

# County Lines

Winter Issue 2015

# **Information-Rich Winter Conference Empowered 350 Delegates**

By John (Chip) Taylor

There was something for everyone at CCI's Winter Conference held November 30-December 2, 2015 at the Hotel Eleganté in Colorado Springs. Over 350 delegates attended terrific educational programs, honored our association's top achievers, and elected new leadership for the year ahead.

Knowledgeable and articulate, Colorado's State Demographer Elizabeth Garner kicked off the event with an insightful, opening-session presentation on our state's changing demographics, which she says present both opportunities and challenges in the years ahead. For details, you'll want to read Gini Pingenot report on Garner's remarks on Page 4.

Also during the opening session, El Paso Commissioner and NACo President Sallie Clark gave everyone an update on the critical federal issues facing Colorado Counties and her fellow Commissioner Amy Lathen welcomed her colleagues from around the state to El Paso County.

Seminars covered a wide range of issues of keen interest to commissioners, administrators, road and bridge supervisors, and human services specialists representing our 64 counties around the state with reports on the major ones by Gini, Eric Bergman, and Brandy DeLange.

Our "lightning round" session of hot topics was especially compelling and I invite you to go to Page 7 to read the latest on substance-abuse drug testing, hemp regulations, online short-term rentals and urban renewal.

Professional excellence was very much on display in our 2015 awards, where Commissioner of the Year Steve

Johnson (Larimer), Freshman Commissioner of the Year David Weaver (Douglas), and Distinguished Service Award winner David Foy (Washington) all took home well-deserved honors, which you can read about on Page 13.

The conference marked the conclusion of Yuma Commissioner Trent Bushner's successful term as CCI President and saw Trent pass the baton of leadership to Otero County Commissioner Keith Goodwin. Go to Pages 2 and 3 for a tribute to Trent and a welcome to Keith in profiles authored by Paul Thompson.



CCI's top achievers for 2015 were (left to right) Commissioner of the Year Steve Johnson, Freshman Commissioner of the Year David Weaver, and Distinguished Service Award winner David Foy. For more on the award winners, visit Page 13.

On a personal note, we celebrated CCI Deputy Director Kristin Dunn's birthday at the conference and I thank her, Jeanne DeHaven, Megan Girard, and Paul Thompson for their work in organizing and executing the event. I want to thank everyone who attended and encourage all CCI members to make a commitment to involvement in 2016... let's make our great association event better!

In This Issue Page 4 Demographics	Page 5	Page 6	Page 7
	Broadband	Water Challenges	Transportation

### TRENT BUSHNER

His Strong Leadership as President Paved Way for CCI's 2015 Success

### By Paul Thompson

As his one-year term as President of Colorado Counties, Inc. (CCI) ended at the Winter Conference in Colorado Springs, Trent Bushner was not the least bit concerned about his "legacy." All that has ever really mattered to him is serving with integrity and getting good things done for counties and the citizens of the Centennial State.

"I'll leave it to others to judge how I did as President," said the three-term Commissioner from Yuma County. "But I know this: I did my best."

Bushner's best was pretty darn good, including another successful session of the General Assembly in which CCI prevailed on legislation giving commissioners more control over the use of county revenues for urban renewal, repealing the sunset on county differential response programs, improving the initiative process, and adjusting county official salaries.

"Like anything else, it takes a team to be successful," said Bushner. "I was pleased to have the support of a dedicated Board of Directors and I'm especially grateful to Chip Taylor (CCI Executive Director) for assembling an outstanding group of staff members and consultants who share a passion for Colorado counties."

That is high praise coming from a man who has turned leadership into an art form. To put it bluntly: this ain't Trent's first rodeo. As an ag teacher-mentor, he guided hundreds of young people toward rewarding careers through their involvement in the Future Farmers of America. He once served as President of the Yuma County Republicans. And he was President (and Chairman of the Political Action Committee) for the Corn Growers Association of Colorado.

"Without sounding boastful, I think leadership is in my DNA," says Bushner. "It goes all the way back to high school when my civics teacher turned me on to government service. With him as my inspiration, I've felt called to do my civic duty ever since."

Anyone who's ever seen Bushner run a CCI meeting knows that he augments his leadership skills with a comprehensive understanding of parliamentary procedure. It should come as no surprise that he's a former certified parliamentarian but ironically the two strictest standards for an effective meeting won't be found in the pages of Roberts Rules of Order.

"When I'm chairing a meeting, I insist on two things," said Bushner. "One, everyone will be respected. Two, everyone will have an opportunity to be heard. If I accomplish those two goals, I consider it a successful meeting." Bushner – who earned a degree in animal science and agricultural journalism from the University of Missouri and taught high-school agriculture for ten years – is also quite acquainted with business and political success. His family's farm has been around since the early 1900s and he's spent the last 20 years as a full-time farmer of more than 4,000 acres that yield corn, wheat, edible beans (pinto, kidneys, soy), and sugar beets.

His political career began when he was approached by a retiring Yuma County Commissioner to run for his seat. A Republican, Bushner won a surprisingly congenial race against a Democrat. "We focused on the issues without any mud-slinging," recalls Bushner. "The next two times I ran, I was unopposed so I guess I've done a good job. But if I don't people will sure let me know."

Indeed, Yuma is small enough population-wise (10,114) that Bushner is liable to hear from constituents any time day or night. "I think everyone in Yuma County has me on speed dial," laughs Bushner. "Those conversations usually begin cordially then there's always a 'but'," says Bushner. "T'm always ready to listen to what people have to say... and it's an honor to serve them. I tell my fellow County Commissioners around the state that their No. 1 job is to look out for what their citizens believe is important. That's always been my guiding principle."

Bushner is actually the "rookie" on the Yuma County Commission (serving alongside veterans Robin Wiley and Dean Wingfield) and will face a decision about his political future after he completes his third term. Right now, he is way too focused on his constituents, his business and CCI to look down the road politically, but a run for the General Assembly is not out of the question.

After all, leadership is in his DNA.



"Like anything else, it takes a team to be successful."

- Trent Bushner

CCI's 2015 President Trent Bushner (center) was congratulated by his fellow Yuma County Commissioners Robin Wylie (left) and Dean Wingfield during the Winter Conference Awards Dinner.

# **KEITH GOODWIN**

As New President, He'll Seek Consensus And Assure CCI Speaks with One Voice

#### By Paul Thompson

Keith Goodwin will have no problem setting the "pace" as President of Colorado Counties, Inc. (CCI) in the year ahead.

