



FALL MUNICIPAL ELECTION RESULTS



Voters answer ballot questions on housing, marijuana, and much more

Voters in 85 cities and towns across Colorado considered local questions and candidates as part of the general election on Nov. 8. Nineteen municipalities held their regularly-scheduled candidate elections, while the remainder held special elections on initiated and referred ballot questions. More than 150 municipal ballot questions were considered across the state. The Town of **Rico** conducted its regular election Nov. 1.

For full results, visit <https://bit.ly/3UJ37w1>.

The following results are unofficial and subject to change.

HOUSING

Georgetown and **Glenwood Springs** voters approved lodging taxes specifically naming housing as an approved expenditure. A lodging tax to support workforce housing and workforce childcare needs in the town also passed in the **Estes Park Local Marketing District**.

Snowmass Village received authorization to expand the allowed uses of the revenues from the existing lodging tax and a portion of the revenues from the existing sales tax to include workforce housing purposes.

Durango received authority to retain revenues from the 2021 voter-approved lodging tax increase, with the excess revenues to be used for affordable housing programs, transportation and arts and cultural programs. **Vail** received authority to retain revenues from the 2021 sales tax, with the revenues to be used for housing initiatives and developments.



Short-term rental taxes passed in **Aspen**, **Carbondale**, **Dillon**, **Salida**, and **Steamboat Springs**.

Denver voters rejected an excise tax that would have been paid by landlords on each individual residential property for lease to fund tenant legal services.

In **Grand Lake**, a question authorizing marijuana businesses, contingent upon the passage of a marijuana tax, is currently ahead by one vote. In separate questions, the retail marijuana sales tax passed, while the medical marijuana sales tax failed.

Both tax questions had provisions to dedicate half of the collected revenue to attainable housing.

Dillon voters authorized increasing debt up to \$20 million for workforce housing projects.

Grand Junction voters turned down three housing-related questions:

- a lodging tax increase to fund affordable housing programs and initiatives
- a short-term rental tax to fund affordable housing programs
- an amendment to their city charter to increase the maximum authorized lease term for city property from 25 years to

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Staff anniversaries



We are celebrating CML's Executive Assistant Lara Larkin and General Counsel Robert Sheesley's first year with the League. Congratulations!



CML announces scholarships for 2023 Annual Conference in Aurora

Plans are underway for the Colorado Municipal League's 101st Annual Conference, to be held **June 25-28** at the Gaylord of the Rockies in Aurora.

This conference is the signature event of the year, where municipal officials from around the state gather to network and exchange ideas. Year after year, attendees rave about the valuable experience and how inspired they are to get back to work and put their newfound knowledge to use. In addition to the time devoted to educational and programmed meetings, many delegates feel the conference gives them a unique opportunity to meet and network with municipal officials from communities across the state with similar concerns.

CML is pleased to offer 10 scholarships to the 2023 annual conference. Scholarships are open to all member municipalities. Applicants can be a manager, clerk, mayor, councilmember, town board member, or key department head. Scholarship recipients (one application per municipality)

will receive complimentary registration; lodging (arranged by CML at a contracted hotel); tickets for lunch on Monday and Tuesday and one of the following: Elected Officials Breakfast, Managers Breakfast, or Attorneys Lunch on Wednesday along with a travel stipend. (Note: Municipalities that had a scholarship awarded to someone in their city or town in 2022 are not eligible to receive a scholarship for 2023.)

For more information and to apply, visit <https://bit.ly/3E5PUGU>. Please complete the application, include all necessary paperwork, and return to CML by **Feb. 24**. Incomplete applications will not be considered.

If you have any questions about the conference or scholarships, please contact Karen Rosen at krosen@cml.org.

We hope you will consider this opportunity to join your colleagues from around the state for a very productive, exciting, and rewarding conference.

DOLA revamps Community Funding Guide

The Department of Local Affairs, in partnership with the Governor's Office, has increased functionality and enhanced the Local Community Funding Guide resource.

This resource was developed to assist local governments and community-based organizations in navigating financial opportunities for several federal and state programs.

