

General Government

Publication of County Legal Notices on the County's Official Website	
Mesa County	
Preferred Contact:	Cody Davis Commissioner, Mesa County 970-640-4330, cody.davis@mesacounty.us
Co-Sponsoring Counties/Commissioners:	N/A
Who is your subject matter expert?	Alec Anderson Operations Manager Mesa County Administration Todd Starr Mesa County Attorney
Has this proposal been approved by your BoCC?	Yes.
Have you reviewed the CCI Instructional Memo?	Yes.
Supplemental Materials	Mesa County will supply supporting cost estimates.
Describe the problem your proposal will solve.	Colorado law requires counties to publish a wide range of legal notices in a printed newspaper of general circulation, and to pay the newspaper's rates to do so. These include notices most residents now expect to find online: budget hearings, proposed ordinances and resolutions, land use and zoning hearings, bid and procurement solicitations, election notices, and similar matters. The publication requirement dates to a time when the local newspaper was the only practical way to reach the public. That is no longer true. Every county, most municipalities, and a growing number of special districts already maintain official websites capable of hosting these notices at little or no marginal cost, and the state already operates a central website where the same notices are collected. The result is that local governments, many under real budget pressure, are required by statute to buy space in private newspapers for information they could publish themselves, permanently and for free, on the internet. In practice the mandate operates as a subsidy of the print newspaper industry paid for with public funds. The cost is not trivial for smaller counties and districts, and it rises every time a newspaper raises its column-inch rate. This proposal would require that every notice the county is now required to run in its designated official publication be published instead on the county's official website.

Areas of Impact:	Day-to-day operations of the county, Power/Authority/Mandate of county government, General community advancement
What is the ultimate source of this problem?	An outdated statutory framework. The obligation flows from the statute directing the Board of County Commissioners to designate an official newspaper to carry the county's legal notices, and from the many substantive statutes that then route particular notices into that publication, such as county budget notices under § 29-1-106, publication of county ordinances under § 30-15-405, and comparable municipal requirements in Title 31. Section 24-70-103(5) already requires that every notice published in a newspaper also be posted, at no additional charge, on the statewide website at publicnoticecolorado.com. The notices are therefore already online. The county is simply required to pay a newspaper to serve as the gatekeeper. The General Assembly has been moving in this direction for years, and its recent enactments confirm the premise while leaving the paid print requirement in place.
What is your initial proposal to solve this problem?	All legal notices that the county is required to publish in the official publication designated by the Board of County Commissioners shall instead be published on the county's official website, for the same duration currently required, and newspaper publication of those notices shall no longer be required. To preserve the protections the current system provides, the proposal would: (1) require that posted notices remain continuously available and searchable in a permanent county archive, so there is a neutral, unalterable record equivalent to the newspaper archive; (2) require a certificate of posting from the county clerk or designee, replacing the publisher's affidavit currently used to prove publication; and (3) preserve a fallback for any local government that does not maintain a suitable website, and a reasonable option for communities without reliable broadband, so that no jurisdiction is stranded. Those entities could continue to use newspaper publication or a designated public posting place.
Please provide sample language for this solution.	The proposed remedy amends C.R.S. § 39-11-105 and adds a controlling provision that operates notwithstanding the specific notice statutes, so that every notice the county is required to publish in its designated official publication shall instead be published on the county's official website for the same duration now required, and newspaper publication of those notices is no longer required. The amendment would add a certificate of posting by the county clerk or designee in place of the publisher's affidavit, and would require that posted notices remain continuously available and searchable in a permanent county archive. Several statutes route specific notices to the designated publication, including the treasurer's delinquent tax list and tax lien sale notice under C.R.S. § 39-11-102 and the county's claims, expenditures, and semiannual