After all, the second-term Otero County Commissioner uses his spare time to race a red Mazda MX-5 Miata around a 1.2 mile, seven-corner track in his hometown of La Junta... navigating that distance in a minute and 20 seconds, or less.

While he likes to drive fast, Goodwin prides himself in being much more patient and deliberate in his leadership style, preferring to take time to hear all points of view and build a solid consensus.

"The strength of CCI is how we work together for the common cause," says Goodwin. "What we do, we'll do as a team. We'll continue to have our internal debates, but at the end of the day, CCI will speak with one clear and consistent voice. That's the only way we can be successful."

In addition to Goodwin as President and Yuma County Commissioner Bushner as Past President, the CCI Board for 2016 includes President-elect Lew Gaiter (Larimer County), Treasurer Barbara Kirkmeyer (Weld County), Secretary Terry Hart (Pueblo County) and members Dave Paul (Teller County); Doug Atchley (Delta County), and Jim Zwetzig (Morgan County).

Goodwin is in his seventh year as a commissioner in Otero County, which has a population of just over 18,500. He plans to seek a third four-year term at the end of 2016 and continue to invest himself in the issues that impact his constituents.

Goodwin came to public service after a long and distinguished career in technology where he taught computer science at Otero Junior College (OJC) before becoming Computer Center Director. After leaving OJC he took on an assignment with the State Board of Higher Education where he worked as the traveling IT Systems trouble-shooter for the Community College System. He completed has career at University of Colorado, Denver where he was Senior System Analyst and Oracle Database Administrator for the administrative offices.

When he retired from the education system in 1999, he joined his nephew and brother-in-law in forming a company called Rural Internet Access whose goal was to provide internet access to the residents of Colorado's rural counties. The company was so far ahead of its time, technology-wise, that Goodwin recalls having to "educate" a large telephone company on how to create the required circuitry for internet access.



"The strength of CCI is how we work together for the common cause."

- Keith Goodwin

Otero County Commissioner Keith Goodwin, with wife Rebecca, is poised to lead CCI as President in 2015-2016.

"Our expectations (of the new company) were rather low," laughs Goodwin. "We thought by providing internet access to our friends and neighbors, we'd be able to get it free for ourselves. Next thing you know, we have 25,000 subscribers."

But with success came intense competition. "The phone company that once was our partner became our competitor," says Goodwin. "We appealed to the Public Service Commission in an attempt to level the playing field and save people money on their internet service, but we lost. At the same time, the dot.com bust was well underway and the stock market crashed. It wasn't pretty."

But instead of falling into despair, Goodwin took a more positive and philosophical approach. "That's the way life is sometimes," he said. "We regrouped, opened a computer store, and started doing consulting all over the area. We were uniquely qualified and experienced to help a lot of people with their internet needs... and we thrived."

While Goodwin still does some private consulting in computing systems, he clearly has shifted his focus to his role as a county commissioner. His political career began in 2008 when Jake Klein, an Otero County political icon, decided to retire after 20 years on the Otero County Commission. Klein encouraged Goodwin to succeed him where Keith won his first election by about 500 votes. Four years later, he was re-elected without opposition.

Some CCI leaders might be surprised to learn of Goodwin's passion for racing, or the fact that his wife Rebecca and their entire family is involved in some aspect of the La Junta Raceway Drivers Club. "We have a great time," says Goodwin. "Just when I think I'm racing really fast, my 19-year-old grandson whizzes by me. That's exciting... and humbling."

### **OPENING SESSION**

State Demographer Elizabeth Garner Sees Impacts from Aging Population

CCI's members were warmly welcomed to Colorado Springs for the 2015 Annual Conference by El Paso County Commissioner Amy Lathen. Following her gracious remarks, El Paso County Commissioner and the National Association of Counties (NACo) President Sallie Clark emphasized the importance of being involved at the federal level. Commissioner Clark also provided timely updates on key local government priorities such as transportation funding and public lands resources.

Elizabeth Garner, Colorado's State Demographer, then provided an excellent and thought provoking forecast of the state's changing demographics. She began by explaining that Colorado grew by 1.6 percent (or 83,700 people) from 2013-2014. Colorado ranks eighth in absolute growth among the 50 states.

Population growth occurs through natural increases (births minus deaths) and net migration. In some counties, like Las Animas and Huerfano, there are more deaths than births. In counties along the Front Range, net migration specifically among those in the 22-35 age bracket is strong. Mesa County attracts new residents from every age group while Denver attracts only the very young. Understanding the population trends in each county can help explain the housing and other service needs occurring in communities around the state.

The state is forecasting slower job growth from 2015-2035. While the job market has seen roughly 70,000 new jobs created between 2010-2015, many sectors have not rebounded from their pre-recession peaks.

Looking into the future, there are a number of factors that will influence the state's growth. Those include the cost of living in Colorado versus lower-cost states, the availability of water, broadband and suitable housing. All of these factors will impact whether or not we will meet the projection of 8.6 million residents by 2050.

One of the most interesting observations about Colorado's population is the growth in people over the age of 65. To-day, Colorado has the fourth lowest share of individuals over 65 of all states in the US. This is changing, however, as the baby boomer generation ages. By 2030, Colorado's 65 and older population will be 125 percent larger than it was in 2010 growing from 555,000 to 1,243,000. The impacts of an aging population will place additional emphasis on health care, transportation and housing needs for aging adults. Other impacts include a decrease in discretionary spending along with downward pressure on income, sales and property taxes. Garner concluded her remarks by asking attendees to think about how their community's population trends will impact their county's economic well-being and what can be done now to prepare for the change.

