



STAFF PHOTOS BY ALEX MILLER

Denver Mayor Mike Johnston speaks at the CML Mayors' Summit on Nov. 30 at the Ken Bueche Municipal League Building.

## CML MAYORS' SUMMIT

*By Denise White, CML engagement and communications manager*

**D**enver was buzzing with vitality as 46 municipal leaders convened for the recent 2023 Mayors' Summit. Hosted by CML and CIRSA, the event, held from Nov. 30 to Dec. 1, sparked dynamic discussions on pivotal aspects of leadership, equipping mayors to navigate contemporary challenges.

On the opening day of the summit, the City of Grand Junction Mayor Anna Stout and City Manager Greg Caton skillfully navigated the complexities of council-manager relationships, imparting invaluable insights into achieving harmony. Engaging roundtables delved into pressing issues such as workforce housing, infrastructure, public safety, and council management dynamics. As the day concluded, Denver Mayor Mike Johnston extended a warm welcome at the reception, further nurturing connections and camaraderie.

The next day commenced with lively sessions on strategic planning, creative affordable housing strategies, addressing incivility in local government, running effective meetings, and navigating the media. Mayors glimpsed a preview of the 2024 legislative session and reviewed the essential tools of grassroots advocacy to navigate the political terrain. The summit culminated with a focus on community accessibility, with the aim of making meetings and services inclusive for residents of all abilities.

The Mayors' Summit transcended a mere exchange of information; it cultivated a collaborative spirit, empowering leaders to address shared challenges and sparking innovative solutions for a brighter future. It served as a potent reminder that together mayors can shape a more thriving Colorado.

# EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

## CML appoints Broomfield mayor to state Commission on Property Tax

Colorado Municipal League recently appointed Mayor Guyleen Castriotta of Broomfield to the Commission on Property Tax. Castriotta was first elected to the Broomfield City Council in 2017 to represent Ward 5 and has been serving as mayor since 2019. The Commission on Property Tax, created during the recent special session, is charged with identifying, considering, and evaluating legislative options for a permanent and sustainable property tax structure that protects property owners from rising tax bills and that is sustainable for local governments and public schools. Castriotta looks forward to engaging with the other 18 commission members

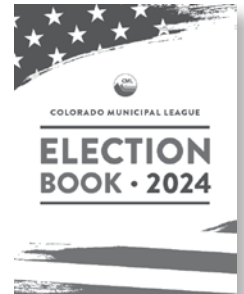


to develop solutions to Colorado's property tax concerns. The commission will start meeting the week of Dec. 18, and recommendations will be presented

to Gov. Jared Polis and the General Assembly by March 15. Questions or concerns related to the commission may be directed to Castriotta at [gcastriotta@broomfieldcitycouncil.org](mailto:gcastriotta@broomfieldcitycouncil.org) or the CML Legislative and Policy Advocate Team at [ehaskell@cml.org](mailto:ehaskell@cml.org).

### CML PUBLICATION

CML is pleased to announce the publication of a new edition of our *Election Book*. The 2024 *Election Book* is an essential guide to running municipal elections. It is designed to assist municipal clerks in managing elections in towns and cities, both statutory and home rule. Thoroughly updated for 2024, CML's *Election Book* will answer your questions about regular and special elections, the Fair Campaign Practices Act, signature verification, process for referendum and recall elections, and much more. The *Election Book*, in print and e-book editions, will be available soon in the CML Bookstore, <https://tinyurl.com/2yzt8vf3>.



### WEBINAR SERIES

CML is hosting a series of webinars on conducting municipal elections. The series will cover many aspects of elections, including petitions, signature verification, recounts, and canvassing. The webinars are intended for clerks whose municipalities will be having elections in spring 2024, but all CML members are welcome to participate. Register on CML's events page, <https://tinyurl.com/bdzy7xtf>.

- **Ballot Order, Mail Ballot Signature Verification, and Canceling an Election**, Jan. 11
- **Canvas, Recounts, and Final Election Questions**, March 14
- **Election Debrief and Tales to Tell**, May 9

### CELEBRATE WITH CML

CML wants to hear about your community's success. Tell us about a grant you've won, a new water tank, or anything else you're excited about. Email CML Publication & Design Specialist Alex Miller, [amiller@cml.org](mailto:amiller@cml.org), or complete the form at <https://tinyurl.com/4dm3n82w>.