	financial statement under C.R.S. § 30-25-111; Section 24-70-103 supplies the qualifying-newspaper standards. In <i>Linville v. Russell</i>, the Colorado Supreme Court held that the general official-newspaper designation was sufficient to comply with § 39-11-105's tax-list publication requirement. Because the delinquent tax list and tax lien sale notice bear on the validity of tax sales and treasurer's deeds, the amendment would expressly provide that website publication in compliance with this section satisfies the publication requirement for those notices, and that a tax sale or treasurer's deed is not subject to challenge on the ground that the notice appeared on the county's official website rather than in a newspaper. This provision does not alter the separate mailed-notice requirement to the delinquent owner under C.R.S. § 39-11-101, which is preserved unchanged. Exact drafting and confirmation of all conforming citations to be developed with CCI and the Office of Legislative Legal Services.
Are there any solutions that do not require state-level legislation? Has your county explored these alternatives?	No non-legislative fix is available. The obligation to publish in the Board's designated official publication is imposed by statute, so relief requires a statutory change. The county already posts most of this information voluntarily on its own website. It simply cannot stop paying for duplicate newspaper publication without legislative authorization.
Has CCI or any other organizations sought a solution to this problem before?	The General Assembly has moved in this direction for years. In 2018, Senate Bill 18-156 eliminated the requirement that counties publish their monthly financial statements and semiannual salary reports in newspapers and allowed those to move to county websites, phased in by 2022. More recently, House Bill 26-1095, signed May 19, 2026, requires newspapers to post legal notices online for free and prohibits placing them behind a paywall or subscription. That bill confirms the premise of this proposal, that these notices belong online and should be freely accessible, while leaving in place the underlying obligation to pay a newspaper to run them. Once the notice must be free and online in any event, the paid print requirement serves the newspaper's balance sheet more than it serves the public.
What possible organization(s) would support your proposed solution?	Counties statewide, all of which bear the cost of publishing in their designated official newspaper. Rural counties that have lost their local newspaper have a particular interest, since they currently pay to publish in an adjacent county where few residents will see the notice. The Colorado Municipal League and the Special District Association of Colorado would likely support the direction, though this proposal reaches counties only.
What possible organization(s) would oppose your proposed solution?	The Colorado Press Association, which has opposed similar measures (including SB 18-156) on the ground that newspaper notices provide a neutral, permanent, third-party record, reach a broad audience, and support the watchdog role of local journalism. The Association has also

	argued that newspaper websites draw more traffic than most government websites, and that some residents lack reliable internet access. The permanent county archive and certificate-of-posting provisions answer the record-integrity concern directly. Every Colorado county maintains an official website, and these notices are already required by existing law to appear online at no charge, so the reach of the county's own posting is broad. Individual newspapers, especially small rural papers that rely on legal-notice revenue, can be expected to oppose.
Have you spoken with any legislators about your proposed solution? If so, what was their response?	Yes, both my legislators are in support of the bill - Sen. Rich and Rep. Soper. Rep. Soper is term-limited and will not be in the legislature next spring, but I do have support from his likely successor, Jason Bias.
What are the financial implications of this problem to your county? Are there any financial implications to this solution either?	For counties, this proposal produces direct, recurring savings by eliminating the requirement to publish legal notices in newspapers. In Mesa County, the gross annual cost of required publications is approximately \$250,000. About \$210,000 of that is recovered through fees paid by private applicants (for land use applications, liens, licensing, name changes, and the like), so the County bears roughly \$40,000 in unrecovered annual costs. Just as important, the full \$250,000 counts against the County's TABOR revenue limit because it is received and spent by the County. When TABOR refunds are required, those dollars effectively reduce the County's available revenue even though most of the cost was paid by private applicants. Because counties already maintain official websites, there is no material new implementation cost to the solution.
What are the financial implications of this problem to any other impacted parties? What are the financial implications of this solution to any other impacted parties? <i>Please consider any relevant Colorado State Departments.</i>	Eliminating the newspaper publication requirement benefits the private citizens and businesses that currently pay these publication fees. There is no impact to the state General Fund and no identified impact to a state department. The primary fiscal impact of the solution falls on newspapers that currently receive legal-notice revenue, particularly small rural papers.
Staff Feedback	<u>Risk / Difficulty:</u> <u>Time Commitment:</u>