



CCI 2022 Legislative Committee Meeting Friday, October 7, 2022

- 10 – 10:15 am **Call to Order**
Pledge of Allegiance
Roll Call of County Designated Representatives
Organizational Reminders & Announcements
- 10:15 – 10:30 am **Agriculture, Wildlife & Rural Affairs (Daphne Gervais)**
1. Motivating participation in Voluntary Agricultural Districts (VADs) (Larimer County) (pg. 3)
2. Ag, Wildlife & Rural Affairs Policy Statement Review and Approval
- 10:30 – 11:15 am **General Government (Eric Bergman)**
1. Update CORA to protect all attorney/client privilege communications (Larimer County) (pg. 6)
2. Allow auctioneering service to conduct foreclosure sales (Larimer County) (pg. 7)
3. Equal Pay Act exemption (El Paso County) (pg. 8)
4. General Government Policy Statement Review and Approval
- 11:15 am – 12 pm **Justice & Public Safety (Katie First)**
1. Declaring a District Attorney vacancy (Fremont County) (pg. 9)
2. Extend medical coverage for county jail incarcerated persons (Gilpin County) (pg. 10)
3. Repeal HB19-1263, Offense Level for Controlled Substance Possession (pg. 12)
4. Justice & Public Safety Policy Statement Review and Approval
- 12 – 12:15 pm **Lunch Break**
- 12:15 – 12:30 pm **Land Use & Natural Resources (Daphne Gervais)**
1. Treatment of closed county landfills (La Plata County) (pg. 12)
2. Land Use & Natural Resources Policy Statement Review and Approval
- 12:30 – 12:45 pm **Public Lands (Gini Pingent)**
1. Maintenance of county roads accessing state parks (Park County) (pg. 16)
2. Public Lands Policy Statement Review and Approval
- 12:45 – 2 pm **Taxation & Finance (Gini Pingent)**
1. Subject campgrounds to lodging tax (not sales tax) (Gunnison County) (pg. 17)
2. Secure statewide voter approval to remove TABORs prohibition on new or increased Real Estate Transfer Tax (RETT) (Pitkin County) (pg. 19)
3. Levy sales tax in unincorporated areas (Clear Creek County) (pg. 20)
4. Levy sales tax of outdoor services and experiences (Clear Creek County) (pg. 22)
5. Secure statewide voter approval to extend homestead exemption to spouses of fallen peace officers and fire fighters (El Paso County) (pg. 23)
6. Taxation & Finance Policy Statement Review and Approval

2 – 2:45 pm

Transportation & Telecommunications (Eric Bergman)

1. Require utility owners to cooperate with road improvement projects (Arapahoe County) (pg. 24)
2. Repeal SB05-152 to allow governments to provide telecommunications service without a citizen vote (Douglas County) (pg. 26)
3. Transportation & Telecommunications Policy Statement Review and Approval

2:45 – 2:50 pm

Tourism, Resort & Economic Development (Daphne Gervais)

1. Tourism, Resorts & Economic Development Policy Statement Review and Approval

2:50 – 2:55 pm

Health & Human Services (Gini Pingnot/Katie First)

1. Health & Human Services Policy Statement Review and Approval

3 pm

Adjourn and Convene CCI Business Meeting

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Agriculture, Wildlife & Rural Affairs (1/1)

Motivating participation in Voluntary Agricultural Districts (VADs)

**Larimer County | Zach Thode, George Wallace, Frank Garry – Agricultural Advisory Board
Matt Lafferty, Principal Planner**

<p>Issue/Problem</p>	<p>From 2001-2016, the state of Colorado lost nearly 235,000 acres of agricultural land to both high-density and low-density development. 27% of this was cropland and 72% was pasture and rangeland. Some of this land was the state’s very best agricultural land—112,400 acres were considered highly productive, and 16,300 acres were considered nationally significant in terms of its long-term production potential. In addition to their productive capacity, agricultural lands statewide provide a diversity of benefits to Coloradans, including:</p> <ul style="list-style-type: none"> • Robust economic activity that uses renewable resources (soil, sunlight, water). • Current and future access to locally grown food and fiber, a lowered carbon footprint, the potential for water and water infrastructure sharing. • A host of ecosystem services like wildlife habitat, ground water recharge, flood surge control, migratory bird stopover, pollinator habitat and others. • Open space, community separators, amenity values. • Agricultural tourism extended season recreational flows, diversity of other recreation opportunities. • Intergenerational cultural and knowledge base that is almost impossible to replace. • Low cost of and requirement for government services, and emergency response for ag lands – in contrast with the high cost of services to the exurban development that often replaces it. <p>The pace of agricultural land and water development that is occurring in urbanizing or rapidly growing Colorado counties threatens existing operators’ ability to farm and ranch viably and calls for a flexible solution to encourage agricultural landowners to keep these resources in production.</p>
<p>Background</p>	<p>Similar to many other Colorado counties, Larimer County and some of its municipalities have publicly funded open lands programs that have been able to permanently protect agricultural parcels through the purchase of conservation easements, which remove the development rights from the land (and sometimes water). Two factors are at issue here that make permanent conservation a less responsive option in the face of rapid development which places the state’s best agricultural land at continued risk: 1) permanent conservation is not always the best solution for an agricultural landowner due to financial situations, business structure, management and other constraints; and 2) permanent conservation can be expensive and it can take time to piece together the financial components for an individual transaction.</p> <p>Larimer County perceives great benefit to finding an alternative to permanent protection that: 1) supports local land protection efforts with locally-based incentives that help agricultural landowners retain their land and water in commercial production for a term period (such as 10 years); provides state-level incentives that enhance local incentives AND create a runway for long-term agricultural land protection, where the landowner so desires.</p> <p>In this manner, Voluntary Agricultural Districts (VADs) can be an effective and comprehensive tool to help minimize the loss of ag land and water and protect the benefits those resources provide to the state’s citizens and its economy. They can also provide a bridge to permanent conservation for participating landowners. VADs are authorized by</p>

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	<p>state law but can only be adopted at the local level, where local governments decide how and where to encourage and protect commercial agriculture in their jurisdictions.</p> <p>A Voluntary Agricultural District (VAD) is an overlay district¹ that includes important agricultural lands where landowners could voluntarily opt in and agree to maintain their farm or ranch in agricultural production for some agreed upon period (several other states use a period of 10 years) in return for a package of incentives that benefit the participating farms and ranches. Such districts are used in 21 states and have enrolled over 30 million acres.²</p> <p>In Colorado, state enabling legislation is needed to assist Colorado counties wishing to establish Voluntary Agricultural Districts (VADs) and to provide some state-level incentives that will encourage the voluntary participation of farmers and ranchers in those agricultural land conservation districts. State incentives would complement those that can then be developed at the county level.</p>
<p>Proposed Solution</p>	<p>This proposal seeks to establish enabling legislation at the state level that provides support and momentum for the creation of Agricultural Districts at the county level and which creates some incentives at the State level to compliment those that can be offered at the local government level. Some of the State and County incentives would provide immediate benefits to producers who agree to remain in production for X number of years. Other incentives at both levels can provide a bridge to permanent protection of productive lands which now provides those conserving with State tax credits in Colorado worth 90% of the development value (the landowner’s donated value) that is removed.</p> <p>State incentives that could motivate both counties and subsequently VAD participants might include:</p> <ul style="list-style-type: none"> a. Staff support from the Colorado Department of Agriculture and other State agencies for counties as they work on the creation of a county VAD; b. Establishment of guidelines to assist counties with the development of a VAD; c. Call for State agency polices to support VADs and farming and ranching activities in those districts; d. Asks for GOCO and other conservation organization to assist with transaction costs for VAD participants who initiate permanent protection; e. Likewise, favoring VAD participants who wish to permanently conserve as the cap on State Conservation Tax Credit approaches; and f. Other incentives which may emerge from consultation with agency staff and State representatives to incentivize VAD participation and support an integrated State and County approach to VAD programs. <p>While counties would ultimately individualize and adopt their own VAD programs in order for State incentives to kick in, State enabling legislation might also provide counties with basic guidelines for developing a VAD and could also suggest, but not require, local governments to: restrain from applying special assessments; require a special review of any proposal to utilize eminent domain in a VAD; develop or strengthen right to farm polices;</p>

¹ Overlying an existing zoning district or districts. In Larimer County a VAD would most likely be an overlay on the NR, A, FO base zoning districts

² For more information see these publications from American Farmland Trust: <https://farmlandinfo.org/publications/agricultural-district-programs/>; and <https://farmlandinfo.org/publications/agricultural-districts-a-tool-for-protecting-local-agriculture/>.