Users of the funding guide can access real-time, accurate, and up-to-date funding

data to learn more about eligibility requirements, grant types, application availability, and other topics.

The funding guide has been streamlined, making it easier for users to identify programs they are eligible for. The update should reduce the time and costs spent by the state's stakeholders and constituents.

Visit <https://bit.ly/3NMzXdd> to access the guide.

Colorado schools to receive \$2.9 million from EPA's Clean School Bus Program

The U.S. Environmental Protection Agency has awarded grants to several school districts in Colorado as part of the agency's Clean School Bus Program.

The communities of Granby, Mosca, Simla and Weston received grants totaling \$2,890,000 to purchase eight electric school buses.

These awards are the first \$1 billion of a five-year, \$5 billion program created by President Joe Biden's Bipartisan Infrastructure Law. The EPA is preparing to launch the next rounds of funding in the coming months. The agency will make available another \$1 billion for clean school buses in Fiscal Year 2023.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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Statehouse interim committees finalize legislation for 2023

By Heather Stauffer,
CML legislative & policy advocate

While the legislative session may have concluded, work continues at the Statehouse as interim committees meet throughout the summer to examine issues and ultimately recommend legislation for the upcoming legislative session. While some interim committees, like the Transportation Legislation Review Committee and the Water Resources and Agriculture Review Committee, convene every year per statutory requirements, other interim committees are approved annually by the legislative executive committee to further study emerging issues of importance to the state. Legislators participating in interim committees may request bill drafts be created. If approved by a majority of the interim committee members, bill drafts can then be referred to the Legislative Council. The Legislative Council meets each year to approve legislation for introduction in the upcoming legislative session.

The CML Advocacy team watches and participates in interim committees on behalf of our municipal members throughout the summer. This session, 16 interim committees met and referred legislation to the Legislative Council. Below are the bills that CML is watching.

UNIFORM SALES AND USE TAX ON CONSTRUCTION MATERIAL RESOLUTION

The Sales and Use Tax Simplification Task Force is running a resolution regarding the collection of sales and use tax on construction material. This resolution

urges municipalities to work to create a uniform administration of sales and use tax on construction materials, coordinate efforts to standardize information on building permits, and speed up the process issuing documentation showing proof of prepayment of sales or use tax payments. CML will be the coordinating entity for conversations, along with CCI and other interested parties to see if we can find any path forward. The report is due to the Sales and Use Tax Simplification Task Force by August 2023. CML is taking a neutral position on this resolution based on the policy position that we support cooperative efforts among municipalities to standardize municipal sales and use tax practices and utilization of technology for the convenience of taxpayers, the business community, and municipalities.

CML's Position: Neutral

ELECTRONIC SALES AND USE TAX SIMPLIFICATION SYSTEM

This bill, coming out of the Sales and Use Tax Simplification Task Force, requires the Department of Revenue to make modifications to the electronic Sales and Use Tax System (SUTS) and initiate a promotional campaign for the system, and it prohibits the collection of certain fees for payments through the system. The modifications include various simplifications, notifications, improvements, data accessibility, and additional filing options and features to assist both retailers and local jurisdictions that use SUTS. In addition, the bill permits the department to

require retailers using SUTS to register with local taxing jurisdictions and prohibits them from filing returns unless they use a correct local number on the account. The bill also prohibits the department from imposing a convenience fee or other charge for payments through SUTS, except for credit cards, and from passing the charges on to local taxing jurisdictions.

CML's Position: Support

AUTOMATED VEHICLE IDENTIFICATION SYSTEMS

The Transportation Legislation Review Committee considered approving a bill that would potentially expand the allowable use of automated vehicle identification systems (AVIS), which includes red light cameras and speed enforcement cameras. In addition to allowing municipalities to install these systems in more locations, the bill places significant restrictions and burdens on municipalities that use AVIS. This includes restrictions on the use of revenue from citations, a requirement for municipalities to offer alternative forms of payment for citations, a requirement for municipalities to only issue warnings for the first year a system is installed, and various administrative burdens. The bill was withdrawn from consideration after CML raised several objections; however, Sen. Faith Winter plans to bring a version of the bill forward during the 2023 legislative session. Staff is requesting discretion to oppose any future version of the bill that includes the restrictions and requirements mentioned above.

