

2007 16 ft Butler Trailer

(VIN: 6752)

Funding available to aid municipalities in efforts to combat substance abuse

During the 2019 Legislative Session, HB 19-1287 was passed. The legislation provided \$5 million in grant funding for substance use treatment capacity building in rural and frontier areas of our state. CML worked with the proponents of the bill to add municipalities as potential recipients of the funding. Decisions on funding will be jointly made by representatives of that region's behavioral health provider, county representatives, and the state. Law enforcement can also apply for these funds. Contact Meghan Dollar, CML legislative and

policy advocate, at mdollar@cml.org with additional questions.

The funding will be distributed by region:

Aspen Pointe MSO Region
bit.ly/2CM5A31

West Slope Casa MSO Regions
bit.ly/2XiANE7

Signal Regions
bit.ly/2piHR7c

Additionally, SB 19-228 also passed and provided funds to the Center for Prescription Drug Abuse Prevention for grant writing assistance for prevention, intervention, treatment, and recovery of substance use disorders. Per statute, the funds are intended to "aid local communities in need of assistance in applying for grants to access state and federal money to address opioid and other substance use disorders in their communities." Priority will be given to rural and frontier communities.

For grant assistance, visit bit.ly/33QWT3l.

Jan. 1 deadline to report building codes

Legislation passed in 2019 requires every municipality that has enacted a building code to report the current version of its building and energy codes to the Colorado Energy Office (CEO) by **Jan. 1, 2020**. Municipal officials or staff can report this information to CEO via this survey: bit.ly/200W3ez or email Kim Burke, at kim.burke@state.co.us, who

manages CEO's codes training and technical assistance program.

CEO offers no-cost technical assistance to local governments to help them effectively navigate the code adoption process by reviewing a municipality's existing codes, summarizing major changes in new codes,

recommending customized amendments, and acting as experts to answer questions in public meetings. CEO also offers free commercial and residential building energy code trainings. Visit the CEO website for more information or to request training or assistance: bit.ly/348hNLu.

2020 election webinar series

The Colorado Municipal League (CML), CIRSA, and the Colorado Municipal Clerks Association will once again host a series of webinars designed to assist municipal clerks preparing for April 2020 elections. These webinars are **free for CML municipal members**, \$25 per webinar for CML associate members, and \$50 per webinar for nonmembers. Each webinar will take place at **noon**. To register, visit www.cml.org/home/education-training/for-clerks.

While especially intended for clerks whose municipalities will be having elections in spring 2020, all clerks are welcome to participate. All webinars in this series are presented by Karen Goldman, Colorado Municipal Clerk Advisor Program consultant.



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Nov. 19 – The election calendar

Participants will learn how to develop their election calendar and what elements and timeframes need to be considered when doing it.

Dec. 12 – Election judges and working with nomination petitions

Identify procedures for selecting and training election judges for both polling place and mail ballot elections. Additionally,

best practices for creating nomination petitions and checking signatures on the petitions will be provided.

Jan. 21 – Canceling an election and signature verification

Discuss the circumstances that must exist in order for a municipal election to be canceled, including how to determine terms in the event of vacancies. Additionally, procedures for verifying signatures in municipal mail ballot elections will be presented, so this is a must-attend session for any municipality holding its own mail ballot election in April.

March 12 – Canvassing and final election questions

Learn about what happens once the election is over, including the canvass of votes, judges' statement, and abstract. We will also be answering any pre-submitted final questions you may have about anything related to your election. Please send all questions in advance to Karen Goldman at charna48@comcast.net.

April 21 – Election debrief

The purpose of this webinar will be to debrief the April 2020 elections. This will be a wide-ranging conversation, and clerks are encouraged to describe what worked, what didn't, what they wished they had known ahead of time, topics for future webinars and trainings, etc. Please send all comments in advance to Karen Goldman at charna48@comcast.net.

CML scrapbook: CML Mayors' Summit



2019 attendees at the Mayors' Summit.



CML Executive Director Kevin Bommer (left) and Denver Mayor Michael Hancock.



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