

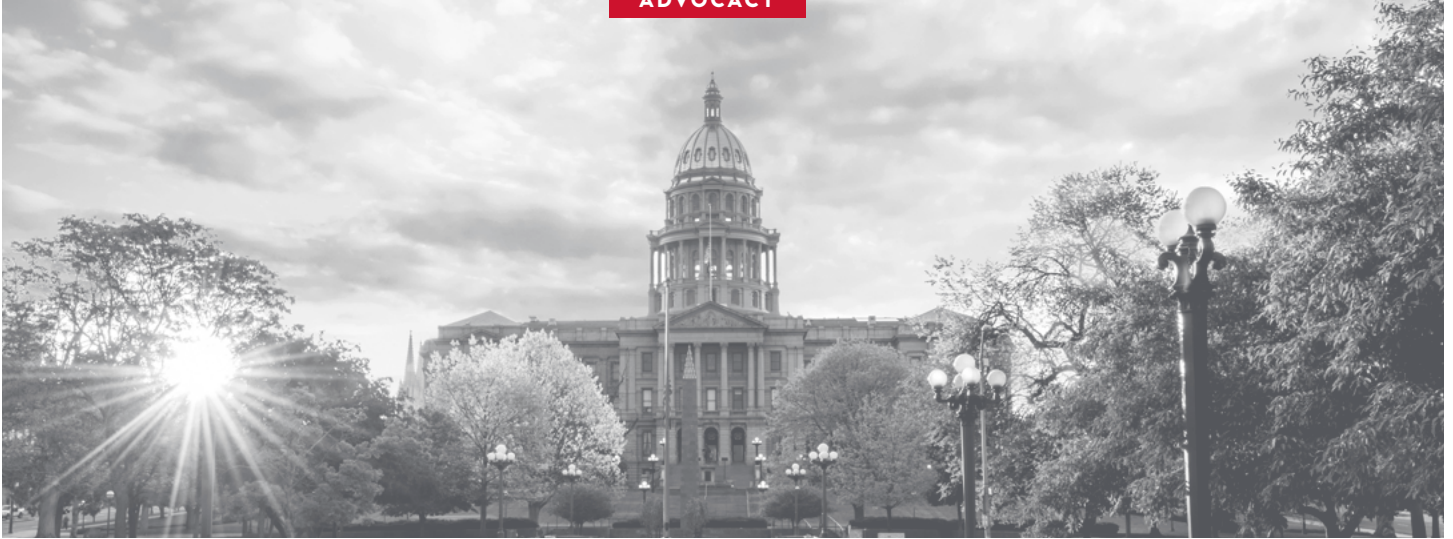


COLORADO
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NEWSLETTER

Vol. 50, No. 10, May 17, 2024

ADVOCACY



Legislative session wraps up

New laws impacting cities & towns are already going into effect

By the CML Advocacy Team

The Second Regular Session of the 74th Colorado General Assembly wrapped up the evening of Wednesday, May 8. Several new laws have an immediate impact on municipal interests; other bills await final action by Gov. Jared Polis and are not effective unless signed or become law without his signature. Colorado Municipal League’s advocacy team followed 264 bills this session, taking active positions on 108. The list of bills CML took positions on can be found at tinyurl.com/6r99wxwh. The following are highlights of key laws from the 2024 session that CML has identified that impact municipalities and are in effect or will be in effect very soon. This is not a complete list of all legislation passed that impacts municipalities. A full summary of all bills impacting municipalities that passed in the 2024 legislative session will be available in June for free online at cml.org. If you have any questions, please feel free to contact the lobbyist indicated in the summary by email: Heather Stauffer (hstauffer@cml.org), Elizabeth Haskell (ehaskell@cml.org), Bev Stables (bstables@cml.org) and Jeremy Schupbach (jschupbach@cml.org).

