

August 22, 2017

## CCI Coming to See Counties in Person!

*By John (Chip) Taylor*



This is a busy travel week for CCI staff and members, with a visit to Las Animas County on Wednesday and the Mountain and Western District meetings on Thursday and Friday! We are pleased to get a chance to visit with Las Animas' new commissioners and the new administrator in their courthouse and talk about the challenges facing their county. Las Animas is already operating on a shortened workweek and expects further property tax impacts as a result of the Gallagher Amendment. Commissioners also are being asked to consider a spending limit waiver for the county, a TIF-financed urban renewal proposal from the City of Trinidad and, in conjunction with Huerfano County, a sales tax proposal from the district attorney. We look forward to engaging with them and, hopefully, sharing what some of their fellow county commissioners have learned over the years. The Mountain and Western Districts are holding their regular summer meetings and will be reviewing the 2018 legislative proposals, as well as the latest developments on the deployment of FirstNet, the public safety broadband network. The Mountain District also plans to discuss wildfire response and management and the funding of district attorneys. Western District will also be discussing forest planning and effective representation for the West Slope counties at the Capitol. Finally, Colorado State University Office of Engagement is providing lunch at both meetings and will give an update on engagement activities, including cooperative extension.

These regional meetings are an important opportunity. While CCI has made a conscious effort over the last few years to increase the information available to commissioners through the CCI website, Facebook page and our enhanced member publications, it seems that so much of the nation's public discourse is taking place in tweets and posts and public pronouncements that are not really about conversation or making connections. Having a chance to meet together, share a meal, and talk face-to-face about issues of concern - like you do at a district meeting - seems much more likely to lead to constructive dialog and the development of good public policy than comments and replies on a website item.

Thanks for taking the time to join us, we look forward to seeing you there!

*John (Chip) Taylor is CCI's Executive Director.*

## **CCI MEETINGS:**

[Mountain, Western District Meetings Set for Thursday and Friday](#)

[Winter Conference Theme Is “Funding Your County’s Future”](#)

[Wagner Equipment, CTSI First Major Winter Conference Sponsors](#)

## **IMPORTANT NEWS FOR COUNTIES:**

[Proposed Changes to CCI Policy Statement Due on September 22](#)

[Colorado Safe Routes to School Program Accepting Grant Applications](#)

[Additional Guidance on Upcoming Cost of Living Adjustments to County Elected Salaries](#)

[Counties Advised of Potential E-Mail Scams](#)

[Federal Health Insurance Tax Set to Drive Up Costs of County Health Benefits in 2018](#)

[Rocky Mountain PBS will Air Program on Veterans In Colorado in October](#)

## **INVOLVEMENT/EDUCATION/NETWORKING:**

[August 22 and 28: SB16-190 Forum on County Public Benefits Costs](#)

[August 22 and 24: Colorado Rural Health Funding Summit](#)

[August 28: County Courthouse, Jail Funding Solutions Interim Committee](#)

[December 8: DCI-Sponsored Urban Renewal Board Member Training](#)

[Guidance on the Optional Use of TANF Funds on Quality Child Care Activities](#)

[Behavioral Health Providers Tours](#)

[Forest Service Seeks Nominations for FRAC Members](#)

## **COMMISSIONER PROFILE:**

[Cheyenne County’s Rod Pelton Is Strong Voice for Rural Counties](#)

## **ASSOCIATE MEMBER PROFILE:**

[MBS Offers Counties the eDirectConnect® Investment Resource](#)

## CCI MEETINGS:

### Mountain, Western District Meetings Set for August 24 and 25

As noted above, district meetings continue on **August 24 and 25, 2017** with the Mountain and Western gatherings in Frisco and Montrose, respectively. The lunches at these highly interactive and informative events are sponsored by the Colorado State University (CSU) Office of Engagement. Each meeting will begin at 10 am and go until approximately 2 pm. The complete schedule of meetings is as follows:

**Mountain District Meeting:** August 24, Summit County Community & Senior Center, 83 Nancy's Place, Frisco

**Western District Meeting:** August 25, Ute Indian Museum, 17253 Chipeta Road, Montrose

**Southern District Meeting:** September 8, Huerfano County EMS Building, 326 Main Street, Walsenburg

**Eastern District Meeting:** September 15, Washington County Event Center, 551 West 2<sup>nd</sup> Street, Akron

### Winter Conference Theme Is 'Funding Your County's Future'



Online registration for the CCI Foundation's Winter Conference is now open. Themed "Funding Your County's Future," the event is set for **November 27-29, 2017** at the Hotel Eleganté in Colorado Springs, El Paso County. Early Bird registration discounts are available through **November 1, 2017**. That same date is the cutoff for room accommodations at the hotel at the special conference rate of \$94 per night, single or double occupancy. The conference kicks off with workshops on Monday afternoon, November 27, and the Monday evening President's Reception is again being sponsored by Wagner Equipment. The reception is hosted by CCI President and Larimer County Commissioner Lew Gaiter III. Tuesday, November 28 begins with a CTSI-sponsored breakfast and the County Workers Compensation Pool & Colorado Counties Casualty & Property Pool Meeting; and follows with the Opening General Session where Governor John Hickenlooper has been invited to speak; the CCI district meetings; the CCI Business Meeting; and the dinner which features CCI and affiliate-group awards. Wednesday, November 29 offers more educational programs and a Grab 'n Go lunch. Sponsors will be on hand to share valuable information and resources with county leaders.

The event includes workshops and networking sessions sponsored by the Association of Colorado County Administrators (ACCA), the Colorado Association of Public Health Officials (CALPHO), the Colorado Association of Road Supervisors & Engineers (CARSE), and the Colorado Human Services Directors Association (CHSDA). For delegate information (including hotel accommodations) tentative schedule, and the registration form, visit the home page at [www.ccionline.org](http://www.ccionline.org).

### Wagner Equipment, CTSI First Major Winter Conference Sponsors

Sponsorship opportunities are now available for the CCI Foundation Winter Conference on **November 27-29, 2017** at the Hotel Eleganté in Colorado Springs, El Paso County. Wagner Equipment is a Platinum-level sponsor of the President's Reception and CTSI is a Gold-level sponsor of the Tuesday morning breakfast. Other

early sponsor commitments include Anadarko, CCOERA, CPS HR Consulting, and Motorola Solutions. If you do business with county governments, conference sponsorships are a great way to cement existing relationships and establish new ones with over 400 key decision-makers in the multi-billion-dollar county government market for products and services. The conference audience includes county commissioners, administrators, road & bridge supervisors, and human resource specialists. There are four levels of sponsorships plus table-top displays and program advertising. To discuss sponsorship opportunities, call Paul Thompson at 303.861.4076, Ext. 241 or email him at [pthompson@ccionline.org](mailto:pthompson@ccionline.org).

## IMPORTANT NEWS FOR COUNTIES:

### Proposed Changes to CCI Policy Statement Due September 22

Each fall the membership of CCI adopts a legislative agenda as well as a policy statement. The CCI Policy Statement is organized by steering committee and serves as a general guide to the association's position on a wide-ranging number of policy issues. It provides CCI staff with guidance absent specific action by a CCI Steering Committee. As part of the steering committee work on September 29, members will begin discussing the CCI Policy Statement and may recommend changes. Members may review the policy statement in advance of the meeting and **submit suggested changes to CCI Policy Director Eric Bergman at [ebergman@ccionline.org](mailto:ebergman@ccionline.org) no later than Friday, September 22.** Final ratification of the 2018 CCI Policy Statement will take place during the Legislative Committee meeting on **October 13, 2017.** The 2017 CCI Policy Statement can be found on the CCI website at <http://ccionline.org/legislative/policy-statement/>.

