

DOUGLAS COUNTY HOME RULE

Summary Statement

The extra powers granted to a Home Rule County versus a statutory county are extremely 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 limit excess powers that may 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. These issues need to be thoroughly examined by the Charter Commission.

The main issue with the current Home Rule initiative in Douglas County is the manner in which the Commissioners moved forward without citizen input. To resolve this type of problem going forward, a charter could require certain issues have extended public notice periods. There are also discussions that moving to five commissioners may help improve public input. This would allow two commissioners to talk one-on-one without violating open meeting laws and perhaps would allow for more balance when items come to a vote. However, it should be noted that a Home Rule Charter is not required for Douglas County to move to a five-member Board of County Commissioners.

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 wise 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 citizens. However, it is important to bring County Commissioner viewpoints and insights to the Charter Commission discussions. Including former County Commissioners on the Charter Commission can provide an “insider” perspective without bringing the distracting controversy surrounding term limit extensions and pay increases to the discussion. 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:

- A Home Rule 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 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 County powers of a county do not apply to the municipalities within that county.
- Adding special provisions in a Home Rule Charter, such as TABOR protections specified in the Colorado Constitution, can maintain TABOR taxpayer safeguards even if the General Assembly and Governor succeed in eliminating it at the state level.
- A carefully crafted Home Rule Charter can reduce the powers of the Board of 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 Charter Commission. First, County Commissioners should not be members of the Charter Commission – this is a conflict of interest. Second, if all three are elected, it will only require eight other members of the Charter Commissioners to get a majority vote on items that are on their agenda.
- The actual timeline for considering and drafting a charter is barely more than two months. This is not enough time to educate Charter Commission members nor enough time to appropriately incorporate public comments.
- TABOR, CORA, and Open Meeting Laws could be affected negatively in 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. (bold this paragraph)
- 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.
- A Home Rule Charter could allow commissioners to set their own salaries and salaries of other officers.
- A Home Rule Charter could allow commissioners to extend or eliminate term limits.
- A Home Rule Charter could end elections for officials such as the Sheriff, Coroner, County Clerk, Assessor, and Treasurer.
- A Home Rule Charter can change how vacancies of elected officials are filled.
- A Home Rule Charter could prohibit or limit non-mandatory (discretionary) powers given to a county by the state. Mandatory functions that must be maintained by a Home Rule County include transportation, street lighting, jails, abandoned property, land management, and providing for the public health, safety, and welfare of its citizens.

- A Home Rule Charter can create special taxing districts which have a lower tax than other parts of the county. County Commissioners can use special taxing districts to attract businesses, but it can also be misused to buy favors.
- A Home Rule County 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.
- County Home Rule would likely increase the cost of operating the county.

Courtesy of:

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