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	<p>consider precluding annexation of participating farms and ranches; and other measures that would enhance a VAD.</p> <p>In Larimer County, we hope to provide incentives at the County level using financial resources from our Open Lands Program, municipal Open Space and Natural Areas Program and prioritizing funds for VAD participants who wish to move to more permanent protection of land and water. We also hope to work with local water utilities to increase rental water security for VAD participants who rent supplemental irrigation water from those utilities.</p> <p>There are several other County-level incentives and potential collaborations with local jurisdictions being discussed that are aimed at reducing conflicts from encroaching development, infrastructure expansion or aggressive annexation. Again, it would be helpful to have language in the State Enabling Legislation for VADs that encourages Counties to incorporate such things into their VAD design and adoption as an overlay district into the land use code. By combining local incentives with State enabling legislation and incentives, we think producers will be more motivated to voluntarily participate in this program of ag land and water protection.</p> <p>The flexibility of VADs is an advantage for Colorado counties. They can be located in different places within a county depending on where productive ranches, productive row crop farms, productive value-added crop farms are located, likely overlapping different zoning districts and they could also occur within a municipal boundary. In other words, a VAD designation in the county's land use code might occur as several different polygons or VAD districts within which producers could volunteer to be participants.</p> <p>As a voluntary program, participants would be able to get out of the agreement, and counties would need to decide how to encourage continued participation or to penalize dropping out. Most states that support VADs require that any state tax relief that was granted be paid back for the number of years it was received.</p>
Alt. Solutions Considered	Larimer County has indeed looked at non-legislative options to providing incentives that will motivate agricultural producers to keep their land and water in active food production (in addition to the other benefits generated by ag. operations).
Statutory Citation /proposed edit	<p>Example legislation from North Carolina can be accessed here: Article 61, North Carolina General Statutes</p> <p>Statutory Citation TBD given this would be a new program. If this becomes a CCI priority, we would work with Legislative Legal Services on the appropriate section of statute, likely in Title 30. We will be researching and discussing with our State representatives, specific statutes pertaining to property taxes; the Homestead Exemption; License plate costs; Conservation Tax Credits and other items mentioned in the Legislative Remedy section</p>
C.C. Role	The Larimer County Agricultural Advisory Board (AAB) is appointed by the BCC and one of the BCC Board Members is a liaison to our board who has attended all of our meetings and we have discussed this issue with him. He has recently sent us this form and encouraged us to do the preparation necessary for BCC to take this issue to CCI. At the behest of our commissioner liaison, the legislative agenda work will be added to our annual work plan starting in July.

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Proponents/ Opponents	So far, we know of no opposition to the creation of a VAD.				
Fiscal Impact	<p>At this time, the fiscal impact is unknown, as that will depend on the specific incentives that the state enabling legislation. In addition, there are both long and short-term fiscal impacts. In the long run, keeping farms and ranches in production will save the State and local govts. money since these ag operations pay taxes, generate wealth from renewable resources etc. but require fewer services than other land uses or types of development (especially in terms of emergency services, roads, fire suppression etc.).</p> <p>In the short term, if the assessed valuation of farm and ranch homes and improvements is lowered or frozen at some level (2017 or 2018 for example) for VAD participants, one could calculate the difference between past and current levels of taxation and multiply that times some projected number of participants receiving tax relief to estimate revenue foregone for the short term. We could do the same for fees that are lowered. Regarding other incentives like the use of GOCO funds for transaction costs or conservation tax credit priority for VAD participants as the cap approaches, now additional funds are required. The same would be true of county level incentives which would mostly draw on existing programs but give priority to VAD participants. Likewise, those that transition to permanent conservation using VAD incentives, would then draw on existing sources of funding.</p>				
Priority Ranking	2/4				
*Risk/ Difficulties	1	**C.C. Importance	2	***CCI Time Commitment	2

General Government (1/3)

**Update CORA to protect all attorney/client privilege communications
Larimer County | David Ayraud, Deputy County Attorney**

Issue	A recent ruling found that a person who is the topic of discussion between a government attorney and their government client, has a right under CORA to get a copy of the attorney/client communication.				
Background	The issue originated from a CORA lawsuit that a Colorado municipality is currently involved in. A former employee of the municipality made CORA requests asking for copies of emails and other records that discussed them. The attorney/client emails between staff and the Attorney's Office about the former employee were not disclosed because they were deemed protected by the attorney/client privilege. However, the judge presiding over the case issued an order finding that, under CORA, even attorney/client privilege documents must be disclosed to a "person in interest" which is defined as the subject matter of the communication.				
Proposed Solution	Update the CORA legislation to protect all attorney/client privilege communications in these types of situations				
Alt. Solutions Considered	The issue is on appeal to the Court of Appeals, where it is currently pending. If the finding is rejected, a legislative fix will not be needed.				
Statutory Citation /proposed edit					
C.C. Role					
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Proponents/ Opponents					
Fiscal Impact					
Priority Ranking	4/4				
*Risk/ Difficulties	2	**C.C. Importance	2	***CCI Time Commitment	2

General Government (2/3)

**Allow auctioneering service to conduct foreclosure sales
Larimer County | Andrew Lewis, Asst. County Attorney**

Issue	<p>The Sheriff (or Public Trustee) is directed to conduct foreclosure sales pursuant to CRS 38-38-100.3 et seq. The issue is whether they can use an auctioneering service (often web-based) to conduct the sales. The statute does not appear to allow the Sheriff to discharge his duties and allow an auctioneering service to conduct the sale by charging a fee for the service. See CRS 30-10-521. The fees which are allowed to be deducted from a sale are enumerated under 38-38-107(3), but these do not include mention of auctioneering costs or authorization to use an auctioneering company.</p> <p>Compare this to 39-10-111(6)(b) which specifically authorizes a treasurer to enter into a contract with an auctioneer service and to collect the fees for the auctioneer service from the proceeds of the sale.</p> <p>If the legislature would add language similar to 39-10-111(6)(b) to 38-38-107, I believe it would allow the Sheriff to use auctioneering services for such sales. This would greatly expand the area and advertising of these auctions, increase the number of individuals involved in the bidding, and benefit the person under foreclosure by potentially getting better value for their property. It would also help relieve the burden of local sheriff departments by allowing them to use companies that do this on a regular basis and advertise to a larger audience.</p>
Background	Request by Larimer County Sheriff through Lt. Brooks concerning the legality of using a professional auctioneering service similar to what some other states allow, and, if it was not a viable option, how to address the issue.
Proposed Solution	
Alt. Solutions Considered	We have researched the issue and believe a legislative amendment is needed so as to not violate CRS 30-10-521 and the case law that has interpreted that particular statute.
Statutory Citation /proposed edit	<p>Note: This is basically taking 39-10-111(6)(b) and replacing the word treasurer with officer. An officer is defined in 38-38-100.3 as the public trustee or sheriff conducting a foreclosure under this article.)</p> <hr/> <p>CRS 38-38-107(3)(d) The officer may enter into a contract to employ the services of any professional auctioneer or auction company to conduct such sale, collect the proceeds thereof, and pay the same over to the treasurer, when the officer deems such services to be appropriate and to be in the best interests of the public. Such contract shall be awarded by</p>