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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# Climate resiliency to be topic of virtual summit, webinar series

## CLIMATE RESILIENCY SUMMIT

The Colorado Resiliency Office will host their third annual Colorado Resiliency Summit in January. The online event is free and open to all. This year's theme is Stories of Resilience: Uniting for Climate Adaptation. Subject matter experts at the state and local level will discuss the importance of storytelling in achieving climate adaptation goals. The virtual summit will take place Jan. 25. More information and registration are available online, <https://tinyurl.com/mtwfbkrz>.

## WEBINAR SERIES

Over the next few months, the Department of Local Affairs will explain how to obtain federal funding for resiliency projects through a webinar series called Pathways to Recovery & Resiliency Funding. The series will provide crucial information about obtaining funding through the Inflation Reduction Act and Infrastructure Investment and Jobs Act. All webinars will be recorded for future reference. Registration is available online, <https://tinyurl.com/mrxnvdd8>.

# Colorado releases roadmap for climate change preparedness

Colorado has released its first climate preparedness roadmap, which focuses on ways to better understand, prepare for, and adapt to climate change. The Climate Preparedness Roadmap was produced by the newly formed Governor's Office of Climate Preparedness and Disaster Recovery.

"In recent years, Colorado has seen historic wildfires and floods, and extreme drought that threaten our economy and our way of life," Gov. Jared Polis said. "This roadmap will help guide the important steps Colorado should take to better prepare for increasingly frequent potential disasters and lessen their impact on our communities."

The report includes an analysis of climate risk in Colorado that aims to provide a better understanding of what climate impacts mean for the state and

Coloradans while identifying actionable steps that advance progress and better prepare Colorado for the future. The roadmap will be updated every three years to ensure continued progress.

Given the broad impacts of climate change, the roadmap identifies areas that deserve specific focus, including supporting the adaptation of Colorado's natural systems and biodiversity, extreme heat, and wildfire and drought-related efforts. The roadmap recommends actions supporting improved coordination and collaboration, education and technical assistance, and community-centered approaches.

The Colorado Climate Preparedness Roadmap is available online at <https://tinyurl.com/yw8sxyvb>.

## RECOGNITION

### MUNICIPAL ATTORNEYS RECOGNIZED

Tamara Niles, city attorney for the City of Englewood, was recognized as the Outstanding City Attorney for 2024 by the Metro City Attorneys Association (MCAA). Tamara was recently certified as a Local Government Fellow of the International Municipal Lawyers Association. This year, Tamara counseled the city through a citizen referendum on a contentious land development project, three councilmember recall elections, and successful litigation over a historic restoration project.

MCAA also presented a special recognition award to Dee Wisor of Butler Snow LLP in honor of his forty years of service to local governments. Beginning his career as a law clerk for CML, Dee has always been a tireless advocate for local governments and a tremendous resource for all in the municipal community.

## WEBINAR

### LAWSUIT SEEKS DAMAGES FOR OVERCHARGING FOR INSULIN

Municipalities with more than 1,000 covered lives in their healthcare plan may want to learn more about litigation against certain manufacturers of insulin and pharmacy benefit managers that overcharged for the price of insulin.

Seth Katz, of Burg Simpson Personal Injury Lawyers, and Brandon Bogle, of Levin Papantonio Rafferty, will host a webinar over Zoom on Wednesday, Jan. 10, at noon for those interested in learning more about this litigation and what it seeks to recover for entities, such as municipalities, that have provided an employer-based healthcare plan to employees.

Litigation is pending in federal district court in New Jersey. The lawsuit seeks to hold certain manufacturers of insulin and pharmacy benefit managers responsible for overcharging for the price of insulin. CML members interested in learning more can sign up for this webinar by contacting Morgan Carroll of Burg Simpson at [mcarroll@burgsimpson.com](mailto:mcarroll@burgsimpson.com) or (303) 792-5595.



# THE FACES OF PUBLIC SERVICE



Throughout December, CML will profile various elected officials in cities and towns across the state concluding long terms of public service. Many of these officials have served municipal office for years, others for decades.



