How To Become a Home Rule County

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Bruce T. Barker, Weld County Attorney



(Weld County Courthouse)

What is a Home Rule County?

Const. Art. 14

§ 16. County home rule

(1) Notwithstanding the provisions of sections 6, 8, 9, 10, 12, and 15 of this article, the registered electors of each county of the state are hereby vested with the power to ***adopt a home rule charter establishing the organization and structure of county government*** consistent with this article and statutes enacted pursuant hereto. (Emphasis added.)

How Many Home Rule Counties are in Colorado?

Two: Pitkin County
Weld County



(Frederick Recreation Area)

What are the Legal Authorities Granted Home Rule Counties?

- To determine, through the enactment of a county home rule charter, the structure of the county government.
- To establish unified personnel and purchasing systems.
- To set limits on revenue and spending stricter than TABOR limits.
- To enact ordinances covering discretionary issues not authorized in state statutes.
- To allow citizen-initiated ordinances or charter amendments and referendums.
- To restrict the use of eminent domain by the county.
- To restrict the issuance of debt by the county.
- To take advantage of greater authorities and independence granted to or recognized for home rule counties by the Colorado General Assembly. (Example: S.B. 22-230)

What is Required of Home Rule Counties?

Const. Art. 14
§ 16. County home rule

(3) A home rule county ***shall provide all mandatory county functions, services, and facilities and shall exercise all mandatory powers as may be required by statute.*** (Emphasis added.)

How To Begin the Process of Becoming Home Rule?

C.R.S. § 30-11-502. Charter commission

(1) Following the adoption of a resolution by the board of county commissioners, or upon the submission of a petition of not less than five percent of the registered electors of the county, requesting that a charter commission be established, the board of county commissioners shall call an election to be held on or before the next general election for the purpose of determining whether or not a charter commission shall be elected. ***The board of county commissioners shall publish notice of the election at least sixty days prior to the election.*** (Emphasis added.)

(Pawnee Buttes)

What Does the Board of County Commissioners Need To Do Next?

C.R.S. § 30-11-502. Charter commission

(2)(a) ***At least sixty days before the election*** provided for in section 30-11-503, the board of county commissioners shall divide the county into ***three compact districts***; such districts to be as nearly equal in population as possible, for the purpose of electing charter commission members by district according to subsection (4) of this section. (Emphasis added.)

(DON'T JUST GO FISHING!)



(St. Vrain State Park)

C.R.S. § 30-11-502. Charter commission

(3)(a) The charter commission shall consist of the following members and be elected from the district as follows:

(I) In counties having a ***population of less than fifty thousand, eleven members***, three of whom shall reside in and be elected from each commissioner district within the county and two to be elected at large;

(II) In counties having a population of ***fifty thousand or more, twenty-one members***, six of whom shall reside in and be elected from each commissioner district and three to be elected at large.

(b) Eligibility to serve on the commission shall extend to ***all qualified electors*** of the county. Any vacancy in the charter commission shall be filled by majority vote of the members of the charter commission. (Emphasis added.)

How Many Members are on the Charter Commission?



Who is Eligible to be Elected to the Charter Commission?

C.R.S. § 30-11-502. Charter commission

(4) Candidates for the charter commission shall be nominated by filing with the county clerk and recorder, on forms supplied by the county clerk and recorder, ***a nomination petition signed by at least twenty-five registered electors of the county*** and a statement by the candidate consenting to serve if elected. Said petition and statement must be ***filed within thirty days after publication of the election notice***. A second notice of the election shall be published by the said commissioners and include the names of candidates for the charter commission. (Emphasis added.)

First Election

C.R.S. § 30-11-503. Election on formation of charter convention and designation of members

(1)At the election, ***voters shall cast ballots for or against forming the charter commission***. If a majority of the registered electors voting thereon vote for forming the charter commission, a commission to frame a charter shall be deemed formed.

(2) At the election voters ***shall also cast ballots for electing the requisite number of charter commission members***. Those candidates receiving the highest number of votes shall be elected. In the event of tie votes for the last available vacancy, the clerk shall determine by lot the person who shall be elected. (Emphasis added.)





