

Governor Hickenlooper Opens CCI Winter Conference

Governor John Hickenlooper gave the keynote address at the annual CCI Foundation winter conference on December 2 in El Paso County. After receiving a standing ovation, the Governor thanked the audience full of recently-elected and current elected officials for the passion and energy of the recent election, while lightly adding his gratitude for reelection. He congratulated Commissioner Sallie Clark, El Paso County, for her continuing service to the National Association of Counties as that organization's President Elect. The Governor then issued a plea to the audience asking for a return to consensus and compromise as a way of bringing people back together. He pointed out that what defines this state is not the acrimony of the past election, but instead the spirit that helped citizens get through two years of severe drought, two years of intense wildfires and some of the worst floods in the state's history.



Governor John Hickenlooper gives the CCI Winter Conference keynote address.

Economic development will continue to be a priority for the administration. Colorado's unemployment is lower than the national average at 4.3%, however, the Governor said the state needs to continue to focus on those unemployed for longer than 26 weeks. Although the state reduced the number of Coloradans facing long term unemployment by half, programs such as building jobs with higher salaries, and using federal money to help subsidize job training will continue to help in the future. The state continues to reach out to businesses to find ways of hiring people, such as returning veterans. The administration will take another look at the 'bottom up' economic development plan created during Hickenlooper's first term. The Governor said the lines of communication must be kept open between the counties and the administration and hopefully both can get past the negativity of the elections in order to keep the quality of debate elevated.

The Governor then responded to a variety of questions from the commissioners. First, Steve Johnson, Larimer County, asked the Governor to support CCI's tax increment financing bill that he vetoed last year. Larimer County alone is losing \$25 million in one project. The Governor stated that he understood and would

make sure that counties are not stripped of their revenue with their increasing obligations. Park County Commissioner Mike Brazell commented next on the importance of bringing broadband development to the rural counties in the state. The fund created last year to help deploy rural broadband is good, but more is necessary to address the problem. The Governor mentioned that he agreed 100% and would like to see that funding have \$10-15 million in it for future years. This issue, he said, is similar to the expansion of telephone and electricity across the states and must continue to be a high priority.

Pitkin County Commissioner Rachel Richards spoke to the importance of the federal payment stream, Payment In Lieu of Taxes (PILT), which is now a political football during the annual budget negotiations. Congress needs to find a way to permanently fund PILT and take responsibility for helping pay for the public lands in our state. John Justman, Mesa County Commissioner, also spoke to the importance of the PILT funding for the state and raised the Oil and Gas Task Force, commenting that more county commissioners are needed to be on that Task Force. The Governor politely replied that every interest, of the many interests involved, all felt the same way. The Task Force continues to try and find the balance between surface and mineral rights. He said that a compromise will make all the parties only partially happy and everyone must give something to create a solution.

Arapahoe County Commissioner Nancy Jackson offered thanks for the Governor's continuing support for mental health issues and crisis centers. She pointed out that Colorado does not need to use jails as mental health centers, but communities and the state need to increase affordable housing for mentally ill as part of any solutions. The Governor agreed that the state has a long way to go still and TABOR limits the ability to quickly address this issue. He pointed out that while Colorado may be the thinnest state it is not the healthiest state. Suicide rates are high and Colorado has to work with all the stakeholder groups and educate them that it is ok to talk about depression and mental health issues.

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CCI Annual Winter Conference Business Meeting

The 2014 CCI Business meeting was held on Tuesday, December 2 at the Hotel Eleganté in Colorado Springs. The meeting was called to order by CCI President & Rio Blanco County Commissioner Shawn Bolton.

CCI Treasurer & Weld County Commissioner Barbara Kirkmeyer presented the proposed 2015 dues to members. The schedule was unanimously approved. Commissioner Kirkmeyer also presented the proposed 2015 CCI budget which the CCI Board of Directors developed based on the second year of the approved dues structure. On a voice vote, the proposed CCI budget passed unanimously. Commissioner Kirkmeyer reported that both Public Lands and the CCI Foundation Board also approved their respective budgets for 2015.