## CHARLES GRIEGO, ALAMOSA COUNCILMEMBER

*City of Alamosa councilmember, 1983-2023*

**Q:** What does serving municipal office mean to you?

**A:** First, I would like to thank the constituency of Ward 3 for their support. We have come a long way in the City of Alamosa. You notice I said “we.” It takes the whole seven members of city council to work as a team to create the best quality of life for all the constituents of Alamosa. I have gotten to work with a lot of great people. Everyone has brought something to the table. We have made great partnerships with the county commissioners, the school district, and Adams State University; all are interested in making Alamosa a great place. I would also like to thank Sam Mamet and Kevin Bommer and their staff at CML for their help on various city issues.

**Q:** What is one thought you would like to leave with those currently serving or soon to take municipal office?

**A:** I would like to leave a couple of thoughts for those currently serving. Be respectful of one another, you are working as representatives of the people. Listen to your constituents and always follow back up with them. Do your homework. If you can’t give 100%, being on city council may not be for you.



## KEVIN FOLEY, VAIL COUNCILMEMBER

*Town of Vail councilmember 1995-2001, 2005-2013, 2015-2023*

**Q:** What does serving municipal office mean to you?

**A:** When I first ran for town council in 1995, I had no idea how fulfilling community service could be. After 22 years of service, I would run again were it not for term limits. The highlight of my years of service has been the friendships and relationships that I have made with the women and men who make up the Town of Vail workforce. Our town believes in customer service and the pride that our workers bring to their positions on a daily basis is inspiring.

Some of the projects I am most proud of throughout my tenure are: the Dowd Junction bike path, which eliminated the need to bike on I-70; donating town land to the school district so our elementary school could have a field to play on; the Sandstone underpass, which increased mobility throughout town; and having my name on all three fire stations in support of first responders.

**Q:** What is one thought you would like to leave with those currently serving or soon to take municipal office?

**A:** I was fortunate to be mentored by Vail councilman Paul Johnston (his son Michael is Denver’s mayor) when I was new to public service. I would offer his advice to all newly elected officials: “Do your homework, show up, be respectful, make your decision, and move on.” Sound advice for all elected officials!

### **EPA GRANTS FOR ENVIRONMENTAL AND CLIMATE JUSTICE**

The U.S. Environmental Protection Agency (EPA) has created a new Environmental and Climate Justice Community Change Grants program. The agency will invest about \$2 billion in Inflation Reduction Act funds in

environmental and climate justice activities to benefit disadvantaged communities through projects that reduce pollution, increase community climate resilience, and build community capacity to respond to environmental and climate justice challenges. These investments will be focused on community-driven initiatives and be

responsive to community and stakeholder input. The EPA expects most awards will be between \$10-20 million for projects addressing a range of pollution, climate change, and other priority issues. This grant is now open, and the deadline to apply is November 2024. More information is available online at <https://tinyurl.com/32k46njs>.

## **Communities receive \$69M in energy/mineral impact grants**

The Department of Local Affairs' Division of Local Government awarded \$69,721,151, across 80 projects, in 73 communities for Energy/Mineral Impact Assistance Fund grants. The grant program assists political subdivisions facing social and economic impacts from the development, processing, or energy conversion of minerals and mineral fuels. This round of funding will help grantees improve drinking water infrastructure, increase rural broadband, build more housing, ensure safe roads, provide childcare, and create sustainable downtown areas. The grants are funded by state severance tax on energy and mineral production and from a portion of the state's share of royalties paid to the federal government for mining and drilling of minerals and mineral fuels on federally-owned land.

### **YAMPA VALLEY HOUSING AUTHORITY BROWN RANCH GEOTHERMAL INFRASTRUCTURE**

The Division of Local Government awarded the Yampa Valley Housing Authority \$5 million from the Climate Resilience Challenge initiative for construction of geothermal infrastructure at the Brown Ranch affordable housing development to reduce carbon emissions and air pollution while lowering the housing cost burden for owners and renters.

