

## Health Care Reform Discussions Open CCI Winter Conference

Many of the Affordable Care Act's (ACA) reform provisions will take effect in 2013 and 2014. Colorado has made great strides in preparing for these changes but policy uncertainties still exist. Conference attendees heard from five panelists about the latest status of ACA's implementation.

Patty Fontenau, Executive Director and Chief Executive Officer of the Colorado Health Benefit Exchange (COHBE), explained that Colorado's Exchange will serve as a shop and compare website where individuals and employers can compare coverage and prices and determine which product is best for them. COHBE is a separate non-profit that is not supported by state general fund dollars. Additionally, COHBE is an open market place that will list plans from every carrier licensed to sell health care in the state. It is not, however, replacing the marketplace so those who wish to work with a broker or other representative still have that option.

Tom Massey, Deputy Executive Director for the Department of Health Care Policy and Financing, explained that it is still unknown if and how Medicaid expansion will occur in Colorado. States are still waiting for federal guidance on a number of critical points. In Colorado, 850,000 people are uninsured. These citizens access health care via the emergency room. Decision makers are trying to balance the long term health of Colorado's citizens with the short term costs.

Sally Wineman, Area Council Western Region Representative with Gallagher Benefit Services, started by explaining that there are many reasons why employers provide health care coverage. The main two reasons are for the recruitment and retention of good employees. She explained that many of ACA's costs to employers have already been absorbed in the cost of health care plans and pointed to coverage for preexisting conditions to illustrate this. There are, however, new fees that will be effective starting in 2013 and 2014. These fees range from a couple of dollars per employee to upwards of \$100 per employee.

Billy Wynne, Senior Vice President and Principal of Health Policy Source, Inc. explained that since the recent election resulted in no change to the balance of power in DC, Republicans will be focusing now on how ACA provisions are implemented. Discussions at the federal level, however, are currently centered around the nation's looming 'fiscal cliff'. Mr. Wynne outlined the elements of the fiscal cliff and opined about Congress' likely response between now and the end of the year. Since the Bush Tax cuts do not technically expire until December 2013, he believes members will likely 'kick the can down the road' for another year and agree, in the near term, to both a delay in action coupled with broad parameters on reduced spending.

Lisa VanRaemdonck, Executive Director of the Colorado Association of Local Public Health Officials and the Public Health Alliance of Colorado, concluded the panel by emphasizing public health's role in prevention. As part of the spectrum of health care, public health plays a major role in diverting people from winding up in the emergency room.

Interested in a leadership position on a CCI Steering Committee? Please see the candidate questionnaire on page 17.

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## Governor Hickenlooper

Governor Hickenlooper also visited with commissioners during the first day of CCI's winter conference. After a warm reception, the Governor jumped into a summary of current issues the state and counties will be working on in coming months. First, the Governor spoke about child welfare describing it as "the most important issue" facing Colorado. With the common practice approach in place in 35 counties and a new training academy established for case workers, as well as \$8 million of flexible funding to spend on gaps in the system, the protection of children in Colorado remains a bipartisan issue. Governor Hickenlooper ensured delegates that decisions made in the future will be data driven, outcome based and focused on what is best for the children of Colorado.

The Governor then turned his attention to the ongoing conversations about oil and gas. "Harvesting" natural gas reduces carbon emissions in older coal fired power plants and increases economic development for Colorado, Hickenlooper said. Unfortunately, according to the Governor, local governments that pass regulations hinder that progress. Site specific agreements with producers help the industry avoid costly regulatory delays and can balance protecting surface and mineral estates. With an increased awareness of local government designees, an increase in oil rig inspections and a commitment to continue talking with local governments to avoid future pitfalls, the governor wished "good luck to us all" as the oil and gas conversations continue.

Governor Hickenlooper segued into a conversation about prison utilization and the budget. Colorado faces a continuing decline in prison beds due to a decreasing number of offenders, shorter sentencing times and a reduction in technical parole violations. The state closed prisons in Bent, Chaffee, Fremont, and Las Animas counties and may be closing more in the future. The administration continues to work with the federal and local governments to find solutions for transitioning local economies to other industries. Ideally, some of the increased revenue the Governor spoke about will be dedicated to workforce training and development to help the local communities. Governor Hickenlooper spoke about the increasing, yet still cautious, optimism that the economy will

remain healthier and the general fund will reflect this growth. Colorado still has a long way to go to recover from the past few years. By 2008 numbers, adjusting for inflation and population growth, the state is still \$1.1 billion behind where we were five years ago. The Governor's priorities for the coming fiscal year include increasing money to K-12 and higher education, investing in infrastructure, such as local water projects, funding affordable housing programs, protecting severance tax funds and increasing the state's reserve to 5%.

Governor Hickenlooper said that Colorado can be a model for other states, not only by passing a balanced budget in a strong bipartisan vote, but also through solving problems on a state and local level. Colorado is positioned well and can continue moving ahead as a leader for the country.

CCI extends a sincere thank you to the Governor and the cabinet members who travelled to the conference!



Governor John Hickenlooper

# District Meetings

## Eastern District

Eastern District President and Logan County Commissioner Dave Donaldson began the Eastern District meeting with a round of introductions. Commissioner Donaldson recognized the leadership and contribution of outgoing county commissioners and welcomed the newly elected commissioners.