The membership considered proposed language to the CCI Policy Statement Preamble indicating that the power of initiative at the state level should be preserved but that constitutional amendments should be reserved for topics of fundamental importance to the entire state. The proposed language passed unanimously and will be added to the CCI Policy Statement Preamble.

The membership also considered a proposed resolution to support the existing framework for local authority over oil and gas production. Language to amend the proposed resolution was also presented. There was much discussion with arguments presented both for and against each of the resolutions. After several votes, including votes to approve the resolution, to postpone it indefinitely and to call the question, the resolution was adopted.

The membership also considered a proposed resolution on the Waters of the US (WOTUS). The proposal passed unanimously.

Commissioner Bolton announced the 2015 CCI Board of Directors: Trent Bushner, Yuma, President; Barbara Kirkmeyer, Weld, Treasurer; Dennis Hisey, El Paso, Secretary; Keith Goodwin, Otero; Lew Gaiter, Larimer; Dave Paul, Teller; Shawn Bolton, Rio Blanco, Past President and new member Doug Atchley, Delta. Departing board member, Thomas Davidson, administered the oath of office to the new board.

Counties Provide Feedback to Oil and Gas Task Force Members

County Commissioners representing very different points of views gave valuable feedback to Governor Hickenlooper's Oil and Gas Task Force Members, Gwen Lachelt, La Plata County Commissioner and Task Force Co-Chair, and Steve Moreno, Weld County Commissioner-Elect. Fourteen counties provided perspectives from around the state. Comments included concerns about damaging Colorado's brand, asking for help on addressing local concerns surrounding the oil and gas industry and observations about the impacts of new technologies. Some counties expressed satisfaction with the level of local control over the industry and some others recognized the delicate balance between mineral and surface rights in the state. Over 80 conference participants attended this final session of the conference.

A full transcript of the comments may be found on CCI's website. Visit www.ccionline.org and click on Library to find the comments.

CCI Steering Committee Meetings

Thursday, January 22, 2015

- 9 a.m. Justice and Public Safety
- 10 a.m. General Government
- 11 a.m. Tourism, Resorts & Economic Development
- 12:30 p.m. Taxation & Finance
- 2 p.m. Transportation & Telecommunications

Friday, January 23, 2015

- 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

District Meetings

Eastern District

Washington County Commissioner Terry Hart and Cheyenne County Commissioner Rod Pelton kicked off the Eastern District meeting by welcoming all attendees. Newly elected county commissioners Mark Turner, Kelly Dore and Ed Schiffers were asked to introduce themselves and share their backgrounds with the group. Welcome new commissioners! Following introductions, the Eastern District re-elected Yuma County Commissioner Trent Bushner as the district representative. Congratulations Commissioner Bushner on both your district election and your new role as CCI's 2015 President!

Commissioners discussed the impact of retail marijuana on the eastern plains. The Town of Sedgwick is the only community on the eastern plains to authorize retail marijuana sales. County residents, however, voted 797 to 522 rejecting the 2012 statewide ballot initiative legalizing recreational marijuana. Since the Town's decision, Sedgwick Alternative Relief, has set up shop in a renovated grocery store that sat empty for a generation. Sedgwick County Commissioners explained that most of the law enforcement impacts have been felt across state lines in places like Goodland, Kansas and Chappell, Nebraska. Having said that, many are concerned about legalization's impact on youth in their communities.

Immigration was also discussed at length. Commissioners emphasized the importance of immigration reform conversations and their potential impact on county services. A University of Denver report was referenced as a good, comprehensive strategy for immigration reform. The report examines global migration, the impact of immigration on the United States, and establishes the following goals for immigration policy: national security, social cohesion, economic advantage, family unification, and refugee relief, in that order. Many commissioners shared personal experiences with illegal immigrants living in their communities.

Commissioners concluded the meeting by discussing Colorado's Water Plan. The plan is intended to take a hard look at Colorado's future water needs as a whole and plan for how those will be addressed. The permanent 'buy and dry' of irrigated agricultural water rights will be addressed in the plan. Each basin roundtable is establishing goals for how much permanent agricultural dry up should occur in their basin based on projects that are already planned and the predicted urbanization of agricultural lands. Commissioners emphasized the importance of these conversations and the need to remain involved in the discussions.

