COLORADO COURT OF APPEALS 2 East 14th Avenue Denver, Colorado 80203 720.625.5150	
El Paso County District Court Trial court Judge: The Honorable Michael P. McHenry Case No. 2016CV32101	
Plaintiff/Appellant: SAVE CHEYENNE, a Colorado non-profit corporation; **v.** **Defendants/Appellees:** CITY OF COLORADO SPRINGS; CITY COUNCIL OF COLORADO SPRINGS; JOHN W. SUTHERS, solely in his official capacity as the Mayor of the city of Colorado Springs; and RONN CARLENTINE or his successor, solely in their official capacity as Real Estate Services Manager of the City of Colorado Springs. **and** **Intervenors/Appellees:** MANITOU AND PIKE'S PEAK RAILWAY COMPANY; COG LAND & DEVELOPMENT COMPANY; PF, LLC; AND BROADMOOR HOTEL, INC.	**▲COURT USE ONLY▲** Case Number: 2017CA000043
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BRIEF OF *AMICUS CURIAE* COLORADO MUNICIPAL LEAGUE IN SUPPORT OF DEFENDANTS/APPELLEES	

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with all requirements of C.A.R. 29 and C.A.R. 32, including all formatting requirements set forth in these rules. Specifically, the undersigned certifies that:

The *amicus brief* complies with the applicable word limit set forth in C.A.R.29(d).

It contains 4714 words (does not exceed 4,750 words).

The *amicus brief* complies with the content and form requirements set forth in C.A.R. 29(c).

I acknowledge that my brief may be stricken if it fails to comply with any of the requirements of C.A.R.29 and C.A.R.32.

/s/*Gerald E. Dahl*
Gerald E. Dahl #7766

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Pursuant to C.A.R. 29(b), the Colorado Municipal League (hereinafter "CML" or "the League") submits this brief as *amicus curiae* in support of the Defendant/Appellees, City of Colorado Springs; City Council of Colorado Springs; John W. Suthers, and Ronn Carlentine (collectively, the "City").

INTEREST OF AMICUS CURIAE

Formed in 1923, CML is a non-profit, voluntary association of 269 of the 272 municipalities located throughout the State of Colorado (comprising nearly 99 percent of the total incorporated state population), including all 101 home rule municipalities, 168 of the 171 statutory municipalities, and the lone territorial charter town, all municipalities greater than 2,000 in population, and all but three of those having a population of 2,000 or less.

This case is of particular importance to home rule municipalities statewide. The authority to dispose of city-owned property, including park property, is critical to the ability to manage real estate portfolios for their residents based upon local needs. A decision to reverse the district court will erode home rule cities' powers to "purchase, receive, hold and enjoy or sell and dispose of, real and personal property," and upend charter and ordinance provisions across the state that authorize the transfer of all forms of municipal property. COLO. CONST. art. XX, § 1.

STATEMENT OF THE CASE

The League hereby adopts the Statement of the Case contained in the Answer Brief of Defendants/Appellees.

ARGUMENT

A. Introduction

Colorado's home rule municipalities hold and dispose of all forms of real property, including park lands, under a guaranteed enumerated power. COLO. CONST. art. XX, §§ 1, 6. That power is not subject to limitation or restraint by the common law or any derivation thereof, including Plaintiff's contrived "trust" doctrine. The constitutional power to receive property by gift, bequest or trust, and to dispose of the same consistent with the granting instrument, is a separate, limited category which does not swallow the general power of disposal. Similarly, the Legislature may not deny exercise of this power by statute. The Constitution, having delegated the power of property acquisition and disposal to home rule municipalities by specific enumeration, vested home rule municipalities with all of the power formerly held by the Legislature with respect to that matter.

The district court rightly recognized the power of home rule municipalities to govern this critical aspect of their own local affairs free from the requirements of C.R.S. § 31-15-713. Reversal of the district court's decision will

directly contravene an enumerated home rule power. Further, reversal would conflict with the unbroken line of Colorado precedent that recognizes enumerated home rule powers to be beyond the reach of the state Legislature to negate.

The League's *amicus* brief will address the first and third claims raised by Plaintiff and which are on appeal here. These two claims implicate the property ownership and disposal powers of home rule municipalities. For the purposes of this case and the constitutional analysis presented by *amicus*, municipally-owned park land is included within all municipally-owned land; there is no difference for constitutional purposes.