### **RIO BLANCO COUNTY EMERGENCY OPERATIONS CENTER & EVACUATION SITE**

The Division of Local Government awarded Rio Blanco County \$100,000 for the expansion of an emergency operations center that will include electric

heat pumps, advanced communications technology, meeting space and building improvements to enhance regional response and emergency capacity.

### **STRATTON CHILDCARE CENTER DESIGN & ENGINEERING**

The Division of Local Government awarded the Town of Stratton \$150,000 for design and engineering for an early childcare center.

### **RIFLE CLIMATE ACTION PLAN**

The Division of Local Government awarded the City of Rifle \$90,000 from the Climate Resilience Challenge initiative to create a Climate Action Plan to attract climate-conscious private development and recommend energy efficiency measures in retrofits and new construction.

### **OAK CREEK SOUTH ROUTT COUNTY HOUSING NEEDS ASSESSMENT**

The Division of Local Government awarded the Town of Oak Creek \$200,000 to conduct a Housing Needs Assessment. The assessment will identify and prioritize housing needs, review land use codes, and make recommendations on changes needed for the types of housing development, density, and size of homes identified for the region to help address the critical need of workforce housing.

### **UPPER SAN JUAN HEALTH SERVICES DISTRICT OXYGEN GENERATION BUILDING**

The Division of Local Government awarded Upper San Juan Health Service

District \$507,581 for the construction of a building to house and operate oxygen generation equipment at the Pagosa Springs Medical Center to ensure that medical oxygen is immediately available to patients. The current source for oxygen is over 100 miles away with travel over a significant mountain pass that may pose a risk of delivery delay due to snowstorms and wildfires.

### **DENVER CLIMATE RESILIENCE HUB**

The Division of Local Government awarded the City and County of Denver more than \$2 million to install equipment on the community solar carport at the Central Park Recreation Center to operate the building in a reduced capacity to meet emergency needs of the community, such as temporary housing, medical services, or community heating and cooling centers.

### **ALAMOSA TIERRA AZUL HOUSING DEVELOPMENT SITE IMPROVEMENTS**

The Division of Local Government awarded the City of Alamosa \$1,916,170 from the More Housing Now initiative for public infrastructure supporting the Tierra Azul housing development in southwest Alamosa. This multi-phase project will introduce 406 new housing units offering a diverse range of housing options spanning different income brackets to address the critical need for housing in the city.

More information about the grant program is available online at <https://tinyurl.com/3d34c627>.



## RESEARCH CORNER

### Municipalities across nation maintain positive fiscal outlook

The National League of Cities recently released its 2023 City Fiscal Conditions report. The report analyzes financial data from 820 cities and towns across the United States three years after the start of the COVID-19 pandemic. Municipalities reported a strong fiscal outlook in the short term and a cautious economic outlook for the future.

Three takeaways emerged from this year’s report:

- **Cautious budgeting:** Many cities and towns prudently planned for uncertainty throughout the post-COVID-19 era by increasing reserves and limiting spending.
- **Success in weathering inflation:** The average city experienced an increase in general fund revenues despite inflation nationwide.
- **Impact of federal aid:** American Rescue Plan Act and Bipartisan Infrastructure Law dollars helped municipalities balance their budgets.

All dates refer to fiscal years. Download the report at <https://tinyurl.com/3p6prt7>.



#### REVENUE & SPENDING

- Municipalities saw tax values surge in 2022 as:



- Three major sources of municipal tax revenue saw different types of growth in 2022 as:



- The average municipality experienced more than a **6%** increase in general fund revenues (unadjusted for inflation).
- Municipal spending levels declined by **2.82%** from 2021 to 2022. Spending levels continued to decline in 2023 but at a lower rate.

#### MEETING FINANCIAL NEEDS

- **70%** of municipal finance officers reported being better able to meet financial needs in 2023 than in 2022. The top factors positively impacting municipal budgets include:



**Value of municipal tax base**



**Health of local economy**



**Availability of federal aid\***



**Inflation and prices**



**Infrastructure needs**



**Employee wages**

\***16%** of responding municipalities reported federal aid as having a positive impact on their ability to balance 2023 budgets.

