



## Local severance tax project dollars to again backfill state budget

*By Kevin Bommer, CML executive director*

**IT** happened again. And for many cities and towns around Colorado, it resurrects some painful memories.

Tucked away in the state's \$40.6 billion budget for 2024-2025, thanks to House Bill 24-1413, is \$25 million of local government severance tax revenue from the Department of Local Affairs (DOLA) Energy Impact Assistance Fund (EIAF). It may not seem like much compared to the gargantuan state budget, but the reduction of the grant fund has real consequences around the state, mostly for rural and disadvantaged municipalities.

Why the painful memories? Between 2008 and 2013, when Colorado's economy was suffering from the Great Recession, local governments saw over \$280 million of their severance tax dollars swept into the state budget — none of which has ever been restored. With local matches, the losses meant \$1 billion or more was prevented from being invested, primarily for needed infrastructure. Then in 2015, arguably more economically vibrant times, EIAF dollars were used to backfill the state's budget again, this time for TABOR refunds. It ensured Colorado's energy impacted communities took the hit at the same time the state's revenue was skyrocketing and its budget kept whole.

This year, lawmakers and the administration recently celebrated



paying back money borrowed from the funding increases required for K-12, fulfilling a long overdue commitment. Yet, there has not been a whisper about any commitment to restore local government's funding for energy impacts, infrastructure, and clean energy projects.

Despite statements from proponents of the sweep, the \$25 million was not unused reserves or extra money laying around. To protect a corpus from frequent dips in severance revenue, DOLA wisely does not expend all the severance tax revenue it takes in each year. Given the penchant since 2003 of budget planners and writers for sweeping cash

funds, maybe DOLA should. Otherwise, unobligated EIAF money will continue to have a target painted on it.

Impacted municipalities, counties, and special districts will certainly not forget that lawmakers need to hear from them and how actions the state takes to balance its budget create real impacts. The League will continue to advocate an end to the practice of state lawmakers solving state budget problems by impacting local government revenue streams and sweeping funds from much needed grant programs.

## EMPOWER YOUR EMPLOYEES WITH COLORADO'S 529 SAVINGS PROGRAM

Wednesday, April 24, 12-1 p.m.

This 30-minute presentation will teach you and your human resources team about CollegenInvest and how to offer your employees access to education savings plans in the workplace. Join Kaylynn Hemlock, senior employer plan advisor at CollegenInvest, to learn about the features of 529 plans.

- **Employee-Driven:** Employees self-enroll and manage their own accounts. No enrollment period or need for HR involvement.
- **Zero Paperwork:** No administration, cost, or reporting.
- **Versatility:** Pay for college, trade schools, apprenticeships nationwide.
- **Broad Employee Appeal:** 529s are for anyone: parents, grandparents, and adult learners. No age or income restrictions.
- **Incentives for Employee Participation:** Free lunch and a \$25 Kickstart Bonus for attendees of our presentation.
- **Tax Benefits:** State tax deduction on contributions and federal tax-free growth for qualified uses for Colorado residents.

CollegenInvest is a division of the Colorado Department of Higher Education. Register for the webinar at [cml.org](http://cml.org).



COLORADO MUNICIPAL LEAGUE **NEWSLETTER**

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## CML initiative: Civility Starts Here

In a recent survey by the American Bar Association, a staggering 85% of Americans feel that civility has declined over the past decade, with social media and the media at large bearing much of the blame. There is a widespread belief, however, that public officials and community leaders hold the key to improving civility, with 79% expressing a desire to see leaders collaborate and compromise for the greater good.

Colorado, like many states, is grappling with this challenge. The Colorado Municipal League is launching the *Civility Starts Here* initiative, aimed at fostering respectful dialogue in local governments across the state. This campaign, part of the 2024 President's Civility Initiative, provides tools and resources for municipal leaders to engage in productive conversations, even amid disagreement.

The initiative emphasizes that civility is not about agreement but deep listening, managing emotions, and striving for understanding. It offers a definition of civility and a Civility Pledge for individuals and councils, along with training and a Civility Toolbox available on the CML website.