ACCESSIBILITY

HB24-1454, Grace Period Noncompliance Digital Accessibility. The act provides a temporary “good faith” defense from liability for violation of state technology accessibility standards adopted pursuant to HB21-1110. The public entity

must demonstrate good faith efforts toward compliance or toward resolution of a complaint of noncompliance. In addition, by July 1, 2024, the entity must create a “progress-to-date report” showing efforts toward compliance, update that report quarterly, and create a “clear, easy-to-find

process” for seeking redress of inaccessible digital products that must also be posted on all front-facing web pages. A court must dismiss an action if the public entity proves that it has made good faith efforts. The defense expires July 1, 2025. **Effective: May 8, 2024.** Lobbyist: Heather Stauffer.

BUILDING CODES

HB24-1161, Motor Vehicle Access Individuals with Disabilities. The act requires that the model electric ready and solar code by the energy code board include accessibility requirements for EV capable, EV ready, and EV supply equipment. The act amends C.R.S. § 31-23-315 to require that, for EV charging stations constructed or replaced after 2025, no fewer than 5%

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Empowered cities and towns, united for a strong Colorado

EMPOWERED CITIES AND TOWNS, UNITED FOR A STRONG COLORADO



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CML EXECUTIVE BOARD

MAY 31 DEADLINE TO APPLY FOR CML BOARD CANDIDACY

CML is accepting applications from members interested in running for the CML Executive Board. Per CML bylaws, half of the board seats have terms ending this year and will be on the ballot. Additionally, a vacancy in the large category means there will be an additional seat on the ballot. To see what board seats will be on the annual ballot, applicant qualifications, and the application procedure, please visit tinyurl.com/4hhdX577.

CML CONFERENCE

CML ANNUAL CONFERENCE

Registration is open for the 2024 CML Annual Conference. The conference is the premiere educational event for municipal officials in Colorado. Every year it brings together more than a thousand leaders from across the state to get to know each other and learn more about the important issues affecting cities and towns. The conference will take place June 18-21 in Loveland.

Register at www.cml.org/conference.

CML PUBLICATIONS

2024 MUNICIPAL DIRECTORY

CML is pleased to announce the publication of our *2024 Municipal Directory*. The directory provides phone numbers and addresses, as well as the names of key elected and appointed officials, for CML's member municipalities. It also includes listings for CML's associate members. The directory provides useful information on municipalities' election dates, local government type, and home rule status. The "2024 CML Municipal Directory" is free and available for download on the CML website, tinyurl.com/yk9fabx7.

WATER

REVOLVING FUND ELIGIBILITY SURVEYS OPENS

The 2025 Drinking Water and Wastewater State Revolving Fund Eligibility Survey (SRF) is open. The survey identifies water, sewer, stormwater, and nonpoint source infrastructure improvement needs throughout the state. Completing the survey is the first step toward obtaining funding through SRF programs. The Colorado Department of Public Health and Environment encourages all municipalities to participate. Surveys must be completed and submitted no later than June 30. The survey can be completed online at tinyurl.com/5xykjadf.

EPA WATER TECHNICAL ASSISTANCE WEBINAR

Every community deserves access to clean, safe, and reliable drinking water, wastewater, and stormwater services. Yet too many communities across America — in rural, tribal, suburban, and urban areas — struggle to address water infrastructure needs and obtain funding. The Environmental Protection Agency (EPA) Water Technical Assistance (WaterTA) program provides free hands-on support for communities to assess their water needs, identify potential solutions, and apply for federal funding to address their water challenges. The EPA is hosting an informational webinar May 22 about the program and available resources to help ensure every community has access to funding. Register for the webinar at tinyurl.com/2zs6cvfm.

Maintaining accurate records is hard work — and important

By Karen Goldman, Municipal Clerk Advisor Program

What do ordinances, minutes, site plans, licenses, and easements have in common? They, plus many more, are public records maintained by a municipality and available for review by public officials and citizens alike. In fact, without public records, it would be very difficult for municipalities to know their histories and effectively operate.

