



# NEWSLETTER

Vol. 49, No. 8, April 21, 2023

## Colorado Municipal League: An advocate in the past, present & future

**TO** celebrate our 100th year, the Colorado Municipal League is taking a look back at its history of service to Colorado cities and towns. This month, we're focusing on advocacy efforts.

Advocacy is one of CML's founding principals. While researching other state municipal leagues in preparation for the formation of Colorado's league, Don C. Sowers, one of CML's founders, determined that each league served as an advocate at the state level. Since then, CML has been a fierce advocate on behalf of Colorado's cities and towns.

### HOUSING AFFORDABILITY AND ACCESSIBILITY

Housing has been, and continues to be, top of mind for municipalities across the state. CML's State of Our Cities and Towns Survey has seen housing as a key municipal concern for years.

Housing is not a new topic of conversation among Colorado's municipal leaders. Several of CML's early conference programs included sessions about housing. As our state has grown and become more dense, however, housing challenges have evolved.

The present legislative session is a great example of CML's advocacy on behalf of Colorado's municipalities. A land use bill, SB23-213, is attempting to preempt home rule and local control on local land use and zoning decisions. CML is working tirelessly to protect local control, and the grassroots response from cities



and towns across the state has been enormous.

### TAXATION

Taxes have been, and likely will continue to be, a municipal and state focus. Taxes are what ensure programs remain efficient and beneficial, public health and safety are addressed, and government is able to serve its communities.

CML's first major legislative win came in the tax realm. In 1927, CML began dealing with a state-wide gasoline tax. In the early draft legislation, the funds raised by the tax would not be distributed to cities and towns. CML lobbied for inclusion of cities and towns in this legislation, urging some funding to be allocated to them.

As part of its effort, CML urged cities and towns across the state to speak with their senators and let their needs be known. The collaboration across the state proved immensely powerful.

### LOCAL CONTROL

Since its beginning, CML has been a staunch advocate for local control and home rule. Ensuring municipalities had a seat at the table in the Colorado Basin Roundtable discussions and benefited from the lottery was just the beginning. CML served as a resource to municipalities interested in home rule, advocated on behalf of local control in the legislature, and served as an advocate in the courts.

In one of its first issues, CML's "Colorado Municipalities" magazine published an article titled "How to Secure a Home Rule Charter in Colorado." This article outlined the history of home rule and procedural guidance for cities interested in pursuing a home rule charter.

While CML's legislative efforts span diverse topics, one guiding theme remains the same — success relies on the voice of Colorado's municipalities. When water, taxes, or housing become subjects of legislative scrutiny, CML ensures municipalities' voices from across the state are heard and their interests are represented.

Read more about CML's history of advocacy, <https://bit.ly/3UBUhBB>.

Empowered cities and towns, united for a strong Colorado

# EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO

## CML STAFF UPDATE

### DENISE WHITE

CML recently announced the hiring of Denise White as engagement and communications manager for the Colorado Municipal League. White has been a public servant for more than 20 years, working at the local level. Before joining CML, she was the communications director for the City of Aspen and has served in communications, marketing, and engagement roles with Boulder, Fort Collins, and Englewood. Throughout her professional career, White has gained invaluable experience in crisis management, media relations,



strategic internal and external communications, community engagement, and event planning. She earned her bachelor of arts degree in English

from Montana State University and a master's in communication management from the University of Denver. She is excited to leverage her experience in local government to connect with and provide support and service to our membership and Colorado communities.

## RECOGNITION

### GOLDEN WINS GRANTS, FORMS DEI TASK FORCE

The City of Golden recently received a number of grants. The city was awarded a grant for weatherization improvements and wildfire mitigation for mobile home park residents through the EPA Environmental Justice Program, design grants for a Peaks to Plains Trail connection through the city, grants to continue the indigenous connection and ethnography work of the Golden History Museum, and funding from the state for 10 electric-vehicle public charging stations.

In honor of Earth Day, Golden is celebrating a successful year of DeLong Park, a completely organic and pesticide-free park maintained by volunteers. And the city is finishing putting together a Racial Equity, Diversity, and Inclusion Task Force of volunteers comprised of residents, city staff, and other members of the community to recommend practices and policies that would make for a more welcoming and inclusive community. The group will meet over the next year to advise the city council on DEI issues.