B. Neither the common law nor any trust doctrine operates to prohibit the home rule power to acquire and dispose of real property, including park land.

1. The common law is inapplicable to municipally held property.

Home rule municipalities have the constitutionally-enumerated power to hold and dispose of real and personal property. Statutory municipalities have the same right, derived from statute. For both classes of municipality, any pre-existing common law or public trust doctrine has been abrogated. Municipalities acquire, hold and dispose of real property free from any constraint imposed by the common law.

Municipalities acquire real property for a variety of purposes, including: parks, trails, open space, public buildings, water and wastewater facilities and other public utility facilities, streets, parkways, and parking lots. Municipalities also hold real property for no assigned purpose, just as do other types of corporations and private individuals. As responsible corporate citizens, municipalities must manage, and occasionally dispose of, such property as the needs of the municipality change.

The Plaintiff argues that the common law requires Colorado Springs to hold an election to dispose of park property, where the City's charter does not, and instead provides other procedures. Plaintiff relies on abrogated principles of common law which no longer apply, as well as a contrived "trust doctrine" which misreads the plain language of Article XX, Section 1 of the Colorado Constitution. Neither argument is correct.

a. The common law has been abrogated as to home rule municipalities by the Colorado Constitution and home rule charters and ordinances adopted pursuant thereto.

Home rule municipalities may acquire and, most importantly, dispose of real property. COLO. CONST. art. XX, § 1 (granting power to the City and County of Denver as Colorado's first home rule municipality). These powers extend to all home rule municipalities. COLO. CONST. art. XX, § 6. Specifically, the

enumerated power to "purchase, receive, hold and enjoy or sell and dispose of, real and personal property." COLO. CONST. art. XX, § 1. These provisions abrogate the common law with respect to all home rule property acquisition and disposal.

Any common law constraint on acquisition and disposal of property by municipalities in Colorado has been abrogated as to home rule municipalities. COLO. CONST. art. XX, § 1. In enumerating home rule powers, Article XX, Section 1 specifically authorizes the purchase and disposal of real and personal property, stating that Denver (and all home rule municipalities as a consequence of Art. XX, Section 6) "… may purchase, receive, hold, and enjoy or sell and dispose of, real and personal property."

Colorado appellate courts have long held that this authority, similar to other enumerated powers in Section 1 of Article XX, vests home rule municipalities with exclusive power over municipal matters. This includes superseding all powers previously held by the Legislature with respect to local issues, and thus has deprived the Legislature of any authority to prohibit exercise of home rule authority. *Fishel* v. *City & Cnty. of Denver*, 108 P.2d 236, (Colo. 1940); *Town of Telluride v. San Miguel Valley Corp.*, 185 P.3d at 164–165 (Colo. 2008) ("[T]he General Assembly has no power to enact a law that denies a right specifically granted by the Constitution.") (citing *City of Thornton v. Farmers*

Reservoir & Irrigation Co., 575 P.2d 382, 389 (Colo. 1998)). By itself, the enactment of Article XX, Section 1, and its application to all home rule municipalities through Article XX, Section 6, abrogated the common law with respect to their acquisition, holding and disposition of real property.

The common law can also be abrogated by charter. *Friends of Denver Parks v. City & Cnty. of Denver,* 327 P.3d 311, 317 (Colo. App. 2013). Any common law doctrine of municipal property disposal has been further abrogated as to Colorado Springs and all other home rule municipalities which have acted by charter or ordinance to enact local rules on that subject. Charters have the same abrogation effect as to common law abrogation as a statute. *Londoner v. City & Cnty. of Denver,* 119 P. 156, 162 (Colo. 1911) (equating "charter" with "statute").

b. The common law has been abrogated as to all municipalities by statute.

The Legislature has recognized that the common law only applies until repealed by legislative authority. C.R.S. § 2–4–211; *Shoemaker v. Mountain States Tel. & Tel.*, 559 P.2d 721 (Colo. 1976). Commencing in 1877 following statehood, the Legislature enacted a system of laws governing statutory municipalities, including the Act of April 4, 1877**,** a portion of which eventually became present C.R.S. § 31–15–702(1)(a)(I): "[To] lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, parks, and public grounds

and vacate the same...". In 1931, the Legislature enacted the predecessor to present C.R.S. § 31–15–713, which grants municipalities the power to sell and dispose of all classes of land, but imposes a tiered system of restrictions upon such disposal, linked to the nature of the property being disposed:

- For various utility properties, public buildings, and "real property used or held for park purposes," the question of the sale and the terms of consideration must be submitted at a regular or special election. C.R.S. § 31–15–713(1)(a).
- For all other real property held by the municipality, disposal may take place by ordinance. C.R.S. § 31–15–713(1)(b).
- Leases of real property owned by the municipality for more than one year must be by ordinance, and for less than one year by resolution or ordinance. C.R.S. § 31–15–713(1)(c).