Title 31, Article 1, defines “clerk” as the “custodian of the official records of a municipality” and thus this important responsibility falls to the municipal clerk who ensures records are properly maintained and available for public inspection. Municipal clerks do this by implementing the procedures found in the Colorado Open Records Act, which include identifying which records can be properly disclosed, when they can be

disclosed, and when or if to charge for that disclosure.

None of this could be successfully accomplished in municipalities without records retention schedules. In 1992, a group of Colorado Clerks met to create the “Guidelines for the Retention of Municipal Records in Colorado,” the precursor to today’s “Municipal Records Retention Guide.” This dynamic document lists records common to municipalities across the state and identifies the time periods during which the records should be kept or “maintained.” For decades, members of the Colorado Municipal Clerks Association (CMCA) Records Management Committee, in conjunction with the Colorado State Archives, have taken on the task of updating the guide by adding new records as they are created. While the list of municipalities that have adopted the guide is long, it

doesn’t include all the municipalities in Colorado. Adoption is easy: it is done by passing a resolution, and more information can be found under the Records Management tab on the home page of the Colorado State Archives.

Maintaining good records is time consuming and often not fun. However, it is essential in order to know municipal history and current activity. Unfortunately, in some communities, records are not easily available or accessible due to staff turnover and daily activities taking precedence over sorting, maintaining, and disposing of records.

Fortunately, elected officials and municipal clerks have great resources in Colorado to help with this situation. CMCA has talented professionals who are ready to assist clerks. Anyone interested can contact the Municipal Clerk Advisor Program at charna48@comcast.net.

Renewable energy, sustainability resources for local governments

By The Colorado Energy Office

The Colorado Energy Office (CEO) offers a number of grants, incentives, and programming for Colorado municipal governments. Whether you’re looking to support safe and resilient building codes, streamline solar permitting processes, or bring more electric vehicle charging stations to your community, CEO has a program to support you.

ENERGY CODE ADOPTION AND ENFORCEMENT GRANT

Deadline: May 31

This program provides direct financial support to local and tribal governments to adopt and enforce a building energy code that meets or exceeds the 2021 International Energy Conservation Code and the Colorado model electric ready and solar ready codes. CEO also funds technical assistance and training to support advanced energy codes. Visit tinyurl.com/yfvrztwn to learn more or contact shannon.bauman@state.co.us.

AUTOMATED PERMIT PROCESSING FOR SOLAR GRANT

Deadline: June 4

Local and tribal governments can apply for funding to cover the costs of adopting automated, online solar permitting platforms. These platforms verify solar system code compliance and can instantly issue permits, freeing up staff time to focus on more complex projects. Reimbursable costs include staff time or training, IT or consultant time, training of installers, and maintenance or subscription costs. Visit tinyurl.com/96aae88y to learn more or contact gov_ceo_apps@state.co.us.

CHARGE AHEAD COLORADO

Deadline: June 14

This program provides grant funding for community-based Level 2 and DC fast-charging electric vehicle charging stations. The objectives of Charge Ahead Colorado are to improve air quality, reduce transportation emissions, and increase adoption of electric vehicles across Colorado. Visit tinyurl.com/3psysju9 to learn more or contact mika.burdette@state.co.us.

FLEET-ZERO

Deadline: June 21

The program funds electric vehicle charging to support the transition to light-, medium-, and heavy-duty fleets of electric vehicles. For more information, visit tinyurl.com/5ajdkpny or contact matt.lerman@state.co.us.

GEOHERMAL ELECTRICITY TAX CREDIT OFFERING

Deadline: June 30

CEO provides refundable, merit-based tax credits to eligible applicants for the development and production of geothermal electricity. Projects can focus on evaluating and developing a geothermal resource to produce electricity, or tax credits for existing geothermal electricity production. Visit tinyurl.com/yee7pcvm to learn more or contact bryce.carter@state.co.us.

These are just a sample of the agency’s current initiatives. More information about CEO grants and programs is available by visiting energyoffice.colorado.gov.

