



CML PHOTO BY ALEX MILLER

The CML advocacy team talks about statehouse legislation at the 2024 CML Legislative Workshop on Feb. 15 in Denver.

LEGISLATIVE WORKSHOP

Municipal leaders discuss key state legislation affecting their communities

By Alex Miller, CML publication & design specialist

Housing was a hot topic at the Colorado Municipal League’s annual Legislative Workshop, held Feb. 15 at History Colorado in Denver.

More than 140 municipal leaders from across the state received a comprehensive report from CML’s advocacy team about legislation introduced and anticipated in the 2024 General Session

State senators Barbara Kirkmeyer, R-Brighton, and Rachel Zenzinger, D-Arvada, spoke about the outlook for housing and land use legislation in 2024, as well as the housing needs of cities and towns that transcend political labels.

The day-long workshop included a panel discussion on affordable housing and land use legislation. It focused on the efforts municipalities are already making and how upcoming legislation could support or hinder them. The panel included Jessica Garner, Arvada director of community and economic development; Jennifer Hoffman, Broomfield city manager; Lauren Mikulak, Wheat Ridge community development director; Doug Rex, DRCOG executive director; and Amanda Sandoval, Denver councilmember.

Irma Esparza Diggs, senior executive and director of federal advocacy for the National League of Cities, gave a report on

municipal advocacy efforts in the nation’s capitol, and a panel discussed grassroots advocacy efforts and offered tips on starting local advocacy campaigns.

“The Legislative Workshop was great this year because we were able to examine legislation that impacts municipalities in depth,” said Heather Stauffer, CML legislative advocacy manager. “Our members are so passionate and engaged on these topics. They ask such great questions. And I hope they left with a better understanding of what’s going on at the legislature and how they can be a part of the process.”

See more photos of the event on **Page 5**.

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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CML UPDATE



This month, CML is celebrating a pair of staff anniversaries. Database Specialist Mark Vanderbrook has been with CML for five years, and Publication and Design Specialist Alex Miller has been with CML for two years. Congratulations!

MUNICIPAL GRANTS

ENERGY CODE ADOPTION & ENFORCEMENT

The Energy Code Adoption and Enforcement grant program supports local governments with adoption, implementation, and enforcement of the 2021 International Energy Conservation Code and the state's model electric ready, solar ready, or future model codes to be developed. The application deadline is March 1. More information is available online, <http://tinyurl.com/mr79uuy>.

ASSISTANCE TO FIREFIGHTERS

Assistance to Firefighters Grants are open for applications. \$324 million in funding is available. The grants can provide funding for two-way radio equipment, two-tone voice pagers, and investments in personnel accountability. More information about the grants is available online, <http://tinyurl.com/2f3smxjs>. For help in applying for Assistance to Firefighters grants, visit FireGrantsHelp, <http://tinyurl.com/bdzzh359>, or download the free grant application guide at <http://tinyurl.com/2vynzdc3>.

PRODUCER RESPONSIBILITY PROGRAM

FINAL DRAFT OF STATEWIDE RECYCLING NEEDS ASSESSMENT

The final draft of Colorado's needs assessment report for statewide recycling has been published. Circular Action Alliance initiated the study as part of Colorado's Producer Responsibility Program for packaging and paper products. The needs assessment is an in-depth study that assessed Colorado's existing recycling systems and identified opportunities for improving recycling and collection rates of covered materials. The needs assessment is available on the Colorado Department of Health & Environment website, <http://tinyurl.com/bdfzhxns>.

PROPERTY TAX RELIEF

DOLA PUBLISHES PROPERTY TAX RELIEF RESOURCE

The passage of Senate Bill 23B-001 made several changes to the property tax process for the 2024 budget year. The Department of Local Affairs has published a Property Tax Relief Resource website, which provides crucial information about how the new process will affect municipalities. It is online at <http://tinyurl.com/yfkkktys>.

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.



PHOTO COURTESY OF THE TOWN OF KEYSTONE

Keystone Mayor Ken Riley, left, was sworn in along with the town council during Keystone's first-ever council meeting Feb. 8.

