

Hickenlooper Opens CCI Annual Winter Conference

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Governor-Elect John Hickenlooper spoke to over 385 county officials at the opening session of the CCI Winter Conference.

Governor-Elect John Hickenlooper kicked off the CCI Winter Conference Tuesday morning speaking at the opening session. It was his first post-election address to a statewide membership group. After calling for better collaboration between local governments and the state, Hickenlooper focused on three themes: economic development, health and human services and water in Colorado.

The Governor-Elect said economic development should begin at the local government level to help define state priorities and strategies. He stated that Colorado needs to strengthen educational systems in the state and look at education holistically, not focusing solely on higher education or K-12 as workforce generators. In this challenging budget climate, the state must be more effective, efficient and elegant in crafting solutions. Incentives are important, but not the only answer, Hickenlooper said. Colorado should support the businesses already here and mentor young entrepreneurs by connecting them to the wealth of existing, experienced mentors as resources. Speaking to the majority of counties, the Governor-Elect recognized that without rural economic development and strong workforce development, Colorado will never be viewed as a true success story.

Hickenlooper addressed the counties' challenges in social services. Despite increased caseloads and technical slowdowns, the counties continue to deliver necessary services to their clients. He said, Colorado needs to maximize federal money, including using the remaining stimulus money efficiently. Hickenlooper continued, saying the state must decrease the benefits wait time for developmentally disabled clients, provide adequate housing for our workforce and continue the foreclosure hotline. Finding and increasing the use of waivers and exemptions for human service delivery, as well as increasing partnerships with nonprofit service delivery systems, will help the counties.

Governor-Elect Hickenlooper spoke about the contentious issue of water in the state. He emphasized that Colorado continues to draw people from all over the country and beyond. He acknowledged that water resources, many of them on the Western slope, sustain Front Range populations centers, food grown on the eastern plains and the tourism in the mountains. With conservation measures along the Front Range and a balanced approach for protecting the state's resources, Colorado will continue to be a vacation and relocation destination for years to come.

Concluding, Hickenlooper called for collaboration with local governments and for the state to find the appropriate level of regulations that will protect the health and welfare of Coloradoans, but keep moving our state forward. He set a goal with the commissioners to get his people out of Denver as much as possible and to visit each county in his first twelve months of office.

Colorado Counties, Inc. would sincerely like to thank Governor-Elect Hickenlooper for his time and efforts on behalf of local governments throughout Colorado.



For more information and to register visit www.naco.org.

District Meetings

Eastern District

As in years past, this year's Eastern District meeting was well attended by commissioners, commissioner-elects, county administrators and invited guests. Following a round of introductions, the Eastern District began their meeting by electing Yuma County Commissioner Trent Bushner as the new Eastern District Representative on CCI's Board of Directors. Congratulations Commissioner Bushner!

Sedgwick County Commissioner Gene Bauerle led the group in a discussion about wind rights. He shared with everyone a copy of a South Dakota bill that prohibits the wind rights associated with the land from being severed from the estate. In South Dakota, wind rights may be leased for a period of up to 50 years but they cannot be severed from the land. Leases are void if no wind power development occurs on the land within five years after the lease began. Commissioner Bauerle surveyed his peers asking them whether or not they felt that wind rights should be



Morgan County Commissioner Tony Carlson listens during the Eastern District meeting.

tied to the surface estate or be severed. The group unanimously agreed that wind rights should be tied to the surface estate. Commissioners also thought it would be wise to talk to their legislators prior to the 2011 legislative session about sponsoring a bill similar to the South Dakota bill.

Kristi Gay, Resource Conservation and Development (RCD) Council Coordinator for East Central Colorado, shared with commissioners the resources available to communities through the USDA's RCD program. The RCD program helps people in rural areas plan and carry out activities that increase conservation of natural resources, support economic development and enhance the environment and standard of living in local communities. Ms. Gay explained that in the past, the goal of the East Central RCD was preservation. Today, the focus is renewable energy. To that end, the East Central RCD secured funding from the Governor's Energy Office to fund a regional energy coordinator. The coordinator now helps seniors in Cheyenne, Elbert, Kit Carson and Lincoln Counties sign up for weatherization services. Ms. Gay urged commissioners to contact their RCD coordinator the next time they have a community project they need help getting off the ground. RCDs' access to resources may be the key to moving the project along.

Yuma County Commissioner Robin Wiley updated the group

on the Republican River Compact compliance. In short, Commissioner Wiley explained that the only way for Colorado to comply with the 1942 Compact between Colorado, Kansas and Nebraska is to drain Bonnie Lake and pipe the water to the gauge near the Colorado/Kansas border. Absent this action, Colorado will remain out of compliance.

Washington County Commissioner David Foy spoke briefly about Healing Tree, a drug and alcohol abuse education and prevention non-profit serving six counties in the northeastern part of the state. Commissioner Foy explained that Healing Tree received a \$142,000 grant from the Health Resources and Services Administration about a year ago. Funds from the grant can be used to purchase detox equipment. None of the funding, however, can be used to administer the grant. Healing Tree is appealing to interested parties to help raise \$1500/\$1700 to administer the grant.

In addition to the above presentations, Eastern District Commissioners also heard from Mr. John Utterback, Colorado's Purchasing Director, about procurement opportunities available to counties. Dr. Elisabeth Lawaczeck, the state veterinarian, gave an update about rabies and Commissioner Foy lead a conversation about ambulance services and how to sustainably fund them. Finally, Morgan County Commissioner Laura Teague announced that the Colorado Mission of Mercy, the charity arm of the Colorado Dental Association, will be holding a dental clinic in Morgan County from October 21-22, 2011 at Brush High School. The clinic hopes to serve the dental needs of up to 2,000 people.