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## CELEBRATE WITH CML

CML wants to hear about your community's successes. Tell us about a new grant you've won, water tank that's finally finished, 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://bit.ly/3YF8XRM>.

# SPRING

## municipal election results

**S**even municipalities held elections in early April to elect city and town councilmembers. Voters in Colorado Springs, Denver, Durango, Glenwood Springs, Grand Junction and Ward held elections for municipal leaders April 4, and Georgetown held its regular election April 3. Aspen held its regular election March 7.

Colorado Springs will hold a runoff election May 16, and Denver's runoff election will take place June 6.

Mountain Village voters go to the polls in June. Ridgway canceled its election, as permitted by law, citing a lack of competitive races.

Voters also decided a handful of ballot questions. The following results are unofficial and subject to change.

Colorado Springs voters approved the extension of an existing 0.1% sales and

use tax for trails, open space, and parks, through 2045.

### DENVER

Voters decided three questions on the ballot.

- Voters approved the removal of language concerning the Board of Adjustment from the charter and to instead require that the procedures for appeals, variances, and exceptions from the zoning code be addressed in city ordinance.
- Voters approved a charter amendment to clarify the city council's authority regarding zone districts and to require zoning protests be initiated by Denver property owners.
- Voters rejected a question that would have authorized the city to release the city-owned conservation easement on privately owned property known as

the Park Hill Golf Course to allow for commercial and residential development.

### GRAND JUNCTION

Voters decided two questions, both of which passed:

- to increase the sales and use tax rate to finance construction of a community recreation center
- to amend the charter to increase the authorized lease term for certain city property to a non-profit organization offering adaptive outdoor recreation for people with disabilities

### SPECIAL ELECTIONS

On March 28, voters in Keystone authorized incorporation of the town and approved the creation of a charter commission that will be responsible for drafting a home rule charter to submit to voters for consideration at a later date.

Walsenburg will conduct a recall election on May 16.



## IN MEMORIAM

The League recently learned of the passing of the following members or former members.



### JAYLENE LEE

Jaylene Lee passed away on Dec. 21, 2022, in Penrose. She was 59 years old. Born on Aug. 23, 1963, in Salida, Colorado, Jaylene lived in sev-

eral places as the family moved for work, and she graduated from Green Mountain High School in Lakewood, Colorado. In 2013, Jaylene moved to Rockvale with her mother and was elected to the town board not too long thereafter. She was very involved in town activities.

“CML had a district meeting in Rockvale in 2021,” said Kevin Bommer, CML executive director. “I remember how proud Jaylene was of the town and how much she enjoyed having everyone from the district at the town hall.”

Jaylene was preceded in death by her grandparents, three brothers, stepparents, and her lifelong friend and companion Dan Griego. She is survived by her father, James Lee of Cañon City, mother Earlene McCoy of Rockvale, and many others. A memorial service was held on Jan. 11.



### COLLEEN KETCHUM

Colleen Ann Ketchum (Frazier) passed away on Dec. 24, 2022. She was the town clerk for Olney Springs and loved in Ordway. She

was born in Pueblo, Colorado, on May 16, 1974, and married Dennis Andrew Ketchum of Ordway, Colorado, on Oct. 31, 2013. She is also survived by her parents, four children, and 10 grandchildren. Private services were held for the family.



### HENRY “DUKE” SMITH

Henry “Duke” Smith died on Feb. 1, 2023, following a long illness. He was born March 30, 1937, in Lawrence, Kansas, the

second of four children, to Henry Smith and Ruth (Watson) Smith. He was predeceased by his parents and three siblings. After leaving Lawrence and graduating from the University of Kansas, where he played baseball, he played a short time for the Oklahoma City Indians until an injury ended his pursuit of a professional career in baseball.

After marrying Theresa (Byers) in 1959, he became a police officer with the Lawrence Police Department. After serving both the Lawrence and Kansas City (Missouri) police departments, the family moved to Colorado in 1966 where he started a career with the Edgewater PD. In 1979, he was appointed chief, making history as the first African-American police chief in the state of Colorado. He retired in 1991.