Ultimately, *Civility Starts Here* is a call to action for leaders to champion respectful dialogue and understanding in their communities. While fostering civility will not solve all the challenges of polarization in our democracy, it represents a crucial step towards bridging divides, strengthening governance, and creating a healthier, more constructive political climate. To learn more and join the movement, visit [cml.org](http://cml.org).

## Local government backfill for the 2023 property tax year

In early April, the Division of Property Taxation completed property tax revenue backfill reimbursement calculations for local governments for the 2023 property tax year as required by Senate Bills 22-238 and 23B-001 and sent a report to the state treasurer showing the aggregate reimbursement amounts to be issued to each county. The total reimbursements under SB22-238 are \$238,629,848 and the total reimbursements under SB23B-001 are \$53,293,639.

On April 15, the state treasurer issued warrants to each county treasurer. County treasurers will soon be distributing the property tax backfill reimbursements to eligible local governments located within their respective counties. The Department of Local Affairs has published a spreadsheet showing the aggregate amounts that will be issued to each county and the backfill reimbursement that each eligible local government will receive for the 2023 property tax year. The spreadsheet is available at <https://tinyurl.com/5n7ts4m3>.

For questions or additional information, please contact one of the following property tax specialists with the Division of Property Taxation: Lori DeCrow at [lori.decrow@state.co.us](mailto:lori.decrow@state.co.us) or Tony Werckman at [tony.werckman@state.co.us](mailto:tony.werckman@state.co.us). You can also contact CML Senior Associate Counsel Rachel Bender at [rbender@cml.org](mailto:rbender@cml.org).

## CONGRATULATIONS

CML congratulates Suzanne Leclercq, City of Woodland Park clerk and deputy city manager, who was recently recognized with the Greater Woodland Park Chamber of Commerce Employee of the Year award. With 20 years of dedicated service to Woodland Park, Leclercq's commitment to the community is truly inspiring. Watch Leclercq's interview at <https://tinyurl.com/47b3f2h6>.

## 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).

## Town of Silverton annexes Anvil Mountain Subdivision

Silverton has completed the annexation of the San Juan County parcel known as Anvil Mountain Subdivision.

In a March 27 special meeting, the Town of Silverton Board of Trustees approved the completion of the annexation of Anvil Mountain Subdivision. Anvil Mountain Subdivision in San Juan County is just outside Silverton limits along Highway 550. The subdivision consists of market rate and deed-restricted houses and lots, as well as a fully occupied 12-unit low-income apartment complex. Anvil houses about 50 residents. The annexation was completed just in time for the April 2 election, allowing Anvil Mountain residents to vote for their town representation and on municipal ballot issues.

Willy Tookey, San Juan County administrator, has been involved with the vision for Anvil from the beginning.

“It’s great to see Anvil Mountain Subdivision annexed into the town so that everyone that lives there can participate in town elections and run for town offices. It’s about time.”

San Juan County purchased the Anvil Mountain property for the subdivision in 2003. The development of the subdivision was a joint town and county effort to increase affordable, attainable, and market-rate housing stock. Anvil Mountain Subdivision receives water and sewer services from the town and was always intended for annexation. Silverton, San Juan County, and the San Juan Development Association worked harmoniously over the past three years to add more affordable housing. San Juan Development Association received a grant from the Colorado Department of Housing in 2023 to build three single family homes deed-restricted at 80% and 100% Area Median Income (AMI) levels. The estimated completion date for the first two homes is fall 2024 and the third by fall 2025.

“It’s truly been an honor to help facilitate the annexation of the Anvil Mountain Subdivision,” said Lucy Mulvihill, Silverton’s community development



PHOTO COURTESY OF THE TOWN OF SILVERTON

Silverton holds a ribbon cutting ceremony April 1 to celebrate the annexation of the Anvil Mountain Subdivision.

director. “As we celebrate annexation, we’re also celebrating housing achievements, our community members’ right to vote, and the hard work put into the development of the Anvil.”

In 2022, Silverton received a Department of Local Affairs (DOLA) grant to purchase a critical property that was both in the town and county along the border of Anvil Mountain Subdivision. The 1.24-acre property was purchased from longtime residents and brothers, George and Earnest Zanoni for \$430,000. This property gave the town enough contiguous boundary with the county subdivision to initiate a sequence annexation. The 1.24 acres, dubbed the Zanoni Parcel, will also be dedicated for attainable and affordable housing for residents who meet the 140% AMI threshold as defined by the grant parameters. In 2024, the town received a technical assistance grant from the Colorado Housing and Finance Authority to conceptualize the buildout of the Zanoni Parcel.