In adopting C.R.S. § 31–15–713, the Colorado Legislature thereby abrogated any common law rule governing disposal by municipalities of any form of real property held by them, as the statutory list of property is comprehensive.

With the creation of constitutional home rule for Denver in 1901, and all other home rule municipalities adopting charters after 1913, the enabling authority in statute was replaced by their home rule charters and ordinances.

2. Plaintiff's contrived "trust doctrine" does not exist in Colorado and is a misreading of the Constitution.

The Plaintiff has argued that a form of "trust doctrine" precludes disposal by municipalities, and by Colorado Springs in particular, of property

which has been designated by the municipality as park land, absent an election. Opening Brief, P. 27. This invented "trust doctrine" simply does not apply to municipal ownership of park (or any other) real property in Colorado.

The common law with respect to acquisition and disposal of real property by municipalities in Colorado, has been abrogated by the Colorado Constitution as to home rule municipalities and by C.R.S. § 31–15–713 as to all municipalities. Accordingly, no form of the trust doctrine, whether in common law generally, or under the theory constructed by the Plaintiff, exists and is applicable to municipal ownership and disposal of real property. Certainly, there is no public trust doctrine known to our case law. *See City of Longmont v. Colo. Oil & Gas Ass'n*, 369 P.3d at 586 (Colo. 2016) ("The Colorado Constitution does not include a similar provision [to the environmental rights amendment to the Pennsylvania Constitution], and the citizen intervenors have not cited, nor have we seen, any applicable Colorado case law adopting the public trust doctrine in this state.").

In order to conjure up an election requirement, Plaintiff has conflated the (abrogated and nonexistent) common law trust doctrine with another argument: that municipalities uniformly hold park property "in trust" for the public, and therefore, elections must be held before disposal. This contrivance depends upon a misreading of the plain language of Article XX, Section 1 of the Colorado

Constitution, by combining the general power in Section 1 to "purchase, receive, hold and enjoy or sell and dispose of, real and personal property" with the entirely separate power to "receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for public, charitable, or other purposes; and to do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust."

These two powers are distinct. Plaintiff would have the Court read them together, thus importing the limitation of the second into the breadth of the first. The plain language of the second power, in its limitation to the terms of the "gift, bequest or trust," is simply not applicable to the property acquired under the first (and the more general) power to acquire real property and sell and dispose of it. It is critical to distinguish between the constitutional power of home rule municipalities to dispose of municipal property, from the very limited grant of power to receive property by *gift, bequest or trust*, which, understandably, is limited by the terms of that same *gift, bequest or trust*.

The Constitution recognizes that donors of property have a right to impose constraints upon the donee. However, the limitation in this second enumerated phrase does not and cannot swallow the general power in the first.

Plaintiff asks the Court to eliminate any distinction and to read them as one, thereby contriving its "trust" rule, which it then argues applies to all property held by home rule municipalities. Article XX Section 1 is not subject to revision in this manner, and must be read as it is written: as a series of independent powers.

The narrow category of land held in "trust" may only be disposed of, as the Constitution dictates, "in accordance with the terms of the gift, bequest or trust." The constitutional distinction is specific to the instrument by which the municipality acquired the land—not to any post-acquisition action of the municipality, as argued by the Plaintiff. Plaintiff applies its invented trust doctrine by mischaracterizing the manner in which the City of Colorado Springs holds the property at issue, saying the City "acquired the property *as trustee*." Opening Brief, Pg. 17 (emphasis supplied). This is not true. The City purchased the property from a bank, and the granting instrument (not a "gift, bequest or trust") was a deed containing no limitations on use. The majority of the municipal property inventories in Colorado are acquired in the same fashion—without limitation in the granting instrument, and therefore benefit from the unrestricted power of disposal. Once having received property free from any limitation in the instrument conveying it, the home rule municipality may thereafter convey it free from

limitation because, in fact, it constitutes "any real and personal property" pursuant to Article XX, Section 1.