### Strategies Presented to Manage Recreational Shooting Ranges

Spearheaded by Clear Creek County Commissioner Tom Hayden, conference attendees were treated to a presentation about managing – not limiting - shooting on public lands. Shooting is a public right in the US forest Service lands. There are, however, two types of shooting. Dispersed shooting occurs when users randomly set up a target and shoot wherever they please. Designated shooting occurs in specific areas that are equipped with lanes, backstops, bathrooms and other amenities. Dispersed shooting has led to a variety of concerns. Residents living within or near the boundaries of forest service lands frequently contact their county commissioners because of public safety concerns and noise associated with shooting. In order to address these concerns, counties are working collaboratively with one another, the US Forest Service, Colorado Parks and Wildlife and other landowners via multiagency partnerships to identify designated shooting areas. The Northern Front Range Recreational Sport Shooting Management Partnership and the Southern Shooting Partnership are two examples of these multi-agency partnerships. Through these partnerships, criteria for establishing designated shooting ranges are beginning to emerge. For example, shooting areas must be at least 1 mile away from municipalities and ½ mile away from single residential homes. Additionally, the slope of the land, proximity to established roads and the level of recreational use in an area all factor in to whether or not a site might be appropriate as a designated shooting area. Members of both partnerships shared their "lessons learned" with conference attendees. One of the key conclusions is the importance of having the decision makers at the table from the beginning. This is critical in order to build trust among all the different land owners. It is also important to have a project coordinator to keep the partnership progressing on their common goal.

### **BROADBAND**

High-Speed Internet Now Essential For Economies of Rural Counties

#### By Eric Bergman

Commissioner Shawn Bolton (Rio Blanco County) moderated a session on Wednesday morning that focused on broadband strategies for local governments. He explained that high-speed Internet has become absolutely essential for communities to compete in the global economy. It is the universal link to economic activity, not to mention distance learning, telemedicine, e-commerce and entertainment. In some circles people are calling broadband "The Fourth Utility" – just as critical to our communities as roads, electricity and water.

Bolton noted that for several years now, CCI has been leading the fight for better Internet service to those areas of our state that are falling behind in economic competitiveness. In fact, CCI won a collaboration award this past summer at the Mountain Connect Conference for its work on this important issue.

Bolton stated that the unaddressed need for this utility in rural areas has forced local government officials to begin looking at providing broadband infrastructure, and at ways to partner with private industry to establish better service and give our communities the opportunity to thrive. This was the case in Bolton's own county (Rio Blanco) – and spurred the county to go to the ballot in 2014 to get permission from the voters to spend public money on broadband infrastructure. Bolton told the audience "Don't be afraid to take this on."

In looking at the most recent election, Bolton noted that eighteen more counties had placed questions on the ballot asking their citizens to override a statutory prohibition on using public moneys to build or acquire broadband infrastructure. These ballot questions passed in every single jurisdiction, bringing the number of counties opting out of the statutory prohibition to 21.

Blake Mobley, IT Director for Rio Blanco County, shared his county's blueprint for bringing faster Internet service to the citizens of the county. Like a lot of rural counties, Rio Blanco was uncertain how to proceed. Mobley urged the attendees to just start and not be paralyzed by the unknown. He also stressed the importance of planning, noting "No project goes according to plan, but no project succeeds without one." Mobley also pointed out that the infrastructure that the county is putting in is multi-purpose in nature, and will enhance cell service and emergency communications in addition to broadband.

Following the passage of its ballot measure, Rio Blanco County developed a mission statement and a broadband plan that has guided the project to near-completion. The county applied for and received a grant from DOLA to install middle mile infrastructure. The county worked with contractors on architecture and engineering issues and then worked to gain access to rights-of-way and perfect easements in which to place infrastructure. Over the summer, the county has been laying fiber in conduits and building tow-

ers, and working with a private Internet company to hook up houses and do last mile construction/installation.

Lynn Black, county administrator for San Miguel County, then provided her insights and mapped out her county's plan for improving service. Like Rio Blanco County, San Miguel County ran a ballot measure in 2014 and it passed by 83 percent. Since the passage of its ballot override, San Miguel has been working to create two fiber loops that will bring better service to the county. Black cautioned the audience to be realistic about reaching every citizen; in San Miguel, about 20 percent of the residents are just too remote or live in terrain that is just too difficult to serve. Satellite will be the only option for these residents.

Black had several tips for the attendees:

- Borrow ideas from others... don't be afraid to steal ballot question language and planning templates from other jurisdictions. There is no need to recreate the wheel when others have already done it.
- Find your champion in the community. Look for folks with expertise and enthusiasm who can help sell the project to the citizens, media, etc.
- Look at your land use code and watch out for unintended impediments that might be in there. In San Miguel County, the zoning designations created issues when certain houses started looking more "commercial" than "residential" by having relays installed to boost service in the neighborhood.
- Find good partners. San Miguel enlisted the help of the Telluride Foundation, Region 10 and the Department of Local Affairs.

### **CCI SUMMER CONERENCE 2016**



Plan to join your CCI family on June 6-8, 2016 for the Summer Conference in Steamboat Springs where the host hotels are the Sheraton Steamboat Resort and Villas and The Steamboat Grand.

### WATER CHALLENGES

Education, Innovation Essential To Maintaining Precious Resource

#### By Brandy DeLange

Water is Colorado's most precious resource; this message is no better understood than by Colorado's Water Conservation Board Executive Director James Eklund, Jim Lochhead, CEO/Manager of Denver Water, Eric Kuhn, General Manager of Colorado River District, and Jim Havey, Director and Producer of Havey Productions, all of whom echoed this message through their contributions to the statewide Water Plan and the Great Divide film.

James Eklund opened the panel discussion by providing an overview of the eight measurable objectives identified within the Water Plan including: conservation, the supply-demand gap, land use, agriculture, storage, watershed health, environment and recreation, education, outreach, and innovation, and of course, funding.

Eklund explained that each of these objectives have measurable outcomes that will help address the 560,000 acre-foot water storage shortage challenging the state. Providing a more in-depth look at three of the eight objectives (land use, agriculture and innovation), Eklund addressed the need for more strategic land use planning, resulting in approximately 75 percent of Coloradoans living in communities that have incorporated water-saving actions into their comprehensive plans by 2025.

Acknowledging the importance of agriculture to Colorado, Eklund noted that alternative options to the typical "buy-and-dry" approach must be countered and made more appealing with other market-competitive approaches including options such as water banking, water cooperatives, and deficit irrigation. Eklund concluded by suggesting that innovation and education provide the opportunity and agility to anyone interested in becoming involved in changing the current water challenges facing the state.

As a participant in development of the state water plan, Jim Lochhead noted that one of the advantages of the plan is the framework it provides for implementation while simultaneously preserving agriculture and sustaining growth. Lochhead noted that Denver Water is committed to the principles of the plan by taking several proactive steps including entering into cooperative plans with about 40 communities on the western slope, promoting water conservation through urban landscapes, and working with other local governments to enhance efficient land use and growth. Finally, Lochhead reiterated the necessity of preserving property rights as well as the importance watershed health.