“Without the county’s vision for affordable housing, the Town of Silverton would not have this valuable space to expand our affordable and workforce

housing,” said Gloria Kaasch-Buerger, Silverton administrator.

Silverton formed the Silverton Housing Authority in the fall of 2023. After hiring a housing coordinator, Anne Chase, to serve as director of the housing authority, the town received a More Housing Now grant facilitated through DOLA for \$88,090 for engineering plans for a 14-unit apartment building in Anvil that would serve household income levels at and below 80% AMI. The county provided the match for the grant through its affordable housing fund dedicated through the lodging tax.

“The Anvil neighborhood is poised to have, if not already has, the highest density of year-round Silverton residents. As we persist in our efforts of investing in and developing affordable housing, it is important that the tenants of these homes, who are integral members of our community and economy, have a voice in local governance,” Anne Chase said.

An Anvil Mountain ribbon cutting ceremony was held April 1 with representatives from Silverton, San Juan County, San Juan Development Association, DOLA, CDPHE, and residents to commemorate the occasion.

# Results of spring 2024 municipal elections

By Rachel Woolworth,  
CML municipal research analyst

Voters in at least 80 cities and towns across Colorado considered local candidates and ballot measures in municipal elections April 2. At least 50 municipalities voted solely on candidates, while no less than 30 also voted on ballot issues and questions. More than 35 municipal ballot measures were considered across the state. Almost 50 municipalities canceled their regular elections, citing a lack of competitive races.

The following results are unofficial and subject to change.

## TAX AND BOND ISSUES

Sales and use tax increase questions passed in **Arriba** for capital investments, **Deer Trail** for infrastructure projects and general revenue, **Dolores** for street improvements and other public improvements, **Garden City** for general purposes including streets, law enforcement, and administration, **Holly** for the general fund, **Lyons** for infrastructure improvements including streets, stormwater utility, and electric undergrounding, and **South Fork** for staffing and infrastructure.

Voters in **Estes Park** passed a ten-year extension of its sales tax to fund street improvements, stormwater infrastructure expansions, trail reconstruction, and wildfire mitigation. **Westcliffe** voters authorized an extension of its sales tax in perpetuity to fund street improvements, among other uses.

Voters in **Center** approved a measure to dedicate an existing sales tax to the town's general fund and economic development fund.

A property tax mill levy increase to fund **Silver Plume's** portion of the Clear Creek Fire Authority is currently ahead by three votes.

A lodging tax increase was passed in **Silverthorne** to fund capital projects related to recreation and public safety, among other uses.

Voters in **Larkspur** passed an admissions tax to fund infrastructure improvements and other general purposes.

In **Wiley**, voters narrowly approved the creation of a use tax for motor and other

vehicles to fund general operating and capital expenses.

## REVENUE RETENTION AND DEBT

**Fruita** voters granted the city authority to retain and spend all revenues collected from all sources to fund the implementation of the city's capital improvement plan.

**Silverthorne's** ballot measure to grant the town authority to increase debt up to \$50 million to finance workforce housing projects is currently ahead by three votes but was too close to call at publication deadline.

## GOVERNANCE

**Campo** voters passed a measure reducing the number of seats on the town's council from seven to five.

**Larkspur** and **Sugar City** voters rejected measures reducing the number of seats on their respective town council and board by two.

**Empire** voters rejected a measure to eliminate term limits for the town's board of trustees and mayor.

## MARIJUANA

**Silverton** voters passed a sales tax increase on retail marijuana and associated products to be used for any municipal purpose.

Voters in **Ordway** rejected a sales tax increase on medical and retail marijuana and associated products to fund enforcement and administration of the town's marijuana industry.

## ELECTION CHANGES

Voters in **Buena Vista**, **Garden City**, **Green Mountain Falls**, and **Poncha Springs** passed measures authorizing their municipalities to move regular elections to November of even-numbered years.

## PUBLICATION REQUIREMENTS

**Blue River** and **Buena Vista** voters granted their town governments authority to publish ordinances by title only in the newspaper, provided the ordinances are published in full on the town's website.