### Colorado Safe Routes to School Program Accepting Grant Applications

The Colorado Safe Routes to School (SRTS) program is taking applications from counties, cities, towns, schools, and school districts for grants to help build infrastructure and expand non-infrastructure programs. For the fiscal year 2017-2018 cycle of grants, SRTS will offer funding for education, enforcement, and encouragement projects that improve skills and knowledge about safely bicycling and walking to and from school for students from Kindergarten through 8<sup>th</sup> grade. Funding also is available for infrastructure projects to improve the built environment around elementary and middle schools that increase students' ability to walk and bicycle to school safely. Infrastructure projects are eligible for up to \$350,000 in grant funding, with \$2 million in total funds available, of which \$500,000 is available for projects that focus on education, enforcement, and encouragement. Applications can be found online at [www.codot.gov/programs/bikeped/safe-routes/funding-evaluation](http://www.codot.gov/programs/bikeped/safe-routes/funding-evaluation) and are due **November 1, 2017.** Several training sessions with locations throughout the state are also being offered to provide guidance on the application process. The program dates can be found on that same webpage. Examples of SRTS projects include: train the trainer programs for school-based bicycle and pedestrian education; bicycle and pedestrian safety education and skills training; bike rodeos; crossing guard programs; Tires 'n Tannies Tuesdays or Walking 'n Wheeling Wednesdays encouragement programs; walking school bus and bicycle trains; installation of new sidewalks; placement of traffic signs; pedestrian/bicycle crossing improvements; on-street bicycle lanes; and bike racks. For additional information, contact Leslie Feuerborn at 303.757.9088 or e-mail at [leslie.feuerborn@state.co.us](mailto:leslie.feuerborn@state.co.us).

### Additional Guidance on Upcoming Cost of Living Adjustments to County Elected Salaries

CCI has received several inquiries regarding the first cost of living adjustment to county elected salaries that will be made by Legislative Council at year's end and whether counties should be budgeting for this increase. Please be aware that while there WILL be a cost of living adjustment made this December by Legislative Council (per CRS 30-2-102(2.3)(b)), **no county elected official will be eligible to receive this adjustment until s/he is reelected in either 2018 or 2020.** This is because of the constitutional prohibition on elected officials receiving a raise while in their current term of office. Raises will not be given until January of 2019 when new county

elected officials are sworn in. A 2016 memo outlining the salary increases and cost of living adjustments is attached to this edition of eCounty Lines.

If you have any questions, please call Eric Bergman at CCI at 303.861.4076.

### Counties Advised of Potential E-Mail Scams

The Denver Post reported this past weekend that the Town of Snowmass was the target of an e-mail scam that cost the town almost \$60,000. CCI has learned that a similar e-mail scam was attempted in Phillips County recently. In that instance, scammers somehow got access to the county administrator's e-mail address and sent a message to the county treasurer requesting that a wire transfer be made to pay a contractor. The attempt in Phillips County was foiled when the treasurer phoned the administrator to verify the transaction. Counties are advised to be on the watch for any similar scams in their communities. Here is a link to the Denver Post article: <http://www.denverpost.com/2017/08/19/email-scammers-rob-colorado-town-of-almost-60000/>.

### Federal Health Insurance Tax Set to Drive Up Costs of County Health Benefits in 2018

As Congress continues to debate next steps on health care, one immediate issue that needs to be dealt with is the return of a tax on health insurance premiums. This tax returns on January 1, 2018, and will increase premiums by as much as 3% for individuals, families and employers. The Health Insurance Tax will result in higher health insurance premiums totaling \$22 billion for over 100 million Americans nationwide – impacting individuals and families who receive insurance through Medicare, Medicaid, or their Employer (including State or local Governments). One important note about the tax is that employers or entities that self-insure do not have to pay this tax.

But what does this tax mean for Colorado counties and their employees that are fully insured? The return of the tax on January 1, 2018 will mean that families receiving insurance through a fully insured Colorado county plan will face premiums that are on average \$500 more expensive. For more information, click here for the National Association of Counties' policy brief on this issue - <http://www.naco.org/resources/support-repeal-40-percent-excise-tax-employer-sponsored-health-insurance-0>.

Now is the time to share your county's perspective on this tax with Colorado's congressional delegation. Contact information for your congressional members can be found here - <https://www.govtrack.us/congress/members/CO>

### Rocky Mountain PBS will Air Program on Veterans In Colorado in October

Earlier this month, CCI was contacted by Rocky Mountain PBS for information on how much counties pay their veteran services officers. CCI does not have this information and has since learned that Rocky Mountain PBS will be emailing county veteran service officers directly for this information. Rocky Mountain PBS' program on veteran services will focus on the level of federal, state and county funding that is dedicated to helping Colorado's veterans. The program will look specifically at 1.) the needs of aging Vietnam vets and their access to care in rural areas; 2.) the use of medical marijuana as a treatment for post-traumatic stress disorder; and 3.) the needs of female veterans and how their health needs will be met. PBS' program will run in October.

## INVOLVEMENT/EDUCATION/NETWORKING:

### August 28 and September 8: SB16-190 Forum on County Public Benefits Costs

County officials are invited to SB16-190 Forums hosted by the Colorado Department of Human Services and the Colorado Department of Health Care Policy & Financing on **August 28** and **September 8**. The forums

feature a presentation by Deloitte on the final report on the collection and analysis of data relating to county department costs and performance associated with administering public benefits assistance programs. The August 28 forum is set from 12:30 pm to 4 pm and the September 8 forum runs from 8:30 am to 12 pm. Both forums will be held at 1525 Sherman Street in Denver. For questions about the forums, email [Maryse Osborn](#).

### **August 22 and 24: Colorado Rural Health Funding Summit**

The Colorado Rural Health Funding Summit will be held in two locations: Fruita on **August 22, 2017**, and Aurora on **August 24, 2017**. Participants at the free events will learn about funding opportunities and technical assistance available to help rural health care organizations. Sessions will cover: The current state of health information technology (HIT) in Colorado and how to engage rural facilities in creating workable and sustainable HIT efforts throughout Colorado; Opportunities to link rural safety-net providers and hospitals with funding programs to help them invest in technology to optimize their facilities and systems; The need for robust broadband infrastructure in rural areas to improve distance learning and health services and enhance economic growth; and problem-solving with HHS and USDA facilitating a group discussion for participants to discuss current and prospective projects with agencies that administer related funding programs. The Fruita venue is the Fruita Community Center (324 N. Coulson Street) and the Aurora venue is the Colorado Rural Health Center (3033 S. Parker Road, Suite 606). Both events run from 8:30 am to 4 pm. Registration is open at 8 am. Lunch will be provided to attendees at both events. To register (RSVPs are required by **Friday, August 18, 2017**), click [here](#) and choose which event you plan to attend.

### **August. 28: County Courthouse, Jail Funding Solutions Interim Committee**

The CCI-initiated Interim Committee on County Courthouse and County Jail Funding and Overcrowding Solutions will meet on August 28, 2017 in Senate Committee Room 352 of the State Capitol Building. Starting at 9 am, the committee will hear from several presenters about pre-trial detention, how state sentencing policies affect local jails, and behavioral health services for county jails. In the afternoon, committee members will travel to Arapahoe County for a tour of the county's jail, pre-trial services, and RISE program. Attached to this newsletter are the minutes from the two previous Interim Committee meetings. If you are interested in attending the county visit or have any questions about the Interim Committee, please email CCI's Alli Daley.

### **December 8: DCI-Sponsored Urban Renewal Board Member Training**

Downtown Colorado, Inc. (DCI) has announced that it will present an all-day Urban Renewal Board Member Training class on **December 8, 2017** with the location to be announced. DCI is identifying new case studies that illustrate rural renewal and urban innovation. The training will highlight processes for implementing HB15-1348 (a law passed by the General Assembly in 2015 which grants counties, special districts and schools the ability to negotiate how much of their incremental property tax revenue they can commit to a redevelopment project) and the opportunities that new partnerships may hold as well as looking at the impacts of urban renewal in Colorado. For more information, click [here](#).