Eric Kuhn drew parallels to the state water plan rolled out a few short weeks ago to the attempt to a statewide water plan in 1982. Like now, there were several challenges facing the development of a successful water plan including climate change, agricultural conversions not on the table for discussion, a lack of instream flows and the common thought that water was plentiful and did not need protection of a water plan. By 2015 this perception has dramatically changed, as every drop of water within the Colorado River is now claimed or used, conversations about climate change are more plentiful, and the overall consensus across the state is that a water plan is necessary.

Rounding out the panel, Jim Havey spoke about the goal of the film The Great Divide (and the water plan) is to create historical perspective, noting that if an individual knows where their water comes from, they are much more likely to value and protect it in the future. Further, because of the value added, compromise will become the new normal, transitioning away from litigation, an outcome that everyone can agree is far more desirable.

### Cybersecurity Threats Make Commissioners 'Data Stewards'

Commissioner Lynn Padgett (Ouray County) moderated a Monday afternoon session entitled "Addressing Cybersecurity Threats to Local Government." She noted that county governments are in possession of a wide array of sensitive public data - specifically within human resource departments, clerks' offices, and assessors' records. Counties are responsible for taking steps to protect this highly sensitive data against attacks from hackers and cyberterrorists, yet many small and mid-size counties lack the resources to develop and implement cybersecurity plans. Jack Arrowsmith, Executive Director of the Statewide Internet Portal Authority (SIPA), gave some introductory remarks on SIPA's mission and the services they offer to counties around Colorado. SIPA offers website hosting and development, micro-grants and payment processing setup for local governments. They are also beginning a new program to provide security assessments to small and mid-size local governments. SIPA is currently working with Delta County on a pilot project. Mike Whatley, the chief technology officer for SIPA, talked about the need for cybersecurity planning at the local level and what resources are available. He noted that fully 40% of Americans used a smartphone to access government institutions last year - and that "e-Government" should be renamed "m-Government" (mobile government). Whatley noted that Iran and Russia have become the leaders in cybercrime and that stolen data accounts for hundreds of billions of dollars in illegal profits. Whatley urged commissioners to educate themselves on what their responsibilities are as data stewards and to talk with their county attorneys and IT personnel to better understand both their organizational risk and risk tolerance. He reminded everyone that there is no such thing as perfect protection and that the threat of cyberterrorism is constantly evolving. From a practical standpoint, Whatley pointed to several national organizations that have templates for counties to follow. The National Institute of Standards and Technology within the US Department of Commerce has a great deal of planning and framework information on their website at www.nist.gov. – Eric Bergman

### TRANSPORTATION FUNDING

Mobiilty Impacts the Quality of Life For Colorado's Growing Population

### By Eric Bergman

CCI Transportation and Telecommunications Steering Committee Chair Dan Gibbs (Summit County) moderated a Winter Conference session on the future of transportation funding in Colorado. Over the last few years, CCI has been tracking a number of efforts to either accelerate transportation projects or generate new revenues for transportation funding. Gibbs predicted the issue of funding for transportation will be a hot topic during the upcoming legislative session. And he noted that even as the CCI Winter Conference was getting underway last week, Congress was preparing to vote on a multi-year transportation reauthorization bill to guarantee long-term funding for the federal Highway Trust Fund.

Shailen Bhatt, Executive Director of the Colorado Department of Transportation (CDOT), gave an overview of CDOT's mission and focused on the growing need for additional transportation funding in Colorado. According to Bhatt, between now and 2040, Colorado is going is going to see its population grow by 2.3 million people and the vehicle miles traveled grow by almost fifty percent. He noted that transportation and mobility are key contributors to quality of life and economic growth in the state, and that transportation funding is not a partisan issue.

Bhatt was followed by State Representative Max Tyler, who chairs the House Transportation and Energy Committee. Tyler noted that ten different states took steps to raise transportation revenues in 2015 alone. Six of those states (Georgia, Idaho, Iowa, Nebraska, South Dakota and Utah) raised their gas taxes – and many of those states are firmly Republican. Tyler said that he has concerns about bonding proposals after talking to legislators from other states. He thinks bonding can work here in Colorado, but only if there is a corresponding increase in revenue to accompany it. Tyler believes that a legislative proposal to turn the hospital provider fee into an enterprise fund – thereby freeing it up and creating space under the TA-

BOR cap - could be one solution to addressing the transportation funding issue.

Bill Ray, principal for WR Communications Inc., then presented some polling numbers that he has collected this past fall. His polling suggests that there is renewed interest among Colorado voters in doing something about transportation – something that was lacking previously (and basically what stalled the Impact 64 coalition two years ago). His polling revealed that there was widespread, bipartisan support for addressing transportation funding shortfalls. The numbers fell off somewhat, though, when the question of asking the voters to pay more for transportation came up. Nonetheless, Ray is optimistic about this shift in public sentiment, and he and his clients, the Colorado Contractors Association, are researching the idea of a ballot issue and are conducting more polling to try and determine what kind of tax increase might have the best chance of passing at the ballot.

State Senator Randy Baumgardner, chair of the Senate Transportation Committee, wrapped up the panel presentations. Baumgardner was the sponsor of last session's TRANS 2 proposal, a bonding measure that would have generated \$3.5 billion in funding to accelerate transportation projects across Colorado. The measure died in the House and supporters are planning to bring it back next session. Baumgardner reminded the audience that bonding was very successful back in 1999 and it can be again – especially given the current low interest rates. He agreed with Director Bhatt that rapid growth is coming to Colorado and we as a state cannot wait to address this problem. He indicated that conversations are continuing between the House and Senate leadership over funding proposals and that it will be important to "think out of the box" with respect to this issue.