FROM PAGE 1

or 1 vehicle charging space incorporate U.S. Access Board standards until federal standards are created. The act prohibits blocking reasonable access to access aisles and reserved parking, curb ramps, and accessible routes and requires peace officers to investigate complaints of violations within a reasonable time. **Effective: Upon Signature.** Lobbyist: Bev Stables.

CRIMINAL JUSTICE

HB24-1074, Aggravated Cruelty to Law Enforcement Animals. The act amends the offense of aggravated cruelty to animals (C.R.S. § 18-9-902(1.5)(b)), a class 4 felony, to include knowingly killing, or causing serious bodily injury resulting in death to, a law enforcement animal. The act provides immunity for licensed veterinarians and others caring for the animal and provides a defense for the use of physical force against the animal if the person reasonably believes the use of the animal is an application of unreasonable or excessive force. In addition, the act specifically includes a peace officer who is the handler of a law enforcement animal in statutory requirements relating to reporting a use of force or preventing an unlawful use of force. **Effective: April 17, 2024.** Lobbyist: Jeremy Schubach.

SB24-035, Strengthening Enforcement of Human Trafficking. The act includes human trafficking for involuntary servitude or sexual servitude as “crimes of violence” eligible for enhanced sentencing. The act changes the statute of limitations for trafficking of an adult or minor for involuntary servitude and for trafficking of an adult for sexual servitude to 20 years. The act provides a defense to a charge of human trafficking for a person who was forced to engage in human trafficking at the time of the offense. **Effective: April 11, 2024.** Lobbyist: Jeremy Schubach.

SB24-131, Prohibiting Carrying Firearms in Sensitive Spaces. The act prohibits carrying loaded or unloaded firearms in designated public places and adjacent parking areas, including build-

ings of the General Assembly; unless permitted locally, certain spaces used by a local government’s governing body for meetings and offices of local elected officials or the chief executive; and courthouses. The act exempts peace officers carrying firearms pursuant to their authority, among others. Violation of the act is a class 1 misdemeanor. The act does not change existing law allowing local governments to prohibit firearms in specified places or to permit carrying firearms in the local government spaces covered by the act. The act prohibits carrying firearms, concealed or openly, near polling places and restricts carrying firearms at schools, universities, and childcare centers. **Effective: July 1, 2024.** Lobbyist: Heather Stauffer.

HB24-1079, Persons Detained in Jail on Emergency Commitment. The act adds a definition for “Emergency Medical Services Facility.” The act prohibits law enforcement from taking juveniles who are in protective custody due to substance influence to jail. Starting July 1, 2024, the act also establishes reporting requirements for law enforcement agencies that take a person into protective custody. Agencies must report annually to the Behavioral Health Administration. **Effective: Upon Signature.** Lobbyist: Jeremy Schubach.

EMPLOYMENT

SB24-1219, First Responder Employer Health Benefit Trusts. The act requires employers to extend access to existing heart and circulatory malfunction benefits to part-time and volunteer firefighters with five years of continuous employment and expands state funding to cover these employees. The bill also removes the voluntary option for participation in the cancer trust for firefighter benefits and requires an employer of an eligible firefighter to participate in the cancer trust; provides state funding for the firefighter cancer benefits program for eligible firefighters; and requires an employer to participate in a newly created state funded trust to provide cardiovascular screenings, at a minimum, and other health screenings and preven-

tion, as practicable, to peace officers. If state funding is insufficient for any of the above programs, then the requirement for employers to provide the specified program is optional. **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

HB24-1132, Support for Living Organ Donors. Among other provisions, the act prohibits employers from demoting or otherwise taking adverse action against an employee 30 days before or 90 days after the employee becomes a living organ donor unless the employer has clear and convincing evidence that the action would apply to similar employees and was otherwise lawful. An employer is not required to allow a living organ donor to take any unpaid leave that the donor has not already accrued under existing employer policies applicable to similar situated employees or not required under any other applicable law. Violations may be addressed through civil action. **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