Clarke Becker, Director of the Colorado Rural Workforce Consortium, joined the Eastern District as a guest speaker. Relaying a message that resonates with the eastern plains, Mr. Becker stressed that government does not create jobs, business creates jobs. He emphasized three critical components needed in a community to foster job creation: 1) an environment conducive to business development; 2) affordable housing and 3) a trained workforce. He spoke briefly about the structure and funding of workforce boards and illustrated how they could partner with communities.

Commissioners voted to reappoint Yuma County Commissioner Trent Bushner to serve as the Eastern District Representative on the CCI Board of Directors. Washington County Commissioner Terry Hart and Kit Carson County Commissioner Dave Hornung were appointed to serve on the CCI Dues Subcommittee which will be meeting in the upcoming year to explore alternative membership dues formulas.

For the remainder of the meeting, commissioners were asked to respond to the following question: "What's happening in your county?" Kit Carson County explained that they are concerned about compensating their employees at the rate of inflation. Lincoln County reported that they are seeing new oil and gas wells pop up around the county. As of now, they hope to rely on the state's oil and gas regulations rather than develop their own. Phillips County is also seeing new natural resource development activity and has 160 natural gas wells. A new motel is also opening up in the county. Logan County reported that their recently purchased ambulance operation should be financially self-sufficient in the near future. Morgan County is looking forward to a specialty cheese manufacture opening up in their community.

## Front Range District

The meeting was called to order by Front Range District President Commissioner Don Rosier, Jefferson County. All Front Range District county members were represented with the exception of Denver.

Commissioners selected Larimer County Commissioner Lew Gaiter to serve as their new Front Range District Board member.

CCI President, Douglas County Commissioner Jack Hilbert, addressed the CCI 2012 Annual Report. Included in this discussion was the formula structure for county and associate member dues. Commissioner Hilbert explained that by keeping the dues stable for the past several years each county has realized a significant savings, however it is necessary to review and possibly return to a structural dues increase periodically as costs rise. He reminded members that NACo is experiencing the same need to increase dues.

Commissioner Kirkmeyer reported that the CCI Board of Directors created the Dues Subcommittee to discuss and review formulas for calculating dues. Each district was requested to select two members in addition to the CCI Treasurer to serve on this subcommittee. Front Range District representatives who will serve on this subcommittee will be Commissioner Deb Gardner, Boulder, and Commissioner Jack Hilbert, Douglas.

Commissioner Sallie Clark, El Paso, discussed the importance of counties becoming members of the National Association of Counties (NACo.) Colorado is eligible for an additional NACo Board seat should the state's non-member counties join NACo.

Commissioner Clark discussed her intent to run for office at NACo and described the NACo election process. She is asking commissioners who sit on various NACo steering committees to help with her candidacy by talking to fellow steering committee members from other states.

Commissioner Hilbert advised the District members of the importance of acquainting themselves with the

counties in the other districts around the state. As CCI President he made it a point to visit every district meeting over the past couple of years, missing only the Western District. He has visited those Western District counties, individually, during the past year. The diversity of issues he found has been broad and impressive and he encouraged others to learn more about the rest of the state's counties.

This brought the meeting to the final agenda item, hearing from each of the counties on their activities and accomplishments over the previous 6 months. There was an extensive and lively discussion of the various issues the counties have faced including the various opportunities to learn from each other.

### **50,000+ Caucus**

Commissioner Rosier opened the meeting of the 50,000+ caucus for the purpose of electing both the CCI Secretary and Treasurer. Roll call indicated that all 50,000+ counties except Denver, Eagle and Pueblo were in attendance.

The Caucus proceeded to re-elect Commissioner Dennis Hisey to serve as Secretary of CCI and to re-elect Commissioner Barbara Kirkmeyer to serve as Treasurer. Both votes were by unanimous consent.

### **Mountain District**

Mountain District President Dan Gibbs, Summit, presided over the Mountain District Meeting. The first order of business was the election of a Mountain District commissioner to serve as representative on the CCI Board of Directors. Commissioner Thomas Davidson, Summit, was re-elected to another term as CCI Board Representative. The district also elected a new vice president to replace Jim Austin, Custer, who is departing in January. Commissioner Jon Stavney, Eagle, was chosen as the new vice-president. Congratulations to Commissioners Davidson and Stavney! CCI also wishes to thank Commissioner Austin for his service and dedication.

Commissioner Davidson then made a short presentation on the CCI membership dues structure. The CCI Board is interested in examining the current dues structure, and has created a new Dues

Subcommittee that will consist of representatives from each district. Commissioner Mike Bordogna, Lake, and Commissioner-elect Norm Steen, Teller, were appointed to serve on the subcommittee.

Commissioner Rachel Richards, Pitkin, and County Administrator Jon Peacock led a discussion on rural broadband issues around the region. Pitkin County is seeking to build a number of cell towers throughout the county to enhance broadband service. The county has completed an intensive process to identify where the towers are needed (based on Internet speed tests) and is now beginning to work with the various landowners (ski companies, USFS, private landowners, etc.) to gain access to erect these cell towers. The commissioners were also presented with a new white paper on broadband infrastructure that was authored by CCI staff with help from county commissioners and state broadband experts.

Finally, commissioners received an update on the progress of the talks on potential OHV legislation moving forward next year. CCI is hoping to reach consensus on a legislative concept involving the use and registration/titling of OHVs in the state.