### Historic Preservation a Powerful Tool in Hands of Counties

In this session, Rebecca Goodwin, Otero County Historic Preservation Officer and Chair-Emeritus of Colorado Preservation, Inc., Amy Pallante, Intergovernmental Services Director of History Colorado, and Mark Rodman, Director of Historic Preservation Technical Outreach at History Colorado outlined the many ways in which historic preservation can be an asset and a powerful economic development tool for counties, as well as a plain English guide on how to manage historic preservation when dealing with the federal government. Because historic preservation is not often looked at as an economic tool for counties, Rebecca notes that it is important to remember that preservation can reach beyond buildings, and can include farms and ranches, grasslands, creeks, and even educational curriculums for students at all levels. In order to make historic preservation work most efficiently for counties Rebecca stressed that counties must stay engaged with the historic preservation process. One of the most effective ways for counties to stay engaged with this process is by working with History Colorado to review local land use plans. By reviewing these plans counties and preservationists can work together to develop the appropriate action plan for that county if necessary. She also added History Colorado has a longstanding goal of working with private land owners and local governments as partners in the preservation process. Among those that History Colorado has worked with to help preserve historic sites are: Montezuma, Bent, Saguache, Prowers, and Huerfano counties. Understanding that part of the county engagement process of historic preservation is working with the federal government, Amy provided commissioners a "plain English guide" on Section 106 of the National Historic Preservation Act. As part of this procedure, the federal government must notify and consult with local governments. In all cases, Section 106 must be completed before any approval of a federal program may occur. – Brandy DeLange

### LIGHTNING ROUND

Best Practices, Ideas Emerge In Discussion of 4 Hot Topics

### By John (Chip) Taylor

Counties had the opportunity to get briefings and feedback on topics of concern in a special post-business meeting potpourri session that may become a regular feature of CCI conferences. In general, this session was designed for topics that could be covered in 10-15 minutes and a variety of subjects were covered, including:

- Substance Abuse Testing El Paso County's Human Services Director Rick Bengtsson provided an update on the county's program for performing substance abuse testing on government assistance recipients. He reported that the county does testing when there is cause to do so and said, besides self-reported violations, the indicators they consider include: appearance/odor, credible third-party reports, noncompliance with the TANF plan, or being more than 2 years on public assistance. Bengtsson said the county had 60 referrals over the last 10 months. 27 of those were self-reported and were able to be referred directly to treatment.
- Online Short Term Rentals Summit County Assessor Beverly Breakstone and Breckenridge Tax Auditor Leslie Fischer discussed issues related to short-term rentals through websites like AirBnB and VRBO. Assessor Breakstone said her primary concerns are proper classification and valuation and that the owners of these units can be liable for personal property tax and sales tax. She estimated that over \$300,000 in Summit County taxes are at stake and encouraged counties to work with the municipalities where these units are located since they have a stake in collection, too. Ms. Breakstone said the county initially found these locations by scouring the online ads. Now, the county presumes that property owners are renting until they say they are not. The county sends personal property NOVs to all owners who do not affirm that they are not renting based on a \$25 per square foot value. Ms. Fischer added that rental agents are required to provide information on the owners they rent for and echoed the call to work cooperatively. She said the town and the county share utility bills and other information on how the properties are actually used. Ms. Fischer made several suggestions on how to be proactive: advertise requirements in local papers, regularly confirm rentals with agents, encourage posting rental location for 911 purposes (renters need to easily identify their location), and consider an MOU with the Dept. of Revenue for sales tax information. The speakers indicated that doing these things can help when you respond to residents who ask what you are doing to manage these activities. Audience members made several comments about market fairness, impacts on affordable housing availability, and enforcement challenges.
- Hemp Program Mitch Yergert, Colorado Dept. of Agriculture's Plants Division Director, provided an update on the development of the state's hemp program regulations that were assigned to the Dept. of Agriculture. He said that hemp, for purpose of the state regulatory program, is cannabis that contains less than 0.3 percent THC (the psychoactive substance). Although it is still a violation of federal law, Yergert indicated that participation in the state regulatory program may provide some level of legal protection to growers. The first crop under the program was grown in 2014 and Yergert's numbers indicated that significantly more individuals registered for participation than actually planted crops. In 2014, around 1800 acres were registered but only around 200 were known to have been planted. In 2015, with 166 individuals registering 301 locations covering 3600 acres, 2200 acres are known to have been planted and the largest fields cover over 60 acres. Yergert said another 500,000 square feet is known to be grown indoors. He reported that the Department does random checks to confirm THC levels, with a 92 percent pass rate. Yergert said that most hemp growers are producing plants with high CBD content, the component that is used to control seizures and for other medical purposes but does not have psychoactive effects, rather than plant material to be used for rope and textiles. Finally, Yergert said that current seed quality inhibits consideration of hemp as an agricultural commodity but that this could improve over time. Washington County Commissioner David Foy mentioned that Progressive 15 is holding a Hemp Expo in Akron on December 14 and encouraged anyone who is interested to register and attend.
- Urban Renewal Larimer County Administrator Linda Hoffman concluded the session with a report on Larimer County's efforts to be engaged in urban renewal with the advent of last year's HB 1348. Relative to county seats on Urban Renewal Authority (URA) Boards, Ms. Hoffman said that each commissioner has one major project in their district and each will sit on the respective URA Board when that time comes. She said the county and municipalities have continued their lengthy negotiations regarding the development and contents of impact reports and have included special districts. The "Big 4" issues in impact reports are: the direct cost of services, the real impact of the project on economic vitality, whether there is truly a need for the use of tax increment financing (TIF), and overall fairness to the affected parties and revenue streams. In assessing these issues, they consider things like whether the need was identified before the developer requested assistance, whether incentives come from all available revenue streams, and how much of a municipality's jurisdiction is already part of a TIF project. Administrator Hoffman said that all 8 municipalities have signed on to this process, in part to ensure fairness among each other, and have contributed funds to hire a consultant to work on it. Mainly, she is interested in developing an impact evaluation model that will allow all parties to agree to accept the model's results. She emphasized the importance of having elected officials agree on the guiding principles and then giving them regular briefings in order to ensure that progress continues to occur.

# WORKFORCE TRAINING

With WIOA as the New Structure Counties Continue in Key Role

#### By Gini Pingenot

In 2014, Congress passed the Workforce Innovation and Opportunity Act. The new federal legislation emphasized innovation and opportunity and how both can be utilized to help workforce's two clients – job seekers and businesses.

Joe Barela, Arapahoe/Douglas Regional Workforce Director, began the session by highlighting the goals of WIOA and the critical role they will play in closing the skills gap for job seekers as they pursue long term employment. Some of these goals include 1) increasing access to education, training and employment; 2) aligning workforce investment, education and economic development to create a high quality workforce; 3) promoting improvement in the structure and delivery of services; 4) increasing the prosperity of workers and employers and 5) reducing welfare dependency and increasing economic self-sufficiency.