Front Range District

The meeting was called to order by President Dennis McCloskey, City & County of Broomfield. He listed the names of the commissioner-elects in the district as well as the retiring commissioners. President McCloskey then conducted the roll call with all ten counties present.

Chip Taylor made a short presentation on the election of new CCI Board members, and the manner in which split-votes were to be calculated. He reminded the District that the 50,000 plus population Caucus would meet immediately following the Front Range District meeting for the purposes of electing two Board members.

The Front Range District then conducted their Board Representative election, with a single nomination for Commissioner Jack Hilbert, Douglas, and his win by acclamation.

This was followed by a session concerning international trade, economic development and some limited discussion among the members.

The next issue area, infrastructure and finance strategies, raised a discussion about funding, problems with transportation “mode to mode” analysis, and related matters. Several commissioners described their efforts to attract new development through property tax rebates of one sort or another, some tied to the number of jobs to be created, others offered as an across the board incentive.

President McCloskey recognized Roxane White, Chief of Staff to Mayor Hickenlooper, for a brief discussion of the transition activities in Denver City and County in terms of leadership and administration. As a result of the date of resignation by the Mayor there will be no need for a special election, so the Acting Mayor will be Bill Vidal who is currently the Vice Mayor. Elections will be held in May, with a June run-off, if necessary, for the new mayor.

White also indicated that Dave Ferrill will be moving to a State position with the Mayor. Finally White added that Acting Mayor Vidal intends to ask all Denver Cabinet officers to stay in their positions until the new administration is elected in May/June.

Commissioner Kirkmeyer thanked Ms. White for her services and for her commitment to local control elements reflected in the Governor-elect’s statements earlier in the day.

The members then engaged in a discussion of what they are doing and what’s new in their respective counties. This included lots of discussion about elections on MMJ, transportation, other building projects and a very impassioned discussion of wildfires and the need for proactive behavior to prevent disasters.

At the conclusion of these reports, the District was adjourned.

After a brief break the 50,000 plus Caucus was convened by Dennis McCloskey for the purposes of electing two Board members. The Caucus elects the Board Secretary and the Board Treasurer. The results of this election were: Dennis Hisey, El Paso, elected as Board Secretary and Barbara Kirkmeyer, Weld, elected as Board Treasurer.

Mountain District

Mountain District President Nancy Stuart, Grand County, presided over the CCI Mountain District Meeting on November 30 during the CCI Winter Conference in Colorado Springs.

Thomas Davidson, Summit County, was elected to serve on the CCI Board as the representative from the Mountain District. Davidson replaces Jeanne Nicholson, Gilpin County, who is leaving her commissioner seat to serve in the Colorado General Assembly as a new state senator. The Mountain District commissioners gave Senator-elect Nicholson a warm ovation and thanked her for her years of service to CCI.

The commissioners then engaged in an economic roundtable to discuss county budgets, revenues, and the status of economic development around the mountain district region. The status of most county budgets in the district could best be summed up by John Rich, Jackson County, who noted, “We’ll be eating beans again this Winter.” The majority of counties in attendance reported that sales tax revenues were flat at best and usually down slightly. Many counties have frozen their budgets and in a couple of cases are being forced to reduce staff either through layoffs or holding vacant positions open. Even in counties where the fiscal condition was slightly improved over last year, commissioners reported a “negative energy” permeating the county with continued pessimism among citizens regarding the state of the economy.

The economic news was not all bad, however. Gilpin County reported that federal stimulus dollars have created a lot of jobs through forest thinning projects. In Clear Creek County, the relatively high price of molybdenum has helped buoy the county’s mining industry. In a bizarre case of good fortune, Teller County notes that a freak hailstorm last year has resulted in over 2500 permits for new roofs being issued by the building department, which is a boom for the sagging construction sector.

Commissioner Nicholson kicked off a roundtable discussion on how various counties were utilizing Mountain Pine Beetle-infested wood in innovative ways. Counties were in agreement that a problem of this magnitude requires a broad range of solutions and the exchange of ideas and approaches led to some lively discussion. Gilpin County has shown much success with their free slash pile program, chainsaw handling classes for new residents and an award-winning biomass facility that utilizes chipped beetle-kill timber to heat the county road and bridge shop.

Commissioner-elect Dan Gibbs, Summit County, who as a state senator worked extensively on the beetle infestation issue, noted that one of the biggest challenges is the timing and duration of stewardship contracts from USFS and the BLM. Gibbs has been working with Habitat for Humanity to arrange for beetle-kill wood to be used to construct kitchen cabinets in new houses. Fremont County partnered with students from the Colorado School of Mines to develop a cleaner-burning pellet for wood stoves. Teller County has worked with a non-profit to establish a slash program that chips the wood into mulch. These bags of beetle-kill mulch are being marketed and sold through a nearby Home Depot store. The county has also reached an agreement with Colorado Springs Utility to utilize beetle-kill wood in the city’s biomass facility. Believe it or not, entrepreneurs in Jackson County are actually marketing a new cat litter made from chipped beetle-kill timber!

The next Mountain District Meeting will be held Thursday, August 4, from 10 a.m. to 2 p.m. The location has not yet been determined, however, it will be in a Mountain District County.



Las Animas County Commissioner Jim Vigil discusses agenda items during the Southern District Meeting.

Southern District

Southern District President, Crestina Martinez, Costilla County, called the meeting to order with every county except one in attendance. The district unanimously voted to allow current Southern District CCI Board Member, Commissioner John Sandoval, Conejos County, to continue as the District's representative. Commissioner Sandoval will be CCI Board President for 2011.

Following the election, the District members discussed a variety of issues affecting the southern 15 counties.