His public service continued in Oct. 1991, when he was appointed by Governor Roy Romer and the Colorado Department of Transportation to spearhead “Operation Buckle Down,” a nationally funded seat belt campaign whose purpose was to educate and save lives. He served until 2006, working with law enforcement agencies throughout the state. Throughout his life and in retirement he pursued many hobbies and interests, including tennis, photography, aviation, and travel.

Duke is survived by his wife of 63 years, Theresa Smith, children Sharon Smith-Mauney (Leonard) and Duane Smith, and grandchildren Kyle Mauney, Mariah Smith, and Bronson Smith.

A memorial service was held Feb. 18 in Edgewater.



### JOHN SCOTT WEBERMEIER

Estes Park Mayor Pro Tem John Scott Webermeier passed away unexpectedly on March 26 in Estes Park. He was born on

Oct. 14, 1954, in San Diego and lived in Estes Park since he was 8 years old. He graduated from Estes Park High School and Colorado State University. He lived and worked in Estes Park in the family business, which is how he met Kathleen Jean Jones, who he married a year later.

After selling his business in 2015, he and Katie continued to run the Country Market. Scott was very active in the community and most recently had been appointed to the Estes Valley Marketing District Board, in addition to serving as mayor pro tem. He was a charter member and still active in the Estes Park Sunrise Rotary Club at the time of his death. He was an avid lover of the outdoors.

Scott was preceded in death by his parents and brother-in-law, Tim. He is survived by his wife of 43 years, Katie; children and their spouses, Laura Kate Bishop (Bill), John Webermeier (Kaley), Whitney Webermeier, and Peter Webermeier (Natalia, fiancée); grandchildren Katie Grace Bishop, Calvin Bishop, William Bishop, Della Bishop, and Ella Voss; siblings Debra, Sandra, and Kasey; siblings-in-laws John, Teresa, Chris, Liz, Gayla, Laura, Scott, Pete, and Jenn; 25 nieces and nephews; as well as many other family and friends.

Services were held in Estes Park on April 13.

## GRANT OPPORTUNITY

### FUNDS FOR WILDLIFE CROSSINGS

More than \$111 million in grants are available through the Wildlife Crossings Pilot Program. The program helps carry out projects that reduce wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species.

The funding may be used for construction and non-construction projects, and the maximum share of project costs that may be funded with grant funds will typically be 80%, as is standard for federal-aid projects.

The deadline for applications is **Aug. 1**. Grant applications must be submitted through *grants.gov*, and more information is available at <https://bit.ly/3MFICQ0>.

## UPCOMING WEBINAR

### HOUSING NEEDS ASSESSMENT HOW-TO WITH THE CITY OF GOLDEN

*Wednesday, May 3, 12-1 p.m.*

City of Golden officials will walk you through the life cycle of a housing needs assessment. The presentation will teach you what to expect when undertaking a housing needs assessment for your community, including the RFP process, community outreach, and implementation of the plan. The webinar is an opportunity to learn from Affordable Housing Policy Coordinator Janet Maccubbin, Director of Community and Economic Development Rick Muriby, and Mayor Laura Weinberg. Register at <https://bit.ly/3yRMeGz>.

## CML accepting applications for Executive Board

*By Kevin Bommer,  
CML executive director*

CML is now accepting applications for members interested in running for the CML Executive Board. Applications will be accepted through 5 p.m. Monday, **June 12**.

Members whose names are placed on the ballot by the CML Nominating Committee will be voted on by the membership at the CML Annual Business Meeting scheduled for Tuesday, **June 27**, at the 101st CML Annual Conference in Aurora. Voting procedures will be detailed in the Notice of Annual Business Meeting that will be sent to all member municipalities later in April. CML Executive Board members are elected at-large, which means each member municipality is entitled to vote at the CML Annual Business Meeting for their choices in all population categories.

### VACANCIES TO BE FILLED AT THE ELECTION

- One position from municipalities with a population of 250,000 or more for a two-year term

- Three positions from municipalities with a population from 50,000-249,999, each for two-year terms

- Four positions from municipalities with a population from 8,000-49,999, three for two-year terms and one for a one-year term

- Three positions from cities and towns with a population of less than 8,000, each for two-year terms

Under CML bylaws, population figures for the June 2023 election will be based upon population estimates from the Colorado Department of Local Affairs. These are the same figures that were used in computing 2023 municipal dues for member municipalities and may not be the most recent DOLA estimate.