Barela also emphasized the key role that CCI's members have in workforce development. Local elected officials appoint the members of the local workforce board and determine who they wish to delegate the local board's functions to. Additionally, local elected officials can play a critical role in developing new career pathways in their communities, assessing the one stop center's accessibility

for individuals with disabilities, developing local and regional plans and much more. The importance of local elected official involvement in workforce activities was reiterated by Teller County Commissioner Dave Paul.

Pat Teegarden, Director of Policy and Legislation for the Colorado Department of Labor and Employment, and Lee Wheeler-Berliner, WIOA Project and Change Manager at the Colorado Workforce Development Council, provided additional updates regarding the state's role in implementing WIOA. Mr. Wheeler-Berliner explained that a draft of the statewide implementation plan will be shared with counties during the week of December 7-11.

In early January, the public will be invited to comment and then the statewide implementation plan is due no later than March 3, 2016. Ultimately, the statewide plan will set the tone and the goals that local plans must align to. Local plans are due in the spring of 2016. Borrowing from an African Proverb, Mr. Wheeler-Berliner shared that if you want to go fast, go alone. If you want to go far, go together. In this spirit, CCI and state agencies will partner on Colorado's 2016 WIOA implementation bill.

### Secretary of State Wayne Williams Evaluating Election Systems

Secretary of State, former El Paso County Commissioner, and former El Paso County Clerk and Recorder Wayne Williams addressed the commissioners during the potpourri session concerning the recently-completed election and the election systems tests that were conducted. In current election systems – the devices used to record and tabulate ballots – are now 15 years old. Williams recognizes they need to be updated but does not want to dictate solutions to counties. To gather information on what is available, eight counties participated in testing four different election systems in the most recent election. Each system was tested in one large county and one smaller county farther away from the metro area. The reports on these field tests are being considered by a Pilot Election Review Committee that includes Weld County Commissioner (and another former clerk) Steve Moreno and that will make recommendations to the Secretary based on the field testing results. Williams noted that there could be cost impacts and that he will share that information with county clerks early in the New Year. He said he does not want to mandate immediate use of a new system but does want to be ready for the presidential election and notes that Colorado could get a lot of attention in the upcoming presidential race. In Q&A, Secretary Williams said that the new equipment is more secure (it is not connected to the Internet) and protects voter anonymity better and that old equipment is likely to have very little value when the time comes to dispose of it.

# CCI DISTRICT MEETING MINUTES 2015 Winter Conference

December 1, 2015 Colorado Springs, CO

#### Southern District

District President Commissioner Wendy Buxton-Andrade (Prowers) and Vice President Jason Anderson (Saguache) welcomed all 15 counties to the meeting.

Commissioners nominated and unanimously approved Commissioner Keith Goodwin (Otero) as the Southern District Board Member. Ken Jensen, Senior Manager of New Program Development with the Office of Economic Development International Trade (OEDIT), presented commissioners with information for a newly-developed Rural Jump-Start program initiated by legislation in the 2015 session (SB15-282). The program will provide all businesses approved by the Colorado Economic Development Commission (EDC) an exemption from state income taxes, state sales and use tax paid by the new company; exemption from county business personal property taxes; and exemption from municipal business personal property tax. Additionally, counties interested in participating in the program may have the option of exempting new companies from other county taxes related to starting a new business. Counties participating in the program must pass a resolution eliminating the business personal property tax on all Rural Jump-Start business within the designated zone.

Jim Souby of the Colorado Rail Passenger Association provided commissioners an in-depth update on the many successes of preserving the Southwest Chief rail line as well as the current efforts to continue its preservation outside of the state in both Kansas and New Mexico.

Commissioners discussed the impacts of the elected officials' salary increase on county budgets.

Commissioners concluded the meeting by providing each other with updates on issues, projects, questions, and successes within their counties.

#### **Mountain District**

Mountain District President Dan Gibbs (Summit County) and Vice President Tom Hayden (Clear Creek County) presided. Representatives from all 13 counties in the Mountain District were present and Commissioner Dave Paul (Teller County) was unanimously reelected as district representative on the CCI Board of Directors.

Commissioners heard a short presentation by Jerry Stevenson, a USFS forest engineer for the Pike and and San Isabel National Forests, on the development of cooperative forest road agreements between counties and the US Forest Service.

During a county roundtable, commissioners gave short updates on the status of broadband deployment in their counties. Eight of the 13 counties in the Mountain District had ballot questions to override a statutory prohibition on using public funds to build or acquire broadband infrastructure. All eight questions passed handily. A number of counties are moving forward and seeking DOLA grant funds to enhance middle mile infrastructure in their communities; others are still in the planning stages or are taking a "wait and see" approach. Meanwhile, Park County is working to establish the first "rural gigabit library" in the state!

Noah Koerper from US Senator Michael Bennet's office provided some updates on the status of PILT, Secure Rural Schools payments, and a multi-year transportation reauthorization bill. Sens. Bennet and Gardner have been working for counties on all three of these critical funding issues.

CCI staff also provided a quick update on the status of follow-up salary legislation to adjust salary increases for county elected officials in those counties experiencing budgetary issues. Rep. Millie Hamner (D-Dillon) will carry the bill for CCI next session. The district also finalized the fall meeting date for 2016. The CCI Mountain District will meet on Thursday, August 25, 2016, in Summit County.

#### Western District

Commissioner Rose Pugliese (Mesa) called the district meeting to order and welcomed county commissioners from 13 counties.

Commissioners unanimously elected Commissioner Doug Atchley from Delta to represent the Western District on the CCI Board of Directors. Commissioner Atchley thanked the commissioners for their support.

Economic development and high-speed broadband access remains a high priority issues for the Western District. In an effort to address this issue, Commissioner Rose Pugliese began the district discussion by noting the overall theme of the meeting would focus on the high level of importance and impact both have on all western slope counties.

Brian Watson, co-founder of Launch, spoke to the district about making the western slope a destination location for tech start-up companies much like the Silicon Valley in California and Boulder County in Colorado. Watson noted that unlike the Front Range, rural Colorado, including the western slope faces several challenges. Among those challenges is the lack of broadband accessibility. Broadband is one of the key component to economic growth. Since 2008 the Front Range, where broadband is more accessible, has seen eight percent growth as compared to the western slope where growth has only increased one to two percent. By creating greater broadband accessibility, as well as investing capital and creating culture of innovation, communities will also be more likely to retain their educated workforce and make the western slope a competitive destination for tech start-up companies.