Huerfano County Administrator, John Galusha, introduced the concept of Federal State Regional Commissions to the commissioners. Regional Commissions are designed to increase federal/state/local cooperation for programs aimed at alleviating 'pervasive economic distress'. There are six Regional Commissions currently operating around the country. Regional Commissions receive federal funding to further economic development in regions where high rates of unemployment and long-term poverty persist. The focus of a Rocky Mountain Regional Commission could be energy transmission and with the assistance of federal funds could help the Rocky Mountain states build the transmission lines necessary to compete with other areas in the country.

CCI and commissioners gave a brief update on the Air Force Low Altitude Tactical Navigation (LATN) process. The Air Force had public relations officers, divorced from the actual LATN process, collect and respond to questions during the initial public agency outreach process. That stage expired and the Air Force is currently refining proposed actions and alternatives. They will determine the scope of the environmental assessment and give another opportunity for public comment in the future. Timelines are not yet public and specific inquiries about the LATN have remained unanswered. CCI has received five copies of resolutions and comment letters from counties concerning the LATN proposal. CCI encourages any county who has submitted a letter or resolutions to also send it to CCI.

The Citizens Against Railroad Relocation gave a presentation about Coordinating Agency Status to the Commissioners. If a federal governmental entity uses the National Environmental Policy Act (NEPA) process, there is a provision included in the Act that allows local governments to pass a resolution requesting coordination with the entity. This could be part of the proposed railroad relocation process, in which Lincoln County took part, or a variety of other processes such as endangered

species listings, RS2477 claims or forest management plans. Invoking coordination does not stop the processes, however, it can allow better communication between the planning agency and the affected local governments.

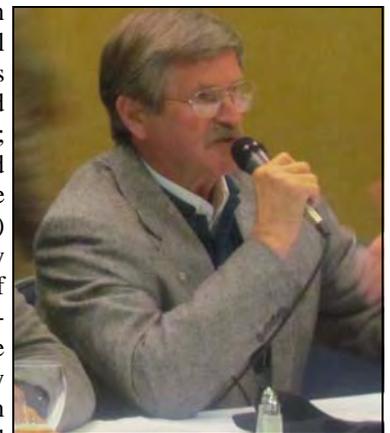
Commissioner Martinez updated the District on the latest information from the Colorado Association of Boards of Health. She encouraged counties to participate in this organization that will be able to provide technical resources and training to counties. Commissioner Gary Hill, Las Animas County, provided a brief update on the status of dealing with noxious weeds in Colorado. There are conversations continuing about how to increase transparency for the Department of Agriculture's Noxious Weed Fund and how to get counties to update and/or comply with the Noxious Weed Act.

Western District

The Western District elected to the CCI Board of Directors Commissioner Kellie Hotter, La Plata.

Are counties contracting out road maintenance? One county reported that it did a study on which is more cost effective for routine road maintenance, "in-house" or "contracted-out." The conclusion was that routine road maintenance was 30% less for the county to do it "in-house." But that county and most others did "contract-out" certain services: chip seal, magnesium chloride, gravel, asphalt, bridge construction and other items that were unique county by county. This was followed by a discussion of whether counties accepted new roads in subdivisions. Counties were split but without a vote it appeared most counties were not accepting new subdivision roads.

What are counties doing to conserve energy "in-house" and within the county? Counties that responded to the survey and those that didn't, reported in the meeting that (1) all were doing energy audits of county facilities; (2) as resources permitted, counties were implementing audit recommendations over time; (3) most reported installing lighting, boilers, solar panels, windows and insulation in county buildings; (4) several are replacing county vehicles with hybrids and compressed natural gas (CNG) vehicles; (5) almost all have increased their recycling and waste reduction initiatives; (6) many are investing in energy efficient construction of county buildings and additions; (7) some counties have teamed with munis to apply for energy conservation grants; (8) some reported public-private partnerships to undertake improving energy efficiency of residential



Montrose County Commissioner Gary Ellis makes a point during the Southern District meeting.

homes and businesses; (9) one county is researching the development of a county biomass facility; (10) another county is planning a methane collection system to provide electricity; (11) another county’s bus system is being replaced with CNG buses; (12) three counties reported participating in a regional energy program; (13) one county is leasing ground for a solar energy plant on airport property, several counties mentioned they are studying solar arrays or have recently completed projects producing 1-3 megawatts; (14) a few school districts and businesses are tracking energy usage with an eye to reducing energy use; (15) one county reported that several oil companies have committed to converting their fleets to CNG; (16) another county reported it is pursuing a geothermal heat source system for county buildings.

Ag and HHS Task Forces updates: Gunnison County Commissioner Hap Channell, as a member of both task forces provided a shortened version of his report at the business meeting

later in the day. One strong recommendation was that the Ag bill sponsor keeps the bill title very narrow to “avoid mischief” by legislators. The HHS task force voted narrowly not to move forward on the centralized call center. It was reported during an HHS meeting in Jefferson County on October 20, that a study was done in which there were 6,000+ HHS mandates and that a very high priority of counties want to reduce the bureaucratic mandates, e.g. the hand stamping of all LEAP applications.

Colorado Association of Local Boards of Health made an appeal for all counties to join the association at just \$70 a year. There are currently 22 of the 64 counties that are members. The mission of the Colorado Association of Local Boards of Health (CALBOH) is to strengthen local boards of health through education, training, networking, advocacy, collaboration and celebration, thus enabling them to effectively support the core functions and the ten essential services of public health that promote and protect the health of their communities.

Searching for Lost Sales Tax Revenue

In accordance with state statute, the State of Colorado is responsible for collecting and remitting county sales tax revenue back to the county where it originated. Not surprisingly, this relationship can result in discrepancies between the amount that should be collected and the actual amount collected. This predicament was the focus of a CCI initiated bill in 2009 – HB 1130 – which authorized the Department of Revenue (DOR) and interested counties to enter into MOUs with the Department to help enhance the administration and collection of the county’s sales tax.