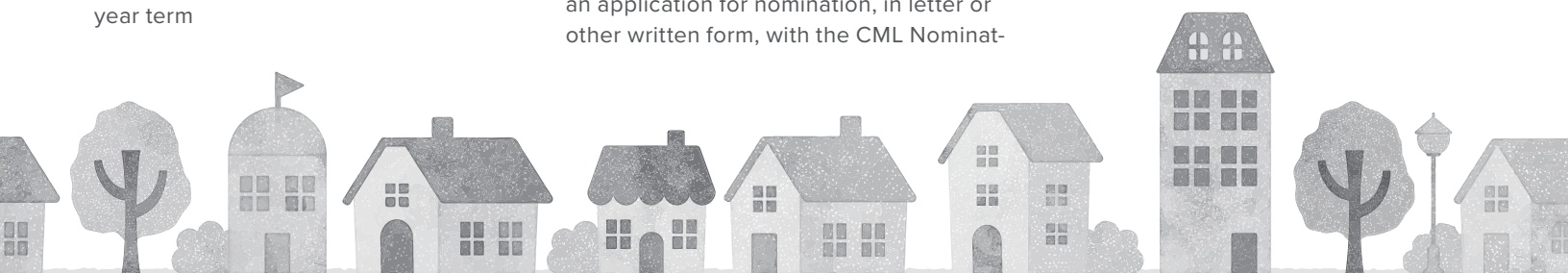
CML bylaws also require CML Executive Board members be elected or appointed officials of member cities and towns.

Any official who desires to be nominated for a position on the CML Executive Board can ensure nomination by filing an application for nomination, in letter or other written form, with the CML Nominat-

ing Committee. The application must be received in writing by the CML office at least 15 days prior to the annual business meeting, that is, by 5 p.m., Monday, **June 12**. Include with the application an endorsement in writing from the applicant's city council or board of trustees, which also must be received by the CML office by 5 p.m., Monday, **June 12**. Please note that a city council or board of trustees may endorse the nomination of only one official from the city or town for election.

Questions about the CML Executive Board or the election process should be directed to Kevin Bommer, executive director, by email or by phone at (303) 831-6411 or (866) 578-0936.

Please email application materials to CML Executive Director Kevin Bommer, [kbommer@cml.org](mailto:kbommer@cml.org).



# 100<sup>th</sup> YEAR APPRECIATION TOUR



Municipal staff from Westminster were all smiles at CML's recent appreciation tour stop.



CML enjoyed an early spring day visiting with municipal leaders in Kiowa.



The team from Mt. Crested Butte showcased their winter wonderland at a recent appreciation tour stop in March.

## CML coming to a municipality near you

By Karen Rosen,  
CML meeting & events planner

Spring Outreach Meetings are coming up! Beginning May 15 and running through June 1, these meetings are your opportunity to meet with neighboring communities and get an update on the end of the recent legislative session and what it means for your community. Spring Outreach meetings are free (and only for CML members). The meetings will last about an hour and a half. We request that you RSVP online, <https://bit.ly/3Kuo7TM>; however, please feel free to attend if you have not RSVPed by the time of the meeting.

### LOCATIONS & DATES

- Broomfield: May 15, 10 a.m.
- Greeley: May 15, 3 p.m.
- Cheyenne Wells: May 16, 3 p.m.
- La Junta: May 17, 10 a.m.
- Deer Trail: May 17, 10 a.m.
- Manitou Springs: May 18, 10 a.m.
- Walsenburg: May 18, 3 p.m.
- Wray: May 18. This Spring Outreach Meeting for District 1 will take place from 4 to 7 p.m.
- Salida: May 23, 10 a.m.

- Del Norte: May 23, 3 p.m.
- Pagosa Springs: May 23, 3 p.m.
- Cortez: May 24, 10 a.m.
- Montrose: May 25, 10 a.m.
- Fruita: May 31, 3 p.m.
- Hayden: May 31, 3 p.m.
- Rifle: June 1, 10 a.m.
- Winter Park: June 1, 10 a.m.
- Vail: June 1, 3 p.m.