Following Brian's discussion, Ouray County provided an update about the broadband grant they have applied for with other five counties, connecting them to the broadband system in Grand Junction.

Commissioner Shawn Bolton noted that Rio Blanco County also applied for a \$2 million dollar grant from the Department of Local Affairs to help fund broadband infrastructure and lay fiber. However, the county will only own the broadband infrastructure and will not provide broadband services.

Ken Jensen, Senior Manager of New Program Development with the Office of Economic Development International Trade (OEDIT), presented commissioners with information for a newly developed Rural Jump-Start program initiated by legislation in the 2015 session (SB15-282). (For details, see the minutes of the Southern District Meeting).

Counties participating in the program must pass a resolution eliminating the business personal property tax on all Rural Jump-Start business within the designated zone.

#### Front Range District

District President Steve O'Doriso (Adams) called the meeting to order. He proceeded with roll call with the results that all county members were present. Commissioners in the room then introduced themselves. Commissioners provided each other with an overview of issues that they were either proud to share, needed help with, or offering to provide templates for other county use.

Counties discussed successfully-completed capital construction projects, program implementation and more. There was a lengthy exchange of information between the county members and requests to share software and other programmatic details.

There was an extensive discussion about marijuana problems, including the storage of plants seized from grows and how to handle illegal grows in unincorporated areas. The issues raised were significant and sometimes beyond the members' experiences. This led to a discussion about holding a future meeting at the Summer Conference, or in some other limited capacity. Questions about civil actions and protection of seized plants were areas to which possible legal immunity may not extend. The District requested that the Board discuss how to organize a useful opportunity to deal with these lingering and newly discovered problems.

Commissioners nominated and elected Commissioner Lew Gaiter III from Larimer County to continue to serve on the CCI board by acclimation.

Mayor Randy Aherns discussed Broomfield's legislative priority, Transportation Value Captured Corridors. Broomfield's experience on the Highway 36 project created interest in legislation that would permit collaborative tax sharing for local and regional transportation projects. The legislation, referred to as Transportation Value Capture Corridor (TVCC), would create a program to create a new tool for local governments attempting to address transportation issues.

The legislation would not raise taxes or create state debt. The concept is to allow the 2.9% of state sales tax collected above existing levels in designated area, to be used to fund transportation improvements on state highways and in regional transit projects.

There was discussion among the members on the nature of the mechanism to develop and implement such projects. The general concept is to increase transportation improvement projects with no new taxes, no impact to TABOR, and a return of the excess 2.9 percent sales taxes to the state upon completion of the project.

Brian Shephard, Governor's OIT, and Bob Fifer, Mayor Pro Tem, City of Arvada provided commissioners with an overview of activities which have been underway through the governor's office and the Governor's appointed commission on FirstNet. They are looking to create a data driven project to find out where the greatest needs are in the state. They are also working to determine how to roll out the project so there is appropriate coverage and security throughout the roll-out areas. The study underway is required by the federal government.

Several commissioners expressed concerns about the process and the level of input requested from the state. Many counties already own significant communications systems for their jurisdictions and feel the need to be more connected with the state's planning. According to Mr. Shephard creation of shared infrastructure is the only way the state can opt out of a federally operated system. Everyone seems to agree that opting out of the federal control in this instance is the appropriate action.

The state and the counties agree that there is a need now for improved communications regarding the plan for the federal government and the linkages needed for a shared communications system among the many counties who have already built out their own systems.

Commissioner Nancy Sharpe (Arapahoe), District Vice President, discussed the need for additional information on the refugee impact on county human services, including better information on how refugees are located within the state. The interest is to avoid greater impacts to some counties than others. The commissioners need to know how this process operates.

Commissioners also discussed HUD and the Fair Housing Assessment Tool, which counties must adopt in order to continue to receive CDBG funds. Further, some counties believe that even if they forego the CDBG funds there are still liable to lawsuits for not meeting Fair Housing Standards pursuant to the new HUD rule. This is a troubling situation with little clarity. Some commissioners believe this is an area for the Attorney General to weigh in on.

Finally, an update was provided on the current TIF issues, and what actions municipalities are taking in response to HB15-1348. Several cities have dropped URA efforts and switched to DDA actions to avoid the loss of TIF funds. There is a group assembled at the Governor's request, including legislators, which will be working on tweaks and loopholes resulting from HB1348, with an eye to make this process work as intended.

#### **Eastern District**

CCI Eastern District President and Washington County Commissioner Terry Hart began the meeting by asking for nominations for an eastern district county commissioner to serve on CCI's Board of Directors. Congratulations to Morgan County Commissioner Jim Zwetzig on your new leadership role on CCI's Board!

Following the election, Breanna Bock-Nielsen, Director of Government Affairs for the National Sheriff's Association, provided an update on the Federal Communications Commission's (FCC) Order on inmate calling services. The order establishes per minute rate caps on phone calls. The rates vary depending on the jail size and the inmate's method of payment. These changes are in response to the excessive rates and fees some jurisdictions levied on phone calls made by inmates. The new rates also bar most add-on fees imposed by inmate calling service (ICS) providers. Commissioners should be aware of these changes and the impact they might have on the county's budget.

Lynn Notarianni, Telecom Specialist for the Colorado Public Utilities Commission, and Tim Kunkleman, Regulatory Director for CenturyLink, provided an update on the CAF2 funding. The Connect America Fund, Phase 2 (CAF2) provides \$7 billion nationwide to help connect millions of Americans with high-speed internet. CenturyLink is the recipient of Colorado's share of that funding which amounts to \$26.5 million per year for 6 years. This funding will allow CenturyLink to connect 50,000 eligible locations (homes, apartment units, businesses, etc.) with 10mbps down-1mbps up service speeds. By the end of 2017, 20,000 of the 50,000 locations (or 40%) must be connected with high-speed internet. Many commissioners expressed their dissatisfaction with CenturyLink's services and explained that the rural providers have, on the other hand, provided exceptional service.

Maren Rubino and David Lindsay with the Colorado Department of Revenue's Division of Motor Vehicles spoke of the changes occurring at the Division. Many of the changes are meant to address the long lines for service in the metro area and the subsequent spill over impacts this creates for rural county offices. For starters, 15 of the metro area driver's licenses office have kiosks that help the Division understand the wait times experienced by customers. Ultimately, the goal is to see customers within 15 minutes. The state hopes to see 80 percent of all customers within that time frame by July 2018.

