



COLORADO
MUNICIPAL
LEAGUE

NEWSLETTER

Vol. 51, No. 11, May 30, 2025



MONTH OF MEETUPS

Throughout May, CML staff trekked across the state to attend Spring District Meetings with our members. We enjoyed hearing about what's going on in your cities and towns, and we shared updates about activities at CML and the results of the recent session of the Colorado General Assembly. CML is happy to provide these opportunities for our members to come together to discuss their shared challenges and celebrate successes. The photo above was taken at the meeting in Pueblo, and the photos below are from meetings in Brighton, left, and Berthoud, right.



Empowered cities & towns, united for a strong Colorado

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CML UPDATE



CML welcomes our new law clerk, Molly McClure. Molly is a second-year law student at the University of Colorado Law School. She is a graduate of Tulane University with a bachelor's degree in political science and philosophy and a master's degree in philosophy. She is the vice president of CU Law's LGBTQ+ student group, OUTlaw.

UPCOMING EVENTS

WEBINAR | CML LEGISLATIVE WRAP UP: REVIEW OF 2025 SESSION

June 3 at 12-1 p.m.

Learn more about the new laws you need to understand following the 2025 Colorado General Assembly. Join the CML advocacy team at this wrap up webinar to find out what comes next and ask questions about new laws or ongoing issues that affect your city or town. This webinar is only available to CML members. Register at tinyurl.com/mn3tynz6.

CML 2025 ANNUAL CONFERENCE IN BRECKENRIDGE

June 24-27

Don't miss this incredible chance to learn, connect, and collaborate with municipal leaders from across Colorado. This year's lineup is packed with expert-led sessions that dive into a wide variety of essential topics for municipal leaders. Register at www.cml.org/conference.

MUNICIPAL LEADERSHIP ACADEMY

Beginning in July

The Municipal Leadership Academy is a professional development program designed for mayors and council members across Colorado. Through workshops, peer learning, and expert-led sessions, participants build practical skills in governance, leadership, and collaboration. The academy provides a unique space to explore pressing local issues, exchange ideas with fellow leaders, and grow the relationships that drive effective, community-focused decision making. More information and registration are available at tinyurl.com/3yzs8yrp.

WEBINAR | EPR & THE STATE

July 23 at 2 p.m.

Join CML and Recycle Colorado for the sixth and final installment of the Extended Producer Responsibility (EPR) recycling program webinar series. The state's EPR Program Manager Darla Arians will provide an overview of how the program will affect local governments. Register at tinyurl.com/yc57bzj9.

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, to have your community featured in the CML Newsletter.

FOND FAREWELL



PHOTO BY DENISE WHITE

Some familiar faces are leaving the CML Executive Board. Departing members include, from left, Executive Board President Wynetta Massey, John Marriott, Immediate Past President Jessica Sandgren, and Amanda Sawyer. Not pictured: Jim Keehne, Dave Kerber, and Bob Widner. CML thanks them for their service to Colorado’s cities and towns.

REMEMBRANCE

BOB BROOM

Former Aurora council member Bob Broom passed away in Denver on April 15 after a short illness.

“Bob was a wonderful guy, very active both with CML and NLC. I especially valued his expertise and exemplary guidance on tax and fiscal policy matters,” said retired League Executive Director Sam Mamet.

Born on Dec. 4, 1937, in Decatur, Illinois, Bob grew up in rural Forsyth, Illinois. His academic pursuits led him to earn a bachelor’s degree in economics and accounting from Millikin University, followed by an MBA from the University of Denver. His distinguished career in public service and finance began at the City of Decatur, then as the finance director for the cities of Ocala, Florida, and Aurora, Colorado, before ascending to the role of city manager of



Aurora. After transitioning into a successful career as an investment banker, Bob embarked on a new chapter as an elected official, serving on the Aurora City Council

for three terms and then dedicating two terms to the Regional Transportation District Board of Directors.

Bob shared a profound love of travel with his beloved wife of 63 years, Ruthie Broom. Together, they traversed the globe exploring many countries across six continents. Bob’s passion for the Denver Broncos was unwavering. As a 50-year season ticket holder, he relished every game, celebrating each victory with the same vigor as if it were the team’s first. His attendance at two Broncos Super Bowls, one culminating in a triumphant win, remained among his most cherished memories.

A private graveside service was held at Fairmount Cemetery. In lieu of flowers, the family requests friends and colleagues consider a memorial gift to the Spirit of Aurora fund.

Grant program for EV charging stations

A new round of the Direct Current Fast Charging (DCFC) Plazas program opened May 5, offering funding for community-based projects.

The Colorado Energy Office supports initiatives to ensure access to electric ve-

hicle charging stations in Colorado. The DCFC program is intended to increase access to high-speed charging in communities and along highway corridors throughout the state. Applications will be accepted through June 13. All appli-

cations must be submitted through the online application portal before the deadline. Applicants are encouraged to apply early. More information is available online, tinyurl.com/ymk8dp2t.