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	<p>competitive bid, but the officer may reject any or all bids or parts of bids. The auctioneer or auction company conducting such sale shall provide the officer with an itemized list of all property sold, the amount paid for such property sold, and each purchaser's name and address. The fees of the auctioneer or auction company shall be paid by the officer from the proceeds of the sale.</p> <hr/> <p>Or, for more continuity, make the above proposed language be CRS 38-38-107(3)(c) and move the current 3(c) to 3(d).</p>				
C.C. Role	The County Commissioner’s work with the Sheriff as part of the County functions.				
Proponents/ Opponents					
Fiscal Impact					
Priority Ranking	3/4				
*Risk/ Difficulties	1	**C.C. Importance	3	***CCI Time Commitment	2

General Government (3/3)

**Equal Pay Act exemption
El Paso County | Carrie Geitner, Commissioner**

Issue	<p>The current consensus regarding the Equal Pay Act is that it requires an employer to post a job notification on their website for an employee getting a promotion in an existing role or class of job.</p> <p>We suggest removing this requirement so employees can receive incremental promotions from one tier of their existing job to another without requiring the notification.</p>
Background	<p>Senate Bill 19-085: Equal Pay for Equal Work Act was passed during the 2019 General Assembly session and created new provisions regarding transparency in wages and promotions.</p> <p>El Paso County feels that the notification requirement for promotions places extra administrative burden on HR and is unnecessary for those who are moving to a different role in same class.</p>
Proposed Solution	The legislative remedy for this issue would be the elimination of the need for an employer to announce, post, or make known promotion opportunities for employees moving up in a job class. New positions or vacated positions would still be subject to notification requirements.
Alt. Solutions Considered	A legislative fix is the only way to address this issue.
Statutory Citation /proposed edit	8-5-201. Employment opportunities - opportunities for promotion or advancement - pay rates in job listings. We seek reforms relating to job reclassification, auto flex employee advancement, and other promotions that provide flexibility or relief for organizations moving employees along a pre-defined advancement track or who’s job description is outdated and that by fixing the job description, the employee becomes eligible for adjusted compensation.

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C.C. Role	County Commissioners appoint a County Administrator, who is responsible to administer				
Proponents/ Opponents	Proponents include the Board of County Commissioners, the county's Human Resources Executive Director, as well as the County Attorney's Office Opponents -Unknown				
Fiscal Impact	Cost savings to counties for the effort of having to post the notification online.				
Priority Ranking	High [county submitted 3 issues]				
*Risk/ Difficulties	2	**C.C. Importance	2	***CCI Time Commitment	2

Justice & Public Safety (1/3)

Declaring a District Attorney vacancy Fremont County | Debbie Bell, Commissioner

Issue	Current statute is silent on a process on how and when the Office of the District Attorney is declared vacant. Other than a recall, there is no clear-cut means to remove a seated District Attorney from office, even if that attorney loses their license to practice law and can no longer perform the duties of the office.
Background	The current 11th District Attorney already has had her licenses suspended for lack of continuing education credits. The state appointed an Acting DA until her license was reinstated. During that time, her pay also continued, which is an egregious misuse of public funds. That issue led to a larger conversation of how and when the office is declared vacant if a sitting District Attorney loses their license to practice law and can no longer perform their duties. Statute appears to be silent.
Proposed Solution	<ol style="list-style-type: none"> Definition of what constitutes a vacancy. The simplest definition would be to include at least those items that made one qualified to begin with to run for DA, i.e., if no longer licensed then the office is vacant, etc. This can be structured similar to current statute in regard to many other offices and how those are determined. Define who actually declares the vacancy. Would this be a majority, maybe a super-majority of the sitting county commissioners in the JD? Or perhaps the Colorado Supreme Court? The majority of boards of commissioners in the counties in that particular JD seem to make the most sense. The vacancy should NOT be declared by the executive branch (i.e., the Governor) since that branch then would appoint to fill the vacancy. Under §30-10-105, C.R.S., events that result in a vacancy in a county elected office are clearly established. <ul style="list-style-type: none"> §13-6-206, C.R.S., addresses vacancies in a county court judgeship. §1-12-203, C.R.S., addresses vacancies for members of the general assembly. §22-31-129, C.R.S., addresses vacancies for school board members. <p>There are numerous other similar statutes for special district directors, municipal councils, and other appointed and elected officials. The Colorado Constitution addresses vacancies for state elected officers under Article XIV.</p>
Alt. Solutions Considered	Yes. There appear to be none.

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Statutory Citation /proposed edit	Title 20, C.R.S. It would be a new provision under Article 1, general provisions.				
C.C. Role	In Colorado, County Commissioners are responsible to provide the District Attorney budget. In that role, we must be good stewards of taxpayer funds. Continuing to pay salary to an elected official who is no longer qualified to serve in that capacity is not good stewardship and, in fact, seems fraudulent. It is important to clarify the events that cause a vacancy for any elected official. The District Attorney should be no exception.				
Proponents/ Opponents	Unknown at this time.				
Fiscal Impact	DA salary being spent on unqualified personnel who may be banned from the office but are still receiving a salary.				
Priority Ranking	1/1				
*Risk/ Difficulties	2	**C.C. Importance	3	***CCI Time Commitment	3

Justice & Public Safety (2/3)

**Extend medical coverage for county jail incarcerated persons
Gilpin County | Sandy Hollingsworth, Commissioner**

Issue	Medical Coverage for County Jail Incarcerated Persons
Background	Counties in Colorado are required by State Statute to construct or obtain and operate a jail. Many incarcerated people are jailed who have private insurance. Currently, county jails are required to provide medical care for incarcerated persons but are not allowed to bill state aid or in some cases a detainee's own private insurance already in place with that individual. Counties must cover the cost of a medical provider plan, providers, or other method to provide care to a person in jail who had committed a jailable offense. Transport to a care facility or hospital emergency room costs are also paid under a county funded plan. Some counties have a cap on the amount of care under the purchased services plan paid for from the county budget and are responsible for the full cost incurred over this cap. This is a burden to county budgets and difficult to budget for annually. The ability to always bill to an incarcerated person's existing private insurance or Colorado Option would insure provision of care while easing the strain on county budgets. This would help during short-term detentions while insurance is in place. A provision could require that a caseworker assist in keeping the monthly premium paid from the person's own income source, assuming that there is one. Once incarcerated, the person loses Medicaid State Aid and becomes uninsured unless they have a second insurance source such as Medicare. This also transfers the cost of medical care to the county jail, further squeezing county budgets.
Proposed Solution	a) Any medical treatment charge that remains unpaid shall constitute a cost of care that the person shall be ordered to pay pursuant to section 18-1.3-701, C.R.S., and that may be collected by the county pursuant to the provisions of section 16-11-101.6, C.R.S. Add: Private or Colorado Option insurance in good standing at the time of the person's medical treatment while incarcerated or in custody must reimburse the care provider directly in lieu of a county paying or reimburse the county if payment for care has already been rendered.

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	<p>b) A county may seek payment or reimbursement for any medical treatment costs from a person being held in custody and receiving such services, except as otherwise provided in subsection (1) of this section. Add: Private or Colorado Option insurance in good standing at the time of the person's medical treatment must reimburse the care provider directly in lieu of a county paying or reimburse the county if payment for care has already been rendered.</p> <p>c) A statewide medical coverage plan which counties can opt to enroll in for standardized care and costs.</p>				
Alt. Solutions Considered	Yes, we have done cost comparisons for medical coverage over the years prior to selecting a plan and have negotiated a coverage tier for fewer inmates up to a set cap, then increase it when needed. This helped during the Covid pandemic when the jail population was less due to closure of local businesses and Covid jail and arrest parameters set by the state. Our detentions staff work with the medical contractor to ensure any private insurer who can be billed is.				
Statutory Citation /proposed edit	CRS 17-26-104.5, section 18-1.3-701, C.R.S., section 16-11-101.6, C.R.S.				
C.C. Role	County Commissioners are tasked with the overall management of the county budget to meet both funded and unfunded statutory requirements to ensure public safety and services to the residents of the county. They meet with department heads, finance directors and elected officials to create an annual budget for each county department including the Sheriff and Detention Chief, if any, regarding the jail staff budget and operating expenses. As extra medical expenses are paid from the annual budget, funds must be reduced in other areas to cover the expenses. County Commissioners are the body which approves and adopts the annual budget and any supplemental expenses in the event of unfunded unanticipated expenses				
Proponents/ Opponents	<p>The Gilpin County BOCC, Sheriff, Detentions Chief, and County Attorney are proponents. I have contacted our county Sheriff, Undersheriff, and Detentions Chief to obtain support of this proposed legislation to both provide medical care and manage the detentions budget. A version of this proposal received over 90% support of the CCI members in attendance at the legislative proposals discussion in 2021.</p> <p>No opponents.</p>				
Fiscal Impact	It has the potential to reduce county budget costs. Our healthcare premium is \$250,000 for up to 35 inmates and increases exponentially after the average daily population increases. We have had out of pocket expensed when the coverage cap is exceeded ranging from a few hundred dollars for medications to \$65,000 for a hospitalization for one inmate near the end of a budget year.				
Priority Ranking	n/a				
*Risk/ Difficulties	3	**C.C. Importance	1	***CCI Time Commitment	3