HB24-1260, Prohibition Against Employee Discipline. The act prohibits public and private employers from taking or threatening an adverse employment action because of an employee’s refusal to attend or participate in an employer-sponsored meeting concerning “religious matters” or “political matters” or for declining to listen to or view communication from the employer regarding such matters. Religious matters include religious affiliation and practices and joining or supporting a religious organization or a charitable or community welfare nonprofit organization. Political matters include elections, parties, legislation, regulation, and joining a party or fraternal, labor, or charitable or community welfare nonprofit. Exemptions are provided for an employer to require an employee to act “as necessary to perform lawfully required job duties”; communicating limited information required by law, court order, or intergovernmental agreement; and voluntary conversations. The State of Colorado is granted a special exemption that is not extended to local governments. The act provides administrative and judicial remedies and relief including reinstatement, the greater

NEW LAWS AFFECTING MUNICIPALITIES

of \$10,000 or actual damages (including back pay and, for employees that do not seek reinstatement, front pay), up to \$10,000 in penalties, and equitable relief. The act provides an affirmative defense for employers that convey in clear and conspicuous terms that the employee had the option to leave a meeting. **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

HB24-1451, Include Hair Length in CROWN Act. The act amends the CROWN Act of 2020 to include hair length in the list of traits commonly associated with race for purposes of Colorado's anti-discrimination laws. **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

SB24-089, Firefighter Heart Benefits Trust. The act requires that government employers of firefighters participate in a multiple employer health trust that provides benefits for a heart or circulatory health issue and removes the option for the employer to provide these benefits through accident insurance or self-insurance. The act provides an exception that allows a city and county or a municipality with a population of 400,000 or more people that has an existing ordinance to provide the benefits specified in the bill through accident insurance or self-insurance to continue to do so as long as the ordinance remains in effect. **Effective: March 6, 2024.** Lobbyist: Elizabeth Haskell.

SB24-232, Public Employees' Workplace Protections. The act modifies C.R.S. §§ 29-33-103 and -104, enacted through SB23-111, to define "protected, concerted activity for the purpose of mutual aid and protection" to include rights protected by the National Labor Relations Act, excluding activities of managerial or confidential employees (defined in the act) and collective bargaining. The act clarifies limits on rights to maintain a nonpartisan role and activities that result in a "material disruption" of the employee's duties, the employer's operations, or the delivery of public services. The act expressly protects the "content or viewpoint expressed" through an "activity or a strike." **Effective: Upon Signature.** Lobbyist: Elizabeth Haskell.

WEBINAR

Legislative Wrap Up: A Review of the 2024 Session

Tuesday, May 28, 12-1 p.m.

Learn more about the new laws passed during the recent legislative session. Join the CML advocacy team at this wrap up webinar to find out what comes next and ask questions about issues affecting your city or town. Register at tinyurl.com/ra2mn8s8.

LAND USE

HB24-1007, Prohibit Residential Occupancy Limits. The act prohibits local governments from limiting the number of people who may live together in a single dwelling based on familial relationship. The act expressly protects residential occupancy limits based only on either demonstrated health and safety standards (like international building code standards) or affordable housing program guidelines. The act is silent as to occupancy limits not otherwise based on familial relationships. The act purports to apply to statutory and home rule municipalities and counties. **Effective: July 1, 2024.** Lobbyist: Bev Stables.

HB24-1107, Judicial Review of Local Land Use Decision. The act requires an award of attorney fees to a prevailing local government in an action for judicial review of a land use decision pursuant to C.R.S. § 13-51.5-101 et seq. or Rule 106(a) (4) involving residential use with density of five dwelling units per acre or more. The act does not apply to actions brought by the applicant to the local government. The act provides that an action for judicial review of a land use decision does not affect the validity of the decision and that the decision may be relied on "in good faith for all purposes" until the action is resolved. **Effective: Upon Signature.** Lobbyist: Bev Stables.

SB24-193, Protect Tribal Lands from Unauthorized Annexation. The act amends the Municipal Annexation Act of 1965 to prohibit the annexation of any lands with the exterior boundaries of a reservation of a federally recognized Indian tribe without the formal consent of the tribal council or other governing body of the tribe. **Effective: Upon Signature.** Lobbyist: Bev Stables.