Colorado adopts tech accessibility rules

As authorized by section 24-37.5-106 of the Colorado Revised Statutes (C.R.S.), section 24-85-103, C.R.S. and the State Administrative Procedure Act (24-4-101, et seq., C.R.S.), the Governor's Office of Information Technology (OIT) gives notice that the amendments to the Rules Establishing Technology Accessibility Standards are adopted on a permanent basis.

These rules were considered at the May 1 rulemaking hearing in accordance with the State Administrative Procedure Act. They will become permanently effective June 30. More information is available on the OIT rulemaking webpage, tinyurl.com/yw4rabf8.

Guidance, templates, and support materials are available from the Technology Accessibility Program, and the program will continue to publish additional guidance over the coming weeks.

The rules define accessibility standards for government IT systems to improve

usability for people with disabilities. Amendments ensure ease of access to help, use of the best technology standards, adherence to federal and state laws, and making accessibility a standard part of the way we do things.

To help public entities prioritize, there are some exceptions from meeting the WCAG success criteria. The exceptions include content posted by a third party, individualized password-protected documents, preexisting social media posts, preexisting conventional electronic documents, and minor deviations from the WCAG criteria that do not significantly hinder access. There are also exceptions for technology with closed functionality. Even if something is subject to an exception, you still need to provide reasonable accommodations or modifications upon request.

The OIT thanks you for your commitment to accessibility and a Colorado For All.

COMPLIANCE

There are two main criteria for complying with the new rules:

- Post a technology accessibility statement on your website providing two methods of contact for people to request assistance and report issues
- Meet at least one or a combination of the five options for compliance:
 - Meet the technical standards, i.e. conform with the WCAG success criteria
 - Provide an alternate version that does conform with the WCAG success criteria
 - Provide reasonable accommodations or modifications
 - Publish an accessibility plan on your website that you update annually
 - Document that you're using technology that is the most accessible option of those that meet your needs.

MUNICIPAL UPDATES

DENVER

The city will host City Park Public Art Tours on June 8, 10, and Aug. 17 at 10 a.m. The tours will cover public art installations throughout the park. Participants will visit the historic sculptures, fountains, and gateways of City Park and discuss the "City Beautiful" movement and design elements of City Park. Participants should meet at the Thatcher fountain at 17th Avenue and City Park Esplanade. These tours are free to attend, but registration is required at tinyurl.com/yd6479u3.

OURAY

It's official—Box Cañon Falls Park & Nature Center is open for the season. Get ready to explore one of Ouray's most iconic natural wonders! The park is open daily from 9 a.m.-5 p.m., and it's the perfect time to take in the thunderous falls, scenic trails, and breathtaking canyon views. Whether you're new to the area or a local adventurer, there's always something wild and wonderful waiting at Box Cañon Falls. More information is available at VisitOuray.com.

PUEBLO

• Want to get better at managing your finances? Come to the "Money Matters" Financial Literacy Workshop on June 9 at Barkman Library. The workshop is hosted in partnership with Prospera Financial.

• You're never too old for storytime! Come join us for Adult Storytime: Celebrating Pride Month on June 10 at Rawlings Library for an hour of snacks and engaging short stories, all in celebration of Pride Month. This month we'll be reading *A Psalm for the Wild-Built* by Becky Chambers.

RESEARCH CORNER

STATE OF HOMELESSNESS IN COLORADO

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

The first annual State of Homelessness Report prepared by the Colorado Homeless Management Information System (COHMIS) sheds light on the many forms homelessness takes across Colorado. This report synthesizes HUD's Point in Time count (which takes place on one night in January and tallies people experiencing homelessness), data from the Colorado Department of Education, and COHMIS data collected by providers that include people experiencing homelessness and those at risk of homelessness by tracking services they pursue. This offers a more comprehensive picture of homelessness in Colorado by featuring a snapshot of the entire state, as well as more detailed pictures of our four Continuum of Care areas (CoC): Metro Denver, Northern Colorado, Pikes Peak, and Balance of State.



52,806 Coloradans pursued housing and services through COHMIS partner agencies



Among them, **30%** (15,843 people) were chronically homeless and **6%** (3,417) were veterans



Metro Denver's CoC served the most people (34,465, or **65%**), followed by the Balance of State **15%**, Pikes Peak **13%**, and Northern Colorado **11%** CoCs



Statewide, **54.8%** of unhoused people identified as BIPOC, while **41.6%** identified as white, despite making up **65.2%** of the population. **65.8%** identified as non-Hispanic/non-Latino or Latina



61.9% identified as male, **36.1%** as female, and **0.6%**, **0.4%** and **0.3%** identified as more than one gender, non-binary, and transgender, respectively



58.4% of people were **35** or older



58.2% reported a disabling condition that made attaining permanent housing even more difficult. This includes any condition that makes daily life more difficult including physical disabilities, mental health conditions, substance use, and chronic illness