Voters in **La Jara** passed a measure authorizing the town to publish ordinances by title only unless specifically required by state statute to be published in full.

## CHARTER AMENDMENTS

**Breckenridge** rejected amendments lengthening the term of election commissioners from two to four years and removing the requirement that board and commission appointees be electors and residents.

**Johnstown** approved amendments adding a section on water policy to the town's charter, amending qualifications for elective office to replace the general prohibition against convicted felons holding elective office, and modifying electoral districts for councilmembers.

**Larkspur** approved an amendment changing the town's audit schedule to comply with state statute and rejected an amendment reducing the number of councilmembers from six to four.

**Timnath** rejected an amendment prohibiting the town from annexing property with active state mining permits.

## OTHER ISSUES

**Estes Park** voters rejected a citizen-initiated measure regarding requiring adjacent property owner consent to development applications.

Voters in **Fraser** narrowly rejected a measure to create a downtown development authority (DDA), while the measure to authorize the DDA's debt, if it had been approved, is currently a tie vote and too close to call at the time of publication.

**Nederland** voters clarified that they do not support the permitting and construction of a local pump track.

## SPECIAL ELECTIONS

On March 26, **Steamboat Springs** voters rejected an annexation agreement ordinance associated with an affordable housing project at Brown Ranch, a property owned by the Yampa Valley Housing Authority.

**Greenwood Village** will conduct a special election on April 16 regarding a property owner's petition to disconnect a parcel of undeveloped property from the city.

## RESEARCH CORNER

# SNAPSHOT OF APRIL'S MUNICIPAL ELECTIONS

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

**80** municipalities with April elections

**49** municipalities with canceled April elections

More than **500** mayors and councilmembers/ trustees elected or reelected  
(this includes uncontested candidates in municipalities with canceled elections)

**41** municipal ballot measures considered across the state

**12,560** votes cast in support of ballot measures

**10,875** votes cast in opposition of ballot measures

**50%** of charter amendments passed in home rule municipalities

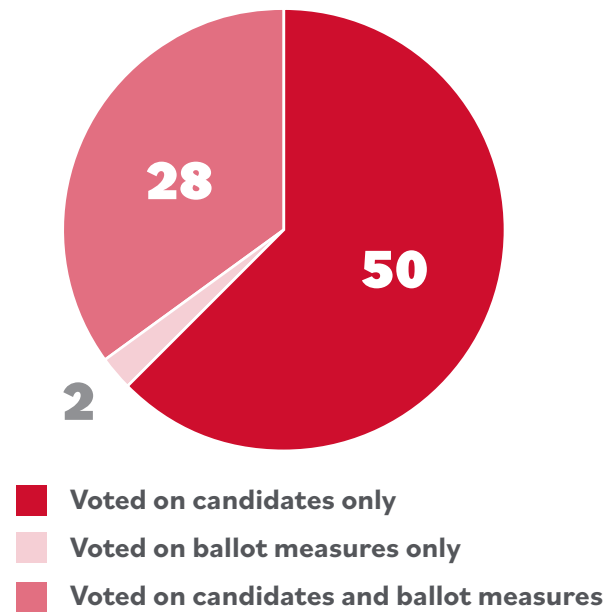
**9** tax increases passed (including sales, property, and lodging taxes)

**2** sales tax extensions passed

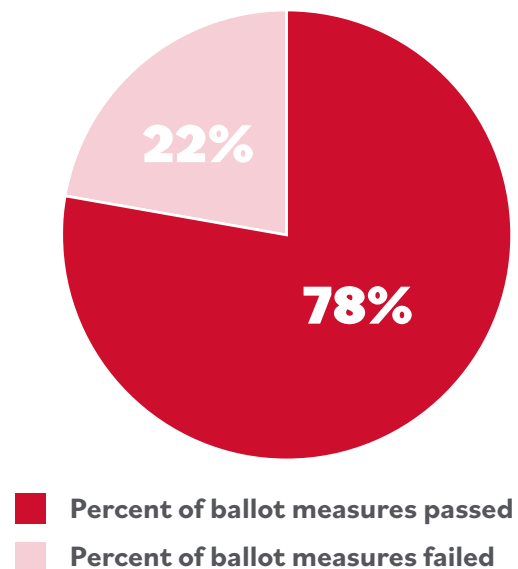
**4** municipalities voted to move regular elections to November of even-numbered years