Front Range District

The Front Range District Meeting was called to order by President & Weld County Commissioner Sean Conway. He proceeded with the roll call and all front range counties were in attendance.

The commissioners and guests then introduced themselves. Following introductions the District conducted the election for Front Range District Representative to the CCI Board. Larimer County Commissioner Lew Gaiter III was nominated, seconded, and elected by acclamation of the members.

Nicole Seltzer, Executive Director of the Colorado Foundation for Water Education (CFWE). Ms. Seltzer gave a very informative presentation on CFWE and the plan to offer a three month, periodic learning opportunity for commissioners on water. Several commissioners have already indicated their interest. This program will involve only a handful of on-site classes, with more online activities and tours. For more information, please contact Ms. Seltzer at nseltzer@cfwe.org.

The next presentation was by CCI Executive Director Chip Taylor. He brought the commissioners up to date on the latest developments in CCI's efforts to reform tax increment financing (TIF), including the "newsletter" and bill draft being disseminated by CML. There was a hearty discussion, with the result that several documents, including a red-line rebuttal of the newsletter article and a talking points document, requested for use by CCI and the commissioners.

Chip made the point that this is about cost-sharing, not revenue enhancement, and urged commissioners to use similar language when discussing the measure.

At the conclusion of the TIF presentation, the counties discussed what they are doing in their counties. This continued until 2:45pm. At that time Commissioner Conway adjourned the District meeting.

At 2:45pm Commissioner Conway convened the Over 50,000 Caucus Meeting. The meeting had two elections to conduct, the positions of CCI Board Treasurer and Secretary. After a roll call with all members in attendance, nominations were opened for Treasurer. Weld County Commissioner Kirkmeyer was nominated, seconded, and elected by acclamation.

The meeting considered nominations for CCI Board Secretary. El Paso Commissioner Dennis Hisey was nominated, seconded, and elected by acclamation.

Mountain District Meeting

Mountain District President Dan Gibbs (Summit County) and Vice President Tom Hayden (Clear Creek County) presided over the CCI Mountain District Meeting. Commissioner Dave Paul (Teller County) was re-elected to his second term as the Mountain District Representative on the CCI Board of Directors. The Mountain District acknowledged the work of Past-President Thomas Davidson (Summit County) who was going off the board at the conclusion of the conference.

The commissioners received an update from CCI staff on the status of conversations on broadband legislation next year. CCI has been meeting with various stakeholders (including industry stakeholders) to determine the scope of a bill to roll back some of the local government prohibitions in SB05-152. That 2005 legislation prevents local governments from building or acquiring telecommunications infrastructure that could be used to provide broadband service without first getting the approval of voters. Continued concerns over the lack of broadband in rural Colorado resulted in a vote to make a partial repeal of SB 152 a CCI legislative priority for 2015.

Representatives from each county in the Mountain District gave brief updates on items of interest in their communities. There were several common themes that emerged, including successful mill levy increases for ambulance service, anticipation of the draft state water plan, various infrastructure improvements underway throughout the district and the continuing challenge of regulating recreational marijuana.

The next CCI Mountain District Meeting will be held at the CCI Summer Conference in Keystone next June. Hope to see everyone in Summit County next summer!

Southern District Meeting

With all the Southern District counties present for the 2014 Winter Conference District meeting, Alamosa Commissioner Michael Yohn called the meeting to order.

The first order of business was the election of the district board member. By acclamation Commissioner Keith Goodwin (Otero) was re-elected. Congratulations Commissioner Goodwin!

Commissioner Wendy Buxton-Andrade (Prowers) gave a brief update to fellow commissioners about the Hotline

Committee and the ongoing roll out.

Commissioner Sal Pace (Pueblo) provided a brief update on the TIGER Grant and the ongoing efforts to protect the Southwest Chief Train line. After extensive work, the TIGER grant was awarded to Colorado, which will help to replace tracks and ties, as well as add track in Prowers and Otero counties. It is hoped to have all replacements done by April 2015.

Commissioners that attended the first Eastern Commissioners' Association meeting on October 31st provided an overview of the topics discussed at this meeting including: courthouse security, broadband, health insurance provided to county employees, SEBREA (Southeast Business Retention Expansion and Attraction) involvement and, county participation in Action 22. Commissioners plan on meeting again on Wednesday, April 29, to revisit the topic of Action 22.