At this concurrent session, commissioners heard from Nicola Sapp, El Paso County’s Budget Officer, about her work in rectifying the discrepancies she noticed in the county’s sales tax. She explained that El Paso County’s \$0.01 sales and use tax was approved by voters in 1988. In 2005, El Paso County established the Pikes Peak Rural Transportation Authority whereby voters approved a \$0.01 sales and use tax specifically for transportation. This provided a unique analysis opportunity for the county, which helped them flag discrepancies between the amounts of sales tax collected by the county vs. the City of Colorado Springs vs. the Pikes Peak Rural Transportation Authority.

Their analysis showed two main discrepancies: 1.) vendors paying more sales tax to one entity than to the other and 2.) vendors paying sales tax to one entity and not to the other. In 2007, El Paso County contacted the state and advised them of their analysis. The state recognized the discrepancies and sent a “Self Audit Letter” to all vendors advising them of potential reporting errors. In response to this letter, the county collected \$212,000 in revenue. In 2008, El Paso County entered into an MOU with the state. Under the agreement, the county hired a retired state DOR employee to cull through the county’s collection discrepancy spreadsheets. This individual pulls the original filed sales

tax returns, reviews the returns and identifies the type and source of discrepancy and any action needed to remedy the discrepancy. In response to the county’s effort, El Paso County – and the state - has realized millions of dollars of lost sales tax revenue.

Ms. Roxy Huber, the Director of the Department of Revenue, joined Ms. Sapp on the session’s panel. Ms. Huber explained that the state has recently implemented new collection and reporting software. She explained that the old system was 20 years old and that the new system will help expedite investigative efforts to eliminate certain types of identified discrepancies. She also urged attendees to notify the DOR if they see discrepancies that need investigating. She introduced Ms. LuAnn Pyatt as the Local Government Liaison with DOR (303.330.8455 or lpatt@spike.dor.state.co.us) and encouraged counties to contact Ms. Pyatt with any questions or needs.

Finally, Mr. Greg Schulte, County Manager for Archuleta County, explained that a number of smaller and medium sized counties on the western slope have also been exploring whether or not to enter into an MOU with DOR. He explained that his sense in Archuleta County is that under-reporting is occurring. In June, both the Colorado Bike Tour and Ride the Rockies went through Pagosa Springs on the same day. The county was expecting an uptick in sales tax revenue in response to these two events. What they found, however, was an 8% increase in their lodging tax revenues, yet a 3% decrease in their sales tax revenue. Mr. Schulte explained that the assessment, which the small and medium sized counties need to make, is whether or not entering into an MOU with DOR is worth it. Archuleta County splits the sales tax revenue 50/50 with Pagosa Springs. In San Miguel County, however, the majority of vendors are in Telluride and therefore an MOU may not be worth the effort and yield little return on investment.

Creating Jobs in Your County



Jackson County Commissioner John Rich, right, makes a comment during the economic development session as Lieutenant Governor-Elect Joe Garcia listens.

More than 75 commissioners joined Lieutenant Governor Elect Joe Garcia, the Office of Economic Development and International Trade (OEDIT), Colorado State University Extension and regional representatives from workforce development from around the state to discuss economic development. Commissioners sat at roundtables sharing ideas on how the counties and the state can work together to create a better partnership for economic development in Colorado.

Commissioners generated more than fifty suggestions ranging from developing more streamlined transportation to market methods for bark beetle products to state utilization of existing regional models and collaborations. Additional suggestions included reducing the amount of redundant or unnecessary rules and regulations that limit business investment, not implementing devolution of state roads to local governments, creating an overall database of companies to help inform workforce development on local level and approving a statewide lodging tax.

tional suggestions included reducing the amount of redundant or unnecessary rules and regulations that limit business investment, not implementing devolution of state roads to local governments, creating an overall database of companies to help inform workforce development on local level and approving a statewide lodging tax.

This conference session continues the ongoing conversation in the CCI Tourism, Recreation & Economic Development (TRED) steering committee. In September, TRED sent a letter to the OEDIT detailing three areas where the state could focus resources to develop a better partnership between local governments and the state for economic development. The three suggestions included: provide better access to broadband in rural Colorado; utilize existing regions and build new regional development on the local, not state, level and; reduce competition and redundancies between economic development entities within the state.

The TRED steering committee will continue to work with the new administration to find better ways that commissioners and local governments can partner with the state to create opportunities to make the state more competitive.

CCI Business Meeting



Routt County Commissioner & past CCI President Doug Monger (far right) swears in the 2011 CCI board.

On Tuesday, November 30, CCI President David Foy called the 2010 Winter Conference business meeting to order.

As required by the CCI Bylaws, the membership voted, unanimously, to ratify the recommendations of the CCI Legislative Committee, which included the adoption of the agricultural assessment task force report, as well as to pursue legislation in line with the report.

CCI Treasurer Frank Weddig presented the proposed 2011 budget and dues schedule to the membership. Once again, the CCI Board of Directors was able to develop a balanced budget and dues structure which included a freezing of the county assessment at the 2008 level. The proposed budget and dues schedule passed unanimously.

President Foy presented the proposed bylaws change as brought forth by the CCI Bylaws Committee. This proposed change would require issues under consideration for CCI's legislative agenda be approved by a super majority vote of the membership. After lengthy discussion, the proposal was brought to a vote where it failed to receive a majority of votes. Therefore, the membership will continue to operate under a simple majority vote for legislative issues.

The 2011 CCI Board was sworn into office. Congratulations to the following members for their election or re-election. President: John Sandoval, Conejos County; Secretary: Dennis Hisey, El Paso County; Treasurer: Barbara Kirkmeyer, Weld County; Board Members: Jack Hilbert, Douglas County; Trent Bushner, Yuma County; Kellie Hotter, La Plata County; Thomas Davidson, Summit County and Past President, David Foy, Washington County. The 2011 President-elect will be selected at the January CCI Board Meeting.

