

Colorado Municipal Candidate Guide



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The *Colorado Municipal Candidate Guide* has been prepared by the Colorado Municipal League as a guide for prospective candidates who are seeking useful information on municipal government. The guide includes tips on how to be an effective municipal official, as well as an overview of how municipal government works.

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Becoming a municipal official

Serving as an effective municipal elected official requires dedication, knowledge, and a substantial time commitment. There are countless reasons why people choose to run for public office. Whatever your reason may be, as a member of the municipal governing body, you have the opportunity to make important contributions toward shaping the future of your community. For this reason, becoming a municipal elected official can be one of the most rewarding experiences of your life.

Whether you are still undecided about your candidacy – or you have already made the decision to run for a municipal elected office, the information in this guide can help you. What follows is general information on what it takes to be an effective member of a governing body, a synopsis of municipal government in

Colorado, and information about the Colorado Municipal League. Material contained in this brochure should not be viewed as a substitute for legal advice or specific information applicable to your community. If you are serious about your candidacy, you should consider other, more detailed information sources available to you, including:

- attending city council or board of trustee meetings;
- examining your charter, if your municipality is home rule;
- checking the Colorado Revised Statutes;
- reviewing municipal ordinances; and
- for elections, asking the municipal clerk for additional information, consulting your own attorney, or otherwise making yourself familiar with the requirements of the election laws.

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Qualifications for municipal office

At a minimum, successful elected officials must devote a significant amount of time and energy to fulfill a position that answers directly to citizens. Some desirable leadership attributes include:

- a general understanding of municipal government;
- willingness to learn about a wide range of topics;
- integrity;
- consistency;
- confidence;
- dedication to the interests of citizens and the community as a whole;
- strong communication and team-building skills, including being a good listener;
- openness to the thoughts and ideas of others;
- being approachable and accessible; and
- a willingness to work cooperatively with others.

Mayors, councils, boards of trustees, and presiding officers

The mayor and city council or town board of trustees collectively serve as the governing body for a municipality and normally possess all legislative powers granted by state law. The positions of both councilmember and trustee have been compared to those of the members of state legislatures and U.S. Congress. All of these positions require elected officials to represent their constituents, make policy decisions, budget for the execution of policies, and ensure that their policies are carried out. Unlike their counterparts in state and federal offices, municipal officials are in direct contact with the people they serve on an ongoing basis.

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An elected official wears many hats

To meet the responsibilities of being a municipal elected official, candidates should consider the number of disciplines involved in becoming an effective mayor, councilmember, or trustee.

Municipal elected officials share the following job titles as part of their responsibility:

- legislator;
- decision-maker;
- financier;
- employer of municipal staff;
- constructive critic;
- intergovernmental participant;
- public relations representative; and
- facilitator.

Are you eligible?

To run for office in a statutory municipality in Colorado, you must:

- be a citizen of the United States;
- be registered to vote;
- be at least 18 years old on the date of the election; and
- have resided in your city or town for at least 12 consecutive months prior to the election.

In home rule municipalities, check with your municipal clerk on whether additional or different requirements apply.

Petitions, practices, and basics

Nomination petitions

To run for municipal office, you must get a nominating petition from your municipal clerk and have that form signed by a specific number of registered voters in your community. The number of signatures needed will vary depending on whether you live in a statutory or home rule municipality. Most candidates try to get more signatures than needed in case some are ruled invalid.

Different municipalities have different rules about how the petition must be signed and the date on which the petition must be returned. Your municipal clerk will inform you of the nomination procedure rules and deadlines.

Fair Campaign Practices Act

Candidates for a municipal office who accept contributions must meet the filing requirements of the state Fair Campaign Practices Act. Among other requirements, you must register any "candidate committee" and report its contributions and expenditures. Information about reporting deadlines and copies of the reporting forms are available from your municipal clerk.

Municipal government basics

Municipal elected officials should have a basic understanding of municipal government and the duties, authority, and limitations of an elected body.

Of course, there is no better way to understand what elected officials do than to attend council or board of trustee meetings. In addition, most cities and towns have advisory boards that are formed to make or recommend policy or quasi-judicial decisions, such as a planning commission or parks and recreation commission. Serving on these and other appointed boards is another excellent way to become informed.

Finally, reviewing Title 31 of the Colorado Revised Statutes and – if you are in a home rule municipality – having a basic familiarity with the municipal home rule charter will help you have a better understanding of municipal government and your role as an elected official.

What follows is a brief introduction to a few basic governance issues.

What is a municipality?