State Representative Tim Dore visited with commissioners about their concerns regarding landfill regulations. Working over the summer, Representative Dore continued to try to find solutions that better fit small counties as well as ways to eliminate over-regulation. Additionally, Representative Dore is looking for ways to change practices and rules within CDPHE (Colorado Department of Health and Environment) regarding issues like proper trash cover before pursuing legislation. Some of the changes proposed include satellite location and webinar trainings for county employees and a more clear exception or tiering structure and process. Closing out the discussion, Representative Dore suggested that commissioners and county specialists create a list of specifics that they feel need to be addressed and stated that "counties need to be at the table" throughout this process.

Western District Meeting

The Western District was pleased to welcome all member counties except Moffat county and the commissioners elected Doug Atchley, Delta County Commissioner, as their new CCI board member.

The first topic the commissioners discussed centered on county roads through public lands. As every county in the Western District has some public lands within their jurisdictions, the roads through these lands, their maintenance and the access to them can become contentious issues. In many counties there are RS2477 claims made on the roads. This is the name for the legal process in which a county makes an ownership claim on a road travelling through public lands. Throughout the years various administrations have wrangled with how to observe and protect these locally controlled roads. Montezuma County raised this issue with the district to discuss the variety of ways other counties deal with federal land agencies and RS2477 claims.

Montezuma county continues to work with the United States Forest Service (USFS) on RS2477 claims. On one of the roads in the county, however, the USFS said the road should be a county road. The USFS said that they did not want to go through an administrative RS2477 process but through another process, to concede the road to the county. The USFS road easement they presented to the county included language that said the easement could be terminated, which is not typical process for easements. The USFS continued to use bulldozers and other machines on the road to create berms every 500 feet and it took an act of Congress to stop this. It continues to be a frustrating experience for the county and the federal government.

Garfield County expanded on the idea of the historical nature of RS2477 roads and created signs designating the roads Historic Right of Way Roads. The county printed and placed these signs at the entrance to the roads with a historical name of the road to educate the public about the nature of the roads and to build momentum for public support when RS2477 claims are made. Ouray mentioned that CCI could back a 5-year process for RS2477, with a special judge to expedite the cases that didn't go through RS2477 claims earlier. Garfield updated the group on the RS2477 legislation drafted by the county. NACO's Western Interstate Region endorsed the bill, which is based on the 10th circuit court decision. A road could go through the wilderness if it was in existence prior to RS2477 but it would have to stay in the same shape. The legislation confirms that a right of way is a vested property right that the USFS must recognize and that road improvements are possible through an administrative process, with the goal of preserving the rights of citizens that congress gave.

Dolores County gave the example of putting a rider on the easement of the same road that Montezuma described earlier in the meeting. The rider says that the county can take possession of the road and move forward with a RS2477 claim. It allows the county to forgo a permit from USFS for plowing and the county can do the plowing. Another issue raised is private citizens buying in-fill land and the USFS and BLM may not back a claim for access to this land.

Rio Blanco mentioned that this also affects paved roads

where there is BLM land on either side and described one example where the county claims a right of way on a road and built a required \$200K cattle guard to protect cattle from moving into an endangered plant habitat.

Hinsdale mentioned that if a county has Schedule A roads they get money to maintain, but they place an RS24477 claim on the road, there is no funding for that road to provide maintenance that they were used to. Ouray agreed and stated that their county is looking at cost benefit analysis road by road to see if it makes sense to move forward with claims.

The District then received an update from Commissioner Julie Westendorff, La Plata County, concerning county and state fire agreements. There are ongoing discussions about the Emergency Fire Fund (EFF) and state-county wild land firefighting agreements last done in '89. The ongoing negotiations are currently centered mostly around the '89 agreements. Western, Mountain and Front Range counties are all attempting to negotiate language that makes their commissioners comfortable. These agreements are centered around the process the state and local governments have when a fire happens in a county. Nothing really happened after the August Western District meeting when commissioners discussed this with the Division of Fire Prevention and Control (DFPC) even though the Division said there would be action. Counties are the authorities in fire and the state position is, if a fire exceeds county capacity and the county asks for state assistance, then county has no input into fighting the fire. Currently, the way the agreements are drafted there is a financial exposure, as there is no cap, so a fire could seriously damage the county finances and locals do not have flexibility to get money back after the fire expenses.