### **Southern District**

The fifteen Southern District counties met during the CCI winter conference and re-elected Commissioner Keith Goodwin, Otero, as their CCI district board member. After the election, commissioners-elect and seated commissioners discussed the role of the district meetings at CCI and what the counties could do in future meetings to meet the needs of the region. Commissioner Goodwin gave an update on the more than twenty statewide boards and commissions to which CCI appoints representatives. For the final administrative duty of the group, they appointed Commissioners Frank Grant, Crowley, and Spike Ausmus, Baca, to represent the district in conversations about future CCI membership dues. Commissioners discussed two topics of regional interest during the meeting, rural drivers license offices and oil and gas regulations throughout the district.

Laurie Benallo, Operations Director, for Driver Licensing in the Division of Motor Vehicles (DMV), returned to speak to commissioners about concerns

raised at the summer southern district meeting. Commissioners expressed frustration that DMV offices are open only three days a week and services may be interrupted or cancelled with no notice, forcing citizens to wait a long time or return on a different day. Mrs. Benallo stated that staffing in the La Junta and Lamar offices were reduced because of employee injuries sustained during driving tests. Another FTE will transfer from the metro area to work in the offices alleviating some of the staffing concerns. As a result of a large number of driver licenses expiring in 2012, the DMV offices experienced a record year for the number of renewals and visits to the offices. Internet renewal and renewal by mail continue to be an option for many renewals and counties can help educate their constituents on these options. It is possible to share the staffing and operating a DMV office. Training and funding programs are available for counties interested in this option.

Commissioner Scott King, Huerfano, introduced the second discussion topic related to oil and gas regulations throughout the region. Even though there is currently limited oil and gas exploration in the southern district counties, with new technology there could be an increased interest in the region. It was advised that counties educate themselves about what other counties have done so that any regulations or agreements can be in place. Huerfano County adopted a balanced approach toward oil and gas regulations and offered to share their regulations to other counties that are interested in updating their codes. Additionally, counties have the opportunity to enter into memorandums of understanding (MOUs) with oil and gas producers in lieu of regulations. These MOUs allow the county to enforce contractual agreements with operators and producers within the county lines, instead of going through a regulatory process that may become litigious or confrontational.

As a final order of business, the district recognized the commissioners who will not be returning next year and thanked them for their service to CCI and their counties.

### Western District

Fourteen of the fifteen counties attended the Western District meeting. Rio Blanco Commissioner Shawn Bolton was elected the Western District CCI Board

representative for 2013. Commissioner Audrey Danner, Moffat, vacated her district president seat because of her election loss. Vice President, Commissioner Doug Atchley, Delta, was elected to serve as district president. Commissioner Cindy Dozier, Hinsdale, was elected vice president. Finally, Commissioners Lynn Padgett, Ouray, and David White, Montrose, were selected to serve on the CCI Dues Subcommittee.

CCI Board of Directors Secretary Commissioner Dennis Hisey, El Paso, provided a board update and explained the formation of the CCI Dues Subcommittee. Commissioner Hisey informed the district of the numerous board appointments to various statewide committees and advised commissioners of the endorsement of Commissioner Sallie Clark, El Paso, in her run for 2<sup>nd</sup> VP of NACo in March 2013.

The Western District requested additional information on broadband to rural Colorado. CCI produced a white paper *What Every County Commissioner Needs to Know about Broadband*. It will soon be available on CCI's website. A new book cited in the paper is by a previous Western District presenter, Frank Ohrtman, [I'll Vote for You If You Make My Netflix Work](#). It can be purchased online through Amazon.

The remainder of the meeting was devoted to county updates which included discussions on the Sage Grouse and its status as a threatened and endangered species; the anticipation of the decline in property valuations ranging from 4-14%; Archuleta County's unique performance measure review method in which all county department and all 5 other county elected officials' departments are included; savings realized with geothermal heating for county buildings; and finally, a new 3 year, million dollar study consisting of a partnership between Garfield County and Colorado State University to study air quality in the vicinity of oil and gas pads.

## New Challenges in County Land Use

As Colorado's population continues to grow, county commissioners face new challenges in dealing with land use issues on the local level. Commissioners had the opportunity to hear three experts discuss how they can avoid future pitfalls by learning from history.

Summit Commissioner, Dan Gibbs discussed development in the wildland urban interface (WUI). More than a million people now live in heavily forested areas within Colorado. The state faces a plethora of forest issues that make development in the WUI areas a significant challenge for counties. Colorado has longer fire seasons, decreasing fire fighter recruitment, increasing costs for fighting fires and fires that burn hotter and longer than ever before. With these challenges, how are counties able to mitigate the loss of life and property within the WUI zone? Breckenridge, a town with a large WUI population, tried to address the issue by passing an ordinance mandating tree removal from private property. The ordinance changed the long standing policy of not allowing trees to be cut in the WUI. Citizens rallied against the town council and forced them to repeal the decision. What followed included a comprehensive stakeholder process, bringing together the public and policy makers to build a future ordinance. This process resulted in a similar ordinance to the original one, however, by relying on voluntary compliance the number of harvested trees and protected homes increased exponentially because the stakeholders understood the intention and reason behind the policy.