### **CDHS Provides Guidance on the Optional Use of Temporary Assistance for Needy Families (TANF) Funds on Quality Child Care Activities**

Last year, HB17-1355 clarified that counties could choose to use TANF dollars to support quality child care activities. Some of the allowable activities that could be supported include: 1.) activities designed to improve the quality and availability of child care; 2.) making grants or providing loans to child care providers to assist such providers in meeting applicable state, local and tribal child care standards, including applicable health and safety requirements; 3.) improving salaries and other compensation (such as fringe benefits) for full and part time staff who provide child care; 4.) minor remodeling to upgrade child care facilities and much more. Among

unallowable expenses, funds may not be spent to purchase or improve land or purchase, construct or improve any building or facility. Please note that a county must demonstrate that it will fully expend its Child Care Assistance Program (CCCAP) allocation in order to receive approval to use TANF dollars for quality child care activities. For additional information or to explore whether or not this is an option for your county, please visit with your human service director.

### **Behavioral Health Providers Tours**

The Office of Behavioral Health is hosting a number of tours of behavioral health providers throughout the state and local community forums to hear from community members about behavioral health needs in their area. The forums will give community members the opportunity to hear about services available in the community as well as learn about next steps and solutions for behavioral health service gaps. Dates for the tours and forums are below. Additional locations and dates will be announced when confirmed. For current information about OBH's efforts across the state, click [here](#). Please RSVP to [lauren.snyder@state.co.us](mailto:lauren.snyder@state.co.us) if you'd like to attend.

#### **Mount Saint Vincent, Legislative Tour**

Facility Description: Residential Treatment Center for Youth  
Location: 4159 Lowell Blvd, Denver, CO 80211  
Date: September 19th at 1:30pm

We also have a tour of Devereaux, a residential child care facility in Westminster at 10:30a.m. This will be a great opportunity to see various RCCFs and the differences between them.

#### **Community Reach Center, Legislative Tour**

Facility Description: Walk-in Crisis Center and Residential Step-Down Facility  
Location: 2551 W. 84th Ave, Westminster, CO 80031  
Date: September 26th, 1:30pm

We also have a tour of Devereaux, a residential child care facility in Westminster at 10:30a.m.

#### **Denver (North) Community Forum**

Location: 11285 Highline Dr., Northglenn, CO 80233  
Date: September 26, 3:00pm - 4:30pm

#### **Pueblo Community Forum**

Location: Rawlings Library, 100 E. Abriendo Ave., Pueblo- Ryals Special Event Room, 4th Floor  
Date: September 5th, 6:30pm-8:00pm

#### **Health Solutions, Legislative Tour**

Facility Description: Walk-in/Crisis Care  
Location: 41 Montbello Road, Pueblo, CO 81001  
Date: September 6th, 9:00am

#### **Crossroads Turning Point, Legislative Tour**

Facility Description: Opiate and Substance Use Disorder Treatment  
Location: 509 E 13th Street Building B, Pueblo, CO  
Date: September 6th, 11:00am

The tour in Pueblo will include these two facilities and at 1:30pm we will finish the day with a tour of the Mental Health Institute at Pueblo. Again, feel free to come to one or all three tours.

### **Colorado State University, Legislative Tour**

Facility Description: Trauma Resiliency Center

Location: Colorado State University- Room Location TBD

Date: September 18th, 10:00am - 11:30am

- Larimer County Department of Human Services is providing lunch from 1:00pm - 2:30pm

### **Ft. Collins Community Forum**

Location: Colorado State University- Room TBD

Date: September 18th, 1:00pm - 2:30pm

### **Durango Community Forum**

Location: Durango Public Library, 1900 E. 3rd Ave

Date: September 15th, Time: 12:00am - 1:30pm

### **The Center (Montrose), Legislative Tour**

Facility Description: Community Mental Health Clinic

Location: 2130 E Main St., Montrose, CO 81401

Date: September 21st, 3:00pm - 4:30pm

### **West Springs (Grand Junction), Legislative Tour**

Facility Description: Psychiatric Hospital

Location: 515 28 3/4 Rd, Grand Junction, CO 81501

Date: September 22nd, 8:30am - 10:00am

### **Hilltop (Grand Junction), Legislative Tour**

Facility Description: Substance Use Disorder Treatment

Location: 1331 Hermosa Ave., Grand Junction, CO 81506

Date: September 22nd, 10:00am - 11:30am

### **Grand Junction Community Forum, Legislative Tour**

Location: Grand Junction Library, 443 N. 6th Street, Mesa and Monument rooms

Date: September 22nd, 12:00pm - 2:00pm

### **Summit County Community Forum**

Location: Summit County Community and Senior Center, 83 Nancy's Place, Frisco, CO

Date: September 25th, 11:30am - 1:30pm

## **Forest Service Seeks Nominations for FRAC Members**

The U.S. Forest Service is seeking nominations for the Forest Research Advisory Council (FRAC). If you are interested in participating, see below. FRAC makes recommendations to the Secretary of Agriculture for \$25 - \$35 million of Forestry research each year. ***Time is of the essence—the Forest Service will accept nominations for the next two weeks.*** Membership in the FRAC offers opportunities to significantly influence the direction of academic and government forestry research in concrete ways. In the past, much of the focus has been on industrial forestry, but there is a desire to include more urban and community forestry research in the future. Nominations from Coalition members are needed to make that happen. The Council meets at least once, sometimes twice, a year, and Council members serve staggered renewable terms that last up to three years. The Forest Service covers travel costs for most participants. A completed form AD-755 and a resume are required. A cover letter and letters of recommendation are helpful, but not mandatory.

Please send qualified candidates to Heather Doucet, SUFC Convener.

## COMMISSIONER PROFILE:

### Cheyenne County's Rod Pelton Is Strong Voice for Rural Counties



Rod Pelton learned a lesson from his father that has served him well as a Cheyenne County commissioner. “Dad always said don’t just gripe about something... get involved and fix it,” said Pelton (*pictured above*). “I took that advice to heart.” Pelton’s desire to make things better in this East Central Colorado county of 1,846 residents came first through service on community boards, most notably the USDA County Oversight Board. But then, encouraged by friends, he decided to take the “next step” and run for county commissioner, where he unseated the incumbent. “Early on, I was amazed at how many things commissioners were responsible for,” said Pelton, “but also a little frustrated over mandates from the state or federal government – things we didn’t control as elected officials but that our citizens thought we did.” Apparently, Pelton walked that fine line quite well as his constituents re-elected him to a second term without opposition. His priorities include adjusting to a huge budget shortfall, keeping the county landfill in compliance with state regulations, and addressing cyber-attacks on county information. The budget battle may be the biggest test as the drop in oil prices contributed to a devastating decline in county revenue from severance and property taxes. “We lost \$800,000 out of a \$5.5 million budget so that’s a big hit,” said Pelton. “As a board (Pelton serves with fellow commissioners Nancy Bogenhagen and Patrick Ward), we decided to delay capital improvement projects but what we refused to do was cut staff or employee benefits... we all agreed: our employees make our county run effectively.” Pelton is pleased with the working relationship Cheyenne has with the Colorado Department of Public Health & Environment on upgrading its landfill, noting that CDPHE covered the cost of monitoring wells. His county has reached out to the state to help solve recent information security breaches that include a ransom letter sent to the local post office. At CCI, Pelton chairs the Agriculture, Wildlife, and Rural Affairs Committee and welcomes every opportunity to promote and protect the interests of rural counties. “I actually like going to the Capitol to speak up for the rural counties,” says Pelton. “It’s important that the rural voice be heard...and respected.”