With no further business, the meeting adjourned.

CCI Special Legislative Committee Meeting

A special legislative committee was held this year at CCI’s Winter Conference. CCI’s legislative agenda for the upcoming legislative session is traditionally finalized at the October Legislative Committee meeting, however, commissioners and councilmembers requested a special meeting to address some proposals that needed some more time to develop before they were ready for CCI’s membership consideration.

CCI’s Health and Human Services (HHS) Chair and Arapahoe County Commissioner Susan Beckman started the meeting by explaining the status of two bill proposals developed by members of the Colorado Human Services Directors Association and County Child Welfare Directors. The first proposal is for legislation requiring a workload study of county child welfare staff. Among other things, the study would focus on the time staff spends on a.) paperwork as opposed to working directly with children and their families and b.) complying with federal and state requirements. Given the state’s budgetary woes, this proposal must be cost neutral to the state.

The other proposal has been termed the ‘Flex Financing Bill’. The proposal includes various components, all of which are meant to better leverage federal funding, increase the flexibility of existing funding for services and create accountability measures and ‘funding hold harmless’ policies for counties.

Commissioner Beckman explained that individual counties have offered to initiate these bill ideas on their own and CCI’s membership was not asked to approve either proposal as a CCI initiated bill. CCI’s HHS Steering Committee, however, has reviewed both proposals and has given their conceptual support to both bill ideas.

Gunnison County Commissioner Hap Channell then appealed to CCI’s membership for support of a bill that would implement the recommendations of the Land Assessment and Classification Task Force. Commissioner Channell explained that the recommendation does not address the subdivided land or vacant land issue. It does, however, attempt to deal with the inequities created by some landowners who claim the exemption without participating in a bona-fide agricultural operation. Specifically, the recommendation 1.) classifies two acres, or such smaller acreage that is used for residential purposes, as residential when the residence is not integral to the agricultural operation; 2.) exempts residences that are integral to farming and ranching from any classification changes and 3.) defines integral to an agricultural operation.

Following a vote of CCI’s membership, CCI staff was directed to initiate legislation in 2011 that includes the components agreed to by members of the Land Assessment and Classification Task Force.

A final version of CCI’s 2011 Legislative agenda is printed on pages 14 & 15.

Fundamentals of County Government

New Commissioner Orientation this year was changed to follow recommendations from previous classes of commissioner-elects to split the orientation in to two: part at winter conference and part in January. Commissioner-elects said it was too much information all at once and CCI is testing a new structure this year. Three sessions were especially designed for commissioners-elects, all titled *Fundamentals of County Government* and subtitled Health and Human Service (HHS), Land Use and Road & Bridge.

Each of the sessions provided an overview of a general area of county operations and attempted to do so in an interactive format. In addition to their overviews, Otero County Human Services Director Donna Rohde, attorney Andrew Ringel, and road and bridge supervisors Dan Hershman (Boulder) and Dale Miller (Larimer) all presented attendees with questions and fact-patterns in their areas of expertise illustrating typical issues confronted by county commissioners. In some cases lively discussion was generated, while in other cases attendees seemed to be confronting issues they had not considered before. These three sessions certainly helped to remind everyone in attendance about the wide variety of activities and responsibilities of Colorado’s county commissioners.

To our great surprise the Health and Human Services and Land Use sessions were very popular with incumbent commissioners and county staff. In the Land Use session there were twice as many incumbent commissioners and staff as there were commissioner-elects—the room was packed. In the HHS session there were one and a half times the number of incumbents and staff as there were commissioner-elects. The only session where commissioner-elects outnumbered incumbent commissioners and staff was Road & Bridge (which was the afternoon session on the last day, a historically low attendance time at conferences).

While it remains to be seen whether newly elected commissioners benefit more from the revised format, based upon evaluation comments by incumbent commissioners, there is definite interest in advanced courses in the fundamentals of county government at future CCI conferences.

Winter Conference Photo Highlights



Rio Grande County Commissioners Robert Hagedorn & Dennis Murphy catch up with Costilla County Commissioner Crestina Martinez.

Gilpin County Commissioner Jeanne Nicholson smiles for the camera prior to the CCI Business Meeting.



Custer County Commissioner Carole Custer attended the CCI Winter Conference.



Fremont County Commissioner-Elect Debbie Bell is pictured above before the awards dinner.



Otero County Commissioner-Elect Jim Baldwin participated in his first CCI Winter Conference.



Gunnison County Commissioner Hap Channell (center with award) celebrates winning the CCI Commissioner of the Year award with his fellow Gunnison County friends.



Crowley County Commissioner Matt Heimerich and Senator Ken Kester pose for a photo at the CCI awards dinner.



Teller County Commissioner Bob Campbell celebrates winning the CCI Distinguished Service award with his wife Gail.



Park County Social Services Director Joe Homlar and El Paso County Commissioner Jim Bensberg share a laugh at the awards dinner.



Conejos County Commissioner John Sandoval congratulates Washington County Commissioner David Foy on his service as CCI President.



Arapahoe County Commissioner-Elect Nancy Jackson and Arapahoe County Commissioner Frank Weddig enjoy the CCI awards dinner.

What do the Numbers Mean?

David Keyser, an economist with the State Demography Office, joined county commissioners during a concurrent session on population estimates and forecasts.

Mr. Keyser began by explaining the linkage between population estimates and the economy. He explained that population projections are based on two components: the natural 'aging' of the population (births and deaths) and migration. Migration is largely because of economic factors. Looking back over the years, you can see these ebbs and flows in the 1980's, for example, when the oil and gas bust contributed to a corresponding decrease in the state's population and in the 1990's when the technology boom resulted in a population growth spurt for Colorado. The out-migration and in-migration that Colorado saw in the 1980's and 1990's, respectively, accounts for much of the population swings Colorado realized in those two decades.

