

# **DOUGLAS COUNTY HOME RULE**

## **Summary Statement**

The extra powers granted to a home rule county versus a statutory county are very limited. The benefits likely do not, nor will ever, outweigh the costs. However, if a county is committed to becoming a home rule county, it is imperative that the charter prohibit or limit the powers that might give the commissioners too much control. Options for these limits are outright bans delineated in the charter or election of an independent council that provides a balance to the commissioners.

The main issue with the home rule initiative in Douglas County is the violation of the open meeting laws without including citizen input. To resolve this type of problem going forward, a charter could require five commissioners rather than three. This would allow the commissioners to talk one-on-one without violating open meeting laws and would allow for more balance when items come to a vote. However, it should be noted that a charter is not required for Douglas County to move to a five person board.

Viewed through an economic lens, the effort to move a county to home rule in Colorado does not make financial sense. It is more economically prudent to pursue change through channels that already exist for statutory counties.

If voters opt to proceed with forming a charter commission, it would be prudent to vote in a diverse panel of commission members who are open minded and receptive to public input. Due to the controversy surrounding the Douglas County home rule initiative, electing currently seated county commissioners to the charter commission will likely foment further enmity from Douglas County citizenry. However, it is important to bring county commissioner viewpoints and insights to the charter commission discussions. To resolve this conflict, voting in former county commissioners to the charter commission can provide that insider perspective without bringing the distracting controversy surrounding the home rule initiative. Ultimately, the ideal charter commission has the background and wherewithal to draft a solid charter that re-enfranchises county citizenry and ensures the county is run for the benefit of its citizens.

## **HOME RULE PROS and CONS**

### **Pros:**

- The County may ask bill sponsors to exclude the County from their legislation.
- A home rule county can avoid state legislation that is considered to be geographically local in nature such as zoning and infrastructure laws.
- A home rule county may change election matters related to procedures for submitting ballot measures and recalling elected officials.
- A home rule county may have legal standing in legal cases brought against the state. This may help slow or limit government overreach.
- Increasing the number of home rule counties may persuade more legislators to grant exemptions to new statutes
- Home rule powers of a county do not apply to the municipalities within the county.
- Adding TABOR language into a home rule charter can maintain TABOR safeguards even if the General Assembly and Governor succeed in eliminating it at the state level. (Over)

- A well written home rule charter can reduce the powers of the county commissioners and give that power back to the voters.

## Cons:

- The Douglas County Commissioners started the home rule initiative with little, if any, public input.
- All three of the current County Commissioners have Petitioned to be members of the Commission. 1st, Commissioners should not be members of the Charter Commission. 2nd, if all three are elected, they will only require eight others to get a majority vote on items that are on their agenda.
- The actual timeline for considering and drafting a charter is only a few months long. This is not enough time to put much thought into the charter nor enough time to incorporate public comments.
- TABOR, CORA, and Open Meeting Laws could be affected negatively by a home rule charter.
- State legislators are not required to grant home rule counties exemptions from their legislation.
- Bills passed by the state legislature that specifically say that the new law applies to the whole state or are simply considered to apply to the whole state by the courts will still apply to home rule counties. A home rule county charter cannot override that legislation.
- State laws which apply to gun control, water rights, and property taxes will likely be considered to apply statewide and will not be preempted by a county's Home Rule Charter.
- Home Rule could allow commissioners to set their own salaries and salaries of other officers.
- Home Rule could allow commissioners to extend or eliminate term limits.
- A home Rule County could end elections of officers, such as the sheriff, the coroner, and the county clerk.
- A Home Rule County can change how vacancies of elected officials are filled.
- A Home Rule Charter could prohibit or limit non-mandatory powers given to a county by the state. Mandatory functions include transportation, street lighting, jails, abandoned property, land management, and providing for the public health, safety, and welfare of its citizens.
- A Home Rule County can create special taxing districts which have a lower tax than the rest of the county. This can be used by commissioners to attract businesses, but it can also be misused to buy favors.
- A Home Rule Charter can make navigating laws within the county more difficult because the applicable laws will both be in the charter and the Colorado Revised Statutes. Individuals and lawyers will need to evaluate which laws are applicable if there is a conflict or an omission in the charter.
- Home rule would likely increase the cost of operating the county.

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