## ASSOCIATE MEMBER PROFILE:

### MBS Offers Counties the eConnectDirect® Investment Resource



Member of FINRA & SIPC; MSRB Registered.

Multi-Bank Securities, Inc. (MBS) is an independent, veteran-owned fixed-income securities broker-dealer that has been serving institutional investors, including counties and local governments, across the U.S. since 1988. MBS is licensed in all 50 states with offices available to serve public funds investors around the country. Colorado Counties, Inc. (CCI) has partnered with MBS and eConnectDirect® as an essential tool for members to manage their county’s fixed-income investment needs. This proprietary web-based investment platform gives county treasurers visibility to thousands of fixed-income investments in a market with little transparency. It arms public funds investors with the necessary tools and confidence to compare, select and manage taxpayer funds

more easily and efficiently. While eConnectDirect allows finance directors to be self-sufficient if they choose, this tool also allows them to work with a licensed MBS account representative in a dynamic way – working side-by-side on investment decisions to help enhance the return on investment (ROI) for the county. For more information, contact John Coban at 855.928.0108 or [jcoban@mbssecurities.com](mailto:jcoban@mbssecurities.com), or visit these web sites: [www.mbssecurities.com](http://www.mbssecurities.com), [www.eConnectDirect.com](http://www.eConnectDirect.com).

**eCounty Lines Editor:**

**Paul M. Thompson**

Education and Outreach Manager

800 Grant Street, Suite 500, Denver, CO 80203

Phone: 303.861.4076, Ext. 241

[www.ccionline.org](http://www.ccionline.org)



**To:** County Commissioners  
County Administrators/Managers  
County Budget/Finance Staff

**From:** Eric Bergman, CCI Policy Director

**Date:** November 2, 2016

**Re:** Salary/Cost of Living Adjustments for County Elected Officials

---

We have received a number of questions on the timing of the salary adjustment provisions contained in SB15-288. The language in the bill has caused some confusion and staff has been asked to provide additional guidance on when the salary adjustments and/or cost of living adjustments will take effect. While the salary adjustment component itself is fairly straightforward, the timing of the raises is complicated due to a provision in the Colorado Constitution that prohibits county elected officials from receiving a raise while in office:

Colorado Constitution, Article XII, Section 11  
ELECTED PUBLIC OFFICERS - TERM - SALARY - VACANCY  
No law shall extend the term of any elected public officer after his election or appointment nor shall the salary of any elected public officer be increased or decreased during the term of office for which he was elected. (emphasis added)

#### Salary Adjustments

County commissioners elected next week and sworn in January of 2017 will receive a raise ranging from 0% to 30%, depending on what subcategory the county was put in through last year's HB16-1367 (see attached). Counties in subcategory D will receive no raise next year; counties in subcategory C will receive 10% raises; counties in subcategory B will receive 20% increases; and counties in subcategory A (the statutory default established in SB 288) will receive 30% increases. Commissioners who are currently in office but are not up for election this November will not receive a raise next January. They must wait until their next term for their salary increase to kick in, pursuant to the language in the state constitution.

#### Cost of Living Adjustments

In order to establish regular, incremental salary adjustments going forward, SB 288 also contained a provision to make periodic salary adjustments for county elected officials based on the consumer price index (CPI) for Denver-Boulder-Greeley. These CPI adjustments are determined by Legislative Council staff and will be made beginning in late 2017 (and every

two years thereafter), meaning that county commissioners elected this fall will **not** see a CPI adjustment until January of 2021 (assuming they are reelected). Commissioners (and the other county elected officials) elected in 2018 will receive **both** a salary adjustment (of 0% to 30%) and a CPI adjustment when they are sworn in January of 2019, but will not receive any additional CPI adjustments unless they are reelected in 2022 (again, owing to the constitutional prohibition on getting a raise while you are in office).

So, for purposes of these salary adjustments, there are basically two scenarios in any given county:

- If you are a commissioner elected (or reelected) this Fall (2016), you will be sworn in next January and you will receive a salary that is 0% to 30% higher than the current salary level (depending on subcategory). You will NOT receive a cost of living adjustment during your four-year term. If you are reelected in 2020, you will receive TWO small CPI adjustments (one determined in 2017, and another determined in 2019).
- If you are a commissioner (or other county elected official) elected (or reelected) in 2018, upon swearing in you will receive the same salary as the commissioners elected in 2016 AND you will also receive a small CPI adjustment on top of that new salary. Please note that you will not receive any additional cost of living adjustments during your four-year term.

The practical effect of these salary adjustments is that there will **always** be a discrepancy between county commissioner salaries, with commissioners elected at different times basically “leap-frogging” each other (from a salary standpoint) every two years. Given the constitutional prohibition on receiving a raise during office and staggered commissioner election cycles, there is no way around this issue. However, these small incremental salary adjustments will prevent the need for another piece of legislation somewhere down the road to raise county salaries again.

If you have any questions, please do not hesitate to call me at 303.861.4076.

**Interim Committee on County Courthouse and  
County Jail Funding and Overcrowding Solutions**  
Committee Minutes - July 17, 2017

**Committee Charge and Interim Bill Drafting Process**

Legislative Council Staff, Julia Jackson, prepared three memos for the committee. Those memos can be found here: [Overview of County Courthouse Funding Legislative History](#), [Overview of County Jails](#), and [Overview of Courthouse Funding](#). The charge memo for the committee can be found [here](#).

Office of Legislative Legal Services staff and interim committee bill drafter, Richard Sweetman, began the committee detailing the timeline for bill proposals for the interim committee. The committee is permitted to sponsor up to 5 bills. September 11 is the deadline by which a committee member must request a bill draft. Bill drafts must be finalized by October 2 but there is no meeting on that date. Bill drafts will be shared with effected state agencies for the purpose of developing fiscal notes. At the October 23 meeting, committee members will vote on which bills to sponsor. Bills must be approved by a majority of members. Members can make proposed changes to bill at the final committee meeting only in the form of amendments.

**Legislative History of County Courthouse and Jail Funding**

Christ Creighton, Legislative Council Staff, presented on the [Overview of County Courthouse Funding Legislative History](#) memo to provide background for the committee. CRS 30-11-104 requires a county, at its own expense, to provide a suitable courthouse, a sufficient jail, and other necessary county buildings and keep them in repair; and CRS 13-3-108 requires the state to provide funds for the operations, salaries, and other expenses of the courts.

In 1969, there was a Committee on Fiscal Policy recommendation that the state assume fiscal responsibility for providing funding for courts (memo, pg. 3). This recommendation was that counties would pay for salaries, operations, and building maintenance costs as well as DA salaries, and the state would assume expanded facilities costs. However, the bill that was passed in the 1969 session (SB69-126) was basically the opposite and created the CRS 13-3-108 structure we have today.

Under CRS 13-3-108, the state is required to make annual appropriations for operations, salaries, and other expenses, while the county provides and maintains adequate court facilities. The State currently pays for some of the minor capital improvement costs within the facilities but the General Assembly, while authorized, has not approved funds to be spent on maintenance or new facilities. From 1969 to 1997, CRS 13-1-108 also required the State Court Administrator to prepare annual capital construction budgets regarding court facility requirements as well as a long-range judicial construction plans on a county-by-county basis and to share those plans with the Joint Budget Committee and the Office of State Planning & Budgeting. This requirement was amended out of the law in 1997.