Colorado's newest town: Keystone

Municipality swears in its first mayor and town council

By Rachel Woolworth, CML municipal research analyst

It's official — the Town of Keystone is Colorado's newest municipality and is welcomed by the Colorado Municipal League as its newest member.

Keystone's mayor and council were sworn in at the town's first-ever council meeting Feb. 8, ushering in a new era for the mountain community.

Keystone is unique in that it was first established as a ski resort with land set aside for workforce housing and a school, church, and childcare center. In the decades since the resort was founded, the community's population, housing stock, and economy have grown to a point where incorporation felt viable.

The road to incorporation for Keystone included three elections: one to incorporate in March of last year, one to approve a home rule charter in September of last year, and one to elect its council in January of this year.

Ken Riley, who helped lead the incorporation effort, was sworn in as Keystone's first mayor at the meeting alongside six town councilmembers.

"We had strong grass roots support from every area of Keystone," Riley said in his opening remarks. "We had hundreds of community members who volunteered to get

petition signatures, became election judges, knocked on doors, and did behind the scenes work. You're the heroes who selflessly supported our community."

According to Riley, the town plans to focus on pedestrian and traffic safety along U.S. Hwy 6, childcare, workforce housing, and trails and open space.

Town council passed 20 resolutions during the meeting, measures that established the Keystone Center as town hall, directed staff to hire an interim town manager, and created an intergovernmental agreement between the town and Summit County Government to extend the provision of county services in the community for 90 days.

"Starting today, we can no longer look to others to address the issues we see in our community," Riley said at the meeting. "It's now up to us."

CML Executive Director Kevin Bommer showed support for Colorado's newest municipality by attending the council meeting in person. The League assisted Keystone throughout its incorporation process and is providing services to help the new town leaders fill staff positions and get to work governing the new town.

Do you know a municipal superhero?

NOMINATIONS OPEN FOR THE 2024 SAM MAMET GOOD GOVERNANCE AWARD!

Remember Mayor Marc Williams' inspiring leadership of Arvada? Lyons Town Administrator Victoria Simonsen's dedication to community through 10 years of flood recovery? These are just two examples of past heroes recognized by the prestigious Sam Mamet Good Governance Award, honoring exceptional individuals in municipal government. Now, the search is on for the 2024 champions!

Does someone in your community exemplify the principles of good governance? Are they champions of efficiency, transparency, accountability, innovation, and inclusivity? Do they go above and beyond to serve their community, inspiring others with their dedication and impact? If so, nominate them for the Sam Mamet Good Governance Award!

This is your chance to shine a light on their achievements and empower them to inspire others. Recipients receive recognition and complimentary

registration to the CML Annual Conference and the opportunity to share their story and motivate future generations of public servants.

Do not let their dedication to effective governance go unnoticed! Nominations are open now until March 29. Visit <http://tinyurl.com/rzefxway> to nominate someone today and help us celebrate excellence in public service.

Together, let us celebrate the unsung heroes shaping a brighter future for our municipalities.

Registration opens Feb. 20 for 2024 CML Annual Conference

Registration is about to open for the 2024 CML Annual Conference. The conference is the premiere educational event for municipal officials in Colorado. It draws over 1,200 leaders throughout the state to share the latest information on accomplishments, growth, legislation, and policies that impact their municipalities. Don't miss this opportunity to hear from compelling keynote speakers, explore the exhibit hall, connect, network, and exchange ideas. The conference will take place June 18-21 in Loveland. Registration opens Feb. 20. Sign up online at <https://www.cml.org/conference>.

Become a conference sponsor

Looking to increase your organization's exposure to influential decision makers in Colorado's cities and towns? Become a sponsor of the Colorado Municipal League Annual Conference. CML associate members receive a discount on all conference sponsorship opportunities. Sponsors at the Silver level or above can exhibit at the conference. Exhibit space is limited and sold on a first-come, first-served basis. More information on sponsorships is available at CML's website, <https://www.cml.org/conference/Sponsors>. CML's sponsor guide, which includes sponsor application materials, is online at <http://tinyurl.com/yunbyrm8>.



SAVE *the* DATE
2024 CML ANNUAL CONFERENCE
June 18-21 in Loveland



State Rep. Bob Marshall (D-Douglas County), center, speaks with municipal officials during a reception following the workshop.