If you have questions about Spring Outreach Meetings, please direct them to Karen Rosen, [krosen@cml.org](mailto:krosen@cml.org). We look forward to seeing you!

# CML LEGAL CORNER



## Recent developments with ranked choice voting

By Rachel Bender,  
CML associate counsel

In 2021, the General Assembly passed HB 21-1071, to make it easier for municipalities to utilize ranked choice voting (RCV). Since then, the Colorado Secretary of State (SoS) has promulgated rules to implement HB 21-1071 and some additional municipalities have elected to begin using RCV in the near future. As often occurs around elections, discussion about the merits of RCV and whether it is appropriate for any given community arise again.

### WHAT IS RCV?

Although RCV has gained traction in the press and in practice over the past several years, some may still struggle with understanding exactly how RCV works. In short, it is a way to elect a candidate who the majority of voters approve of, even if not their first choice. This is typically done by allowing voters to rank their three favorite candidates, rather than just their first choice. RCV works by counting second or third choices if a voter's first choice doesn't reach a certain threshold. Without RCV, if no candidate wins a majority of votes, either a runoff election must occur for the top candidates or the winner receives only a plurality of votes.

The following example helps illustrate how RCV works in practice. Imagine a three-way race between dogs, cats, and birds. With RCV, you could rank up to three — perhaps cats are your favorite so you rank them first, followed by dogs, then birds (however, if you don't like birds, you wouldn't rank them at all). If there are 100 voters and 40 pick cats, 35 pick dogs, and 25 pick birds, none have a majority. The first step is to drop the candidate with the lowest votes — in

this case birds. All bird voters get their second choice applied to the remaining options; if their second choices were 20 for dogs and 5 for cats, the totals are 45 for cats and 55 for dogs. Dogs now have the majority voter approval and win the election. In concept, RCV means more voters support the winner.

### HB 21-1071 AND STATE REGULATIONS

Although some municipalities began using or temporarily experimented with using RCV for municipal elections prior to the passage of HB 21-1071, this bill paved the way for use of RCV even if a municipality conducts coordinated elections with their county. For a municipality located in a single county, the bill requires any county that uses a voting system certified by the SoS to conduct a municipality's RCV election as part of the coordinated election starting Jan. 1, 2023. For any municipality located in multiple counties, if all those counties use a certified voting system, they must conduct the municipal RCV election as part of their coordinated election starting Jan. 1, 2026. The bill contains other requirements related to voter education and coverage of any increased costs.

On July 1, 2022, the SoS adopted rules laying out the minimum system requirements and specifications for voting systems used to conduct elections using RCV. These requirements include standards for result reporting, data export format, ballot layout, tabulation, ballot marking devices, and ballot adjudication. Notably, the rules utilize the term "instant runoff voting contest" rather than RCV.

On March 31, 2023, the SoS adopted rules to address the tabulation, reporting, and canvassing of results for a coord-

inated election using RCV conducted by a single county. HB 21-1071 directs the SoS to adopt rules to address these same matters for coordinated elections in multiple counties by Jan. 1, 2025. The SoS will also promulgate rules to conduct risk limiting audits in an election that uses RCV.

### MUNICIPAL IMPLEMENTATION OF RCV SINCE 2021

Since the passage of HB 21-1071, a couple more municipalities have decided to start using RCV. In November 2021, Broomfield passed a measure to use RCV starting in November 2023, which is when Boulder will also begin using RCV for mayoral elections. In the November 2022 election, Fort Collins passed a ballot measure to implement RCV starting in 2025.

While there are costs associated with conducting a runoff election if a municipality doesn't use RCV, there are costs associated with implementing RCV, particularly as part of a coordinated election, including election setup licensing costs, programming, ballot design, voter information and education, and tabulation. And although RCV presents the opportunity to elect a candidate approved by the majority of voters, some worry that RCV will cause confusion and dissuade citizens from voting.

While there are many factors to consider in deciding whether RCV is right for your municipality, developments over the past two years have made it so that municipalities have that choice, even when participating in a coordinated election.

*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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