CML's Position: Staff discretion to oppose unless amended

Listservs keep utilities up to date on essential water and wastewater topics

The Colorado Department of Public Health and Environment's Water Quality Control Division would like to keep you and your utility management up to date on upcoming rules and regulation updates, stakeholder engagement, and training opportunities.

You can sign up for these topics and more by going to <https://bit.ly/3Dzlo6L>, where you can sign up for several different email

listservs. The subscription form will ask for your contact information, and then you can select which emails you would like to receive by clicking on the blank box next to the topics you are interested in.

Please note that these emails will be sent out through a third party website. You can opt out of these emails at any time by clicking on the "unsubscribe" link at the bottom of the email.

Turf Replacement Program guidelines under development

As directed by House Bill 22-1151, the Colorado Water Conservation Board is now in the process of developing a Turf Replacement Program for the state. The board's website now includes an informational web page, <https://bit.ly/3gVD2eu>, with frequently asked questions, and staff recently provided an update, <https://bit.ly/3T92PO0>, on the Turf Replacement Program's development.



FALL MUNICIPAL ELECTION RESULTS

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99 years when the property is used for affordable housing projects

TAX AND BOND ISSUES

Sales tax questions passed in **Dove Creek, Englewood, Idaho Springs, Nederland, Superior, Wiggins, and Windsor.**

Sales tax questions failed in **Cripple Creek, Fowler, Gunnison, La Junta, Milliken, Sugar City, and Yuma.**

Aspen voters approved an extension of their parks and open space tax. **Pueblo** voters approved an extension of their public safety sales tax.

Lodging taxes passed in **Dillon, Julesburg, Littleton, Lyons, Nederland, and Palisade,** and failed in **Centennial and Hudson.**

A property tax mill levy increase passed in **Denver** for library services and in **Fountain** for public safety.

Property tax mill levy increases failed in **Palmer Lake and Williamsburg.**

Erie voters approved an extension of an existing property tax mill levy to be used for trails, parks and open space.

Other tax issues that passed include:

- **Boulder** – a question to replace the existing utility occupation tax and climate action plan excise tax with a new climate tax, and a separate question authorizing debt to be repaid from the climate tax up to \$52.9 million to meet the city's climate goals

- **Central City** – an occupation tax on table games and gaming devices.

In **Severance,** a use tax on motor vehicles to fund transportation infrastructure failed.

Cherry Hills Village voters approved an amendment to the city tax code to require persons engaged in business in the city, including remote sellers and others making deliveries to residents, to collect sales tax.

Authority to increase debt was granted in:

- **Fort Lupton** – up to \$10 million, with approval to extend the city's community recreation center tax, to fund phase two of the recreation center

- **Longmont** – up to \$20 million for storm drainage system improvements

- **Sterling** – up to \$29 million for wastewater system improvements.

REVENUE RETENTION

The following municipalities were granted authority to retain and spend all revenues collected from previously approved taxes:

- **Denver** – two questions, to retain revenues from and continue to impose the 2020 climate action sales tax and the 2020 homelessness resolution sales tax

- **Eagle** – two questions, to retain revenues from the 2020 tobacco tax and the 2020 lodging tax, with the lodging tax revenues to be split between open space and marketing uses.

In **Hartman,** a question to retain and spend all revenues collected from all sources in 2023 and each subsequent year is currently ahead by two votes. A similar question in **Milliken** failed.

HOME RULE

Monument voters adopted a home rule charter to become Colorado's 105th home rule municipality. Meanwhile, questions authorizing formation of a home rule commission passed in **Erie** and failed in **Lochbuie.**

Delta's question to create a charter commission for the purpose of submitting amendments to their existing charter to be considered at a future election failed.

GOVERNANCE

In **Las Animas,** two separate questions to make the city clerk and the city treasurer appointive rather than elected positions failed.

Iliff voters rejected the elimination of term limits for the mayor and trustees.