Statewide, **22,896** students experienced homelessness. Of them, **3,726** were in shelters or transitional housing, **2,192** were unaccompanied, **2,050** were sheltering in hotels or motels, while **1,147** were unsheltered

We encourage you to dive into the data yourself at cohmis.org

Join us for the 2025

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alongside Colorado's most talented

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CML LEGAL CORNER



Grant funding and “non-compliance” with state laws

By Robert Sheesley, CML general counsel

The Colorado Revised Statutes overflow with restrictions, prohibitions, and requirements that could apply to municipalities. Inevitably, errors in compliance occur, often through inadvertence, a lack of awareness, or even the impossibility of implementing statutes in the real world. Sometimes, unclear language and other legal concerns lead municipalities to interpret statutes as not applying to them.

On May 16, Gov. Jared Polis unexpectedly issued Executive Order D 2025 05 shortly after the legislative session ended. The order, which isn't supported by any act of the General Assembly, threatens to withhold appropriated state funding if his agencies determine a municipality is not complying with recent land use laws. Almost immediately, several Front Range cities filed suit to challenge the executive action.

LIMITS OF AGENCY AUTHORITY

Government entities, especially administrative departments, possess only the authority granted to them by law. Agency action must be based on and within the scope of statutory authorization. That action can't be arbitrary, should follow a process, and be subject to review by the courts.

When the law provides a specific remedy for a violation, the consequences of non-compliance are clear. Agencies may have explicit authority to take steps to ensure compliance, such as notifying a county treasurer to withhold property tax revenue when the municipality fails to file budgets or audits. Permitting or oversight agencies, as with environmental regulations and employment laws, can investigate and order remedies.

Often, however, state law does not provide a specific consequence for an alleged violation by a municipality or authorize a state agency to force municipalities to

comply with the law. In those cases, a municipality may not qualify for a particular grant or status, but the state likely has no direct recourse. Withholding grant funding or deprioritizing applicants for grants when that remedy is not authorized by legislation, as proposed in D2025 05, frustrates the General Assembly's intent in appropriating funds and setting eligibility criteria to achieve important goals.

Agencies may contend that the administration of state grant programs carries an implied authority to remedy problems. Every state contract, including grant agreements, includes a provision required by the state comptroller, that requires the recipient or vendor to “comply with all applicable federal and state laws, rules, and regulations in effect or hereafter established” But that is a contractual provision, not a grant of authority for any state agency to unilaterally determine compliance with laws and then select a preferred remedy of withholding funding under the grant agreement.

A FEDERAL COMPARISON

In 2020, Colorado successfully challenged a grant condition relating to immigration enforcement that the Department of Justice created in reliance on a statutory provision requiring that grantees “comply with” all other applicable federal laws. The state is now challenging federal agency actions that threaten funding to coerce state conformity with various presidential orders including elections, gender ideology, and diversity, equity, and inclusion.

These federal actions follow processes established by laws that are generally not mirrored in Colorado. For example, a federal agency, vested with specific authority, notifies a grantee of perceived noncompliance, sometimes with a suspension of funding. The grantee has an opportunity to

correct the problem or challenge the determination, including seeking judicial review.

RESOLVING “COMPLIANCE” ISSUES

Of course, municipalities first should make every effort to know and comply with applicable laws. State agencies, like the Department of Local Affairs, often provide helpful reminders and assistance when clear errors occur.

But reasonable people can disagree as to the scope and application of the law, including whether state laws apply to home rule municipalities or whether unfunded mandates apply to any local government. Reasonable people can disagree as to whether a municipality is not complying with state law and to the materiality of noncompliance. Most Colorado agencies lack authority or processes to make such determinations in a consistent manner.

Agency actions should be evaluated for express statutory authority, the applicability of the law, and the relationship between a condition and the purpose of the grant. Unless a law clearly establishes state authority, municipalities should scrutinize any claim of non-compliance made by a state agency. This is particularly important in the context of grants on which municipalities rely to provide essential services. As it would with any contract obligation, municipalities also can justifiably question whether a condition was clear and established at the time of acceptance of a grant.

Going forward, municipalities should look closely at any funding application or agreement conditions to ensure consistency with applicable law and be ready to challenge any arbitrary decision-making that could undermine their eligibility for grants.

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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GOING DIGITAL

The CML Newsletter is going fully digital this year. Beginning in July, CML will stop producing the print version of the newsletter, and all subscribers will begin receiving the electronic edition. The new and improved digital newsletter will be more accessible and easier to navigate. The decision to go fully digital reflects our commitment to using member resources effectively. We look forward to seeing you online!

- CML goes on the road for Spring District Meetings
- Colorado adopts technology accessibility rules
- Research Corner: State of homelessness in Colorado
- Legal Corner: Grant funding and "non-compliance" with state laws

Featured in this issue

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