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An area becomes a municipality when residents vote to incorporate as a city or town. Colorado has four classes of municipalities:

Home rule municipalities

- have chosen to adopt a home rule charter based on the principle that local citizens should have the right to decide how their local government should be organized and how local problems should be resolved;
- have their own form of government set forth in their charters;
- may call themselves either a city or town; and
- have considerable protection from state interference in their affairs (except where the courts determine that a matter is of statewide concern or mixed state and local concern, then state law may prevail over home rule authority).

Statutory towns

- traditionally are less than 2,000 in population; and
- have a mayor–council (board of trustees) form of

government in which the mayor is elected by popular vote, with legislative power held by the board of trustees.

Statutory cities

- usually are more than 2,000 in population; and
- may have a mayor–council or council–manager form of government, with the mayor elected by the people or by the council.

Statutory towns and cities are under greater legal control of the state legislature. They look to state law (generally Title 31 of the Colorado Revised Statutes) to determine their legal authority and limitations. Nevertheless, state laws traditionally have given statutory cities and towns considerable authority to make decisions on local issues.

Territorial charter cities

The only remaining territorial charter city is Georgetown. Its charter dates from before Colorado became a state. The charter can only be changed by the state legislature.

Forms of municipal government



There are two prevalent forms of municipal government in Colorado: mayor–council and council–manager.

Mayor–council structure

- The mayor is the ceremonial head of government and presides over council or board of trustee meetings.
- The council or board of trustees sets policy.
- Depending on local charter, applicable statute, or local practice, broad or limited administrative authority is vested with the mayor,

members of the council, board of trustees, an administrator, or designated department heads appointed by the mayor, council, or board of trustees.

Council–manager structure

- The mayor is the ceremonial head of government and presides over council meetings.
- The council sets policy and hires and fires the manager.
- The city manager normally has broad administrative authority.

Basic municipal services

Services provided by municipalities vary from community to community. However, typical services include:

- **Public safety** (police, fire, and sometimes ambulance service);
- **Utilities** (water and wastewater, and sometimes trash collection, electric power, and natural gas);
- **Land use** (planning, zoning, code enforcement, and other regulatory activities);
- **Transportation** (street construction and maintenance, traffic safety, and sometimes public transit);
- **Recreation/cultural facilities** (parks, recreation, libraries, and sometimes cultural facilities); and
- **Legal** (ordinances protecting the public health, safety, and welfare of the community).



Municipal finance

In budgeting, the governing body makes important decisions about the operation and priorities of the municipality. Is a swimming pool more important than storm drains? Does the municipality need a new library more than it needs additional police personnel? Should the potholes be filled or the street completely rebuilt?

Budgeting is a process by which the governing body determines the community's standard of living – what the community needs and wants, what it is willing and able to pay, and what services it can expect to receive for its tax dollars.

Municipalities levy specific taxes to finance municipal services. The following are the most common taxes levied by Colorado municipalities:

- **Sales tax** is levied on retail sales of tangible personal property and some services.
- **Use tax** is levied on the retail purchase price of tangible personal property and some

services purchased outside the municipality, but stored, used, or consumed within the municipality.

- **Property tax** is levied on the valuation of taxable property located within the municipality.
- **Occupation tax or business license fee** is levied at a standard rate for all or specified businesses and professions.
- **Liquor and beer occupation tax** is a special occupation tax levied on retail liquor and beer establishments.
- **Utility occupation tax and/or franchise fee** is levied on non-municipally owned utilities (telecommunications, electric, gas, cable TV).

In addition, many municipal services are financed in whole or in part by user fees and charges. Finally, municipalities receive revenues from various federal and state grant and allocation programs.

Knowing the law



Term limits

In 1994, the Colorado Constitution was amended to place term limits on local elected officials, including all mayors, councilmembers, and board of trustee members in both statutory and home rule municipalities. All municipal elected officials (except judges) are limited to serving two consecutive terms in office, except if the term of office is two years or shorter, in which case officials are limited to serving three consecutive terms in office. Terms are considered consecutive unless they are four years apart.

Municipal voters may modify or eliminate term limits through a local option election; you should check to determine the status of term limits in your community.

Ethics and conflict of interest

A municipal elected official must adhere to an ethical level of conduct while in office. Elected officials are vested with the public trust and must carry out their responsibilities in an ethical manner. Ethics and conflict of interest requirements for local government officers

are addressed in the Colorado Constitution, state statutes, and sometimes in local charter or ordinance provisions. In general, these requirements are aimed at preventing those in a position of public trust from using that position for personal financial gain. State law provides that, among other things, elected officials may not:

- use confidential information for personal benefit;
- accept gifts or economic benefits as rewards or inducements for official action;
- engage in substantial business with one who supervises or inspects; and
- vote on matters involving a "personal or private interest."