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Justice & Public Safety (3/3)

**Repeal HB19-1263, offense level for controlled substance possession
Montrose, County | Keith Caddy, Commissioner**

Issue	Repeal HB19-1263 (offense level for controlled substance possession)				
Background	Passage of this law exacerbated issues relating to drug use and associated crime in the State of Colorado.				
Proposed Solution	Full repeal of all changes made by HB19-1263.				
Alt. Solutions Considered	Not applicable				
Statutory Citation /proposed edit	See HB19-1263				
C.C. Role	County Commissioners provide for the health, safety, and welfare of county citizens.				
Proponents/ Opponents	Sheriff and DA would be proponents.				
Fiscal Impact	Savings realized through the reduction of property crime related to drug use and distribution.				
Priority Ranking	1/3				
*Risk/ Difficulties	3	**C.C. Importance	2	***CCI Time Commitment	3

Land Use & Natural Resources (1/1)

**Treatment of closed county landfills
La Plata County | Matt Salka, Commissioner**

Issue	<p>There are 187 closed landfills in the State of Colorado. Many of these landfills ceased receiving waste decades ago and were closed in compliance with the closure provisions of the Colorado law applicable to solid waste landfills in effect at the time of their closure.</p> <p>Most of these landfills were opened and collected solid waste before laws and regulations required landfills be environmentally engineered. EPA regulations recognized the need to shut down non-environmentally engineered landfills and incentivized the closure of such landfills by exempting landfills that received waste after 1991, but stopped receiving waste before April 9, 1994, from complying with certain RCRA regulations. Many of the current closed landfills were deliberately closed to meet the April 9, 1994, deadline.</p> <p>Rather than recognizing the unique challenge non-environmentally engineered closed landfills can pose to state and county interests, CDPHE is using its police powers under the Solid Waste Act to impose on county owned landfills requirements that were not part of the law when the landfills were closed.</p>				
Background	In 1994, La Plata County closed a landfill that had been receiving solid waste since the 1950's. La Plata County monitored groundwater at the site. In 2004, vinyl chloride above state				

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standards were detected. La Plata County contracted with expert consultants and began mitigation. Since the first detection of vinyl chloride in the groundwater, La Plata County has engaged in multiple mitigation efforts, including the installation of sixteen (16) air sparge wells, twenty-four (24) passive gas extraction wells, four (4) plume definition wells, eight (8) groundwater monitoring wells, two (2) soil gas/leachate points, seven (7) soil gas point wells, five (5) leachate point wells, and four (4) perimeter soil gas monitoring probes. This is a total of 66 installations on a parcel approximately 15 acres in size.

In addition to monitoring wells at the landfill site, La Plata has also monitored nearby wells on adjacent properties. Based in whole or in part to La Plata’s aggressive mitigation efforts, no vinyl chloride has ever been detected in any nearby residential water wells.

La Plata County has spent in excess of five hundred thousand dollars (\$500,000) in mitigation efforts to reduce vinyl chloride in groundwater that no one is drinking and many thousands more dollars litigating CDPHE’s unilateral consent order.

La Plata County is not alone. In recent years, a handful of CCI counties have engaged in contentious disagreements with CDPHE regarding closed county-owned landfills. CDPHE consistently uses one sided enforcement orders that threaten counties with exorbitant costs and potential penalties of \$10,000 per day per violation, if the county does not comply with the orders. . In some instances, the orders contain a “blank check” provision where a county is required to take the actions unilaterally determined by CDPHE to be necessary, regardless of cost. CDPHE’s enforcement actions against public entities is a relatively recent tactic. Prior to 2008, CDPHE did not enter any enforcement orders against a public entity. Since 2008, CDPHE has issued multiple compliance orders to public and private entities concerning closed landfills.

La Plata County understands that protection of the natural environment is important to the welfare of the citizens of Colorado and we (along with other counties) are profoundly invested in ensuring our own air and water are clean. La Plata’s goal with the legislation is not to escape a duty, but rather to propose a solution that takes into consideration a multitude of criteria and then establishes a statewide funding mechanism to address the collective duty of counties and the state to the environment. The state, La Plata and all counties have a shared goal of addressing environmental issues. The challenge is how to pay for it, particularly when it involves legacy issues.

CDPHE has taken the stance that “. . .the State’s public interest to preserve and protect water quality for beneficial uses and the protection of public health and the environment outweighs any potential fiscal interest of local government.” (CDPHE Opening Brief, Case No. 2018CA1551, p. 14.). CDPHE’s statement is demonstrative of the myopic view enjoyed only by those who are focused on a singular issue. Furthermore, this stance allows CDPHE to ignore any county crafted solutions to environmental impacts of a closed landfill, disregard the role of the Boards of County Commissioners to establish fiscal priorities of a county, disregard the restraints imposed by TABOR and a county’s ability to generate revenue, and places the quality of water (even water no one is drinking) above other necessities of county government, such as public safety, emergency management, law enforcement, human services, etc.

Proposed Solution	La Plata County proposes legislation that would specifically address old, closed landfills.
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Alt. Solutions Considered	<p>Yes, for several years now La Plata, Arapahoe, CCI and other counties have extended diplomacy to CDPHE in search of a solution, including jointly sponsored legislation. Furthermore, La Plata County and other counties have engaged in lengthy and costly legal battles with CDPHE. La Plata County continues to litigate the legality of a compliance order CDPHE issued related to one of its closed landfills regarding groundwater. (The compliance order was issued even though La Plata County is actively and successfully mitigating the presence of vinyl chloride in water no one is drinking). Notwithstanding the litigation, we are presently seeking a negotiated solution.</p>
Statutory Citation /proposed edit	<p>La Plata County would propose a new Part 15 to Title 30, Article 20 that would address old landfills. A fundamental condition of the newly proposed Part 15 is the creation of a state insurance pool to fund and fix, like the state pool used to remediate leaking groundwater storage tanks. The creation of state funding is a recognition of the statewide nature of the problem, and the limited funding local governments have to deal with the problem. This legislation would also recognize the long-held public policy of grandfathering properly closed landfills from new requirements. Additionally, it would recognize the historical role of both counties and the State.</p> <p>A conceptual outline of a new Part 15 is as follows:</p> <p>Part 15 - Landfills Closed Before 1995. Part 15 would apply to both private and publicly owned closed landfills. The effective date of the federal regulations was 1994. Specifically, landfills that received waste after 1991 but stopped receiving waste before April 9, 1994, are exempt from all requirements of Part 258, except for the final cover requirement. 40 C.R.R. §258.1(d)(1)). The purpose of Part 15 would be to address landfills closed before the Subtitle D regulations went into effect. In addition, the purpose would be to address landfills closed before March 17, 1993, when emergency regulations were promulgated. (There were no valid regulations applicable to landfills from 1967 to March 17, 1993).</p> <p>30-20-1501: Legislative Declaration and Applicability. State that this Part applies to old, closed landfills. Summarize the problem and the need for additional tools and mechanisms to address the challenge. State that Part 1 does not apply.</p> <p>30-20-1502: Definitions: Add counties in the definition of person for this part only; define closed landfills.</p> <p>30-20-1503: Authorization to create regulations.</p> <p>30-20-1504: State Funding. Create insurance pool.</p> <p>30-20-1505: Criteria for using money. Remediation takes priority over investigation. Cost-benefit analysis to be performed. Define and establish risk criteria. Recognition of realistic timeline of decades to remediate.</p> <p>30-20-1506: Applicability of regulations. Clarify status of various regulations. Address historical flaw in regulations. Clarify that no new requirements since 1994 closure will apply to old landfills. Address the issue of emerging contaminants. If the State wants to clean up to new water quality groundwater protection standards for emerging contaminants, such as 1,4-dioxane, this needs to be clarified. Landfills that opened before 1971 did not have and still do</p>