## County Courthouses and Jails: Overview from the Counties

Commissioner Darius Allen (Alamosa) presented about the problem of jail overcrowding in Alamosa County. In 2015, Alamosa county had over 75 inmates in their jail built for 42 inmates. Today, Alamosa has about 100 inmates in-house and about 40-45 inmates in other jails across the state. The cost to house these inmates in other counties is anywhere from \$45-55/day per inmate or nearly \$500,000 per year. Over 50% of the county's general fund goes to public safety, or approximately \$16M.

Commissioner Allen highlighted the medical costs of serving inmates. He talked about the statutory requirement for jails to provide community standards of care for inmates in jails. However, inmates lose their Medicaid and VA benefits when they are booked into the jail without even being sentenced and the county becomes responsible for these costs. The county has funded a nurse to oversee medical care in jail. There is one medical facility in the county, Valley Wide Medical, and they have given notice that they will no longer take in inmates from the jail. These inmates will now have to go to the ER at an additional cost to the county.

Commissioner Allen also discussed the influence of drugs on jail populations. 95% of the Alamosa County inmates are drug-related (either person is on drugs, dealing drugs, or otherwise involved in drugs). **Rep. Beckman wanted more information about whether those drugs are prescription or not.** There are also issues of drugs being brought into the jail. Alamosa County can only do visual strip searches and does not have funds to purchase a body scanner. Alamosa County's detox facility is also full and there is no facility in the county or the valley for anyone on a mental health hold.

Another issue is that most inmates in county jail are not sentenced. This is made worse by court delays because the DA's office is underfunded and understaffed. The county also cannot collect costs of care from presentenced people, although most of those people do not have any financial resources to collect. Presentenced inmates are also not permitted to volunteer to work in the community.

The costs of expanding jail and courthouse facilities are astronomical. Alamosa County got bids for jail expansion at \$550 per sq. ft., and the county is proceeding with a \$9.5M justice center project after going to the voters for a 1 cent sales tax increase. This jail will also cost an additional \$300,000 in staffing.

Commissioner Allen concluded by discussing the highest needs of Alamosa County. He requested solutions for addressing the high medical costs of treating inmates, especially those with behavioral health needs and substance abuse addiction. He requested training for detention officers to be able to identify mental health issues, a body scanner to eliminate drug smuggling, and a swifter court system with adequate resources for DAs equal to that of the public defenders. He also requested the ability to allow a work release program for pre-sentenced inmates who want to volunteer to work in the community.

Commissioner Hart talked about the constitutional standards relating to the problem of jail overcrowding. However, jails have to accept anyone who comes to their door so counties do the

best they can with what they have and that results in double, triple, quadruple bunking. In Pueblo county, they don't take any municipal inmates and they are working with their DA to no longer take inmates on misdemeanors. Pueblo county searches across the state for vacancy space and counties try to buy it before someone else does. This has gotten more difficult because all of the jails are filling up and it's becoming a bidding war.

Sen. Coram asked for information about DOC and jail transfers. Commissioner Hart responded by describing the waiting and the, at times, substantial backlog of DOC transfers. The DOC assessment processing center in Denver (DRDC) is sometimes so full that the backlog gets worse. Pueblo has 388 beds and has over 750-800 prisoners right now. DOC backlogs only make that overcrowding worse. Sen. Coram had questions about the private prisons closing and how DOC reimburses jails. Counties are reimbursed for the cost set by the Joint Budget Committee and the rate does not cover the true cost of holding people, especially when there are overtime requirements and other issues because of overtime. Sen. Coram suggested the committee take a look at the actual cost of housing DOC inmates in jails.

Commissioner Jackson began her portion discussing substance abuse and mental health. About 18% of inmates in Arapahoe county jail self-identify as having a mental illness and 33% have substance dependencies. She talked about the history of deinstitutionalization and how, ever since then, we have had inadequate resources for mental health. She applauded the legislature's effort to eliminate the use of jails for mental health holds, but discussed the continuing needs facing people with behavioral health disorders. Those with mental illness have longer stays in jails and they pose many challenges for staff in jails, especially those without training to deal with this population. And while opioids pose a huge issue in the community, there are even issues with alcohol use.

Commissioner Jackson also discussed her role on the Court Security Cash Fund Commission. Courthouses all across Colorado are beautiful but not always built to today's security standards. This cash fund helps with magnetometers, doors, and paying salaries of deputies when the county cannot afford them. The Commission can no longer pay for training for deputies to be able identify to safety because the fund is stretched so thin.

Commissioner Jackson also discussed Arapahoe County's most recent assessment of the needs of its criminal justice system. The Justice Center needs to be improved and there are safety issues and it will cost \$251-355M with operating costs of about \$40M per year. The jail and detention center needs to be reconfigured and that will cost about \$64M with operating cost of about \$1.5-2M per year.

Arapahoe County has worked diligently to increase efficiencies. The county has diversion programs, problem-solving courts, and a warning system to help people avoid "failure to appear" charges. The problem-solving courts are incredible but are for a small part of the population. Arapahoe County also has a behavioral health committee that focuses on "frequent fliers" in the system.

Commissioner Jackson also invited the committee to visit Arapahoe County and that meeting will be scheduled at one of the future dates.

Sen. Crowder asked Commissioner Jackson why the Arapahoe County jail does not have overcrowding. She attributed some of the success to all of the diversion programs they have implemented. The county does not have empty space because they utilize the facility to help Pueblo manage the regional Restoration to Competency program (RISE). The 1458 population capacity in the memo is also only if the jail chooses to triple-bunk inmates which the county tries to avoid.

Sen. Benavidez asked about why some inmates were in jail for over two years. Commissioner Jackson responded by discussing pending lawsuits and inmates' failure to comply with the conditions of their incarceration. Often, it is because court cases are continuing and inmates have not been sentenced. Usually, the cause is because the inmate is waiting on court decisions.

**Rep. Beckman requested data on parole board delays and why it takes time for inmates to be sent out of jail when they are non-violent and do not need to be in jail.**

Commissioner Pugliese talked about courthouses being the proper role of state government because the courts are housing state employees who adjudicate state law. The costs of replacing courthouses are astronomical and counties are often left using general fund to pay for it if bonding measures fail at the ballot box. In Archuleta County, a new facility cost \$19M and an additional \$5M to fix a damaged courthouse. In Delta County, expansion would cost \$35M. In La Plata County, it would be a \$2.1M expansion and they have received some grants. In Mesa County, it's \$18.6M to build their facility a few years ago and the annual maintenance costs are about \$504,000/year not including security. Security is just under \$1.4M per year. About 50% of the county's general fund goes to public safety.

Commissioner Pugliese also talked about Mesa County's efforts to keep down the jail's population, but the population has begun to rise again in the last few years, particularly because of issues like the use of methamphetamines. Work release was an effective program in Mesa County for several years but judges were not sentencing people to work release. Because you cannot force judges to sentence people to work release, the program became unviable and no longer exists. Evidence-based decision-making is used by Mesa County to evaluate inmates and potentially divert them from jails.

Commissioner Pugliese talked about the county's treatment facility for inmates addicted to substances but the facility cannot find enough qualified therapists to work at the facility so there are many empty beds in the facility but people end up staying in jail instead. The regional mental health facility has no beds available.

**Sen. Fields wanted information about how long someone stays in jail on pretrial and why people stay in jail so long and what crimes they commit.** Commissioner Pugliese talked about how when bonds are set so high people cannot bond out and also talked about whether some of the population is safe enough to be out in the community.

Commissioner Hart finished the panel by requesting a clear recognition that courthouse funding is a state function because counties are not involved in the state court system. County court is a court of record that is part of the state judicial system. It is a lower court under the district court system. The only systems that are not in the state's court system are the municipal court and the City & County

of Denver. The state courts pay no rent for their use of these county facilities. Even if the state would contribute slightly, it would benefit citizens across the state.