C.R.S. § 30-11-504. Development of proposed charter

(1) A charter commission elected pursuant to section 30-11-503 shall meet on a date designated by the board of county commissioners for the purposes of organization ***within thirty days after the election***. The charter commission shall elect a chairman and a vice-chairman from among its membership. Further meetings of the commission shall be held upon call of the chairman or a majority of the members of the commission. ***All meetings shall be open to the public***. A majority of the charter commission shall constitute a quorum. The commission may adopt such other rules for its operations and proceedings as it deems necessary or desirable. Members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law. (Emphasis added.)

Meetings of the Charter Commission



Work of the Charter Commission

C.R.S. § 30-11-504. Development of proposed charter

(2) The charter commission shall conduct a comprehensive study of the operation of county government and of the ways in which the conduct of county government might be improved or reorganized. ***Within two hundred forty days after its initial meeting***, the charter commission shall present to the board of county commissioners a proposed charter, upon which it shall have held three public hearings at intervals of not less than fifteen nor more than thirty days, and notice of these public hearings shall be published not less than fifteen days prior to each public hearing in a newspaper of general circulation within the county. Within ten days of the last of such public hearings, the charter commission shall incorporate any amendments it deems desirable. A majority vote of the members of the charter commission in favor of a proposed charter for the county shall be required to forward said charter to the board of county commissioners for the setting of a referendum election as provided in section 30-11-505. (Emphasis added.)

(Pawnee National Grasslands)

Second Election

C.R.S. § 30-11-505. Referendum election on charter--adoption or rejection

(1) Upon submission to the board of county commissioners of a charter by the charter commission, the board of county commissioners shall call a special election, to be paid for from the special county charter fund and held pursuant to the Colorado election laws. ***The special election shall be held not more than ninety days nor less than forty-five days after the board of county commissioners receives the proposed charter; however, if a coordinated election or general election is to be held within sixty days after the board of county commissioners receives the proposed charter, the special election shall be held as part of the coordinated election or general election***. The board of county commissioners shall publish in a newspaper of general circulation within the county a complete text of the proposed charter not less than ten days prior to the special election. At the special election a referendum of the registered electors of the county shall be held to determine the question of whether the proposed charter as submitted shall be adopted. Notice of the election on the proposed charter shall be published at least thirty days prior to the election. (Emphasis added.)







C.R.S. § 30-11-505. Referendum election on charter --adoption or rejection

(2) If a majority of those voting on the question favor the adoption of the charter, the ***said charter shall become effective January 1 of the succeeding year or at such other time as the charter may provide***. Such charter, once adopted by the electors, may be amended only by the registered electors of the county. (Emphasis added.)



(Balloon Festival in Frederick)

What Happens if the Charter is Approved?

C.R.S. § 30-11-505. Referendum election on charter --adoption or rejection

(3) If a majority of the voters disapprove the proposed charter, ***the charter commission may proceed to prepare a revised proposed charter in the same manner provided for preparation, submission, and election on the proposed charter***. The election on any revised proposed charter must be held ***not less than ninety nor more than one hundred eighty days after the election rejecting the proposed charter. The charter commission shall not submit more than one proposed charter and one revised proposed charter***. If a majority of the voters disapprove the proposed charter, or the revised proposed charter, if one is submitted, no new referendum may be held during the next twelve months following the date of the last disapproval. (Emphasis added.)

What Happens if the Charter is Rejected?



(Weld County Herd)

Summary of Process (Slide 1)