In practice this means that the category of genuine real property held by home rule municipalities subject to the conditions of a "gift, bequest or trust" is quite narrow, and not relevant at all to park property as a category. Real property acquired as a "gift, bequest, or trust" is not at issue in this case.

Plaintiff raises a vested right argument based on C.R.S. §31–2–217, which provides that adoption or amendment of a home rule charter does not affect any pre-existing property or contract right. Opening Brief at Pgs. 30-31. This argument only affirms that home rule municipalities, as any other grantee, must honor the limitations in the granting document by which title is acquired. The statute does not and cannot deny the Article XX, Section 1 power of home rule municipalities to acquire and dispose of real property.

Neither the common law, nor any derivation of it, including Plaintiff's invented "trust doctrine," limits the authority of home rule municipalities to acquire, hold and dispose of any form of property, including park property, free from any requirement for an election or other constraint, other than those imposed by the municipality itself in its charter, by ordinance, or, rarely, in the granting document by which title was acquired.

C. C.R.S. § 31–15–713 is inapplicable to home rule municipalities which have adopted local property disposal procedures.

1. Introduction.

Plaintiff alleges that the City of Colorado Springs, and by extension, all home rule municipalities, are bound by C.R.S. § 31–15–713 to require an election as a precondition to disposition of park property. The Plaintiff says this despite the fact that acquisition and disposition of real property by home rule municipalities is an expressly enumerated local and municipal power under Article XX, Section 1 of the Colorado Constitution, rendering any statute in conflict therewith unconstitutional and inapplicable as to those home rule municipalities which have acted by charter or ordinance to adopt local rules on the subject. Plaintiff's argument is further contradicted by Article XX section 6 of the Colorado Constitution, which confirms the well-known principle that the statutes apply to home rule municipalities only insofar as they have not acted by charter or ordinance on the subject. Finally, C.R.S. § 31–1–102 repeats the constitutional rule: the statutes apply to home rule municipalities only insofar as they have not acted by charter or ordinance, to regulate the manner in which they hold and dispose of real property. The required constitutional consequence of those actions is to supersede and displace C.R.S. § 31–15–713. Any attempt to apply the statute to a home rule municipality which has acted in this area is unconstitutional.

2. C.R.S. § 31–15–713 only applies until a home rule municipality supersedes it by charter or ordinance

The Colorado Supreme Court and this Court have long held that an enumerated power given home rule municipalities in Article XX Section 1 supersedes any conflicting state statute on the subject. *Fishel v. City & County of Denver,* 108 P.2d 236 (Colo.1940). As described above, Article XX Section 1 enumerates a specific power for home rule municipalities: to "purchase, receive, hold, and enjoy or sell and dispose of, real and personal property." Conflicting statutes have no ability to set these powers aside. "The General Assembly has no power to enact any law that denies a right specifically granted by the Colorado Constitution." *Town of Telluride v. San Miguel Valley Corp.*, 185 P.3d 161, 169 (Colo. 2008) (quoting *City of Thornton*, 575 P.2d 382 (Colo. 1978)).

It is undisputed that the City of Colorado Springs has exercised this enumerated constitutional power by its adoption of its Charter section 1-20(b) and Code Article 7, Chapter 7, providing for the disposition of property without an election. Colorado Springs having done so, any statute in derogation thereof is either inapplicable or unconstitutional. As described below at subsection 3, home rule municipalities throughout Colorado have frequently and similarly exercised the power to govern this aspect of their local and municipal affairs. Each of those

municipalities has similarly displaced the statute and any effort to apply C.R.S. § 31–15–713 to their actions is similarly unconstitutional and ineffective.

Statutes of the state only apply until the home rule municipality acts to supersede them by charter or ordinance, as Colorado Springs has done. *See* COLO. CONST. art. XX, § 6. A statute is superseded when a home rule city has acted: "The statutes of the state of Colorado, so far as applicable, shall continue to apply to such cities and towns, except insofar as superseded by the charters of such cities and towns or by ordinance passed pursuant to such charters." *Id.* The Legislature, in adopting C.R.S. § 31–1–102, legislatively affirms the same constitutional preeminence:

> Except for those provisions which expressly apply only to limited categories of municipalities, it is the intent of the general assembly that the provisions of this title shall apply to home rule municipalities *except insofar as superseded by charter or ordinance passed pursuant to such charter* and to all statutory cities and towns and shall be available to special territorial charter cities and towns unless in conflict with the charters thereof. (emphasis applied)

Significantly, because Colorado Springs and other home rule municipalities are exercising an enumerated constitutional power, no analysis of competing state and local interests is required to establish that a conflicting statute is unconstitutional and superseded. In *Telluride*, 185 P.3d 161, the Town exercised

a power enumerated in Article XX Section 1: the power to extraterritorially condemn real property. A conflicting state statute was enacted purporting to prohibit the exercise of this power. The Colorado Supreme Court, in upholding the Town's actions and declaring the statute unconstitutional, stated that enumerated powers under Article XX Section 1, when exercised by the municipality, render it unnecessary to take the further step of analyzing whether state and local interest conflict. The Court held, "[N]o analysis of competing state and local interests is necessary where a statute purports to take away home rule powers granted by the constitution." *Telluride*, 185 P.3d at 170; *City of Thornton*, 575 P.2d 389; *Bd. of Comm'rs*, 156 P.2d at 102–03.000. The Court declined to consider the opponents' arguments about the statewide interests that were purportedly at stake, stating:

> We fully recognize that . . . in cases of conflict between a statute and the ordinances of a home rule city in relating to a matter of statewide concern, the statute must govern. Here, however, there is involved a specific constitutional power granted to home rule municipalities and, even though the matter may be of statewide concern, the General Assembly has no power to enact any law that denies a right specifically granted by the Colorado Constitution.
>
> *City of Thornton*, 575 P.2d at 389.
>
> Likewise, we decline here to evaluate the statewide interests implicated by the extraterritorial condemnation of property by home rule municipalities for open space and parks. The legislature cannot prohibit the exercise of constitutional

> home rule powers, regardless of the state interests which may be implicated by the exercise of those powers.
>
> *Telluride*, 185 P.3d at 170.

In this case, Plaintiff urges the Court to hold that C.R.S. §31-15-713 prohibits the exercise of the enumerated powers to dispose of property by the means the City has legislated. This would deny the exercise of the enumerated power and is unconstitutional. The Constitution and statutes make clear that C.R.S. § 31–15–713 is inapplicable to home rule municipalities who have acted by charter or ordinance to govern property disposal. It is a matter of settled constitutional law that exercise by a home rule municipality of an enumerated power, whether that exercise be by charter or ordinance, supersedes any conflicting statute on the subject. Colorado Springs and all other home rule municipalities which have similarly adopted local property disposal procedures, have therefore superseded C.R.S. § 31–15–713. The district court rightly recognized the preeminence of home rule cities' exercise of constitutionally enumerated powers to govern matters which are local and municipal in nature.

3. Home rule municipalities statewide have acted by charter and ordinance to govern acquisition and disposal of real property, and thus superseded C.R.S. § 31–15–713.

The effect of adoption of a home rule charter is to give to the municipal governing body (and the voters in adopting the charter) the "full right of

self-government in both local and municipal matters." Colo. Const. art. XX, § 6. The exercise of the enumerated constitutional powers of home rule self-governance is what is at issue for the League's membership. If the Plaintiff's arguments prevailed, there will be a broad impact on the many Colorado home rule municipalities which have decided to govern their local and municipal matters in the acquisition and disposal of real property, including park property, by charter or ordinance. There may be unintended consequences if the constitutional authority to locally set the procedures of acquiring and transferring home rule municipal property was impaired under the Plaintiff's argument. For example, summarily curtailing this authority may impact existing municipal real estate transactions or public financing plans. The League urges the Court to uphold the district court's decision respecting this constitutional authority, both for the home rule municipalities which have superseded C.R.S. § 31–15–713, and to reserve the constitutional authority for those municipalities which have not yet decided to exercise this aspect of home rule authority.

The League has conducted a survey of 31 of Colorado's 101 home rule municipalities which have express charter and/or ordinance provisions governing property disposal. See, **Exhibit A**, attached hereto and incorporated by this reference. In all of these municipalities, C.R.S. § 31–15–713 is inapplicable, as

a function of their exercise of the constitutionally enumerated power to dispose of real property. Their electorates voted to adopt a charter, thus affirmatively not only adopting home rule and the power of self-government, but also providing for the adoption of the procedures for acquisition and disposal of real property by the municipality that expressly supersede C.R.S. § 31–15–713.