In regards to jails, 85-90% of the population is associated with mental illness or alcohol and substance abuse. The failsafe for these issues ends up in the county although the state has the ultimate role in addressing these statewide issues. Counties are limited in their ability to effectively serve this population.

Pueblo County also adopted Mesa County's evidence-based pretrial assessment system and it has been successful. However, Pueblo county has not seen a drop in population. The county was getting people out of jail who shouldn't be there but the amount of violent crime was actually increasing in the community. Pueblo County also had to eliminate the work release program because they could not afford to have deputies supervising that program.

While operating jails is a local function, it is heavily influenced by the state. Whenever the state fails to meet its requirements for mental health and substance abuse treatment, that impacts jails. Sentencing reform laws and the actions of DOC also impact jail populations. When DOC acts to decrease their own population, you will see a growth in jail populations. [Rep. Beckman wants a list of sentencing reform legislation and the number and cost to jails.](#)

[Sen. Crowder asked about how the lack of parity between DAs and PDs impacts the system. He wants a study on individual judicial district parity to see how each community lines up. He also asked about the lack of Medicaid funding for jail inmates.](#)

Rep. Benavidez argued that courthouses are not a state function since crimes are committed in the county and it's the county's responsibility to maintain order in their counties. [Rep. Benavidez wanted to know if there was a catalog of best practices that the committee could look at between counties to see if something should be put in statute instead of being optional.](#)

## **County Jail Population Issues**

Next, the committee heard from a panel of sheriffs about county jail population issues. Lieutenant Josh Bellendir from Larimer County Sheriff's Office began by discussing the jail overcrowding in Larimer County. The county has a jail capacity of 580 but the daily population average is 641. The female inmate population is rising in particular. The county also houses many inmates in other facilities, costing about \$540,000, which doesn't include any of the costs of transferring those inmates to the jail.

DOC's backlog ebbs and flows and sometimes is influenced just by who complains the most. There are currently 16 waiting for DOC beds, including 10 parolees and there are 49 people waiting for Community Corrections bed space. The jail is double-bunking right now and they often use "boats".

The county also has a robust alternative sentencing programs that maximizes work release, alternative sentences, and home detentions. The county has pretrial services that help set bonds. The county has also put limits on the misdemeanor offenses so that they do not serve in jail. The police and sheriffs are not arresting people because there is no room. Instead, the police may be in contact

with that person 3 or 4 times in one night because there is no disruption in their activities and they know that they will not be arrested.

There is also a huge issue of homeless/sheltered populations in Larimer County jail. Almost 155 inmates of the 640 self-identify as homeless/transient/sheltered. They cannot afford to bond out no matter how low the bond is set.

Captain Victoria Pierce of the Montezuma County Sheriff's office came to talk about their overcrowding. About 60% of inmates are pretrial inmates and the county has a pretrial program to keep some people in the community if it's safe. The county tried work release but judges aren't sentencing people to work release enough. The program also increases new contraband issues because work release people are housed with the regular population.

Lack of funding and resources creates difficulties finding jail staff because people do not have the things they need to do their job and people have to be deputies, doctors, and counselors.

The county did over 6400 hours of watches to try to prevent suicide and overdose and the jail has brought in counselors to address some of these issues but it is still not enough. People with mental health issues have to go all the way to Durango for treatment which doesn't always have the room. If people are too violent for these facilities, they are brought to Highlands Ranch or Pueblo but if there is no bed space, they still have to stay in the county jail. Montezuma county has more issues with alcohol abuse than substance abuse in their jails. There are also issues with marijuana because the county is on the border. Marijuana and other drugs are used as self-medication for people with mental health.

**Rep. Beckman wanted data about whether inmates were insured or had Medicaid.**

Sheriff Richard Valdez from Archuleta County presented about Archuleta County's jail needs. Archuleta County has an MOU with Hinsdale and Mineral County and respond to all of the calls in those communities. In 2015, the jail and sheriff's department was flooded and destroyed. The inmates were all evacuated and, since 2015, all inmates are in La Plata county jail, 61 miles away. Transportation back and forth from the jail to the courts is a concern. The county is going to the voters to ask for the funding for a new jail. Last year, the county paid over \$200,000 for housing the inmates in La Plata county. This year it will be closer to \$250,000.

Prior to the flood, the jail did experience issues with overcrowding. The jail had a capacity of 34 inmates but there were times that inmates were double-bunked and using boats because there were over 40 people. The issue is often because people need to be segregated, especially when someone in the jail has a transmittable disease.

Sheriff Valdez emphasized that every person on death row has gone through a county jail. There are serious offenders in the jail and this creates a lot of challenges and strains resources. The county does not have the resources to provide for people who have substance abuse and mental health is a big issue as well. Access Metal Health helps evaluate inmates, but there is often nowhere for inmates to go. The county has to use two deputies, a vehicle, and the time to drive people to either Pueblo or

Denver. Weather is a big challenge for the transports and the county has decided to contract with La Plata county to fly people to Pueblo or Denver for \$700/person so that deputies do not have to make such a long trip.

Sheriff Valdez asked the committee about the County Jail Assistance Fund, C.R.S. 17-26-137. The fund is through the Security of State and allocated by DOC for maintenance and operations of county jail. The funds come from bonds forfeited by people that are illegally in the state. No one knows where this funding is going and where the funds are and how the county can get access to it. There was no funding to save the jail from the crisis that it went through. The deputies themselves were doing construction to get a temporary facility for themselves and to build a temporary holding cell for 8 people. Steve Allen, who works for the JBC, testified that the County Jail Assistance Fund was repealed in 2017 by HB17-1369. There was \$50,000 in the fund at the time and it was transferred to the general fund on July 1. It received about \$15,000/year in revenue. Mr. Allen is unaware of any existing fund that could help with jail remodeling/new construction.

### **Underfunded Courthouse Facility and Court Security Cash Funds**

Chris Ryan, the Acting State Court Administrator, and Marty Galvin, the Senior Finance Manager of the Office of the State Court Administrator presented about their role in courthouse funding.

Courthouses often house county services in addition to the state being located there. More than 50% contain county offices. Courts also have probation offices, self-help centers, collections, jury assembly rooms, and victim/witness rooms. Judicial districts work with the county to address needs. There are two funds to help with deficiencies in meeting the needs of the state, the Underfunded Courthouse Facility and Court Security Cash funds. The funds do not meet all of the needs of counties but do assist them.

The Court Security Cash Fund Commission was created in 2007 and reauthorized in 2017. The commission has goals to provide supplemental funding for ongoing security staffing for counties with the most limited financial resources and to provide money for equipment, training, and assistance during emergencies. The commission has 7 members, 2 of which are county commissioners. There is a local team from each jurisdiction that includes judges, sheriffs, and commissioners that applies for grants. There are 4 criteria to determine priority of funds but any county may apply. There are also rules that determine the permitted uses of the funds. When the fund began, about 1/3 of funds went to equipment, 2/3 to personnel, with only 1% for training. For the last four years, 90% is for personnel in the counties and only 10% to equipment. The fund is provided by a \$5 court fee on cases and supplemented by \$500,000 in general fund, about \$2.5M this year. 63 of 64 counties have received funds from the Court Security Cash Fund.

The Underfunded Courthouse Facility Cash Fund is modeled after the Court Security Cash Fund. The purpose is to help counties most in need for construction projects and remodeling plan. There are 7 members, 2 of which are county commissioners. Unlike the Court Security cash fund, the program *requires* counties to meet two of four criteria to be eligible for funds. Last year, there were 43 eligible counties based on data from DOLA. The grant funds can only be used for master planning services, matching funds for new construction/remodeling, or emergency needs due to

imminent closure. Since 2015, there have been 34 applications from 18 counties. Of those applications, the fund has awarded 43% of total applications, 15 for master planning and 19 for matching funds for remodel/new construction.