Attendees listen and take notes during the 2024 CML Legislative Workshop, held Feb. 15 at History Colorado in Denver.

CML 2024 LEGISLATIVE WORKSHOP

Photos by Alex Miller, CML publications & design specialist



Anna Stout, CML Executive Board member and Grand Junction mayor, speaks with Robert Eber, Cherry Hills Village councilmember.



CML Executive Director Kevin Bommer speaks with Marlo Alston, Centennial councilmember.



Attendees mingle at a reception following the workshop.



Greenwood Village Mayor Pro Tem and CML Executive Board member Dave Kerber asks a question at the workshop.

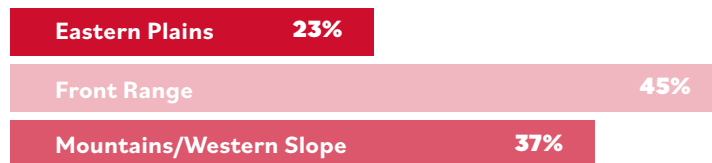
RESEARCH CORNER

TRACKING MUNICIPAL REVENUE

Data visualization by **RACHEL WOOLWORTH**, CML municipal research analyst,
and **ALEX MILLER**, CML publication & design specialist

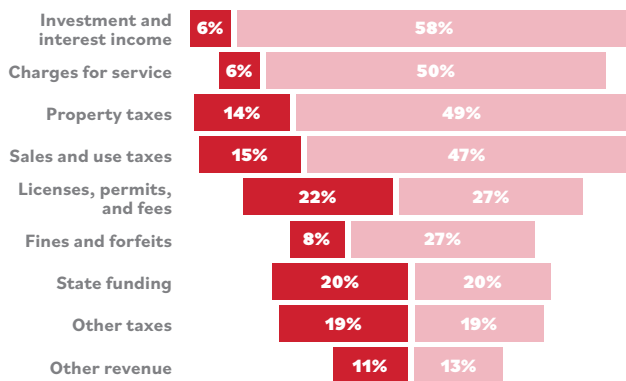
The fluctuation of municipal revenue streams is an important indicator of the condition of local economies and a predictor of how effectively cities and towns will be able to respond to public needs. Primary municipal revenue streams in Colorado include sales and use tax, property tax, intergovernmental transfers from federal and state government, charges for services, and more. Colorado Municipal League tracks changes to these revenue streams from year to year through our annual State of Our Cities & Towns survey.

1 MUNICIPALITIES REPORTING REVENUE INCREASES FROM PAST YEAR, BY REGION



In this year's survey, a little over one-third of cities and towns reported municipal revenues improving from 2022 to 2023; a similar share reported municipal revenues staying the same. Cities and towns located in the Eastern Plains and municipalities with less than 2,000 people were slightly less common to report revenue improvements than larger municipalities in other parts of the state.

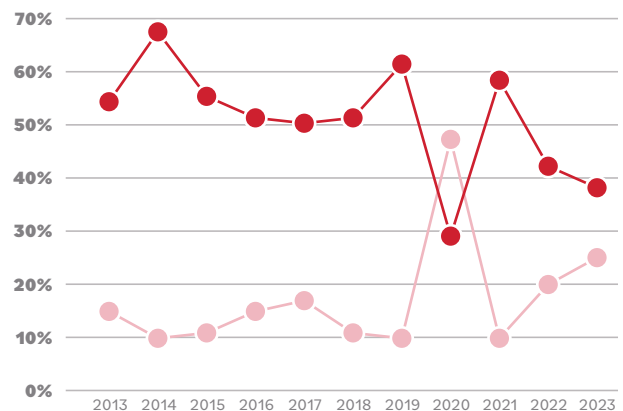
2 CHANGES IN MUNICIPAL REVENUE SOURCES



Municipalities reported investment and interest income, charges for services, property taxes, and sales and use taxes as the top increased revenue sources throughout 2023. In fact, more than half of cities and towns reported revenue increases from investment and interest income since 2022.