BROADBAND

Castle Pines, Lone Tree, Pueblo, and Trinidad received approval to join the 119 municipalities already exempted by local voters from the statutory restriction on providing broadband or telecommunications services.

MARIJUANA

- **Colorado Springs** – rejected one question to authorize retail establishments and approved a separate question authorizing a tax on retail sales

- **Cripple Creek** – approved a question to authorize marijuana businesses, contingent upon the passing of a separate question authorizing an excise tax on cultivation, a sales tax on retail sales and an occupation tax on medical sales, which also passed

- **Dove Creek** – rejected three questions: to authorize retail and medical businesses, to authorize an excise tax on retail cultivation and to authorize an occupation tax on retail sales

- **Hotchkiss** – approved retail and medical businesses in a question that also authorized the commencement of a 2016 tax on marijuana sales

- **Nunn** – rejected a question to authorize retail and medical businesses and a separate question authorizing a tax on retail sales

- **Palmer Lake** – approved up to two retail stores.

Taxes on retail marijuana sales passed in **Ault** and **Nederland,** and a tax on wholesale unprocessed retail marijuana passed in **Fort Lupton.** A marijuana sales tax failed in **Sugar City.**

In **Lamar,** a citizen's initiative to amend the city charter to prohibit certain actions relating to marijuana, including the licensing and operation of marijuana establishments and prohibiting actions relating to having more than one ounce of marijuana for personal use, has failed.

ELECTION CHANGES

Boulder, Fleming, LaSalle, Mt. Crested Butte, Timnath, and Wiggins received approval to move their regular elections to November of even-numbered years. **Silt** voters approved moving their election date to November of odd-numbered years.

In **Fort Collins,** questions to move their election date to November of odd-numbered years and to require ranked-choice voting for the offices of mayor and councilmember both passed.

FALL MUNICIPAL ELECTION RESULTS

CHARTER AMENDMENTS

- **Aurora** – rejected an amendment to replace the general prohibition against convicted felons holding elective office with a more specific prohibition against persons convicted of embezzlement of public money, bribery, perjury, solicitation of bribery, or subornation of perjury
- **Boulder** – approved an amendment clarifying sections related to candidates running for more than one office, candidacy by sitting council members, filling council vacancies and changing the swearing-in date of newly elected officials
- **Cañon City** – approved four charter amendments regarding open meetings, certain employment provisions, accepting land to be used as parks or playgrounds and provisions relating to the municipal court and municipal jail
- **Cherry Hills Village** – approved an amendment requiring voter approval to transfer most city trails or open space property
- **Craig** – appears to have approved an amendment concerning the powers of the council, though the unofficial results are close
- **Dacono** – approved amending language concerning the Public Works Department to more accurately reflect the duties and responsibilities of the Public Works Director
- **Denver** – approved modernizing election procedures, including initiative provisions, ballot question language, and candidate nomination deadlines
- **Englewood** – approved eight amendments to update language to be gender silent; update election language to track state law; revise redistricting language to comply with federal law; amend language related to the start of council terms; allow for more flexibility in council meetings, including allowing remote meetings; remove reference to the development and maintenance of an airport; adjust requirements regarding number of members on boards and commissions; and make changes to comply with the Colorado Governmental Immunity Act

- **Fort Collins** – approved an amendment to the section regarding mayor and council compensation to provide for a salary that is a certain percentage of the area median income, as well as to provide councilmembers the option of receiving healthcare-related benefits
- **Littleton** – approved allowing procurement policies to be set by ordinance
- **Longmont** – approved two charter amendments, one to remove outdated language and a second making changes regarding prospective council vacancies created when a councilmember runs for another elected office
- **Parachute** – approved an amendment concerning terms of persons filling vacancies and rejected an amendment that would have allowed the town manager to appoint the clerk, police chief, and finance director
- **Rico** – approved the amending of rules concerning the conduct of elections to facilitate the town's participation in coordinated elections
- **Rifle** – approved an amendment concerning the granting of franchises
- **Severance** – approved an amendment clarifying terms and term limits when filling a vacancy
- **Timnath** – rejected increasing the threshold of registered electors that would trigger an increase in the number of councilmembers and commence redistricting.