County commissioners met with the head of DFPC and it seemed like they made good headway. Since then there has been some advancement on the smaller issues but the big ones still remain.

During the roundtable portion of the meeting, the counties discussed the upcoming business meeting and the resolutions they would vote on during that meeting.

CCI Foundation Auction

After the awards were presented Tuesday night, there was a live auction to raise funds for the Foundation to provide educational assistance to worthy Colorado students. We are pleased to report that this was a fun event that raised \$3927! The CCI Foundation thanks everyone for the lively bidding and participation.

Winter Conference Photo Highlights



Adams County Commissioner Eva Henry and Weld County Commissioner Barbara Kirkmeyer catch up during the opening reception.



Larimer County Commissioner Steve Johnson and La Plata County Commissioner Julie Westendorff share ideas during the opening reception.



Pitkin County Commissioner Rachel Richards and Teller County Commissioner Dave Paul smile for the camera during the opening reception.



Otero County Commissioner Kevin Karney and Weld County Commissioners-elect Steve Moreno enjoy the opening reception. Congratulations to Commissioner Karney, who received the 2014 CCI Distinguished Service Award.



El Paso County Commissioner Sallie Clark, Summit County Commissioner Dan Gibbs and Boulder County Commissioner Cindy Domenico at the opening reception.



El Paso County Commissioner Amy Lathen and Larimer County Commissioner Lew Gaiter catch up during the opening reception.



Gunnison County Commissioners Jonathan Houck and Paula Swenson wait for the opening session to begin.



Summit County Commissioner Thomas Davidson and El Paso County Commissioner Dennis Hisey share a laugh during the opening session.



Yuma County Commissioner Trent Bushner, CCI President-Elect, thanks Rio Blanco Commissioner Shawn Bolton for his service as CCI President for 2014.



Prowers County Commissioner-Elect Ron Cook and Prowers County Commissioner Wendy Buxton-Andrade enjoy the awards banquet. Congratulations to Commissioner Buxton-Andrade, who received this year's CCI Commissioner of the Year award.



Arapahoe County Commissioner Nancy Sharpe and DOLA Executive Director Reeves Brown catch up during the Tuesday awards banquet.



Phillips County Commissioners Joe Kinnie and Harlan Stern discuss the Tuesday sessions at dinner.

Transportation Funding in Colorado

Colorado is currently facing a billion dollar shortfall in funding necessary to maintain and expand the state's transportation system. Polling shows that voters in the state have little to no appetite for raising taxes to pay for transportation and the inability of Congress to pass meaningful transportation funding reform has only made the situation worse. Given this scarcity of financial resources, competition amongst local and state entities has never been greater. On the final date of the conference, Commissioner Barbara Kirkmeyer (Weld County) moderated a panel discussion that provided some background on the current transportation funding shortfall and offered some perspectives on the future of transportation funding in Colorado.

Representative Max Tyler, chair of the Senate Transportation and Energy Committee, kicked off the session by discussing the recent trends in public polling for gas or sales tax increases and a vehicle miles travelled (VMT) system. According to a poll conducted last year, there is very little appetite for a tax increase to support transportation – and in fact, transportation itself ranked very low on the the public's list of concerns. Tyler noted that the FASTER legislation and recent RAMP program have helped accelerate a wide number of transportation improvements around the state – and pointed to the successful number of bridges that have been repaired with funds generated by FASTER. Tyler also lamented that the lion's share of the money earmarked for transportation under SB 228 will now be refunded to the voters because the state has reached its TABOR revenue limit.

Commissioner Trent Bushner (Yuma County) then provided some historical background on federal transportation funding, including the establishment of the federal gas tax. Like the state gas tax, the federal gas tax has not been raised in almost 20 years, and is no longer adequate to support our nation's transportation needs. Bushner, who sits on the Statewide Transportation Advisory Committee (STAC), lamented that congressional deadlock has put the national Highway Trust Fund in jeopardy. MAP-21, the reauthorization of the federal highway program, is set to run out in 2015. Bushner then offered up a number of possible financing options that the state could consider, including public private partnerships, tolling, private activity bonds, tax credit bonds, and tapping into the Transportation Infrastructure Finance and Innovation Act dollars.