MUNICIPAL COURTS

HB24-1241, Alignment of Petty Property Crime Threshold. Under current law, if a defendant is charged with a traffic offense, a petty offense, or a comparable municipal offense, a court cannot impose a monetary condition of release. The provision specified that it applies to a comparable municipal offense that is a property crime and reflects a value of less than \$50. The act removes the monetary threshold to align with the actual threshold for petty offense property crimes under state law, which is currently \$300. **Effective: April 11, 2024.** Lobbyist: Jeremy Schupbach.

HB24-1345, Sunset Human Trafficking Council. The act provides a mechanism for an individual to file a motion to vacate their conviction if the offense was committed as a result of the person being a victim of human trafficking. Municipal convictions are included. The act extends the Colorado Human Trafficking Council through 2031 and extends the state's address confidentiality program to victims of human trafficking. **Effective: Upon Signature.** Lobbyist: Jeremy Schupbach.

OPEN RECORDS

HB24-1090, Privacy Protections Criminal Justice Records. The act revises Colorado's Criminal Justice Records Act to clarify that the mandated redaction of identifying information for child victims and witnesses applies to offenses committed on or after Jan. 1, 2024. The act permits the release of unredacted records to additional individuals including municipal attorneys, resulting in restored access to criminal case files in the

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NEW LAWS AFFECTING MUNICIPALITIES

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Colorado Courts E-Filing system. The act requires the process for release to be operational no later than July 1, 2024. **Effective: Feb. 20, 2024.** Lobbyist: Jeremy Schupbach.

PUBLIC & BEHAVIORAL HEALTH

HB24-1037, Substance Use Disorders Harm Reduction. The act prohibits peace officers from using the presence of an opioid antagonist near a person or in their possession as the sole basis for probable cause to perform a warrantless search or seizure of the person. The act removes criminal penalties for possession of drug paraphernalia received from an approved syringe exchange program and grants immunity from civil or criminal liability for persons distributing opioid antagonists including law enforcement personnel. **Effective: Upon Signature.** Lobbyist: Bev Stables.

SUSTAINABILITY

SB24-150, Processing of Municipal Solid Waste. The act restricts the use of methods of processing waste that include combustion and makes them ineligible under state renewable energy standards. The act also amends municipal authority related to solid waste-to-energy incineration systems (C.R.S. § 31-15-1001 et seq.) to include pyrolysis and gasification processes. **Effective: Upon Signature.** Lobbyist: Heather Stauffer.

TAXATION

SB24-023, Hold Harmless for Error in GIS Database Data. The act establishes that any vendor that uses the information in the Department of Revenue's (DOR) geographic information system (GIS) database to determine which local tax jurisdictions are owed sales and use tax and their general tax rate is held harmless in an audit by the local taxing jurisdiction for any underpayment of tax, charge, or fee liability that results solely from an error or omission in the GIS database data, but not from errors by DOR. Local taxing jurisdictions are not required to hold vendors harmless where

the vendor used an incomplete or erroneous address when querying the database. To be held harmless, vendors must collect and produce certain documentation if requested. The DOR must update the GIS database within 30 days of receiving updated data from local taxing jurisdictions and must conduct 95% accuracy testing on both the addresses and general local tax rates. **Effective: April 19, 2024.** Lobbyist: Elizabeth Haskell.

TRANSPORTATION

HB24-1030, Railroad Safety Requirements. The act imposes a number of safety requirements on railroads, including requiring reporting to public utilities on way-side detectors, requiring trains to operate in such a manner as to minimize obstruction of emergency vehicles at highway-rail crossings, and requiring railroads to coordinate with the Department of Public Safety on emergency response and spill response capacity and planning. Railroads are required to notify the state's watch center within 30 minutes of discovery of an emergency involving a train. The act establishes the rail district maintenance and safety fund for safety planning and development; planning, design, construction and operation of safety improvements at rail crossings; and completing capital development projects to improve the safety of a passenger rail system. **Effective: May 10, 2024.** Lobbyist: Bev Stables.