Stakeholder planning and collaboration does not stop at the water's edge. If anything, water continues to be one of the most contentious issues in the state. As with development in the WUI area, development along the Front Range presents challenges for counties, specifically in approving water for subdivision development. Andrew Ringel, Counsel for Hall & Evans, spoke about a recent Douglas County land use decision. The board approved a development permit for a significant size subdivision, only to have the approval challenged and overturned in court. The court ruled the county did not make an adequate determination of water availability in the beginning of the permitting process, because the permit relied on future acquisition of water rights by the developer. The court did not undermine the county's authority to

determine water availability for development, rather it ruled the determination must be done at a certain phase of the permitting process. The impact of this decision still remains to be quantified, however, local planning departments already are revisiting their subdivision planning processes to make sure the determination of adequate water fits within the court case's timeframe. Lawmakers may introduce legislation this next year to further clarify a county's land use authority in evaluating subdivision development within their boundaries.

About the only thing more contentious than water in today's headlines is oil and gas. Geoff Wilson, General Counsel, Colorado Municipal League, spoke with commissioners about the debates swirling around the extraction of these resources within the counties. Earlier in the year, the state of Colorado decided that the city of Longmont overstepped its authority by adopting oil and gas regulations and sued the city to stop it from enacting the new regulations. This is a perfect case study of how local governments are working through increased oil and gas activities around the state, but primarily along the Front Range. Decades ago, when extraction began to increase in Colorado, local governments, the oil and gas industry, and the state Oil and Gas Commission battled long and hard, in and out of court, to determine regulatory authority over this industry. Over the years, the paradigm has changed from litigation to collaboration, producing memorandums of understanding (MOUs) between local governments and specific oil and gas producers. These MOUs allow local governments the power to enforce negotiated agreements through a contract, rather than adopting inflexible regulations. Longmont, interestingly, adopted an MOU and then proceeded to adopt regulations mirroring that agreement. Consequences of this court action are still unknown, nonetheless, both sides have signaled that an out of court settlement is preferable to another fight in the courts.

CCI thanks the presenters who shared their expertise with the commissioners and looks forward to continuing to be a resource for counties as the future continues to bring new land use challenges to our state.

## Amendment 64 & the Future of Marijuana

With the passage of Amendment 64, which decriminalizes the cultivation, possession and use of recreational marijuana, Colorado voters have thrust the state into unknown territory. While more than twenty states have legalized the medicinal use of marijuana, Colorado, along with Washington State, is the first to legalize the recreational use of this drug. This constitutional amendment also sets up a regulatory scheme to allow for the retail cultivation and sale of marijuana and marijuana-infused products.

As marijuana cultivation, possession and use are still a crime under *federal* law, however, there is a considerable amount of uncertainty in the legal community about the viability of this new law and how state and local governments should approach implementation in the face of a possible federal lawsuit and even the possible threat of criminal prosecution.

In response, CCI convened a panel of legal experts to begin framing some of the important questions state and local government must face. The speakers represented both state and local government interests and presented a wide array of concerns and issues to watch in the coming months. The panelists were David Blake, Deputy Attorney General, Bryan Treu, Eagle County Attorney, and Eric Butler, Jefferson County Assistant County Attorney.

The panelists all agreed that the federal government has to do *something* with respect to Amendment 64 and initial conversations between the Hickenlooper Administration and U.S. Attorney General Eric Holder indicate that the feds will announce very soon what their intentions are with respect to allowing marijuana legalization to go forward in the state. Obviously, federal intervention could render some or all of the implementation of Amendment 64 moot.

The panelists gave a brief discussion of the history of marijuana regulation in Colorado, beginning with the passage of Amendment 20 in 2000 that legalized medicinal marijuana use, cultivation and sale. Treu called the passage of Amendment 20, and the subsequent rule-making by the state, “the proverbial camel’s nose under the tent” that paved the way for full legalization.

David Blake discussed some of the challenges the state faces as it attempts to conduct rule-making to guide the licensing of retail outlets. Amendment 64 dictates that the state must adopt rules by July of 2013, an incredibly short timeframe, given the scope of the issues involved and the fact that the state would have to publish draft rules and take public comment by the spring of 2013 in order to adopt by the July deadline.

Unlike the state, local governments will have some options with respect to enacting regulations directing retail sales and cultivation. As with Amendment 20, each local government in the state has the option of whether to ban or allow retail sales and cultivation. The advice of both Treu and Butler was to enact a ban locally, at least for the time being. Counties have until the fall of 2013 to enact a ban, but some counties, including Douglas County, are already moving forward with an ordinance prohibiting retail sales and cultivation in the unincorporated areas of the county.

The panelists also agreed that law enforcement faces an incredible amount of uncertainty with respect to this issue. A number of issues in the amendment are vague and will make arrests and prosecution difficult. For example, the amendment prohibits “public use” of marijuana, but does not define what constitutes “public use.” One could argue that using marijuana inside your car or on your front porch is private and not public. Another issue of concern is what becomes of marijuana that is seized when someone is taken into custody. Does the sheriff’s office have an obligation to hold onto an individual’s marijuana and then return it to the individual when s/he is released? It is likely that many of these issues will end up in litigation in order to reach some certainty.

UPDATE: On December 10, Governor Hickenlooper signed an executive order that made an official declaration of the vote regarding to Amendment 64. The Governor has appointed a 24-member task force to recommend legislative action to address the myriad issues around implementation of Amendment 64. CCI is represented on the task force. The press release and executive orders can be found at: <http://www.colorado.gov/cs/Satellite?c=Page&childpagemame=GovHickenlooper%2FCBONLay-out&cid=1251634887823&pagemame=CBONWrapp er>.