Home rule municipalities address property acquisition and disposal in various ways. All, however, are in exercise of the constitutionally enumerated power to acquire and dispose of property, both real and personal. In the 31 home rule municipalities surveyed, the charter and/or ordinance included the following requirements for property disposal:

- 5 require an election
- 21 require passage of an ordinance
- 2 require passage of a resolution
- 3 require a motion and approval by Council

This survey documents the widespread regulation of property disposal by home rule municipalities, that these adopted charters and ordinances displace C.R.S. § 31–15–713, and that all must be given deference by this Court by upholding the district court order of dismissal. Notice that some have chosen to require an election to dispose of park property, and some have not. These local choices are all a constitutionally authorized exercise of local self-government. They supersede C.R.S. § 31-15-713. Article XX permits no less.

Plaintiff argues that failing to require an election under C.R.S. § 31-15-713 would result in "summary disposition" by home rule municipalities of "iconic" (as well as, presumably unremarkable), public lands. Opening Brief, Pg. 37. First, this argument ignores the fact that the voters in those municipalities placed authority in their elected officials to manage their public property. This was done in two ways: by adoption of the home rule charter itself, and by electing the members of the governing body. Both of these actions are an exercise of the constitutionally-protected power of local self-rule and are entitled to deference by this Court.

Second, Plaintiff's argument ignores the public process undertaken by home rule municipalities (and in fact any municipality) in disposal of real property: at a minimum, the action is taken publicly under the Open Meetings Law, C.R.S. § 24–6–401, et seq., typically after discussion, testimony, public forums and workshops. The final action is typically taken after passage of an ordinance or resolution following a public hearing. This was the process followed by Colorado Springs and is typical of procedure in home rule municipalities throughout the state. In Colorado Springs, an extensive public process was followed to develop community consensus: 17 meetings, briefings, workshops and tours were held where public education and comment was sought. The City Council held four

sessions before finally acting by resolution as permitted by the City's Code. The entire process consumed over four months. This same activity takes place in all home rule municipalities, and all should receive the same deference the Court must give to Colorado Springs.

This process: the adoption of the charter at an election, the election of the local governing body of a home rule municipality, the adoption of an ordinance or resolution after a public process (typically a hearing or hearings) is the essence of self-rule and is what the Colorado Constitution grants to home rule municipalities and their electors. The exercise of this enumerated power is entitled to deference from the Court as a matter of constitutional law (Article XX), statute (C.R.S. § 31–1–102) and decided case law. *Telluride, supra*. It is inappropriate and unconstitutional to apply the statutory system for property disposal to home rule municipalities that have exercised their constitutionally enumerated power to do so.

CONCLUSION

Adoption of a home rule charter in Colorado has consequences, not the least of which is that the voters have chosen to implement local self-rule. In doing so, they and their elected officials are entitled to exercise the power the Constitution gives them: the right to legislate for themselves. That local legislation,

whether by charter or ordinance, takes the place of state law. It has done so in this case. This Court must uphold the right of all home rule municipalities in Colorado to govern this important local matter. The decision of the district court should be upheld.

Respectfully submitted this 31st day of July, 2017.

MURRAY DAHL KUECHENMEISTER & RENAUD LLP

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CERTIFICATE OF SERVICE

I certify that on the 31st day of July, 2017, the foregoing document was filed with the court via Colorado Courts E-Filing. True and accurate copies of the same were served on the following via Colorado Courts E-Filing:

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EXHIBIT A

Representative home rule municipalities with express charter and/or ordinance procedures governing property disposal

Municipality	Ordinance Required	Resolution Required	Motion Approved by Council Required	Election Required
Arvada				C
Aurora				C
Basalt	C			
Boulder			O	
Breckenridge	C			
Brighton	C			
Carbondale	C			
Cedaredge	C			
Centennial	C			
Central City	C			
Durango	C			
Fort Collins	O			
Fruita	C			
Glendale		C		
Grand Junction				C
Kiowa	C			
Lakewood				C
Louisville	C			
Minturn				C
Morrison			C	
New Castle	C			
Ophir	C			
Pagosa Springs	C			
Parachute	C			
Pueblo	O			
Rico	C			
Silt	C			
Telluride	C			
Thornton		C		
Westminster			O	
Windsor	C			

C = pursuant to Home Rule Charter **O = pursuant to ordinance**