**3** municipalities voted to loosen print publishing requirements for town ordinances

### MUNICIPAL ELECTION TYPE



### OUTCOME OF MUNICIPAL BALLOT MEASURE



*Editor's note: election results are unofficial and subject to change*

# Register now for CML Spring District Meetings

By Kharyl Jackson,  
CML marketing & communications specialist

Spring is the time of year for change, and these changes come alongside some exciting news: Colorado Municipal League will now hold district meetings in the spring. The League also revised the meeting format to begin with a social hour for networking and member connection.

Our new Spring District Meetings are an excellent opportunity for collaboration among municipalities. By working together, local governments can share best practices and foster meaningful progress for their communities. Each municipality brings its unique strengths and knowledge to the table.

Spring District Meetings will begin May 15 and continue throughout the month.

You can find additional information on locations and registration at [cml.org](http://cml.org). For questions about the meetings, contact Karen Rosen, [krosen@cml.org](mailto:krosen@cml.org).

These meetings are also a great way to get one-on-one time with CML staff to share issues and challenges that matter most to you and your community. We want to know all about the unique needs of your municipality and how CML can help.

CML members are always welcome to participate in any district meeting that interests them or fits their schedule.

Register for Spring District Meetings at [cml.org](http://cml.org). We look forward to meeting with members and hearing about what is happening in your city or town! A map of the new districts is available at <https://tinyurl.com/mr2zfty4>.

## SCHEDULE

**District 1** — Ft. Morgan on May 15

**District 2** — Johnstown on May 29

**District 3** — Northglenn on May 15

**District 4** — Monument on May 30

**District 5** — Burlington on May 16

**District 6** — Rocky Ford on May 29

**District 7/14** — Trinidad on May 17

**District 8** — Monte Vista on May 21

**District 9** — Cortez on May 20

**District 10** — Montrose on May 23

**District 11** — Palisade on May 22

**District 12** — Granby on May 22

**District 13** — Florence on May 23

**District 15** — Dillon on May 23

## CLERKS' CORNER

# The importance of being (earnestly) professional

Karen Goldman,  
Municipal Clerk Adviser Program

Municipal clerks in Colorado come to their profession for a variety of reasons: interest in government, a commitment to their community, and, frankly, curiosity. No matter the reason, all share the same beginning: unlike most other professionals, clerks are not trained to do their jobs until after they are hired.

What's a new municipal clerk to do?

Fortunately, Colorado clerks have many resources they can tap into. First and foremost is the Colorado Municipal Clerks Association (CMCA). Its main purpose is to educate clerks in all aspects of their jobs whether that includes their basic responsibilities such as creating agenda packets, maintaining government records, conducting elections or working with licensees or in developing leadership skills. CMCA provides this through a variety of online and in-person classes called Professional Development Outreach (PDO), remote lunchtime presentations, and at the annual Municipal Clerks'

Institute, this year held in Fort Collins in July. The cost for CMCA is nominal, and the educational and networking opportunities the institute provides are not only a benefit to individual clerks but to those they work for.

The International Institute of Municipal Clerks (IIMC) is an organization comprised of member clerks throughout the United States, Canada, and foreign countries. The institution provides educational opportunities through its annual conferences. IIMC works with CMCA to ensure its educational offerings are eligible for points leading to the professional designations Certified Municipal Clerk (CMC) and Master Municipal Clerk (MMA), preferred by municipalities when seeking to hire clerks.

The Colorado Municipal League is another great resource. It manages the clerk's listserv — the most active of all those CML oversees — a place where clerks can ask for advice, request forms and documents, share information, and communicate with fellow professionals throughout the state. CML has created

a number of handbooks and manuals on a variety of subjects including elections administration, boards and commissions, and TABOR, as well as the Clerks' Handbook. CML oversees the Municipal Clerk Advisory Program, designed to assist new clerks with questions about their new jobs or to provide mentoring and assistance with a particular issue to any clerk in Colorado. Clerks can either contact CML for referral or by email [charna4@comcast.net](mailto:charna4@comcast.net).