# Winter Conference Photo Highlights



Commissioners-elect Dan Lock and Harlan Stern, Phillips County



Commissioners Gary Beedy, Lincoln; Audrey Danner, Moffat and Commissioner-elect Chuck Grobe, Moffat



Commissioners Tim Mauck, Clear Creek; Crestina Martinez, Costilla; Thomas Davidson, Summit; Dan Gibbs, Summit and Jon Stavney, Eagle



Washington County Commissioners Terry G. Hart and David Foy



Pueblo County Commissioner-elect Terry A. Hart and Huerfano County Commissioner Scott King



Commissioners Mitchell Jarvies, Steve McCarroll, Conejos, and Doug Davie, Rio Grande



CCI President Jack Hilbert and 2012  
Commissioner of the Year George Wilkinson,  
Alamosa



CCI President Jack Hilbert and 2012  
Distinguished Service Award recipient Doug  
Monger, Routt



2013 CCI Board of Directors: Barbara Kirkmeyer, Treasurer, Weld; Jack Hilbert, Past President, Douglas; Lew Gaiter, Larimer; Shawn Bolton, Rio Blanco; Dennis Hisey, Secretary, El Paso; Thomas Davidson, President, Summit; Trent Bushner, Yuma and Keith Goodwin, Otero

# Disaster Recovery Efforts & Lessons Learned from the 2012 Fires

The 2012 wildfire season will go down as one of the most destructive in our state's history. While a handful of very large and very destructive wildfires received extensive coverage by state and national media, it is worth noting that almost 90% of the counties in Colorado had at least one wildland fire incident this past year. With drought-like conditions persisting, it is very likely that the state could see more large-scale wildfires next season.

County commissioners have an important role to play in emergency preparation, response and recovery. During a session entitled "Disaster Recovery and Lessons Learned from the 2012 Wildfires," attendees learned firsthand about the role of commissioners and staff during wildfires and other disasters.

The presenters at the session were all county commissioners with firsthand experience dealing with large-scale fire events:

- Jefferson County Commissioner Don Rosier: Lower North Fork Fire (4,100 acres burned, 48 structures lost).
- Washington County Commissioners Terry Hart and David Foy: Last Chance Fire (45,000 acres burned, 11 structures lost).
- El Paso County Commissioner Amy Lathen: Waldo Canyon Fire (18,200 acres burned, 346 structures lost).
- Larimer County Commissioner Lew Gaiter: High Park Fire (87,250 acres burned, 259 structures lost).

The presenters covered a lot of ground during their respective talks, but a number of common themes emerged:

- Make sure your county has an emergency operations plan and that it is up-to-date.
- Trust the incident command system – it works.
- Establishing good communication with the public is essential. Jefferson County advised having ONE point of contact who acts as an information center

for all inquiries from the press and public. El Paso County made good use of social media during the event; it proved an excellent way to disseminate information.

- Managing volunteers is critically important. During the Last Chance Fire there were many vehicles coming into the area to help, but it created a huge traffic bottleneck and prevented vehicles from turning around and getting back out of the incident command center. Also, farmers trucked in water to help fight the blaze, but equipment problems (the connectors on the trucks and hoses were different sizes) made utilizing the water difficult.
- Be wary of groups like Salvation Army and Red Cross. Their missions are noble, but donations made locally to these organizations may be directed out-of-state and not benefit your community.
- Understand the different roles of federal, state and local governments during a disaster. It is also important to understand the different roles of the sheriff and county commissioner.
- Seek out training opportunities (both in the state and on the national level) and send as many staff as possible to these trainings.
- Remember that everyone has a role during a disaster. Know what yours is and stick to it.

All the presenters agreed that the real county work begins after the wildfire is out. Disaster recovery is incredibly costly and oftentimes represents a multi-year commitment. Following the Waldo Canyon Fire, for example, there was extensive flooding and mudslides, and erosion problems will continue for the next couple of years. Local water supplies can be jeopardized by erosion and debris running into rivers and lakes. Counties should look to agencies like the Department of Local Affairs (DOLA) for both technical and financial assistance. DOLA staff was singled out by the presenters as being an invaluable asset during and after a disaster.

# Secure that PDA, PDQ! Cyber Security Concerns in Local Government

Cybersecurity is an issue that is becoming more of a concern for business and public entities because of recent developments in government computing, including the release of Google Apps for Government and the widespread use of tablets and smartphones by government employees in both their personal and professional capacities. In this session, Jonathan Trull, the Chief Information Security Officer in the Governor's Office of Information and Technology, and Mark Pfaffinger, who is acting as Larimer County's Chief Information Officer, discussed some of the implications of these developments on the security of government information systems.

Mr. Pfaffinger said that they are seeing a stronger desire among county employees to have connected devices and that they currently are prioritizing the "holes" they have identified in the county's security. The county's holistic approach includes trying to teach employees to be more security conscious on both county and personal devices but they recognize that a virtual desktop environment may require them to refocus on firewalls between county devices and the internet.

Mr. Trull noted that the threat of an actual attack on a government computer system can come from different sources. In some cases, the motivation is not theft but political expression. "Hacktivists", as Mr. Trull called them, will attack government systems because of their displeasure over governmental policies or decisions. They may not be interested in obtaining information but, instead, be trying to cause confusion and delay by simply crashing the government's system. Mr. Trull described security breaches in state systems in South Carolina, Utah and Texas, which involved the compromise of thousands of records. At least one Colorado county had a significant security breach within the last year, as well.