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	<p>not have engineering design standards. Landfills that closed before 1989 did not have any groundwater quality standards applicable to them at closure.</p> <p>30-20-1507: Existing Plans. Clarify status of existing closure plans, MMPs and other plans and what remains binding.</p> <p>30-20-1508: Emerging Issues/Nuisance Conditions. Address a collaborative process for assessing and responding to emerging issues and potential nuisance conditions, including the discovery of contamination leaking from the landfill. Process should include the key factors which should be taken into account in assessing criticality of issue and level of appropriate response. Process also should include a dispute resolution mechanism to resolve disagreements between CDPHE and a county.</p> <p>30-20-1509: Enforcement provisions. No penalties or fines shall be used for legacy issues that were not understood or required by either the State or counties in the past. Determine if and when orders are allowed. If yes, no “blank check” provisions. Address statute of limitation and continuing violations.</p> <p>30-20-1510: Fees: Address CDPHE review fees. Counties believe they should not be charged and the State, like counties, needs to find a way to pay for its program and oversight role. Determine who pays for work of the consultant or third-party vendor, if any.</p>				
C.C. Role	<p>County Commissioners are responsible for the fiscal management of the county resources. They also respond to health, safety, and welfare issues within unincorporated portions of their respective counties. Finally, many counties own closed landfills and have responsibility as a landowner.</p>				
Proponents/ Opponents	<p>There was an attempt in 2019 and 2020 to negotiate with CDPHE to jointly propose legislation that would address closed landfills. In 2020, CDPHE proposed legislation that was not consistent with the attempted negotiated legislation and was not supported by CCI. The 2020 CDPHE legislative proposal was not successful, in part because of CCI’s opposition to that legislation.</p> <p>The main opponent of this legislation may be CDPHE. Some environmental groups may also oppose legislation that would exempt closed landfills from current regulations. However, if the counties could negotiate with CDPHE for a joint proposed resolution for closed landfills, it would likely not be opposed by as many environmental groups.</p> <p>Other counties have or are litigating issues related to compliance orders issued by CDPHE concerning closed landfills or have been issued compliance orders and would likely support this type of legislation.</p>				
Fiscal Impact	<p>The fiscal impact would be largely addressed within the legislation and the creation of the insurance pool. Also, by exempting properly closed landfills as defined within the statute from certain regulatory criteria, it would allow counties to mitigate damages instead of face uncertain demands by CDPHE and penalties for non-compliance with compliance orders.</p>				
Priority Ranking	1/1				
*Risk/ Difficulties	3	**C.C. Importance	1	***CCI Time Commitment	3

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Public Lands (1/1)

**Maintenance of county roads accessing state parks
Park County | Amy Mitchell, Commissioner**

Issue	Maintenance of county roads that provide access to state parks. 29 counties have 42 state parks within their boundaries.
Background	<p>With increased state park usage, the impact on county roads that provide access to state parks is exponentially higher than normal county traffic. These access roads quickly deteriorate with extreme use of trucks towing campers, trailers, boats, and recreational vehicles. The residents living on and the visitors to the state parks are negatively impacted. This financial burden to maintain the county roads is severely impacting county budgets. In 2019 14.8 million people visited Colorado State parks. In 2020 the number increased to 18.3 million visitors (January-October with partial November and December data included). Lake Pueblo recorded 2.7 million visitors January through October 2020. Eleven Mile Reservoir visitor estimated increase from 300,000 to 400,000 2019 to in 2020. The use of county roads to access state parks is an unfunded mandate for the 29 counties containing state parks based on the current use and the intended increase attendance to state parks with the Keep Colorado Wild State Park Pass program, SB21-449. See attached State Parks list.</p> <p>Additionally, State Wildlife Areas (SWA's) offer wildlife-related recreation to the public and cause additional use of county roads by visitors. Colorado Parks and Wildlife manages about 350 SWA lands around the State.</p>
Proposed Solution	<p>Until the Keep Colorado Wild pass is part of Colorado Motor Vehicle registration, add a road maintenance fee onto the standard annual park pass fee and disperse the fees per the proposed formula. Also add a fee to the daily state park pass. The fee collected at the entrance is distributed to that specific county for road maintenance.</p> <p>After the Keep Colorado Wild pass is initiated, allocate a portion of the Keep Colorado Wild pass fee and a portion of the separate annual pass fee, to counties containing state parks using an allocation formula. Suggested formula: number of miles of roads providing access to the park from a state road, factoring type of road, (paved, chip seal, dirt) plus number of visitors accessing the park.</p> <p>Though access is not tracked like state parks, the Keep Colorado wild fund should allocate road maintenances resources to the counties with SWA's. See attached map.</p>
Alt. Solutions Considered	Yes. Previous Park County Commissioners contacted Colorado Parks and Wildlife multiple times, beginning about 15 years ago asking for a road maintenance fee be added to the park entrance fee at Eleven Mile Reservoir for road maintenance. The requests were denied.
Statutory Citation /proposed edit	TBD
C.C. Role	Specific to maintenance of county roads.
Proponents/ Opponents	
Fiscal Impact	To be determined.

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Priority Ranking	1/1				
*Risk/ Difficulties	2	**C.C. Importance	1	***CCI Time Commitment	3

Tax & Finance (1/5)

**Subject campgrounds to lodging tax (not sales tax)
Gunnison County | Liz Smith, Commissioner**

Issue	The Colorado Department of Revenue seeks to remove campgrounds from the definition of “accommodations” for purposes of taxation in lodging and local marketing districts through a rulemaking change. This will have a negative fiscal impact on jurisdictions with campgrounds that are subject to sales tax or lodging/local marketing district taxes.
Background	<p>In December 2021 and June 2022, the CDOR’s Division of Taxation held public hearings on a proposed rulemaking change that would change the definition of “accommodations” for the purposes of taxation. Specifically, if passed, campgrounds would no longer be included as an “accommodation” for the collection of sales, lodging, or local marketing district taxes.</p> <p>We see a few issues with this. First, the expanded allowable uses of lodging and local marketing district revenues in HB22-1117 acknowledge the need for more resources to “address the social, cultural, and environmental issues related to tourism.” By expanding the allowable uses for these revenues in the interest of “facilitating and enhancing visitor experiences,” these funds can now be used for things like constructing bathrooms, trail maintenance, stewardship on public lands, and education campaigns to protect our environment, water quality, and prevent catastrophic fire events. Visitors staying in campgrounds are a significant demographic contributing to the need for these districts to increase environmental mitigation and stewardship efforts in response to impacts from increased numbers of tourists and visitors.</p> <p>Second, new innovations in the campground industry suggest the resource demand on local governments will continue to increase due to camping. The decrease in dispersed camping options and closure of some USFS campgrounds has been a boon to companies like Hipcamp, which provides a platform for landowners to create campsites on their private property that visitors can reserve online. Currently, this is an unregulated industry. Local governments will need resources to figure out how to account for this type of campground on private residential or agricultural land in land use codes, develop regulations that protect water quality (bathrooms are not always provided), and ensure hosts are educating visitors about things like fire restrictions. Taxes collected by Local Marketing Districts and County Lodging Districts for rooms and accommodations will continue to be an important and appropriate resource to meet these demands.</p>
Proposed Solution	After discussing the issue with CDOR Executive Director Mark Ferrandino and learning more about the context of the rulemaking change, our proposed solution is to take a middle-road with the taxation of campgrounds by not making them subject to sales tax, but ensuring they remain eligible for taxation in lodging and local marketing districts. The expanded allowable uses for lodging and local marketing district revenues in HB22-1117 to address the impacts of tourism and enhance the visitor experience are in alignment with this proposed solution.