SB24-195, Protect Vulnerable Road Users. The act amends the automated vehicle identification system (AVIS) statute as it relates to state highways to grant CDOT the authority to deploy AVIS on state highways, to require notification and coordination between the state and a local government for use of AVIS on state highways, and to direct CDOT to promulgate rules regarding its use of AVIS on state highways and to address prioritization when both the state and a local government wish to implement AVIS on the same portion of a state highway. The entity with primary responsibility for regulation and enforcement of traffic restrictions shall have priority, but the state rulemaking does not apply to a local government that has implemented or designated an AVIS by or

dinance or resolution before Jan. 1, 2025, or when the state adopts rules, whichever is later. CDOT must establish declining annual targets for vulnerable road user fatalities and must expend funds from the road safety surcharge and fees and fines for road safety projects to protect vulnerable road users. **Effective: Upon Signature.** Lobbyist: Bev Stables.

UTILITIES

SB24-151, Telecommunications Security. The act prohibits critical telecommunications infrastructure from including equipment manufactured by a federally-banned entity or otherwise banned by the Federal government. The act requires that all prohibited equipment be removed. The act authorizes removal without obtaining additional state or local permits for removal, discontinuance, or replacement if the telecommunications provider provides notice and the replacement equipment is substantially similar. However, the telecommunications provider must also provide at least 7-days notice and coordinate with a relevant public entity if the work is to be completed in the public right-of-way or on property owned or controlled by a public entity. The act authorizes rulemaking to implement the new law. **Effective: Upon Signature.** Lobbyist: Jeremy Schupbach.

WILDFIRE

HB24-1091, Fire-Hardened Building Materials in Real Property. The act prohibits covenants and homeowners association standards from prohibiting the installation, use, or maintenance of fire-hardened building materials. The act applies to new and existing standards. The act exempts bona fide safety requirements required by a building code and permits some limited restrictions. **Effective: March 12, 2024.** Lobbyist: Heather Stauffer.



THE FACES OF PUBLIC SERVICE



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

By Rachel Woolworth, CML municipal research analyst



EILEEN WALDOW, FORMER FRASER MAYOR PRO-TEM

Town of Fraser mayor pro-tem 2016-2024, trustee 2012-2015

Q: What has serving in municipal office meant to you?

A: Serving in municipal office has been a profound opportunity to directly impact the lives of those in my community. It's been a journey of dedication, collaboration, and commitment to making our town a better place for all residents and visitors. From infrastructure improvements to policy initiatives, each decision has been driven by a deep sense of responsibility and a desire to foster positive change. Municipal office has provided me with a platform to advocate for the voiceless, champion progress, and cultivate a sense of unity among diverse stakeholders. It's a role that has enriched my life in ways I never imagined, reinforcing the importance of public service as a cornerstone of our democracy. Serving in this capacity has truly been an honor and a privilege.

Q: What is one piece of advice you would like to leave with those taking municipal office this spring?

A: My advice to incoming officials: Listen intently to your constituents and prioritize understanding their needs. Effective governance stems from genuine engagement and empathy. Stay grounded in your commitment to serving the community.



AUSTIN VALDEZ, FORMER LA JARA MAYOR

Town of La Jara trustee and mayor 1994-2024

Q: What has serving in municipal office meant to you?

A: What serving for so many years on the town board has meant to me is working together to accomplish what the town needs and making our small town a better place to live in. We worked together as trustees to make a difference for our community. Yes, you will hear about all the bad things we do like raising the water rates again, but you have got to do what you have got to do to keep the town afloat. You never hear about the good things we do for our town.

Q: What is one piece of advice you would like to leave with those taking office this spring?

A: One piece of advice for new trustees is to not come in with your own personal agenda. It will not work. We have had a few trustees come in looking to leave when they don't get their way and they quit in two or three months. My second piece of advice is don't promise anything to anyone, as it takes the whole board to come to a decision.



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