Finally, there is no substitute for researching ordinances, resolutions, meeting minutes, past budget documents, municipal codes, and state statutes on subjects relevant to both the municipality and the clerk's role. The more clerks know, the more they educate themselves, the more they will be able to serve as the important professionals they are and the more value they will be able to bring to their municipalities, elected officials, and citizens.

And that's what a new municipal clerk should do.

# CML LEGAL CORNER



## Court clarifies permissible scope of inquiry for service animals

By Sarah Walker, CML law clerk

Individuals with disabilities have an established right under state and federal law to be accompanied by service animals in any place of public accommodation. However, no official registration or certification mechanism for service animals exists, posing a challenge to public entities that want to verify an animal's status as a service animal. In *Stalder v. Colorado Mesa University*, the Colorado Court of Appeals provided some clarity on the governing law.

In *Stalder*, a Colorado Mesa University student sued the school and two school employees for denying him the ability to bring his service dog onto campus. The student testified that he personally trained his dog to remove him from situations that could trigger his post-traumatic stress disorder, provide pressure therapy, and remind him to take his medications.

The school employees asked the student about the status of his dog as a service animal and, based on the student's statement that the dog was an emotional support animal as well as the employees' observations of the dog's behavior, determined that the dog was not a service animal covered under the Colorado Anti-Discrimination Act (CADA) or the Americans with Disabilities Act of 1990 (ADA). When the student tried to bring the dog onto campus, the school employees refused to allow him to do so. While the district court granted summary judgment in favor of the school, the Court of Appeals reversed the district court's decision and remanded for further proceedings.

### GOVERNING LAW

Colorado courts have long held that CADA and the ADA are "substantially equivalent" so CADA should be interpreted consistently with the ADA. Under ADA

regulations, a service animal is defined as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability." Further, the tasks or work the dog performs must be related to the individual's disability. CADA goes further than the ADA and includes service dogs-in-training.

The ADA does not mandate any specific training standards, nor does it require service animals to have a certain amount or type of training. This means an animal's owner may train their service animal themselves.

### REJECTION OF THE "LEGITIMATE SUSPICIONS" DOCTRINE

Under ADA regulations, public entities may not ask about the nature or extent of a person's disability and may only ask two questions to determine whether an animal qualifies as a service animal: (1) If the animal is required because of a disability, and (2) What work or tasks the animal has been trained to perform. The public entity cannot require documentation of the animal's status as a service animal, including documentation showing that the animal is certified, trained, or licensed as a service animal.

Some federal district courts outside of the Tenth Circuit Court of Appeals have previously held that a public entity may inquire beyond the two permissible questions if there are "legitimate suspicions" about an animal's status as a service animal. However, this doctrine does not appear in the ADA or in any ADA regulations.

In *Stalder*, the school sought to invoke the legitimate suspicions doctrine. In a matter of first impression in Colorado, the court held that the legitimate suspicions doctrine is inconsistent with ADA

regulations and cannot support inquiries made by public entities that go beyond what the regulations expressly permit.

### EFFECT OF THE COURT OF APPEAL'S DECISION

For individuals with disabilities, the court's decision strengthens their legal right to service dogs and reduces fear that they may be unlawfully discriminated against. The lawyer for the student emphasized that the court's rejection of the legitimate suspicions doctrine removes obstacles individuals with disabilities face when public entities question them because their service animal does not seem legitimate.

However, for municipalities, the standard established by the Court of Appeals significantly limits their ability to ensure people do not abuse this right that is critical for individuals with disabilities. Recognizing the prevalence of the issue, Colorado law tries to deter people from lying about their dog's status as a service animal. Under C.R.S. 18-13-107.7, individuals may not intentionally misrepresent an animal in their possession as their service animal or service animal in training for the purpose of obtaining additional rights. A violation of this law carries with it a fine ranging from \$25 to \$500. The court's decision in *Stalder*, however, may make it more difficult for public entities to combat the issue and to prosecute people under this law.

To comply with the ADA and CADA, municipal officials should be informed of and understand the limited questions they may ask to determine whether an animal is a service animal.

*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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- Local severance tax project dollars to again backfill state budget
- Research Corner: Snapshot of spring municipal elections
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# NEWSLETTER

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