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Alt. Solutions Considered	We have been active stakeholders throughout the Division of Taxation’s rulemaking process. Our BOCC submitted written comments, and Commissioner Smith testified at both public hearings.				
Statutory Citation /proposed edit	<p>If rulemaking recommendations are adopted, the CRS language will be as follows. We suggest adding a line that clarifies campgrounds remain eligible for taxation in lodging and local marketing districts, but they are not subject to sales tax.</p> <p>Rule 39-26-102(11). <u>Rooms and Accommodations.</u> <u>Basis and Purpose. The statutory bases for this rule are sections 39-21-112(1), 39-26-102(11), and 39-26-122, C.R.S. The purpose of this rule is to define the terms “room” and “accommodation” as those terms are used in section 39-26-102(11), C.R.S., and elsewhere in article 26 of title 39, C.R.S. The rule also defines “auto camp.”</u> <u>(1)_____A “room” is a regular sleeping room or unit which is a part of a hotel, apartment hotel, inn, lodging house, guest house, motor hotel, motel, mobile home, dude ranch or guest ranch, for which a charge is made for its use.</u> <u>(2)_____“Accommodation” includes the furnishing of space in any campgrounds, auto camp, or trailer court or park, under any concession, permit, right to access, license to use, or any other agreement by or through which any such space may be used or occupied.</u> <u>Accommodations are exempt from taxation if rented for at least thirty consecutive days during the calendar year or preceding year. (See Rule 39-26-704-4.)</u> <u>(3)_____</u> <u>(a)_____ An “auto camp” is a temporary, overnight lodging accommodation that specifically caters to persons traveling by motor vehicle, and that offers one or more of the following amenities:</u> <u>(i)_____ vehicle electricity supply;</u> <u>(ii)_____ vehicle water supply;</u> <u>(iii)_____ a vehicle sewage and wastewater dump station; or</u> <u>(iv)_____ a temporary or permanent overnight shelter (such as a tent, yurt, teepee, or other shelter) provided by the owner or operator of the auto camp.</u> <u>(b)_____ A temporary, overnight lodging accommodation whose only amenity is stations for charging the engine of an electric vehicle is not an “auto camp.”</u></p>				
C.C. Role	Our BOCC is also the Gunnison Valley Local Marketing District. Removing campgrounds from taxation of lodging and local marketing districts affects the revenues we collect for tourism/marketing, economic development, and with the approval of the voters, expanded allowable uses to support the workforce and recreation infrastructure to enhance the visitor experience.				
Proponents/ Opponents	At the request and interest of others, we have shared the written comments from our BOCC with CCI and numerous commissioners/counties.				
Fiscal Impact	Increased revenue for lodging and local marketing districts.				
Priority Ranking	n/a				
*Risk/ Difficulties	2	**C.C. Importance	2	***CCI Time Commitment	2

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Tax & Finance (2/5)

**Secure statewide voter approval to remove TABOR prohibition on new or increased Real Estate Transfer Tax
Pitkin County | Kelly McNicholas Kury, Commissioner**

Issue	Ability for Local Governments to Implement a Real Estate Transfer Tax with voter approval
Background	The passage of the Taxpayers’ Bill of Rights in 1992 prohibited the creation of new Real Estate Transfer Taxes (RETTs) or increased rates for existing RETTs. This provision in TABOR removed the ability of voters statewide, and in local jurisdictions, to consider RETTs even with voter approval. While RETTs may not be an appropriate revenue source for all communities, counties and municipalities should be allowed to request approval of RETTs from their voters. RETTs (also known as “real property transfer taxes”) are sales taxes most often used as general revenue. However, RETTs, can be devoted to specific uses such as affordable housing, preserving open space, marketing resort amenities, etc. When RETTs are used in a community receiving an influx of investment, they can be a powerful form of value recapture, raising additional revenue as investment bolsters land value. RETTs are an especially important tool for Colorado’s resort communities, which typically have high levels of second homes, high property values and high service needs. Resort communities require a broad base of service workers who often require additional services and affordable housing to remain in the community. RETTs provide a potential revenue source to local governments to provide necessary infrastructure and services that protect the vibrancy of service-based economies, especially in resort communities with high numbers of second homes. This change would enable local entities to enact a RETT with voter approval and provide another financial tool for local jurisdictions to provide critical community services. Such language could be drafted so as to exempt a certain value or percentage of real estate value in order to maintain affordability for primary homebuyers and small businesses.
Proposed Solution	Lobby Legislature to refer a statewide ballot measure to the 2023 ballot to amend TABOR to remove language in TABOR prohibiting new or increased RETTs
Alt. Solutions Considered	Yes. Only an amendment to TABOR will allow for a RETT.
Statutory Citation /proposed edit	Article X, Colorado Constitution
C.C. Role	Authority to raise revenues for county services
Proponents/ Opponents	Real estate transfer taxes can be an important tool for land conservation, affordable housing development and community marketing/economic development. Supporters are advocates for those issues listed above; counties, and municipalities; and proponents of local control. Opponents are likely to be: pro-TABOR advocates, those in the real estate and lending business including realtors and real estate associations, and mortgage brokers.
Fiscal Impact	None to local jurisdictions. Localities that wish to pursue a campaign to support the ballot measure or to subsequently campaign for a local RETT may choose to expend funding in support of these efforts.
Priority Ranking	1/1

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*Risk/ Difficulties	3	**C.C. Importance	1	***CCI Time Commitment	3
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Tax & Finance (3/5)