Herman Stockinger, Director of the Office of Policy and Government Relations for the Colorado Department of Transportation (CDOT), wrapped up by talking about the Hickenlooper Administration's second term priorities, which include finding a successor to Don Hunt, who will be stepping down as executive director of CDOT in 2015. CDOT is working to spend the RAMP dollars by December of 2017 and see those projects completed. They are also working to open more express lanes, start bus service on I-25 and perhaps find a way to preserve the aforementioned SB 228 dollars that are scheduled to be returned to the voters as a TABOR refund.

Interested in Serving as a Justice and Public Safety Steering Committee Officer or Representing Colorado at NACo Public Lands?

CCI will hold elections for one-year terms as chair and vice-chair of the newly-created Justice and Public Safety Steering Committee (JPS) at its January 2015 meeting. These one-year terms will allow JPS officers to get onto the same election schedule as CCI's other steering committees, all of which will hold elections for two-year terms in January of 2016.

In addition, CCI Public Lands will hold elections at its January 2015 meeting for three commissioners to serve two-year terms representing Colorado at NACo Public Lands meetings, along with the other 5 commissioners (including the PL chair and vice-chair) who are currently serving in this capacity and are in the middle of their terms.

If you are interested in serving in either or both of these roles, please contact Brandy DeLange (bdelange@ccionline.org) for a form and return it to CCI as soon as possible but in no event later than Friday, January 2, 2015. We will include all responses we receive by that date in a special edition of *eCounty Lines* so that you can make an informed decision on who to vote for in January.

Thanks to everyone for your willingness to consider serving in these roles!

Kerr v. Hickenlooper, the Constitutional Challenge of TABOR

Mike Feeley and Michael Francisco shared the arguments from the plaintiff and defendant perspectives in the Kerr v. Hickenlooper case with CCI conference attendees.

Mr. Feeley, an attorney with Brownstein, Hyatt, Farber and Schreck, is one of the lead attorneys for the thirty three plaintiffs listed on the case. Mr. Feeley explained that the key issue of the case is whether or not TABOR, which was passed in 1992, violates Article 4 of the US Constitution which guarantees a republican form of government. The case is not an effort to raise taxes nor will it eliminate voter approval for taxes. Instead, the case aims to restore the legislature's ability to handle the revenue side of the state's general fund ledger.

To date, the case has not been heard on its merits. Instead, the recent legal actions surround the question of whether or not the plaintiffs satisfy standing requirements and what is known as the 'political question doctrine' (which, in a nutshell, states that there are certain political questions that the court should not be involved in). So far, the plaintiffs have made a successful case that they do have standing and that this case is one the courts should be involved in. The case is now before the US Supreme Court. They could decide in January whether or not to opine on standing and the political question doctrine and send the case back to the District Court to be heard on its merits.

Mr. Francisco is an assistant solicitor general and is one of

the lead attorneys for the Governor (the defendant). Mr. Francisco explained that fiscal constraints are common in states throughout the nation. To illustrate this, he pointed to the fact that Colorado, like other states, is prohibited from taking on debt. So restrictions on the taxing and spending authority of Colorado's legislature is not new and is not the result of TABOR. Mr. Francisco expanded on this point by explaining that the courts have not determined what it means to be adequately republican in form. There are no standards to measure whether or not a state is or is not a republican form of government.

Mr. Francisco also spoke to the issue of standing and the fact that the 10th District Court has only recognized three of the thirty three plaintiffs as having standing. Federal courts have said that to claim standing, there must be a majority of legislators signed onto a case and you have to have shown that the issue at hand has created harm. Mr. Francisco explained that these criteria are important because without them, legislators would be bringing cases forward non-stop. Furthermore, as to whether or not TABOR has created harm, the only statewide tax increase provision that voters have asked to approve since TABOR was adopted is Amendment 64 which authorized taxation on retail marijuana. Voters approved that measure in 2012.