Both funds can receive gifts, grants, and donations, but neither have received any funds from those sources. The office does not have any plan in place to solicit more funds from those sources. Rep. Benavidez wants to know how much the Judicial department collects overall from all court fees and how that compares to the needs. Rep. Benavidez also wants to know if it would be possible to combine the cash funds so that they are administered by one person. The response was that commissioners of the cash fund are volunteer and there is already limited overhead cost so the change would likely not be an issue for administration but the goals are separate.

Sen. Fields asked how many of the courts are underfunded. There are 72 courthouses statewide. The Judicial Department does not have a good idea of what the need is. The Department said they could develop criteria and pursue that information if desired.

Rep. Beckman wants to hear from the JBC about fees that are collected, how the fees are spent, and how courts are funded. Rep. Beckman also mentioned that there is more room under the TABOR cap this year so fees could be increased in order to cover more of the costs of administering state courts.

### **State Prisoners in County Jails**

Travis Trani, Director of Prisons for DOC, presented about DOC's capacity and current status. DOC has 20,170 offenders which is a growth of about 500 offenders in the last year. DOC has already exceeded projections for 2018. The current vacancy rate is around 1% and the recommendation for DOC is to have a 2% vacancy rate even though most departments in the nation recommend a 5% rate. The state and private beds are both full which create significant operational challenges and make it nearly impossible to separate offenders. The overcrowding also leads to program challenges because DOC is stuck chasing beds instead of focusing on offender risk and rehabilitation. This undermines the focus on successful reentry. A bed that is dedicated to drug and alcohol treatment normally is now filled with a regular inmate.

Overcrowding spills into local jails. In February, DOC met with sheriffs because there were 529 backlogged inmates. There are now 216 backlogged inmates in county jails because DOC employed some temporary solutions. Rep. Benavidez wants a breakdown of that population to see where they are supposed to be. DOC increased beds in Crowley County and Cheyenne Mountain reentry by 200 beds which maxed them out to their capacity. DOC temporarily converted restricted housing beds at Colorado Territorial Correction facility to general population beds. Territorial now has to transfer these restricted inmates to Fremont Correctional facility. There are also 200 boat beds that are placed in Limon Correctional Facility, Colorado State Penitentiary, and Arkansas Valley Correctional. There are 0 female beds available and a backlog of 28 females in jails. DOC has grown Denver Women's Correctional and La Vista Correction Facility to address the concern but they cannot grow anymore. These solutions are not sufficient to safely manage populations and they

create serious concerns for staff. There are vacant Community Corrections beds but DOC does not control them. Local boards of counties determine the use of these beds.

Sen. Coram asked about reopening the private prisons to give more space. There is a vacant state prison in Canon City and a proposal was taken to the JBC to reopen the prison. The JBC recommended reaching out to the private prisons to see if there are vacant beds there.

The reimbursement rate to county jails for having DOC inmates as of July 1 is \$54.39, up from \$53.64. The rate is set by the JBC. DOC estimates that their cost of incarceration is \$104/day and DOC reimburses their private facilities at around that same rate as jails. DOC explains the cost discrepancy by highlighting that the state takes higher risk and higher needs inmates compared to private prisons and the state provides more services than those providers.

Scott Dauffenbach presented an overview of the DOC offender intake process and DRDC. The diagnostic center is located in Denver and can house 606 offenders, 434 beds that are diagnostic, 62 residents that are permanent, 62 beds that are transitional, and 48 are infirmary beds.

Jail overcrowding is influenced by many factors: overall available beds in DOC, as well as offender movement delays and the custody levels that are available, security levels, initial needs assessment, and custody issues. County transport availability is a big concern. DOC tries to work with counties to best utilize their resources to be able to bring offenders to be processed to DRDC. DOC determines the amount of beds at DRDC and then brings in offenders that have been on backlog the longest. There are 2 counties, Denver and Jefferson County, that because of a lawsuit, DOC has to bring offenders in within 72 hours. DOC does have concerns about more counties suing them because the department does not have the capacity, transportation, or resources to provide transport within 72 hours for every county.

Rep. Beckman had questions about the payment to local jails by DOC. Parole and technical parole violators were the largest percentage of days that DOC inmates were spending in county jails. Rep. Beckman wanted to know what was causing that. This last year, jail backlog was 3-4.5 weeks and a technical parole violator was 2-3 weeks. The parole board has 30 days to have a hearing about technical parole violators and revocations. The 2-3 weeks is for those who the board has decided to revoke back to DOC.

### **Public Testimony**

Commissioner Ronnie Maez of Archuleta County expressed concerns that this committee would not be successful with legislation because of the past legislation that has been PI'd. It is essential that a solution is created for these unfunded mandates.

Commissioner Glen Davis of Montrose County emphasized that funding is what is needed. He challenged the committee to come up with real funding to address this issue and to not get distracted by smaller issues. While raising the reimbursement rates of DOC to county jails is good, it will not solve the issues in counties. In particular, he emphasized how the state has constantly failed

to ship funds to the counties to address mental health and substance abuse issues, and now jails are on the front lines of addressing those problems and counties are being mandated to help.

Captain Kevin Duffy, commander of the Douglas County detention division in the sheriff's office, testified about considerations that are important for the committee. First, he emphasized that the average daily population rate is *not* the full picture and is not the only thing that should be focused on. More importantly, the committee must look at how many inmates are coming through the jail on a continual basis. Last year, the ADP was 270 but the jail brought in 7,581 inmates in a year. This year, the ADP is 333 and the jail is on track to bring 8,400 people through the jail and they all must be taken care of.

First, the inmates have to receive a medical exam before they can enter the facility. Upon release, inmates have to be medically screened, leave with 30 days of medication, have a place to go, and a way to get there. 70% of inmates are not Douglas County residents which creates more problems.

When a person enters the facility, their coverage is suspended. When they leave the jail, the Medicaid has to be reactivated. There are 2 full-time Douglas County DHS caseworkers in the jail that get people reactivated. If an inmate has a medical emergency, it is the county's responsibility 100% if someone is in the hospital for less than 24 hours. On the 24<sup>th</sup> hour, the Medicaid is reactivated and takes over. The coverage also reverts back so the first 24 hours is no longer county responsibility. Douglas County spend \$1.5M last year in medical care.

Technical parole violators are the biggest DOC population in county jails. In the county, if a parole violation occurs, they can get sentenced between 2-5 days in a county jail. The county doesn't get any reimbursement if they are not in the jail for at least 2 days. Technical parole violators come through and get processed, medically assessed, booked, and housed, and then released 24 hours later which also takes resources.

Counties have become state mental health institutions. In the county, between 30-40% of inmates are mentally ill. The jail has four full-time clinicians. People with minor criminal charges who cannot afford to bond out are stuck in jail and often the families do not want to bond them out because the jail is where they are safe and taken care of.

Denise Maes, Public Policy Director of ACLU Colorado, testified about the state's important role in depopulating county jails. Secured (money) bail plays a huge role in incarceration of pretrial detainees. These inmates are presumed innocent and are in jail only because they cannot afford to get out.

There is a federal court decision in Harris County, TX in April 2017 where the federal district court issued a preliminary injunction that stopped the county, county sheriffs, and county judges from detaining misdemeanor pretrial arrestees on secured money bail. The court found that it was an unconstitutional practice because it is an equal protection violation. The court also found that there was a due process violation because the TX constitution, like the CO constitution (article 19), provides that *all* persons are bailable except for capital offenses and crimes of violence as defined by the General Assembly. An inability to pay cannot be the basis on which the sheriff continues to

detain defendants. Harris County appealed the preliminary injunction to the US Supreme Court and the appeal was denied.