**Levy sales tax in unincorporated areas
Clear Creek County | George Marlin, Commissioner**

Issue	<p>The issue is a large gap between Sales tax rates in Municipalities and unincorporated areas. Tax rates in the municipalities are 3-5% higher than those in unincorporated Clear Creek. Counties cannot seek to increase sales taxes in unincorporated areas without increasing rates in the municipal areas that are already high. The most recent calculations estimate that every 1% of sales tax can generate roughly \$1M. That has nearly doubled since last year due to the implementation of wayfair and the continued expansion of economic activity in unincorporated areas. This trend is very likely to exist across the state.</p> <p>Every county in Colorado struggles to deliver the services that our constituents expect.</p> <p>As property taxes become uncertain, impacts to unincorporated areas are increasing in many areas of the state. Recreational tourism has been steadily increasing for decades and exploded this summer. Sales tax generating activity has increased as well. Some examples of this activity are Ski Areas, Rental companies, Retail, Short Term Rentals, Truck Stops and Convenience Stores. As has often been discussed, sales taxes provide a way for visitors to pay for the impacts that they create.</p> <p>The ability to ask for sales tax revenue in unincorporated areas only will give voters more flexibility to structure revenue streams that are fair and provide for effective public services.</p>																																																																
Background	<p>There is a very large potential source of revenue in unincorporated county areas. In unincorporated Clear Creek County, every 1% of sales taxes generates \$ 1,025,093.75. This tax base is growing faster than the incorporated tax bases as recreational activity increases, online ordering becomes more popular and wayfair is implemented.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>2021</th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> <tr> <th>Revenue Potential Calculation</th> <th></th> <th></th> <th></th> <th></th> <th></th> </tr> <tr> <th>Jurisdiction</th> <th>Collections</th> <th>Tax rate</th> <th>Sales tax base</th> <th>% of tax base</th> <th>Annual growth</th> </tr> </thead> <tbody> <tr> <td>Clear Creek (actual)</td> <td>\$2,354,932.00</td> <td>1.0%</td> <td>\$235,493,200.00</td> <td>100%</td> <td>43%</td> </tr> <tr> <td>Idaho Springs (actual)</td> <td>\$3,569,977.00</td> <td>4.0%</td> <td>\$89,924,425.00</td> <td>38%</td> <td>23%</td> </tr> <tr> <td>Silver Plume (estimated)</td> <td>\$182,891.36</td> <td>3.0%</td> <td>\$6,069,378.64</td> <td>3%</td> <td>32%</td> </tr> <tr> <td>Georgetown (actual)</td> <td>\$1,520,810.00</td> <td>4.5%</td> <td>\$33,795,777.78</td> <td>14%</td> <td>32%</td> </tr> <tr> <td>Empire (estimated)</td> <td>\$306,580.08</td> <td>5%</td> <td>\$6,131,601.70</td> <td>3%</td> <td>32%</td> </tr> <tr> <td>unincorporated</td> <td></td> <td></td> <td>\$99,545,016.89</td> <td>42%</td> <td>77%</td> </tr> <tr> <td>Revenue potential at 4% increase</td> <td></td> <td></td> <td>Revenue potential per 1%</td> <td></td> <td></td> </tr> </tbody> </table>					2021						Revenue Potential Calculation						Jurisdiction	Collections	Tax rate	Sales tax base	% of tax base	Annual growth	Clear Creek (actual)	\$2,354,932.00	1.0%	\$235,493,200.00	100%	43%	Idaho Springs (actual)	\$3,569,977.00	4.0%	\$89,924,425.00	38%	23%	Silver Plume (estimated)	\$182,891.36	3.0%	\$6,069,378.64	3%	32%	Georgetown (actual)	\$1,520,810.00	4.5%	\$33,795,777.78	14%	32%	Empire (estimated)	\$306,580.08	5%	\$6,131,601.70	3%	32%	unincorporated			\$99,545,016.89	42%	77%	Revenue potential at 4% increase			Revenue potential per 1%		
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Proposed Solution																	
Alt. Solutions Considered	The is a local solution is to have every municipality in the county agree to lower their tax rate voluntarily upon a promise by the county to remit what would have been collected at the higher rate back to the municipality. This solution requires complicated ballot language that will be difficult to pass. It is far less efficient than simply giving counties and our constituents this flexibility.																
Statutory Citation /proposed edit	<p>We propose the strikethrough as indicated below: 29-2-103:</p> <p>(1) Each county in this state is authorized to levy a county sales tax, use tax, or both in accordance with the provisions of this article. No proposal for a county sales tax, use tax, or both shall become effective until approved by a majority of the registered electors of the county voting on such proposal pursuant to section 29-2-104 . Such a proposal for a sales tax, use tax, or both, upon approval by a majority of the registered electors voting thereon, shall be effective throughout the incorporated and unincorporated portions of the county except when less than countywide application is authorized pursuant to subsection (2) of this section.</p> <p>(2) A county may levy a sales tax, use tax, or both, in whole or in part, in less than the entire county when the following conditions are met:</p> <p>(a) Deleted by Laws 2008, Ch. 264, § 4, eff. Aug. 5, 2008.</p> <p>(b) The area to be excluded from the tax levy is comprised solely of a portion of a municipality whose boundaries are located in more than one county; and</p> <p>(c) All other counties in which a portion of the municipality described in paragraph (b) of this subsection (2) is located have agreed to provide fair compensation to the county for any services extended to such municipality as a result of revenues derived from the county tax levy from which the municipality is excluded.</p> <p>(3) The approval provisions of subsection (1) of this section, the restrictions on contents of sales or use tax proposals set forth in section 29-2-105 , and the collection procedures of section 29-2-106 shall apply to county sales or use taxes or both levied pursuant to subsection (2) of this section.</p>																
C.C. Role	County Commissioners approve all ballot measures. This would expand our ability to propose taxation alternatives to our communities																
Proponents/ Opponents	Department of revenue views this change as conflicting with the momentum towards simplifying Sales and Use Taxes. They have reduced the total number of location codes from 900 to 400 and have concerns that this could cause the number to grow by more than 64. It will be important to devise guardrails to make sure that this would allow for the creation of no more than one additional location code per county.																
Fiscal Impact	The fiscal impact would be positive. This could give communities access to a robust and growing revenue stream. There will likely be a one-time state fiscal impact and a possibly a marginal ongoing fiscal impact.																

<p>* Risk/Difficulties</p> <p>1 = low risk /min. political capital 2 = moderate risk, 3 = high risk/much political capital</p>	<p>**County Commissioner Importance</p> <p>1 = critical to BOCC county operations/budget, 2 = important BOCC county issue, 3= county technical fixes, important issues not directly related to county government</p>	<p>***CCI Time Commitment</p> <p>1 = not time intensive / CCI not in the lead, 2 = ordinary time commitment 3 = very time intensive / county specific issue</p>
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Priority Ranking	1/2				
*Risk/ Difficulties	2	**C.C. Importance	1	***CCI Time Commitment	2

Tax & Finance (4/5)

**Levy sales tax of outdoor services and experiences
Clear Creek County | George Marlin, Commissioner**

Issue	The issue is the impact of tens of thousands of tourists recreating on lands in Clear Creek County often by purchasing recreational services like ski passes or guided tours like rafting or OHV services. The lack of ability to tax these services means we have limited ability to develop management approaches that help us offset the impact of these activities without seeking support from other sources.				
Background	Clear Creek County has tens of thousands of visitors on a weekly basis, with 50-90,000 participating in raft trips, 35,000 or more ascending Bierstadt alone, and an estimated (according to our trail counters we have installed) 100,000 hikers, bikers, and OHV users annually. Many of these visitors make purchases in the County and pay sales tax that contribute to government operations but millions of dollars in payments to ski passes and guided tours are untaxed.				
Proposed Solution	This proposal is for enabling legislation granting Colorado counties the authority to levy sales tax on Outdoor Services & Experiences. This would allow counties, with voter approval, to enact sales taxes on outdoor lessons and guided tours, including biking, fishing, mountain biking, rafting, ski lessons, winter mountaineering, snow-cat tours, jeep and OHV tours, birding, walking tours, mining tours and other experiences led by a tour guide, instructor, or other leader. It would also grant authority for counties to tax outdoor experiences like tickets/tuition for experiences including outdoor festivals and fairs, day camps and residential camps, outdoor concerts and lift tickets, gondola rides etc.				
Alt. Solutions Considered	A non-legislative solution is not apparent.				
Statutory Citation /proposed edit					
C.C. Role	This would expand our authority to propose taxes to our communities.				
Proponents/ Opponents					
Fiscal Impact	Clear Creek County estimates that tax revenue from outdoor lessons and guided tours and tickets for outdoor experiences including festivals, concerts and ski passes may be as high as \$250K based on a 1% sales tax on outdoor services & experiences				
Priority Ranking	2/2				
*Risk/ Difficulties	3	**C.C. Importance	1	***CCI Time Commitment	3

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Tax & Finance (5/5)

**Secure statewide voter approval to extend homestead exemption to spouses of fallen peace officers and fire fighters
El Paso County | Carrie Geitner, Commissioner**