For more information about the case including pleadings, media coverage and background material, check out www.taborcase.org

Marijuana Roundtable

As part of an ongoing policy conversation on the regulation of medical and retail marijuana, CCI convened a roundtable on the first day of the winter conference to provide some updates and allow members to share their experiences, success stories and frustrations. Representatives from 18 counties were present for the roundtable discussion.

Commissioner Sal Pace (Pueblo County) provided an update on anticipated legislation that is coming in 2015. Commissioner Pace was appointed to sit on a legislative interim committee this past summer that worked extensively on the issue of marijuana taxation and revenue issues. The interim committee has recommended two different pieces of legislation that will be introduced in January when the General Assembly convenes. The first will attempt to reign in caregivers by requiring them to register with the state and providing local governments with access to the addresses of these caregiver operations and how many plants they are allowed to have. The second bill will clarify the ability of local governments to put retail marijuana sales and/or excise tax questions on the ballot.

The commissioners and staff around the table then took turns discussing their own county issues and providing feedback to other counties in the room. A wide number of issues and problems were identified, chief among them the continuing problem of illegal grow operations and how to combat them. Other issues that were discussed include water rights, social clubs, whether industrial or agricultural zones are more appropriate for grow operations, concerns over unregulated caregiver operations, an increase in the number of greenhouses being used for grow operations and the need for additional enforcement resources at the Marijuana Enforcement Division.

Open Meetings and Open Records

During this session attorneys Bruce Barker (Weld) and Paul Sunderland (San Juan) provided commissioners updates on both open meetings and open records law, as well as advice on how to stay in compliance. Beginning with open meetings, attorney Sunderland reminded commissioners that perception is reality. If it appears that you have violated the open meetings law, the public doesn't care if you haven't. Sunderland also reminded commissioners that any action taken is invalid if the board violates the open meetings law. In addition to this advice, Sunderland also noted that:

- Public meetings **are not** chance social gatherings.
- Public meetings **are** meetings in which policy is discussed or decisions are made.
- Public meetings **do not** include electronic communications not involving pending actions.
- You must give full and timely notice at least 24 hours before the meeting. Exceptions may occur in cases of emergencies.
- Public meetings **do not** include day-to-day oversight of personnel or property.
- Executive sessions should be used for limited purposes.
- If a board does enter into an executive session, the meeting must be recorded and kept for six months.

Attorney Bruce Barker (Weld) spoke to commissioners about open records. Reiterating that the perception is reality; if the public perceives the county to be out of compli-

ance, the county has a problem. Barker also reminded commissioners that a CORA (Colorado Open Records Act) request can go to any county department. Barker went on to advise that:

- Open records **are** documents or records.
- Open records **are not** physical evidence, trade secrets, or personnel records.
- Counties should identify and then verify what is being requested. Do not give something out just to fulfill the request.
- If the request is too broad, you can ask that it be narrowed down.
- Counties have **72 working hours** from the time the request was received to respond.
- If a county cannot fulfill the request within the 72 hours, statute does allow for seven additional days (not applicable to only one item).
- Counties should request that payment be made before copies are made or handed over to the requester. Additionally, counties may invite anyone requesting copies to come to the county and view the records in question.
- Finally, an open records request is not a search warrant.

Both Sunderland and Barker closed advising commissioners that when in doubt about compliance, counties should contact their county attorney for guidance.

Child Welfare: What's on the Horizon?

Jack Hilbert, the Colorado Department of Human Service's (CDHS) Hotline Manager, and Julie Krow, CDHS's Director for the Office of Children, Youth and Families, joined conference participants to share with them the latest on the Child Welfare front.

Mr. Hilbert opened by stating that on January 1, 2015, the state's child welfare hotline will 'go live'. The new hotline will allow anyone in the state to dial a toll free number and be connected with the county where they wish to file a report of abuse and neglect. If the caller is unsure which county they live in or speaks a language other than English or Spanish, the caller will be routed to the hotline call center (based in Prowers County) for additional help before being transferred to the appropriate county.