Offices can also accommodate customers who wish to sign up for an appointment and those under 60 can renew their driver's license through the mail for 10 years. The Division is also experimenting with extended office hours (7am-6pm) and a "fly team" of trained professionals who can work the counter when someone is out on a planned vacation or has some other planned absence.

Yuma County Commissioner Robin Wiley concluded the meeting with background on the Jim Hutton Educational Foundation Lawsuit in the Republican River Basin. The Foundation is challenging the constitutionality of SB10-52, a bill that restricted the ability of the Ground Water Commission to alter the boundaries of a designated ground water basin. If the Foundation is successful, it will force the shut-down of hundreds, if not thousands of irrigation wells in the Basin that are junior in priority to the Foundation's surface water rights.

### 2015 ACHIEVERS

Steve Johnson, David Weaver, David Foy Capture CCI's Highest Individual Honors

CCI honored commissioners during the Winter Conference with the major honors going to Commissioner of the Year Steve Johnson (Larimer), Freshman Commissioner of the Year David Weaver (Douglas), and Distinguished Service Award winner David Foy (Washington).

The Commissioner of the Year Award salutes a Commissioner who demonstrates outstanding leadership at CCI and in their county and who consistently goes above and beyond the "call of duty." Larimer County Commissioner Tom Donnelly and six other Colorado County Commissioners nominated Johnson, who was cited for strong convictions, bi-partisanship leadership, and fierce advocacy on issues such as child welfare, workforce training, help for the aging, human services, and urban redevelopment.

"It was a great honor to be named the 2015 Commissioner of the Year by my fellow commissioners from across the state," said Johnson. "I absolutely love my job and the opportunity it has given me to improve the lives of the citizens of Larimer County and the beautiful county we live in. Any success I've had is the result of working with two great colleagues on the board and the dedicated staff and employees of Larimer County."

Weaver began serving his first elected term as a Douglas County Commissioner in January 2015, at which time the former County Sheriff also accepted appointments as Vice Chair of CCI's Justice and Public Safety Steering Committee, the National Association of Counties Justice and Public Safety Committee, and the Colorado Department of Human Services Child Welfare Prevention Steering Committee. In May 2015, Weaver was appointed to the Colorado Criminal Juvenile Justice Committee. He is also the Douglas County appointee to the CCI Health and Human Services Committee.

"We are honored to have one of our commissioners recognized by such an important state organization as it pertains to county governance," said Douglas County Commissioner and Board Chair Jill Repella. "Commissioner Weaver is revered by many of his peers as an example of statesmanship and grace, yet also as someone with a stern focus on getting things accomplished for Douglas County."

Weaver was humbled by the honor. "It's very special to

be recognized by my colleagues, many of whom have reached out to me to offer advice and encouragement," said Weaver. "That support has been important to me as a new Commissioner."

Foy was selected for the award by the CCI Board of Directors based on the quality and length of his public service, which spans more than 38 years. Otero County Commissioner Kevin Karney, who presented the honor to Foy, saluted his long history of dedicated service to CCI, which includes service on the Board of Directors, chairmanship of the Agriculture and Rural Affairs Committee, and a one-year term as President in 2010.

"David Foy has exceptional leadership skills and is a strong consensus-builder when it comes to counties working effectively with governments at the state and federal levels," said Karney. "He brings an unbridled passion to his role as a County Commissioner and is a model for public service that we would all do well to emulate."

Weld County Commissioner Barbara Kirkmeyer said Foy has won the respect of his peers around the state. "Commissioner Foy has devoted countless hours working on behalf of and to the benefit of all counties," said Kirkmeyer. "He's always willing to share 'teachable moments' with new commissioners and so many of us have valued his sage advice over the years."

Foy, a farmer and rancher in Otis, was humbled by the award, saying "I accept this award as a very special thank you from an assembly of outstanding public servants... my peers and follow county commissioners who actively work to protect the interests of counties and our citizens." He was particularly pleased that his wife Julie, daughter Maria, and son Phillip were present to share the honor with him and he said in such times of celebration, he always evokes the memory of his son Michael, who died in 1999 at age nine.

In other awards, the County Association of Road Supervisors and Engineers named Janet Hruby, Routt County Road and Bridge Director received the CARSE Member of the Year honor, and Dan Hershman, retired Boulder County Road Maintenance Supervisor, received a life membership in CARSE for his 28 years of dedicated service and for making significant contributions to the success of the organization.

# CCI 2015 Winter Conference Photo Highlights

Photos by Megan Girard



CCI 2015 President Trent Bushner (center) welcomed keynote speakers Elizabeth Garner (left) and Sallie Clark.



CCI Executive Director John (Chip) Taylor (left)welcomes NACo President Sallie Clark (center) and NACo senior officer Bryan Desloge.





Alamosa County Commissioner Darius Allen (left) teamed with Montezuma County Commissioner and professional auctioneer Larry Don Suckla to conduct an auction that raised \$2,000 for charity.



El Paso County Commissioner Amy Lathen offered welcome remarks at the opening session as her county once again proved an outstanding host for attendees at the CCI Winter Conference.



Delta County Commissioner Doug Atchley (pictured) continues his service on CCI's Board of Directors in 2016, serving under the leadership of President and Otero County Commissioner Keith Goodwin.



Arapahoe County Commissioner Nancy Sharpe is among the many elected officials around the state who devote countless hours to county issues.



Ouray County Commissioners Lynn Padgett (left) and Ben Tisdel were among more than 350 delegates at CCI's Winter Conference held November 30-December 2at the Hotel Eleganté in Colorado Springs.



Conejos County was well-represented at the CCI Winter Conference Awards Dinner by Administrator/Manager Tressesa Martinez (left) and County Commissioner Steve McCarroll.



Weld County Commissioner Julie Cozad joined her colleagues from around the state to learn the latest on such issues as historic preservation, broadband expansion, and Colorado's water challenges.



Prowers County Commissioner Henry Schnabel (left) and Baca County Commissioner Glen "Spike" Ausmus found the Winter Conference to be rich with networking, idea-sharing opportunities.



Archuleta County Commissioners Michael Whiting (left) and Clifford Lucero joined the discussion of important issues at the Western District Meeting held at the CCI Winter Conference.



Two of Colorado state leaders – Sen. Randy Baumgardner (left) and Rep. J. Paul Brown (right), enjoyed a light moment at the CCI Winter Conference with Alamosa County Administrator Gigi Dennis.

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