In developing appropriate protections and responses, Mr. Trull offered a few of his personal maxims for consideration: (1) Mere compliance does not equal security – you cannot do the bare minimum for security and consider your entity protected. (2) Manual and

non-automated controls fail – anything that requires human action will be missed sometimes. (3) Employees will click on the flying cat/ignore the signature verification warning/run an application, even if they are trained not to – this is a corollary of the preceding maxim. (4) Annual security audits and assessments are not enough – risks and vulnerabilities change daily and must be assessed.

The latest thinking is to use the SANS Top 20 Controls (<http://www.sans.org/critical-security-controls/>) or the Australian Top 35 Mitigation Strategies (<http://www.dsd.gov.au/infosec/top35mitigationstrategies.htm>) as the best means of staying on top of your cybersecurity. The state is also forming a Colorado Information Security Advisory Board, on which CCI is participating and which is developing a strategic plan for cybersecurity in the next 90 days. Mr. Trull's strong recommendation was for counties to join the Multi-State Information Sharing and Analysis Center, which describes itself as "the focal point for cyber threat prevention, protection, response and recovery for the nation's state, local, territorial and tribal (SLTT) governments." The MS-ISAC is a federally-funded agency that will monitor your county's network and provide cyberthreat warnings and advisories, as well as vulnerabilities, at no cost to your county.

## Are you trying to find a conference PowerPoint?

The handouts and PowerPoint presentations from all conference sessions are available on the CCI website at [www.ccionline.org](http://www.ccionline.org). Click on the conference agendas link in the conferences box and the list of presentations will load.

## CCI Business Meeting

On Tuesday, November 27<sup>th</sup> CCI President Jack Hilbert called the 2012 Winter Conference business meeting to order.

Commissioners received an update on NACo and NACo Financial Services from Jim Sawyer, Director of NACo Financial Services Corporation.

The new CCI structure was presented for approval by CCI Treasurer Barbara Kirkmeyer and the membership unanimously approved the new structure.

Commissioner Kirkmeyer presented the proposed 2013 CCI budget and dues schedule to the membership. Once again, the CCI Board of Directors was able to develop a balanced budget and dues structure based on the continuation of county assessments being frozen at the 2008 level. The proposed budget and dues schedule passed unanimously. Commissioners also unanimously approved the 2013 CCI Foundation budget.

As economic hardships continue to exist for counties, the CCI Board voted to establish a dues subcommittee to discuss the effectiveness and fairness of the current formula as well as to develop, if deemed necessary, a new formula for calculating CCI dues and assessments. The dues subcommittee will consist of the CCI Treasurer Barbara Kirkmeyer as well as 2 representatives from each CCI district selected by the district. Members will be: Spike Ausmus, Baca; Deb Gardner, Boulder; Frank Grant, Crowley; Jack Hilbert, Douglas; Dave Hornung, Kit Carson; Mike Bordogna, Lake; David White, Montrose; Lynn Padgett, Ouray; Norm Steen, Teller and Terry Hart, Washington. The subcommittee will begin meeting after the first of the year. Please feel free to contact your district representative with any questions or suggestions.

### Women's Breakfast & Update from Reggie Bicha

Reggie Bicha, Executive Director of the Colorado Department of Human Services was the guest speaker at the women commissioner's breakfast. Director Bicha spoke to the department's recent efforts in addressing poverty through a two generational approach. Accordingly, the department has taken several steps to not only help those seeking assistance, but also to reduce and eliminate the problem entirely.

Under the new name of the Office of Economic Security, Director Bicha hopes to more easily identify and assist low income families in a timely fashion with grant funds secured from the Urban Institute and the Ford Foundation. To date, the department has successfully increased timely delivery of food assistance to families from 60% to 98% of the time. In addition to securing food assistance, the department is also improving the quality child care provided to and for families looking for assistance; this will include helping immediate family members to act as child care providers.

The department has also begun to re-build and improve the current CBMS system. This 18 month process will streamline the overall system and help to better address

the needs of families seeking assistance. While recognizing the need to assist low income families immediately, the department has begun to take a proactive approach in curbing the problem altogether.

Working in partnership with the Governor's Office of Higher Education and the Office of Economic Development, the department not only hopes to bring new jobs to Colorado, but to also prepare individuals for these new opportunities through education and vocational training.

Finally, Director Bicha spoke to the efforts being made to assist non-custodial parents to find and retain employment, therefore helping them to avoid being unable to pay for child support.

In his closing remarks, Director Bicha noted that a more streamlined process of accessing assistance is needed and will be the focus of the department in the coming months.

## CCI News

### Want to be Involved? There are openings on a variety of boards, commissions and committees!

There are many boards and commissions that will have openings at the end of the year. If you are interested in any of the following positions, please contact the Governor's Office of Boards and Commissions at [www.colorado.gov/cs/Satellite/GovHickenlooper/CBON/1249674847715](http://www.colorado.gov/cs/Satellite/GovHickenlooper/CBON/1249674847715). You may also contact the CCI offices at 303.861.4076.