Implementing the child welfare hotline, a requirement under HB13-1271, has been no easy task. Over the past 18 months, the hotline workgroup, a group consisting of

county commissioners, human service directors, community partners and CDHS representatives, have spent hours developing the hotline, training, telephonic infrastructure and public awareness campaign necessary to ensure a smooth launch of the new toll free number. It is anticipated that with the new hotline, counties will witness a 20% increase in calls. It is also assumed that, over time, the general public will become more aware of the critical role they play in keeping kids safe and will account for more of the call volume than they do today.

Ms. Krow provided an update on the Governor's SFY15-16 budget request and the recent child welfare performance audit. For SFY15-16, the Governor requested \$26.8 million in new state funding for child welfare programs and initiatives. Specifically, funding was requested to hire 130 new child welfare case workers, modernize the Child Welfare Case Management System (known as 'TRAILS'), support the

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New Commissioner Orientation

On Monday afternoon, fourteen commissioner-elects participated in part one of the CCI New Commissioner Orientation. The orientation was split into a three part session, where commissioner-elects were given a crash course on Colorado Counties Inc. (CCI), National Association of Counties (NACo) and county budgeting practices.

CCI Executive Director Chip Taylor kicked the three-part session off with an overview of the governance and structure of CCI, the CCI Foundation, and CCI Public Lands.

Newly elected commissioners were introduced to CCI's legislative staff and learned about the nine steering committees that commissioners are able to participate on. In addition to the policy development and legislative services provided to commissioners, Chip also guided commissioner-elects through *eCounty Lines*, the bi-weekly publication, Twitter, Facebook, and the CCI website, which houses resources such as white papers on county specific topics and calendar information.

Commissioner Sallie Clark of El Paso County conducted part two of the three-part session; educating commissioner-elects about NACo and the importance of participation in both CCI and NACo.

Finally, commissioner-elects were educated on the county budgeting process, the differences that occur in large, medium and small counties, and lastly, what the State looks for when counties submit their adopted budget.

Administrator Linda Hoffman of Larimer County gave newly elected commissioners an in-depth look at the best practices of Larimer County's budgeting process, reminding everyone that "if you're only following the statutory requirements, you're probably not doing enough". Linda further emphasized that the county's budget is an opportunity to communicate to constituents and the process of setting the budget is the opportunity to communicate with other elected officials, staff, and, department heads.

La Plata County Manager Joe Kerby also emphasized the

importance of communication throughout the budgeting process, adding that it is "essential to getting things right" and that "while you'll never have a perfect budget without mathematical errors, communication helps everyone to avoid surprises."

Boulder County Deputy to the Commissioners Michelle Krezek explained that while she does not oversee the budget process, the overall budgeting process is very similar in her county. Michelle echoed the importance of timelines and good interpersonal relationships between staff, commissioners, and the public.

Costilla County Administrator Ben Doon rounded out the panel of county budget specialists, representing small counties and their budgeting process. As with everyone else, Ben highlighted the importance of communication but stressed that because of the small size and revenue restraints of Costilla County, the budgeting process is a very personal process, as many of the constituents, county personnel, and elected officials have very personal relationships with one another.

All of the administrators/mangers outlined important deadlines, meetings with other department heads and elected officials, and public hearings in their county budgeting process.

Jarrold Biggs of the Department of Local Affairs concluded the panel by walking commissioner-elects through the importance of using a county budget as a method to look forward and an audit as a method to look at the past. Jarrod outlined for commissioner-elects the differences between capital budgets and operating budgets, what fund accounting is, and what statutory requirements all county budgets must contain. Concluding his presentation, Jarrod reminded the group that they "steer the ship" but in order to effectively do that, they must have a broad understanding of budgeting, trust their staff, and ask questions when in doubt.

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Welfare cont. from p. 10

Collaborative Management Program, expand the reach of certain prevention and early intervention programs and increase provider rates.

As for the performance audit, it reaffirmed the work and initiatives that have been underway for the last several years. Many of the findings have already been addressed and for those that are still outstanding, a workplan is being developed to identify the next steps needed for implementation. An example of a finding that has already been addressed pertains to a statutory requirement that counties notify mandatory reporters that continue to be officially and professionally involved with a child for whom they made a report. Other findings, such as determining whether or not County Child Protection Teams are still needed will be discussed at length in the coming months before action is taken.