OTHER ISSUES

- **Avon, Eagle, Minturn, Red Cliff and Vail** – approved the creation of the Eagle Valley Transportation Authority and levying a sales tax to fund its operations; voters in **Gypsum** rejected the same question
- **Boulder** – approved a question repealing the library commission and associated tax contingent on the passing of a separate initiative to create a library district, which did pass, and rejected a citizen-initiated referendum that would have repealed the annexation of a property known as CU South

- **Dacono** – rejected increasing mayor and council compensation
- **Denver** – approved two citizen-initiated measures: requiring multifamily residential premises, non-residential premises, food waste producers, retail food mobile license holders, and special events organizers to offer recycling and/or organic material diversion, and concerning an ordinance to create a sidewalk master plan, which will charge a fee to property owners and authorize bonds to fund a sustainable sidewalk program
- **Gilcrest** – approved allowing chickens in residential districts in town
- **LaSalle and Las Animas** – approved the publication of ordinances by title rather than in full
- **Littleton** – approved a citizen-initiated referendum that would repeal a zoning ordinance regarding a property known as the Newton Property General Planned Development Plan (Aspen Grove), and three questions related to the creation of a downtown development authority, authorizing the retention and expenditure of all revenues of the authority, and authorizing a property tax mill levy increase within the boundaries of the authority
- **Lyons** – approved expanding the permitted and conditional uses of the parks and open space zoning district to allow for arts and cultural and non-profit facilities
- **Mead** – results are currently unavailable for four questions related to the creation of a general improvement district, authorizing two property taxes for the district, and authorizing up to \$3 million in debt for the district
- **Salida** – approved a question conveying the Salida Community Center to Salida Senior Citizens, Inc., and, following a citizen-initiated referendum, overturned the city council's approval of a proposed development plan
- **Trinidad** – approved the sale of a specific public property.

CML LEGAL CORNER



Year-end housekeeping for municipalities

By Robert Sheesley, CML general counsel

With the end of 2022 approaching quickly, now is the time to catch up on housekeeping items at your next few board or council meetings. Here are some suggestions to close this year and start the next one. Some of these are required by state law while others may just be good practice. Check your local ordinances or home rule charter for additional local requirements.

OPEN MEETINGS

The Colorado Open Meetings Law requires that each local public body post notice of any public meetings no less than 24 hours before the meeting. Unless meetings are noticed on the local government's website, the notice must be posted in a public place that is designated annually at the local public body's first regular meeting of each calendar year. C.R.S. § 24-6-402(c)(I). Even if the local government regularly posts notice on its website, the municipality still must establish a designated posting location if electronic posting becomes unavailable. C.R.S. § 24-6-402(c)(III).

MAKE A CHOICE ON FAMLI PARTICIPATION

A local government can decline participation in the new state FAMLI paid medical leave program by voting to opt-out and notifying the state's FAMLI Division by Dec. 31. Special hearing and notice requirements apply to the vote. Review CML's Knowledge Now publication, *FAMLI: What's Right for Your City or Town?*, for analysis of the program and the opt-out procedure. If your municipality does not decline participation, the program's rules require participation (including the payment of a per employee premium) for three years starting in 2023.

BUDGETS

By now, many municipalities have adopted a budget and, where applicable, certified any mill levy for the upcoming fiscal year. Any mill levy must be certified to the board of county commissioners by Dec. 15. C.R.S. § 39-5-128(1). The Local Government Budget Law requires that local governments adopt a budget before certifying the mill levy but permits those that are not certifying a mill levy to adopt a budget by Dec. 31. Otherwise, 90 percent of the current appropriations for operation and maintenance will be deemed reappropriated. C.R.S. § 29-1-108(2, 4). Budgets should be filed with the Division of Local Government within 30 days after the start of the new fiscal year. C.R.S. 29-1-113.

The end of the fiscal year also starts the clock for the completion of the audit when required by the Local Government Audit Law. If an audit is required, the audit must be submitted to the local government within six months after the close of the fiscal year and to the state auditor within 30 days of its receipt. C.R.S. § 29-1-606(1).