*Openings as of December 31, 2012*

- Colorado Coroners Standards and Training Board
- Statewide Emergency Medical and Trauma Services Advisory Council (SEMTAC)
- Colorado Emergency Planning Commission
- Sex Offender Management Board
- State Board of Health\*
- State Board of Human Services\*

\*see details below

### State Board of Health Needs County Commissioner Representative

The Governor's Office of Boards and Commissions is looking for a county commissioner to serve on the State Board of Health. Commissioner candidates from congressional districts 1, 3, 4, 5 and 6 are encouraged to apply. The State Board of Health works closely with Colorado Department of Public Health and Environment to protect and improve the health and environment of Colorado's citizens. Appointments to the Board are made by the Governor, with consent of the Senate, for four-year terms. Colorado law requires that one of the nine Board members be a sitting county commissioner. The primary duties of the Board include:

- Adopting or revising rules to administer the public health laws of the state;
- Determining general policies to be followed in administering and enforcing the public health laws, standards, rules and regulations;
- Acting in an advisory capacity to the executive director of the Colorado Department of Public

Health and Environment on matters pertaining to public health;

- Establishing and appointing special advisory committees when necessary;
- Monitoring the operation and effectiveness of tobacco settlement programs that are funded by the Tobacco Master Settlement Agreement; and
- Approving grants for several programs within the Colorado Department of Public Health and Environment.

Considering and adopting rules constitute the majority of the Board's work. The Board's jurisdiction covers a wide variety of public health matters ranging from licensing standards for hospitals and health facilities to developing rules for the state medical marijuana program and radiation control. The Board is not responsible for administering state Medicare or Medicaid programs.

Board meetings are held on the third Wednesday of each month and are all day meetings. Members are reimbursed for travel and necessary, reasonable expenses incurred as a Board member. Members also receive a \$50 per diem for attending Board meetings.

If you are interested in applying to serve on the Board, please complete an application at the following website: <http://www.colorado.gov/cs/Satellite/GovHickenlooper/CBON/1249674847715> and click on "application form". Please submit your application by **February 15, 2013**. If you would like more information on the Board, please contact Karen Osthus, Board of Health Administrator, at 303-692-3466.

### County Commissioner Representation on the State Board of Human Services

The statute creating the State Board of Human Services (Section 26-1-107, C.R.S.) requires that there be three County Commissioners on the Board who are currently in office. As of January, 2013, two of those seats will be open. Board members are appointed by the Governor and confirmed by the Senate. They hold four-year terms and serve without compensation, except for necessary actual travel expenses.

## News

The Board establishes Department policy by promulgating rules in accordance with the Administrative Procedure Act, which governs the scope and content of Colorado's public assistance programs, services, and support. These rules determine who is eligible for services, the nature and extent of services to be provided, and client or vendor rights and responsibilities. The Board also serves in an advisory capacity to the Executive Director on other policy matters. Once the Board adopts rules, they become legally binding on clients, vendors, and other providers of services such as the county departments of human/social services.

The Board usually meets on the first Friday of the month. All meetings are open to the public and the Board takes testimony in its rule-making deliberations if it is offered. Generally, an informational Work Session precedes the rule-making session from 8:30-10:00 a.m., followed by the Rule-Making Session at 10:00 a.m. These meetings usually end approximately mid-day; however, the session(s) will continue until the Board has disposed of the matters presented for its consideration and information.

If you are interested in applying to serve on the Board of Human Services, please complete an application at the following website: <http://www.colorado.gov/cs/Satellite/GovHickenlooper/CBON/1249674847715> and click on "application form".

### CCI Steering Committee Leadership

If you are interested in serving in a leadership position on one of CCI's Steering Committees, please complete the form attached at the back of this document. Forms should be returned to CCI by December 21. Elections for committee President and Vice President will occur at the January meetings.

### Colorado Works Allocation Committee & Child Welfare Allocation Committee

There are also openings on two important committees where CCI has appointments. If you are interested in

serving on the Colorado Works Allocation Committee or the Child Welfare Allocation Committee, please contact Gini Pingnot at [gpingenot@ccionline.org](mailto:gpingenot@ccionline.org) or 303.861.4076

CCI has openings on the Special Highway Committee tasked with reviewing and awarding federal bridge grant. If you are interested in serving on this committee, please contact Eric Bergman at [ebergman@ccionline.org](mailto:ebergman@ccionline.org) or 303.861.4076.

### Partnerships That Work: Bringing Local Governments Together

During 2013, CCI will be partnering with the Colorado Municipal League (CML), the Special District Association (SDA), and the Colorado Association of School Boards (CASB) to hold quarterly lunch meetings across the state to bring together and network county, municipal, special district and school district officials. At each meeting, officials will have the opportunity to explore possible collaborations with one another.

The first meeting will be held in the Alamosa Council Chambers on February 5<sup>th</sup>, from 11:30am-1:30pm. For those who are interested in attending this meeting please RSVP to Brandy DeLange at [bdelange@ccionline.org](mailto:bdelange@ccionline.org) no later than January 15<sup>th</sup>.

### Colfax Marathon

A favorite government competition returns soon! The Government Cup Marathon Relay is part of the Kaiser Permanente Colfax Marathon – held on May 19, 2013.

Put together your 5 person marathon relay teams and compete for fun the prize pool. Grab your co-workers and choose your leg of the 26.2 mile race - from 3.9 to 6.4 miles. For more information visit the website at <http://www.runcolfax.org/Races/GovernmentCup.aspx>

There are bragging rights and cash for nonprofits on the line. In 2012, \$35,000 in awards were given to winning teams to designate to their selected nonprofits.