Migration in and out of Colorado is obviously tied closely to the number of available jobs. Mr. Keyser explained that there are six job sectors responsible for the lion's share of Colorado jobs. Those are: 1.) wage and salary jobs; 2.) membership organizations; 3.) small business and proprietors; 4.) agriculture; 5.) railroads; and 6.) household services. Mr. Keyser further explained that there are two categories of jobs. There are "basic" or "primary jobs" and there are "non-basic" or "spinoff" jobs. Basic or primary jobs are created by businesses that export products. These industries bring money into the state. This category of jobs can also be created by certain populations like retirees, investors and/or those living off of government transfers. Non-basic or spin-off jobs result from the basic

or primary jobs.

Mr. Keyser then illustrated how this data can be used by counties to better understand their local economy and what drives it. He explained that the State Demography Office did an analysis for Archuleta County and deciphered that the county has a huge retirement population. In fact, retirees account for over 17% of the county's economic base. Mr. Keyser stated that this sort of data does not show up in labor data. Mr. Keyser then explained that the role of those 65 and older is not a phenomenon special to Archuleta County. Instead, the 65 and older crowd is increasingly significant in Colorado because of the high portion of baby boomers. The state is projecting a jump in this population from 540,000 in 2010 to 1.3 million by 2030. This growth will undoubtedly drive policy changes to reflect the health care, transportation and other needs of the 65 and older crowd.

Mr. Keyser concluded by addressing the employment changes the state witnessed in 2008 and 2009. He explained that job losses in the following five categories were the most substantial: 1.) Construction (35,311 jobs lost); 2.) Retail (17,235 jobs lost); 3.) Manufacturing (15,225 jobs lost); 4.) Administrative and Waste (13,617 jobs lost) and 5.) Accommodation and Food Services (9,571 jobs lost). This amounts to a total of 90,959 jobs lost. Mr. Keyser stated that the State Demography Office is forecasting positive total employment growth in 2011 of 1%. This will be bolstered largely by proprietors and, to a lesser degree, agriculture. The unemployment rate, however, will remain high because of Colorado's large labor force and the state's lack of recovery from the jobs lost in 2008.

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Valuable Advice from Current and Former Legislators

There is an old saying that goes “Where you stand on an issue depends on where you sit.” For a handful of current and former county commissioners this adage has special meaning, for they are part of an exclusive group who have served as **both** county commissioners and members of the Colorado General Assembly. At a session during the CCI Winter Conference, several of these individuals shared their perspectives on serving in both the courthouse and the statehouse and gave advice on effective ways of communicating the county message to the legislative branch.

The panel consisted of one sitting legislator, Senator Ken Kester (former Bent County Commissioner), and four former legislators who are now serving as county commissioners: Alice Nichol (Adams County), Steve Johnson (Larimer County), Steve Acquafresca (Mesa County) and Frank Weddig (Arapahoe County), who did double duty as moderator for the session.

According to Senator Kester, the perspective gained from being a county commissioner was invaluable and an effective precursor to higher office. “There should be a requirement that every legislator has to hold local public office prior to serving in the General Assembly,” he told the audience.

All the panelists agreed that the most critical factor in effective lobbying is the establishment of a personal relationship with your legislator(s) *prior to the start of the session*. These relationships must be formed during the “off-season,” as the time demands on legislators during the four-month session are “absolutely insane,” according to Commissioner Johnson.

Other points mentioned:

- Testifying in front of a legislative committee is **incredibly** important. While spending literally hours at the Capitol waiting to testify in a committee is sometimes frustrating, the presence of a county commissioner at a bill hearing sends a strong message and the testimony can be very compelling. Several of the panelists spoke of the danger of legislators committing to vote for or against a bill too soon. This happens a lot

because lobbyists are working to get a legislator’s commitment early so they can count votes. Good legislators will tell you where they stand generally on an issue, but will withhold committing to vote one way or another until they have heard committee testimony on the bill in question.

- Figure out what method of communication (phone, e-mail, text, traditional letters, etc.) is most effective and desired by your legislator(s). It is common for a legislator’s voice mail to fill up and they may not have time to check messages prior to an important floor vote. Find out in advance the best way to contact them.
- Keep in mind that rural legislators have districts that cover multiple counties and this makes getting together during session extremely difficult – especially since they are only home on the weekends. Commissioner Acquafresca noted how difficult it was for him to get out to all the counties in his district when he was in the legislature. Regional meetings are sometimes more effective or make a point of trying to get together with your legislator(s) while you are in Denver for CCI meetings.
- Thank your legislators when they vote the way you want! Too often, we forget to give kudos when a legislator votes a certain way or carries legislation at the behest of a county (or CCI). A little gratitude goes a long way.
- Often when policy issues come forward from a region, especially a rural one, they are not partisan in nature *until* they arrive at the General Assembly, where they become instantly “politicized” as one party or another grabs them. This can be very frustrating for commissioners (and legislators), but it is a reality of life under the Dome. All panelists agreed this has gotten worse in recent years.

In closing, Commissioner Weddig recognized two commissioners who were elected to the General Assembly this past November: Jeanne Nicholson (Gilpin County) and Jon Becker (Morgan County). He also noted that Senator Dan Gibbs has joined the ranks as a Summit County Commissioner.

Save the Date
CCI Annual Summer Conference
June 6-8, 2011
Eagle County , Colorado

As Rulemaking on Medical Marijuana Moves Forward, Uncertainty Still Exists at Local Level

Following the passage of HB 1284 in the last legislative session, counties around Colorado have been considering whether to allow or prohibit the cultivation and sale of medical marijuana. These deliberations have often been sidetracked by uncertainty and confusion, as a wide range of questions and unresolved legal issues have sprung up. Meanwhile, the State Department of Revenue has been moving forward with its statutorily mandated rulemaking and creation of a licensing framework for the industry. Commissioners heard an update on both the legal questions currently being debated and the status of the state's rulemaking process at this ever popular session.