3 CHANGES TO MUNICIPAL REVENUE OVER THE PAST DECADE



Throughout the last decade, more responding municipalities have reported better revenues over the previous year than those who have reported worse — with 2020, the year of the COVID-19 pandemic, as the exception. Despite this, municipal revenue growth has been on a slight decline since 2021.



CML LEGAL CORNER



Supreme Court weighing in on governmental immunity

By Robert Sheesley,
CML general counsel

The Colorado Supreme Court recently weighed in on the first of three significant governmental immunity cases expected to be resolved this year. While the case, *County of Jefferson v. Stickle*, 2024 CO 07, involves a unique set of facts, the implications for public entity liability may be broad, particularly with respect to maintenance projects that focus on upgrading facilities and prolonging the useful life of a public facility.

GOVERNMENTAL IMMUNITY BACKGROUND

Governmental immunity protects taxpayer-funded entities from the costs and disruption of services that may result from costly litigation and unlimited judgments. The Colorado Governmental Immunity Act (CGIA) caps damages and provides immunity for all tort claims against a government entity or employee unless the injury falls within one of the enumerated waiver provisions. A government entity can avoid significant litigation costs if a court determines, at an early stage of a lawsuit, that the injury at issue is not included in a waiver and, therefore, the government is immune from suit.

COUNTY OF JEFFERSON V. STICKLE

Stickle involved the CGIA's waiver of immunity for injuries resulting from "a dangerous condition of a public building," C.R.S. § 24-10-106(1)(c), following a slip-and-fall in a detached county parking garage. The county argued it was immune from suit because the garage was not a "public building" given that it lacked complete walls, enclosed spaces, heating and cooling systems, and its roof was used to store cars. The Court

disagreed and viewed the existence of half-walls, electrical systems, and other attributes as sufficient to make the structure a "public building" under the CGIA.

The Court also rejected the county's argument that there was no "dangerous condition." There is no waiver of immunity under the CGIA for dangerous conditions that "exist solely because design of the facility is inadequate." C.R.S. 24-10-103(1.3). Instead, the dangerous condition must be related to construction or maintenance. In this case, the fall was caused by an optical illusion created from the use of the same-colored material for a sidewalk and parking surface that hid the drop off from the sidewalk.

The Court viewed this condition as not existing "solely" because of an inadequate design because it was also tied to an act of maintenance. The Court felt that the application of that material during a maintenance project precluded the condition from arising solely due to a design choice, resulting in a waiver of immunity.

THE PROBLEM OF MAINTENANCE

The Court's view that a design choice in a maintenance-related project, as opposed to a negligent action in the maintenance itself, appears to be an unfortunate limiting of the protection provided by the CGIA. *Stickle* may raise questions about what modifications can be made during a maintenance project and whether a public entity can improve a public facility without risking a waiver of immunity. The county chose a new surface material to repair the existing surface and prolong the structure's life. Had the material been chosen and applied properly during the structure's original construction, the same condition may have fallen outside the "dangerous condition" definition.

Stickle's impact may be blunted, however, by other provisions in the "dangerous condition" definition used in several immunity waiver provisions. A dangerous condition must still pose "an unreasonable risk to the health or safety of the public." C.R.S. § 24-10-103(1.3). The Court has construed this limitation to require that the risk of injury "exceed the bounds of reason" before immunity is waived, based on the totality of the circumstances.

MORE TO COME

The Court heard arguments in two other CGIA cases last fall and is likely to issue decisions in those cases soon. In one case, *Giron v. Hice*, the Court will decide whether immunity is waived for a vehicle collision involving a police officer in a high-speed pursuit when their lights and sirens are not activated for the entire pursuit. In the other, *Aspen v. Burlingame Ranch Condo Owners Association II*, the Court is considering how the CGIA may bar claims for residential housing construction defects brought against a municipality in connection with an affordable housing development built directly by the city.

As shown by the variety of cases before the Court, the CGIA touches nearly every aspect of municipal operations, including public buildings, roads, the operation of public vehicles by police, and even municipal efforts to address the housing crisis. The CGIA's immunity provisions, procedural requirements, and damages caps remain critical to ensuring that taxpayers are not exposed to excessive fiscal burdens that would undermine the stability of government and the delivery of services.

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:

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NEWSLETTER

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