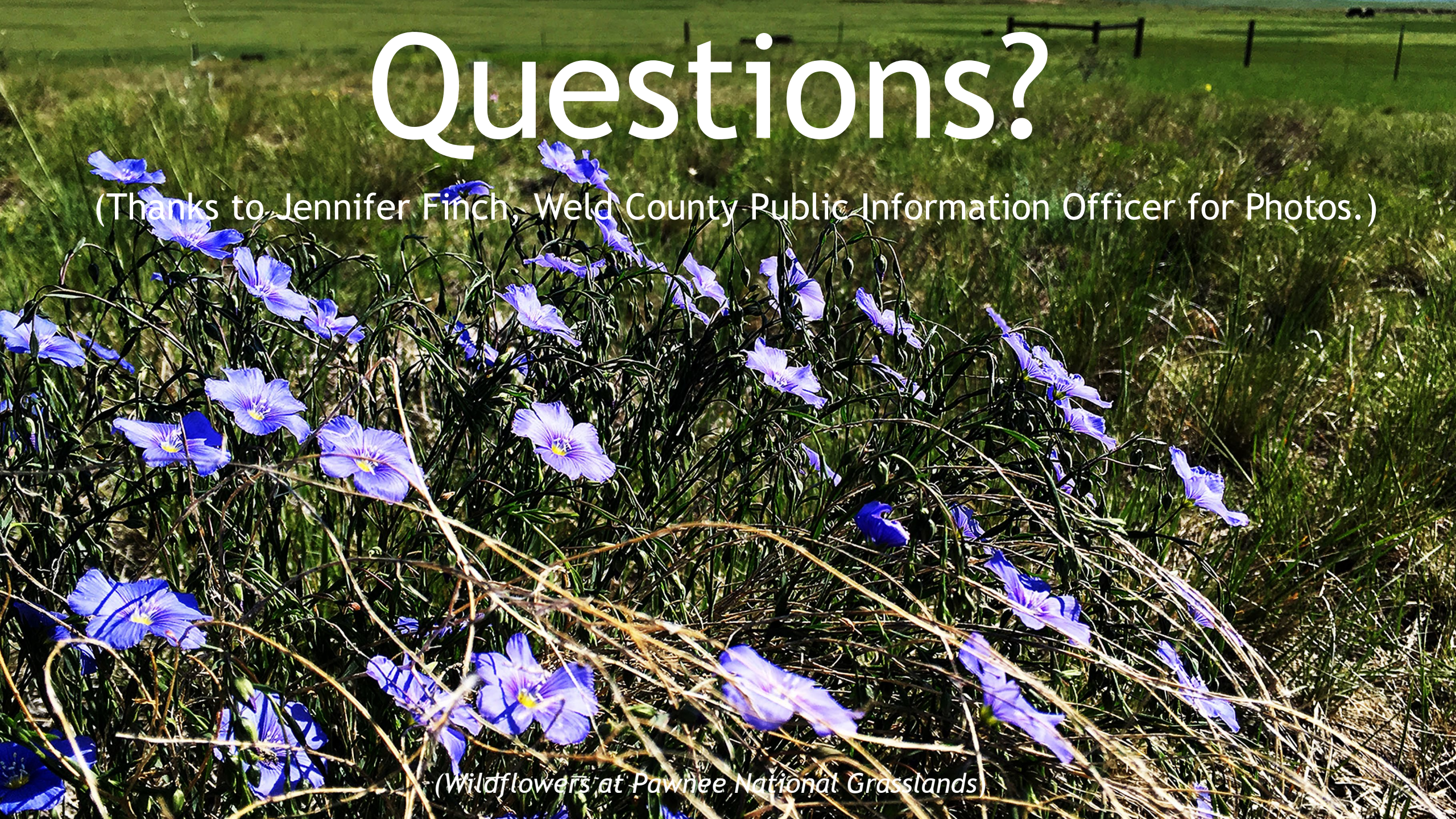
- Starts with BOCC resolution or a petition signed by 5% or more of county's registered electors.
- BOCC must call a first election to determine the charter commission and divide the county into 3 nearly equal districts.
- Charter commission is 11 members if population is 50,000 or less; 21 if population is more than 50,000.
- Persons eligible for charter commission must be "qualified voters" nominated by petition signed by 25+ registered electors submitted within 30 days after notice of first election.
- At first election, voters cast ballots for or against forming charter commission and elect charter commission members.

Summary of Process (Slide 2)

- First meeting of charter commission takes place within 30 days after first election on a date set by BOCC. Charter commission has 242 days after initial meeting to present a proposed charter to BOCC.
- BOCC calls for a second election within 45-90 days but may extend to a coordinated or general election if that is within 60 days. Vote at second election is whether to adopt or reject proposed charter.
- If adopted, charter becomes effective next January 1st, unless charter specifies different date.
- If rejected, charter commission may try again with another election for whole new charter or revision of the previous version. If also rejected, charter commission cannot do it again for another 12 months.

Questions?

(Thanks to Jennifer Finch, Weld County Public Information Officer for Photos.)



(Wildflowers at Pawnee National Grasslands)