From right—Eagle County Commissioner Peter Runyon, Summit County Commissioner Karn Stiegelmeier, Grand County Commissioners Gary Bumgarner & Nancy Stuart, stop for a moment and smile for the camera prior to the Medical Marijuana session that wrapped up the conference.

A recent survey by CCI and the County Attorneys' Association shows that 26 of the 64 counties in Colorado have chosen to prohibit the cultivation and sale of medical marijuana (with nine of those bans being the result of voter-approved ballot measures). 21 counties are currently allowing or planning to allow for at least some cultivation and/or sale of medical marijuana. The remaining 17 counties are still under a moratorium and their boards are undecided if they will ultimately allow or prohibit the cultivation and sale of medical marijuana. (NOTE: remember that counties are unable to **completely** ban the presence of medical marijuana in the unincorporated areas of a county. Patients and licensed caregivers are still protected under Article XVIII of the Colorado Constitution.)

Gunnison County Attorney David Baumgarten provided an excellent walk-through of the various legal issues and "uncertainties" counties should be aware of as they navigate the medical marijuana debate. These issues include: continued concerns about federal drug laws and possible prosecution, effective dates of the state rules, especially as they relate to the possible expiration of county moratoria, confidentiality concerns about the location of grow operations, grandfathering of existing medical marijuana facilities, and public health and safety concerns related to medical marijuana waste.

Matt Cook, Senior Director of Enforcement for the Department of Revenue, then provided an overview of the state rulemaking process for the regulation of the medical marijuana industry. The state rulemaking process is drawing to a close and a formal rulemaking hearing will be scheduled in January. The state hopes to enact the new licensing procedure in March or April of 2011. The state is also beginning the process of hiring medical marijuana licensing staff and acquiring office

space in Denver, Grand Junction, Greeley and Colorado Springs. All of the operational costs for medical marijuana licensing come directly from the application and license fees themselves.

The regulatory framework that medical marijuana businesses (dispensaries, grow operations and infused-product manufacturers) will have to operate under is rigorous and exhausting. The types of issues the Department has been working to include are: the extent of background checks, the required record keeping, video recording of all transactions, reporting requirements, security, labeling, sanitary requirements, accountability standards and the need for coordination with local licensing authorities.

CCI will be watching the rulemaking hearing in January very closely. Plans are underway to conduct several web-based training sessions with those counties moving forward on establishing their own local licensing authorities early in 2011.

In closing, Baumgarten pointed out that the fact that, he a former member of the UC-Berkeley counterculture movement, and a former narcotics officer were sharing the dais and working on the same issues speaks volumes about how far medical marijuana has come since the passage of Amendment 20 in 1991. While much work remains to be done, local and state government officials are working collaboratively to position the industry for proper regulation and oversight.

The PowerPoint presentations from the Medical Marijuana Issues Update session can be viewed on the CCI website at: <http://www.ccionline.org/index.cfm/ID/39/Winter-Conference/>

Commissioners Challenged to Engage in Reform of Colorado Public Policy Process

At the second general session of the conference, Club 20's Executive Director, Reeves Brown, reviewed some of the work of the Colorado's Future group (www.coloradosfuture.org) with respect to Colorado's increasingly difficult public policy challenges. These include conflicting constitutional provisions, the erosion of representative democracy, an inequitable tax structure and competing funding priorities.

Mr. Brown noted that the process for resolving these challenges is also being eroded by technology and the public's ability to access news and information that appeals to their existing beliefs and biases, as well as the motivation of political parties and organizations to emphasize differences rather than areas of common understanding. One of the results is that the public has placed increasing restrictions on their legislative representatives and has turned to the initiative process for more public policy choices.

Brown ran through some of the inherent difficulties in both the legislative and initiative processes and then reviewed an alternative, consensus-based process that is based on a common agenda to improve our state, without partisan politics or organizational agendas. This process involves bringing civic leaders together to engage in a dialog based on their demonstrated commitment to the community and motivated by their shared community values, with the outcomes controlled by the participants. This "Civic Engagement" model is being tested on the issue of initiative reform. Brown observed the widespread use of the

initiative process in Colorado and how it has increased in recent years. The result of twelve civic engagement forums around the state was a consensus on six different recommendations to improve the process for Colorado. These include: clear and concise ballot language, rigorous financial reporting requirements, required signature gathering around the state, enhanced signature requirements for constitutional amendments, super-majority requirements for new constitutional language, and the establishment of a constitutional review commission to review and recommend constitutional changes.

Since any of these recommendations will be difficult to achieve, Brown also outlined a concept for obtaining support that defies the conventional ballot strategy. This concept involves obtaining the commitment of these same civic leaders to leverage their personal relationships to secure commitments from others to support the solutions we need for a better Colorado.

Brown's hope is that, regardless of the level of consensus actually achieved, the engagement of civic leaders in the dialog will elevate the discussion beyond the politics-as-usual, policy-by-sound-bite process to which we are currently subjected. He challenged commissioners, in their roles as civic leaders, to engage in the dialog and to help ensure that public policy in Colorado will preserve it as a great place to live, work and raise a family.

CCI Legislative Reception

Colorado Counties Inc.
Legislative Reception
Thursday, January 20, 2011
5 – 7 p.m.