Issue	<p>Honoring the men and women who have served our nation in uniform is a long and proud tradition of the Colorado General Assembly.</p> <p>During the 2022 General Assembly session, HCR22-1003: Extend Homestead Exemption to Gold Star Spouses was introduced and passed. This legislation will place a question on the November ballot concerning the extension of the property tax exemption for qualifying seniors and disabled veterans to the surviving spouse of a United States Armed Forces service member who died in the line of duty or veteran whose death resulted from a service-related injury or disease.</p> <p>The El Paso County Assessor and the Board of Commissioners would like to work with the General Assembly to pass legislation that would further extend the Homestead Property Tax Exemptions to families of fallen peace officers and firefighters.</p>
Background	<p>Peace officers, firefighters, and their families have sacrificed so much for their communities and put their lives on the line during every shift. When a peace officer or firefighter dies in the line of duty, it leaves spouses and families trying to figure out if they'll be able to stay in their homes. With property values continuing to rise across the state, extending this exemption will help these families remain in their homes without the financial instability after an earthshattering loss.</p>
Proposed Solution	<p>Like was done with HCR22-1003, El Paso County would like to see this exemption also extended to spouses of peace officers, and firefighters that are killed in the line of duty.</p>
Alt. Solutions Considered	<p>This change can only be accomplished through a legislative fix.</p>
Statutory Citation /proposed edit	<p>2017 Colorado Revised Statutes Title 38 - Property - Real and Personal Real Property, Article 41 – Limitations Homestead Exemptions Part 2 - Homestead Exemptions § 38-41-201. Homestead exemption - definitions</p> <p>Proposed language would also include spouse of peace officer or firefighter killed in the line of duty</p>
C.C. Role	<p>Counties rely on revenues generated from property tax collections; however, any financial impact is far outweighed by the positive impact this policy would have on the surviving family members of fallen peace officers and firefighters.</p>
Proponents/ Opponents	<p>Potential proponents would include police/firefighter departments and state associations, current El Paso County Assessor Steve Schleiker, El Paso County Board of Commissioners</p> <p>Potential opponents: Unknown.</p>
Fiscal Impact	<p>Minimal county fiscal impact if the exemption is extended to the spouses of peace officers/firefighters killed in the line of duty. Two local peace officers have perished in the line of duty in the last five years.</p>

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Priority Ranking	High [county submitted 3 issues]				
*Risk/ Difficulties	2	**C.C. Importance	3	***CCI Time Commitment	3

Transportation & Telecommunications (1/2)

**Require utility owners to cooperate with road improvement projects
Arapahoe County | Bryan Weimer, Public Works & Development Director**

Issue	<p>Capital improvement projects regularly encounter utility conflicts during design and construction. Often, even with advanced coordination, utilities are not relocated in a timely manner and projects incur unanticipated delay resulting in substantial project cost overruns.</p> <p>Utility providers do not commit to a utility relocation timeline, are not responsive to utility design/coordination/actual utility relocations, and are not being held accountable to reasonable utility relocation timelines, which negatively impact capital project budgets, timelines, and induce delay claims to local governments.</p> <p>Utility companies often do not sign Utility Clearance letters, which help them to become partners in the project. The letters communicate the utility company’s plans to the owner of the project. This information is critical in planning a successful project.</p> <p>In addition, for jurisdictions that have a 1% franchise fee fund, it has been difficult to receive costs estimates for the work to be performed and transparency of the utility company’s use of those funds for the work being performed.</p>
Background	<p>As local governments are constructing transportation/roadway projects, they typically have to work with utility companies (predominantly electric/gas and telecommunications) to relocate existing utility lines. Utility relocations are often critical path components for capital improvement projects, so any delays can significantly impact project timelines and place additional unexpected financial burden on local governments responsible for the project.</p> <p>Arapahoe County has experienced delay costs in capital road projects that have been caused by delay by the utility owner in performing relocation work, including design and construction items. A particular project that the County is currently working has experienced significant project delays, which will result in significant cost increases and impacts, that are directly attributed to one large utility company’s failure to respond adequately and reasonably to the County’s requests for relocation./ In this particular case, the County has been working with the utility owner for over two years during design of the project and has not been able to get the utility owner to relocate per the project schedule. This delay is projected to cost the project in excess of two million dollars. The County is seeking a legislative remedy to incentivize cooperation with capital projects in terms of such utility relocations.</p> <p>The 811 Legislation has not helped with this matter and neither has the County’s new Utility Relocation Policy. The County does not have enough teeth in the CRS to motivate utility companies to partner in a reasonable manner to become accountable for their actions and be responsive to requests and need for utility relocations.</p>

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<p>Proposed Solution</p>	<p>A proposed concept for remedying the problem is to amend existing statutes that allow utilities, including sewer and water facilities, electric transmission facilities, gas lines, and telecommunication and broadband facilities, to locate in public highway rights of way under local jurisdiction to require the utility owner to cooperate with road improvement projects in terms of establishing project schedules for relocation of utility facilities, if necessary for purposes of the project, and to establish penalties or other incentives for the utility owners to adhere to such schedules.</p> <p>At this point, this proposed only as a general concept and will, of course, require more detail on matters such as:</p> <ol style="list-style-type: none"> a. What the penalties or incentives may be; b. Provisions for notice of projects; c. Provisions for establishing agreements for project schedules and relocation needs; d. Provisions to make sure the legislation is fair and reasonable and minimizes impacts to costs of performing projects, minimizes disruptions to utility services and the use of the public highways; and e. Provisions for minimizing impacts to the cost of providing the utility services to the public. 				
<p>Alt. Solutions Considered</p>	<p>Yes, the County adopted a Utility Clearance Policy & Procedure in 2021 outlining utility coordination with “wet” utility providers (sewer and water) on proposed construction projects. The County currently does not have the statutory authority that is required to adopt by ordinance or resolution measures to hold utility owners accountable and responsible for timely relocations.</p>				
<p>Statutory Citation /proposed edit</p>					
<p>C.C. Role</p>	<p>County Commissioners are responsible for the county budget. Any unnecessary or unexpected expenses affect the county’s financial health and, therefore, our ability to provide other critical services to residents. As elected officials, County Commissioners are also accountable to the voters to ensure that capital projects are delivered in a timely and cost-efficient manner. Furthermore, local governments are responsible for and have authority to manage their right-of-way.</p>				
<p>Proponents/ Opponents</p>	<p>The County has spoken with multiple local governments in the area, and most are dealing with similar issues and would likely support legislation to incentivize cooperation to relocate utilizes for construction projects. County staff is working with other neighboring county and municipal jurisdictions, which may support such legislation. County staff has not had discussion with utility owner regarding proposed legislation.</p>				
<p>Fiscal Impact</p>	<p>The intent of the proposed legislative solution is to provide positive fiscal impacts to governments if utility relocations can be regulated by the owners of the ROW including local governments.</p>				
<p>Priority Ranking</p>	<p>n/a</p>				
<p>*Risk/ Difficulties</p>	<p>2</p>	<p>**C.C. Importance</p>	<p>2</p>	<p>***CCI Time Commitment</p>	<p>2</p>

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Transportation & Telecommunications (2/2)

**Repeal SB05-152 to allow governments to provide telecommunications service without a citizen vote
Douglas County | BOCC**

Issue	SB 05-152 prevented local governments from participating directly or indirectly in any way providing advanced service, cable television service, or telecommunications service without first having a citizen vote to allow such services. This has been interpreted broadly such that local governments can't even partner with retail providers to ensure citizens receive adequate service, even when federal dollars are available to a local government for this purpose. The statute should be repealed as the voting impediment isn't serving the public interest.				
Background	This legislatively created impediment is hurting the citizens it was originally intended to help as necessary services are delayed or outright prevented by a voting requirement when local governments attempt to meet this citizen need.				
Proposed Solution	Douglas County proposes that CCI seek a legislative repeal.				
Alt. Solutions Considered	A non-legislative solution will not fix the substantial delay and taxpayer expense involved with complying with the law as written.				
Statutory Citation /proposed edit	The statutory citation is C.R.S. 29-27-101 et seq.				
C.C. Role	County Commissioners are directly responsible for both deciding whether to help provide the restricted services and for sending the issue to a citizen vote.				
Proponents/ Opponents	<p>Proponents should include counties, cities, and special districts. They should support a SB05-152 repeal because it removes a current impediment in providing high speed broadband to residents. Another proponent is the Colorado Broadband Office, who publicly has mentioned its concern about the existing statute.</p> <p>Possible opponents may include incumbent providers, who believe a repeal of SB05-152 could lead to duplication of service and potentially a waste of taxpayer dollars. They may also argue that local governments should not use taxpayer monies to unfairly compete with the private sector unless its citizens approve by popular vote.</p>				
Fiscal Impact	There should be a positive fiscal impact to local governments, because the requirement of an election, and associated costs related to it, will be eliminated.				
Priority Ranking	n/a				
*Risk/ Difficulties	2	**C.C. Importance	2	***CCI Time Commitment	2

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