Open meetings

Before assuming public office, become familiar with Colorado's Open Meetings Law, which covers local public bodies such as a municipal governing council or

board. You will need a basic understanding of what constitutes a public meeting, the minimum requirements for a quorum, when "full and timely notice" prior to a meeting is required, and the basic requirements concerning "executive sessions" (that is, meetings that are not open to the public).

The open meetings law reflects the policy that public bodies are engaged in the public's business. Consequently, their meetings should be open to the public and held only after "full and timely" public notice. Therefore, the open meetings law permits executive sessions only on specific topics. The law also requires that these sessions be for deliberation only; decisions must be reached in an open meeting. In home rule municipalities, you may be subject to additional or varying requirements under your charter or ordinances.

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About CML



Founded in 1923, CML is a nonprofit, nonpartisan organization that represents and serves Colorado's cities and towns. Of Colorado's 272 Colorado cities and towns, 270 are members of CML, representing more than 99% of the municipal population in the state.

The Colorado Municipal League believes that local problems are best resolved at the local level of government and that people are best served by a strong and responsive local government.

The League's core functions are advocacy, information, and training.

Advocacy

CML represents the interests of Colorado municipalities before the state and federal governments and in the courts. The League employs a team of legislative and legal advocates to ensure that all municipalities are well-represented in the state capitol and that the interests of cities and towns and their residents are protected through participation in certain appellate court cases. The work of state agencies also is under the watchful eye of CML, as are statewide ballot issues.

Information

CML provides accessible information that you need to serve your municipality and its residents. Each year, staff responds to individual inquiries with information, advice, and sample documents. CML periodicals include the award-winning bimonthly magazine, *Colorado Municipalities*; biweekly *CML Newsletter*; and *Statehouse Report*, a weekly report on legislation of municipal interest that is sent while the General Assembly is in session.

Publications produced by CML reflect important technical and legal research on a variety of issues impacting municipal government.

The CML website, www.cml.org, and presence on social media platforms, ensure that the most up-to-date information is available to our members. CML also produces short, informative videos on topics important to municipal officials; visit the CML website to view.

Training

Each year, CML offers dynamic events and workshops to support your continuing education and training on such topics as

leadership, council collaboration, municipal finance, land use and planning, personnel issues, telecommunications, legislative issues, strategic planning, and more.

MUNiversity recognizes the efforts of officials who go the extra mile to increase their knowledge and their capacity to lead. Since 1991, hundreds of municipal elected officials have participated in this highly successful program. MUNiversity is based on interactive, affordable, capacity-building learning opportunities that promote a better understanding of municipal government and provide the tools to be a more effective community leader. The program is simple:

- Any municipal elected official may participate. This includes mayors, councilmembers, and trustees.
- There is no cost for enrolling.
- There are no required courses. You select the credited training that fits your specific needs from CML workshops and conferences.

For more information about this program and other League services, contact the League office in Denver at 303-831-6411 / 866-578-0936.

Colorado municipal facts

Number of incorporated municipalities: 272

Population (2017 estimates)

State: 5,609,445

Municipal: 4,159,526

Municipal as percent of state: 74%

Range in municipal population:

Lakeside: 8 Denver: 705,651

Municipalities with CML membership: 270

Structure of Colorado municipal governments

| Structure | # | Population | % of municipal population |
|---------------------|-----|------------|---------------------------|
| Home Rule | 102 | 3,886,636 | 93.44% |
| Statutory | 169 | 271,815 | 6.53% |
| Territorial Charter | 1 | 1,075 | 0.026% |

Municipal finance

Property tax (2017)

Assessed valuations

State: \$111.63 billion

Municipal: \$74.99 billion

Municipal as percent of state: 67.2%

Sales tax (2019)

Total municipalities levying a local sales tax: 222

Municipalities with self-collected sales tax: 71

Low: 1% High: 7%

Municipal elections (1993-April 2019)

| Ballot issues | Passed | Failed | % Passed |
|------------------------------------|--------|--------|----------|
| TABOR revenue and spending changes | 494 | 78 | 86% |
| Municipal tax/tax rate | 636 | 414 | 61% |
| Municipal debt/obligation | 313 | 138 | 69% |

Other facts

- Colorado has 272 municipalities (including the City and County of Denver and the City and County of Broomfield).
- There are approximately 1,800 municipal elected officials in Colorado (mayors, mayor pro tems, councilmembers, trustees).
- Pay for mayors, councilmembers, and trustees is determined locally. Compensation varies from no compensation to modest compensation levels for part-time officials. There are a few full-time paid positions, i.e., mayors in Denver and Aurora.

Compiled by the Colorado Municipal League, April 2019

Empowered cities and towns,
united for a strong Colorado



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