LAND DEVELOPMENT CHARGES

State law also requires that local governments publish, at least once annually, "a clear, concise, and user-friendly" summary detailing the accounting of land development charges collected and held by the local government. C.R.S. § 29-1-803(1). The information must include, for each account during the most recent fiscal year, dollar amounts, average interest rates, and the total amount disbursed.

PROPERTY INVENTORY

An annual inventory of real and personal property of a local government also must be compiled every year. C.R.S. 29-1-506(1). The inventory only needs to include items having an original cost

equal to or exceeding an amount set by the local government's governing body.

FINES AND FEES

State law limits the amount that may be assessed as a fine for violations of municipal ordinances but allows that amount to adjust for inflation every Jan. 1. C.R.S. § 31-16-101(b)(I). That limit was \$2,650 in 2014. Consider checking your ordinances and court policies to confirm whether they allow a similar adjustment or if they need an update.

Additionally, a regular review of any fees charged by your municipality is always helpful to ensure that your municipality is not missing opportunities to recover costs. If the amount of a fee is limited by state law, like the fee for record retrieval under the Colorado Open Records Act, a local adjustment may be in order if the state law allows it (for CORA, the last adjustment was in 2019 and occurs every five years).

DECLUTTER FUTURE AGENDAS

Take advantage of the new calendar year to address regularly occurring events in a single action instead of doing it as the need arises. Some common items include:

- setting meeting schedules and locations
- cancelling or rescheduling meetings that fall on holidays
- approving recurring proclamations or recognitions (like recognizing Law Day, May 1 of every year, or designating July as Ice Cream Month).

This column is not intended and should not be taken as legal advice. Municipal officials are always encouraged to consult with their own attorneys.

Governor unveils budget requests for upcoming fiscal year

By Heather Stauffer,
CML legislative & policy advocate

On Nov. 1, Gov. Jared Polis published his Fiscal Year 2023-24 budget requests to be considered by the legislators serving on the Joint Budget Committee. The proposed package includes several items of interest to local governments.

PUBLIC SAFETY

- \$12.6 million over two years for state and local law enforcement task forces focused on auto theft; technology to identify stolen cars and increase information sharing; and support for district attorneys in communities with high rates of auto theft
- \$4.5 million in grant funding for local law enforcement to recruit and retain officers
- \$4.5 million in grant funding to community organizations for co-responder programs, violence interrupter programs, early intervention teams, restorative justice services, and other research-informed crime prevention strategies.

HOUSING

- \$15 million for statewide innovative affordable housing projects through the state's Public-Private Partnership (P3) office.

HOMELESSNESS

- Housing vouchers and support services for former foster youth and adults with disabilities who are transitioning from institutional settings to the community.

WILDFIRE

- \$7.2 million for local fire mitigation and suppression. This proposal includes funding to expand training for local firefighters, help communities assess and mitigate all-hazards risks, and invest in local and state agency mitigation projects
- \$700,000, paired with proposed legislation, to require more transparency and accountability from homeowners' insurance companies to protect homeowners from accidental underinsurance against wildfires and other disasters.

WATER

- \$5 million (in addition to \$12.6 million from sports betting revenues) for a total of \$17.6M for the Colorado Water Plan grant program, and to provide matching funds for federal grant opportunities
- \$4.1 million to increase the speed at which the state permits and inspects for clean water and drinking water project permits

- Approximately \$30 million towards the state match requirement for the IJIA federal supplement to the Clean Water and Drinking Water State Revolving Funds.

It's important to note that while the governor can make requests and proposals regarding the budget, the members of the legislative Joint Budget Committee and the legislature at large ultimately decide how funding is allocated through the state. The Joint Budget Committee works year-round to produce a balanced budget, which is then debated and amended in an annual bill known as the "Long Bill." CML's advocacy team works closely with staff and members of the Joint Budget Committee to advocate for municipal interests in the budget process.

If you have questions or would like to know more about how to contact a member of the Joint Budget Committee, please reach out to hstauffer@cml.org.

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