- Just **50%** of municipal finance officers reported optimism about balancing budgets in 2024, suggesting hesitancy about the future of local economies. The top factors negatively impacting municipal budgets include:

# CML LEGAL CORNER



## Understanding the basics of executive sessions

By Sarah Walker, CML law clerk

Local governments have been in the headlines recently for being subject to lawsuits alleging they violated Colorado's Open Meetings Law (OML) during an executive session. Colorado's OML requires a high level of governmental transparency and public access to government meetings and decision-making. However, some matters are sensitive and are allowed to be discussed during executive sessions. Codified under C.R.S. § 24-6-402, local public bodies may meet in an executive session to discuss a limited number of matters. Government officials, especially those recently elected and unfamiliar with OML rules, should be aware of the permissible scope and use of executive sessions to avoid potential legal trouble.

### PROCESS FOR ADJOURNING TO EXECUTIVE SESSION

Before a local public body may hold an executive session, it must fulfill the statutory requirements. The body's attorney should be consulted regarding any executive session, especially to confirm an appropriate motion to enter executive session.

First, the body must announce the topic of the executive session to the public and include the statutory citation to the sub-section of § 24-6-402(4), that authorizes them to hold the executive session. The announcement must include a description of the topic "in as much detail as possible without compromising the purpose for which the executive session is authorized." For example, a city council may need to discuss the details of an ongoing negotiation regarding the purchase of property to obtain the most favorable sale terms for the municipality. The council would not need to disclose the specifics of the negotiation, such as offers made by the other party, but would need to identify that they

will be discussing the negotiation of the purchase of a property, possibly along with the identification of the property. Executive sessions for "legal advice" or reciting the bare statutory language are not sufficient. Second, assuming a quorum is present, a two-thirds majority vote is required to hold the executive session. Should both of those requirements be met, the local public body may adjourn to executive session.

### REQUIREMENTS DURING EXECUTIVE SESSION

Executive session discussions must be electronically recorded, with one exception. C.R.S. § 24-6-402(2)(d.5)(II)(A)). This creates a record that preserves the discussion in case the use of executive session is challenged on procedural or substantive grounds in court. If a court determines that the local public body engaged in substantial discussion of matters not allowed during the executive session pursuant to statute or that the body adopted a proposal in contravention of the statute, that portion of the recording is then open to public review. Executive sessions for legal advice that the attorney determines are privileged need not be recorded.

### APPROPRIATE DISCUSSION DURING EXECUTIVE SESSION

As mentioned above, C.R.S. § 24-6-402(4) enumerates what matters a local public body may discuss during an executive session. The matters include: property transactions involving real or personal property, attorney conferences to receive legal advice, matters required to be kept confidential by federal or state law, specialized details of security arrangements or investigations, determining positions on matters that may be subject to negotiation, certain personnel matters unless the subject of the discussion requests to have an open meeting, documents protected

by mandatory nondisclosure under the Colorado Open Records Act, and some matters specific to school boards. Some things, like discussing other members of the body (outside of legal questions), are not included and there are strict limitations on taking actions in executive sessions.

### PROHIBITION ON RUBBER-STAMPING DECISIONS

One common claim made in OML lawsuits is that the local public body "rubber-stamped" a decision that was made unlawfully during an executive session. Under the OML, a governing body cannot, during an executive session, decide to take some formal action that is required by law to be taken in a public meeting and then make that action official with a vote during a public meeting without any discussion of the issue. Municipalities often face lawsuits when it appears that a local public body has rubber-stamped a decision already made during an executive session. It is therefore in the interest of municipalities who want to avoid these sorts of lawsuits to be aware of how their actions may appear to the public, even if no improper or unlawful action was taken during an executive session.

Given that executive sessions are an incredibly important and useful tool for local public bodies, municipal officials should have a basic understanding on how and when they may be utilized. Legal counsel should be asked to provide specific guidance. Further information on open meetings and executive session is available in CML's Open Meetings, Open Records: Colorado's Sunshine Laws and Municipal Government.

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



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**Featured in this issue:**

- Leaders from all across Colorado attend CML Mayors' Summit
- CML publishes updated edition of Election Book
- Research Corner: Municipalities maintain positive fiscal outlook
- Legal Corner: Understanding the basics of executive sessions

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# NEWSLETTER