Ms. Maes testified that studies referenced by the court show that unsecured bail is at least, if not better than secured money bail, at protected public safety and ensuring a defendant's appearance in court. The TX court found that recent studies show that even brief pretrial detention because of inability to pay increases the likelihood of committing future crimes and failing to appear in court..  
**Rep. Benavidez wants information about the bail amounts set for those that are currently in county jails.**

**Next Meeting:** July 31, 2017 from 1:00-5:00

**Interim Committee on County Courthouse and  
County Jail Funding and Overcrowding Solutions**  
Committee Minutes - July 31, 2017

**Who is in Jail, Part I: Parole Violations**

Joe Morales, Chair of the Colorado State Board of Parole and former Summit County Sheriff, began the panel by discussing types of parole violators: new law violators and technical parole violators. New law violators have allegedly committed a new crime, misdemeanor or felony. Technical parole violators have violated a condition of their parole by doing things like failing to go to treatment, not attending classes, moving without permission, etc.

With a new law violation, people will stay in a county jail until they resolve their case. By statute, you cannot dispose of revocation until the case is resolved and the parole violation can go in front of the board of parole.

For technical violators, there can be intermediate sanctions and a management board that reviews violations. The parole officer and board have 10 days to investigate and decide whether to file a complaint in front of the parole board. Statute then dictates that that parole board hold a parole hearing within 30 days.

The Division of Adult Parole has agreements with counties to pay county sheriffs \$54/day for the costs of incarceration.

Anne Andrews, Research and Evaluation Statistician for the Colorado State Board of Parole presented about specific data on parole. In June of 2017, there were 185 technical parole violators on jail backlog. On average, inmates spent 51 days in county jail before their revocation hearing and are in county jail for 10 days after the hearing. The parole board is guided by statute and determinations of risk to guide how long people will be reincarcerated in DOC. HB17-1326 has changed some of these statutory guidelines. For example, the periods of revocation are shortened, there are fewer options to place parolees, and creating a parole plan is now required.

**Who is in Jail, Part II: Pre-Trial Detention**

Maureen Cain, Policy Liaison for the Office of the State Public Defender, spoke about pre-trial detention as a way to decrease jail populations. People in jail prior to conviction make up the largest population in county jails, about 60% of the population nationally.

Ms. Cain began by discussing the constitutional framework for pre-trial detainees. These inmates are presumed to be innocent and excessive bail/fines are forbidden as well as cruel and unusual punishment. She shared that liberty must be the norm and not detention prior to sentencing. There is also a Colorado Constitutional provision that guarantees a right to bail except in certain exceptions: capital crimes and crimes of violence when a person is on probation/parole for a prior conviction of violence or on bail for a prior charge.

Ms. Cain then described the types of bond used. Personal recognizance bond is a promise to appear and there are no other conditions in place except that the defendant cannot violate laws, contact the victim, and any other conditions mandated by the legislature. Unsecured bond with conditions

imposed other conditions like sobriety or reporting to pretrial services, but there is no financial condition. A secured bond sets money as a condition of bond and can also involve other conditions.

Colorado judicial districts and counties can choose whether they want to have pretrial services. About half of the districts have a program but they do not all include every county in the district because not all counties contribute to the service. Some counties do not have the resources to participate while other do not believe in the assessment. Rep. Beckman asked if there was any state funding for pretrial services in Colorado or in other states. Colorado does not fund pretrial services but there are states who fund pretrial services.

Pretrial services can choose whether to use the Colorado Pretrial Assessment Tool or whether to develop their own risk assessment tool. Sen. Fields asked questions about the CPAT and how its questions impact minorities and those with low socioeconomic status (such as being identified as lower risk if the defendant has a cell phone).

Ms. Cain also discussed delays in bail hearings. Some counties do hearings seven days a week to speed up the process. Some communities have started to use video conferences and phone hearings to have faster hearings.

### **County Perspective: Montrose County**

Sheriff Rick Dunlap of Montrose County discussed the issues of jail overcrowding in his county. He began by describing the difficult the jail has had in classified inmates safely according to set guidelines and rules. There are 25 different classifications for an inmate and the county has had NIC make recommendations on how to classify according to an objective system, however with only 131 beds in the jail, they cannot classify according to the system suggested.

DOC clients and parole clients also take up additional space. The jail currently has 5 DOC holds ranging from 15-29 days. There are also two awaiting a transfer to Community Corrections which is located across the street. If a DOC inmate is in the jail for less than 72 hours, the county does not receive any reimbursement, otherwise they receive \$54. It costs \$131/day to house these inmates.

Sheriff Dunlap talked about how to incentivize DOC to pick inmates up by raising the reimbursement per day or using court orders to order DOC to be more timely. The reimbursement should look at the total cost of housing people and should also include money for capital and indirect costs. The county has tried working through parole and DOC but think that a court order is their next step.

Medical fees also strain the sheriff's budget and the county general fund. Last year, the county spent \$331,000 on medical services. Montrose County has a public safety fund that covers some of the costs and they have a contract with a private company to provide medical services which they have found to be better than having an RN on staff. Rep. Benavidez asked about the possibility of using telemedicine to save money, but Sheriff Dunlap informed her that the county does not have broadband sufficient for that technology. Rep. Benavidez also suggested looking at communal pharmaceutical agreements to save money. The committee also asked about Medicaid in jails. Inmates who are in Community corrections can stay on Medicaid and VA benefits because they are not residents of a corrections institute.

Last, the committee asked Sheriff Dunlap about people on mental health holds. Sheriff Dunlap said that there are a few rooms in the hospital because they can no longer stay in the jail. Sheriff's deputies often sit with the person or if a family member is available, they can stay with them. The sheriffs do not have the staff to do this, but there is no alternative.

### **Courthouse Preservation, Rehabilitation, and the State Historical Fund**

Mark Rodman, Director of Preservation Programs at History Colorado, talked about his office's work in helping county courthouses. He also serves on the Underfunded Courthouse Commission.

To be eligible for these funds, the applicant must be a non-profit or a government entity. There are two types of grants: non-competitive and competitive. The non-competitive grants are for emergencies that affect historic property, archaeological assessments, and architect reports to learn about historic buildings. The grants require no match and they are given out on a year-round basis.

The competitive grants have two rounds, April 1<sup>st</sup> and October 1<sup>st</sup>. Non-profit and government applicants must agree to provide a 25% match for funds, while private entities must provide a 50% match. All grant applications are scored against others to see which are most urgent and well planned. There are also more points awarded for projects that have larger public benefit. A commission scores each proposal and the board approves them in the score order.

They grant about 60% of the applications. Funds go to planning grants, education grants, archaeological grants, and mostly importantly, acquisition and development grants. These grants are for historic preservation, signage, masonry, roofing, decorative finishes, HVAC, ADA access, sprinkler systems, and many other things. The grants do not provide money for furniture, security, or major reconfiguration.

# THE RETURN OF HEALTH INSURANCE TAX IN 2018...



Oliver Wyman analysis finds the Affordable Care Act's Health Insurance Tax will result in higher health insurance premiums totaling **\$192 MILLION FOR COLORADO IN 2018.**



Fully insured **LARGE EMPLOYERS AND THEIR EMPLOYEES** will see their premiums increase

**\$512**  
FOR FAMILY COVERAGE



Fully insured **SMALL EMPLOYERS AND THEIR EMPLOYEES** will see their premiums increase

**\$500**  
FOR FAMILY COVERAGE



**SENIORS AND DISABLED INDIVIDUALS** in Medicare Advantage will see their premiums increase

**\$472**  
PER COUPLE



**CONSUMERS IN THE INDIVIDUAL MARKET** will see their premiums increase

**\$167**  
FOR INDIVIDUAL POLICIES



**HEALTH FIRST COLORADO** will incur an additional cost of

**\$1.9 M**