CCI
800 Grant Street
Suite 500 (5th Floor)
Denver, Colorado 80203

Please plan to attend this informal reception for
Legislators, County Commissioners, Mayors & Councilmembers.
RSVP to Annie Olson, CCI ~ 303.861.4076 ~ aolson@ccionline.org

CCI's 2011 Legislative Agenda

Issue	CCI Legislation	Status	CCI Staff
County Authority to Require Business Registration	Add a statutory provision to the list of general county powers allowing a county to require the registration of all local businesses in the unincorporated area of the county. This would allow counties to collect information on the types of businesses in the county, the numbers of employees, what kinds of insurance coverage is being offered, and whether appropriate taxes are being paid by these businesses.		Pat Ratliff/ Eric Bergman
Municipal Annexation Policy and Rights-of-Way	At the county's request, an annexing municipality would be required to annex the entire portion of a right-of-way where a road in that right-of-way serves the area to be annexed.		Tony Lombard/ Eric Bergman
Require Landowners to Control Prairie Dogs	Amend CRS to remove budgetary limits on what counties are allowed to spend on rodent control. Allow for full reimbursement for counties when in a cooperative agreement with the state for rodent control.		Andy Karsian
County Direct Distribution of FML and PILT Payments	BOCCs could create a special district that would be responsible for distributing FML dollars. Commissioners could not be a majority of the district board; however, they would approve the service plan and any future amendments to the plan. This district would maximize federal dollars coming into Colorado. FML dollars would not be counted as a prior year payment in the PILT calculations.		Andy Karsian

Issue	CCI Legislation	Status	CCI Staff
Compensation for Condemned Lands Subject to Conservation Easements	Add a new subsection to C.R.S. 38-30.5-108, to state: "If land subject to a conservation easement is condemned, the condemning authority shall pay the fair market value of the condemned property as though unencumbered by the conservation easement, with the proceeds to be apportioned between the grantor and grantee of the conservation easement."		Bill Clayton/ Gini Pingnot
Creation of a CBMS Oversight Committee	Create a CBMS oversight committee in statute to ensure county involvement in the ongoing implementation and evaluation of CBMS		Pat Ratliff/ Gini Pingnot
SB08-177 Colorado Works Program Omnibus	Return the cap for TANF reserves to 70% beginning in SFY 2010-2011. Allow appropriations from the long term reserve to occur only when the cumulative balance of the counties' unspent TANF reserves reaches a specified amount. Authorize inter-county TANF transfers to occur after close-out and prior to reversion to the long term reserve.		Pat Ratliff/ Gini Pingnot
Clarification of Agricultural Land Definition	Implements recommendations of the Land Assessment and Classification Task Force by: <ol style="list-style-type: none"> 1) Classifying two (2) acres or such smaller acreage that is used for residential purposes as residential when the residence is not integral to an agricultural operation; 2) Requiring the Division of Property Taxation to define "integral to an agricultural operation;" and 3) Exempting residences that are integral to farming and ranching from any classification changes. 		Bill Clayton/ Gini Pingnot

County Clerks Provide Reflections on the Elections

The cost and complexity of running elections in Colorado continues to increase and an “elections at any costs” approach is simply unsustainable. This was the message of the Colorado County Clerks Association at a panel discussion with commissioners at the recent CCI Winter Conference in Colorado Springs. The clerks presented an informative session on recent trends in voter turnout, the advent of mail-in ballots, and the future of conducting elections in Colorado.

The panel consisted of three clerks representing large, medium and small counties: Colorado Clerks Association President Karen Long (Adams County), Janice Vos Caudill (Pitkin County) and Nancy Amick (Rio Blanco County). The panelists were also joined by Gilbert Ortiz (Pueblo County), the incoming president of the clerks association.

Election costs continue to rise in Colorado, and this is largely attributable to new voting requirements mandated under the Help America Vote Act (HAVA) and to the fact that counties in Colorado now offer three different methods to vote: mail-in balloting, early voting (showing up in advance of election day at a polling place) and traditional election day voting at vote centers or polling places. In many cases, the cost to the counties is staggering. For example, the cost of running an election in Rio Blanco County has more than **tripled** since 2000, owing largely to the enactment of HAVA.

Meanwhile, the popularity of mail-in ballots continues to grow by leaps and bounds. Twenty years ago, you couldn't get an “absentee” ballot unless you could demonstrate a compelling reason that you couldn't show up to vote on election day. Today, mail-in balloting is by far the most popular voting method in Colorado. In this most recent election a whopping **71%** of Coloradans voted by mail-in ballot! At the same time, early voting has dropped precipitously in the last few years. In 2008, only 15% of the voters engaged in early voting. In 2010, this number dropped to only 7% using early voting. The clerks contend that, for a lot of citizens, mail-in balloting has simply

replaced early voting.

Mail-in balloting also presents the potential for dramatic cost savings at the local level. The clerks estimate that going to an all mail-in ballot system (such as the one used for the primaries this past summer) would save county governments in Colorado over \$8 million per election. The speakers were quick to remind the audience that an “all mail-in” election does **not** prohibit voting on a machine at a precinct on election day. Voters can simply bring in their un-voted mail-in ballots and vote on a machine at the voting center or polling place.

The clerks association is considering a legislative proposal next session that would allow for general elections to be conducted entirely by mail-in ballot. Such a proposal would feature an opt-out provision giving counties the ability to choose whether they want to go to all mail-in or not.

The county clerks' PowerPoint presentation from the Winter Conference can be viewed on the CCI website at: <http://www.ccionline.org/index.cfm/ID/39/Winter-Conference/>.



Adams County Election Judges scan ballots during the 2010 election.

Upcoming CCI Steering Committee Meetings

Thursday, January 20, 2011

9 a.m.— General Government
 11 a.m.—Tourism, Resorts & Economic
 Development
 12:30 p.m.—Taxation & Finance
 2 p.m.—Transportation &
 Telecommunications

Friday, January 21, 2011

9 a.m.—Health & Human Services
 11 a.m.—Agriculture, Wildlife &
 Rural Affairs
 12:30 p.m.—Land Use &
 Natural Resources
 2 p.m.— Public Lands