## News

### Public Health Services Standards Rulemaking Informational Webinar

*Learn more about the proposed rule during this webinar!*  
**December 18, 2012 | 10:00 - 11:00 a.m. MST**  
RSVP by emailing [Lisa@calpho.org](mailto:Lisa@calpho.org) or calling 303.861.4995.

In January, CDPHE will promulgate a rule to comply with the Public Health Act of 2008. The proposed rule was created by state and local public health agency staff during a year-long process and coordinates with the Core Services rule from 2011.

The webinar will be recorded and available for viewing after December 18. Login information will be sent to those who RSVP.

### DOLA's New E-filing Portal Provides Convenience for Local Governments

The Department of Local Affairs (DOLA) has developed a new online feature for local governments who file statutorily required documents with the Division of Local Government (DLG). Documents can now be submitted online via a new e-filing portal located on DOLA's website.

While the primary users of the e-filing portal will be counties, municipalities and Title 32 special districts; other local governments like public improvement districts, urban renewal authorities, and library districts are also able to create filing accounts.

County and municipal types will most frequently file annual budgets and budget amendments with DLG, but will also be able to submit the new "designated agent" through the portal as well.

For those in the process of preparing annual budgets this should be a convenient and efficient tool. For a short training presentation on use of the portal, please follow this link <http://www.dola.colorado.gov/e-filing>. If you have a current email on file with DOLA, you will be able to set up a password and submit your documents. Please contact DOLA to verify your contact information at 303.866.2156.

In addition to the ease of submitting documents through the e-filing portal, DOLA has developed a public access system on their website where your government's approved submissions can be accessed. Visit DOLA's website for budgets, maps, or other documents at [https://dola.colorado.gov/lgis/lg\\_active\\_alpha.jsf](https://dola.colorado.gov/lgis/lg_active_alpha.jsf)

### Sunshine Review Transparency Report Card

Sunshine Review, a pro-transparency non-profit seeking to empower citizens by bringing state and local government information to light, recently analyzed and graded the transparency of all the state, the five largest counties and cities websites in each state across the nation.

Sunshine Review analysts use a 10-point transparency checklist to assign a grade based upon the proactive disclosure of financial data, contact information, lobbying activity and a number of other items.

This Transparency Report Card will be released to the media on January 10th. Because both volunteer and paid writers conducted the process, please provide confirmation that the information for your entity is correct. We will need these responses by December 20, 2012.

You can find a listing of evaluation charts for each state [here](#).

If you have any questions, concerns, or corrections please contact our Managing Editor at Kristin McMurray, Sunshine Review Managing Editor, [Kristinpedia@sunshinereview.org](mailto:Kristinpedia@sunshinereview.org)

# News

CCI would like to extend a special thank you to our 2012 winter conference sponsors.

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Wright Asphalt Products



## Public Sector Seminar

Friday, February 1, 2013

7:30 a.m.  
Registration & breakfast

8:00 a.m. - 4:30 p.m.  
Seminar (lunch provided)

**Location:**  
RubinBrown Center  
1900 16th Street  
Suite 300  
Denver, CO 80202

- GASB update, including latest pronouncements and current projects
- Current developments with single audits
- Common deficiencies in financial reporting
- Multi-employer pension plan issues and GASB 68
- Fraud prevention and detection in the government environment
- Review of RubinBrown's 2012 Public Sector Statistical Analysis
- Effects of the health care law on government entities
- Current developments in municipal finance and economic development

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# CCI Calendar

## January 9-11, 2013

CCI New Commissioner Orientation  
Warwick Hotel

## January 10, 2013

CCI Legislative Reception 5-7 p.m.  
Warwick Hotel

**January 24, 2013** 2013 CCI Steering Committees  
9 a.m. General Government  
11 a.m. Tourism, Resorts & Economic Development  
12:30 p.m. Taxation & Finance  
2 p.m. Transportation & Telecommunications

**January 25, 2013** 2013 CCI Steering Committees  
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

**February 14, 2013** 2013 CCI Steering Committees  
9 a.m. General Government  
11 a.m. Tourism, Resorts & Economic Development  
12:30 p.m. Taxation & Finance  
2 p.m. Transportation & Telecommunications

**February 15, 2013** 2013 CCI Steering Committees  
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

**March 14, 2013** 2013 CCI Steering Committees  
9 a.m. General Government  
11 a.m. Tourism, Resorts & Economic Development  
12:30 p.m. Taxation & Finance  
2 p.m. Transportation & Telecommunications

**March 15, 2013** 2013 CCI Steering Committees  
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

**April 19, 2013** – CCI Steering Committees 2013  
9 a.m. – 4 p.m. All Steering Committees





**CCI STEERING COMMITTEE LEADERSHIP FORM**

Name: \_\_\_\_\_ County: \_\_\_\_\_

Phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Expiration of Term: \_\_\_\_\_ Are you term limited?: \_\_\_\_\_

Committee(s) and Position(s) running for: \_\_\_\_\_

***Please return completed forms to Brandy DeLange (bdelange@ccionline.org) by December 21<sup>st</sup>, 2012, at Colorado Counties, Inc. 800 Grant Street, Denver, Colorado 80232. Or by fax: 303-861-2818***

1. Please describe your public services experience, including all elected and appointed positions in local or other levels of government.
  
2. Please list all other government and/or government related service, including steering and standing committees, Executive Committee, task forces, caucuses and affiliates, etc. specific to CCI. For each, list the year(s) of service, and any leadership positions held.
  
3. Why are you interested in serving as a steering committee chair and/or vice chair?