



Proposed 2022 Legislative Issues

(As of: 8/27/2021)

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Important Dates/Reminders:

- Steering Committee Meetings: Friday, September 24 (no votes are taken)
- Deadline to designate Legislative Committee Member: Friday, October 1
- Legislative Committee Meeting & General Membership Meeting: Friday, October 8

**Agriculture, Wildlife & Rural Affairs
(1/1 Issues)**

San Miguel

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| Issue | Invasive weeds and other invasive vegetation are increasing around Colorado, especially on our transportation routes and agriculture lands. Most rural counties, where noxious weeds are increasing in scale are stretching financially to pay for weed management programs. Noxious weed management is an unfunded mandate for counties. |
| Background | CRS 35-5.5-101 et seq requires counties to “adopt a noxious weed management plan for all of the unincorporated lands within the county” and carry out eradication for the A & B list of noxious weeds. Rural county budgets are stretched thin, the problem crosses multiple jurisdictions, and climate change is exacerbating the issue. |
| Proposed Solution | Counties and municipalities need the latest science to inform our weed management plans and programs. We cannot eradicate every species on the list, so we need to effectively prioritize the most problematic species and learn to live with the others who are a result of climate adaptation. How do we prioritize impacts to water and crop production. We need the funding and resources to be effective |
| C.C. Role | Counties are mandated to plan, implement and enforce the Colorado Noxious Weed Act. |
| Potential Proponents/ Opponents | Proponents-water managers, ranchers, farmers, landowner. Opponents-the weeds |
| Fiscal Impact | Not sure. |
| Priority Ranking | 1/1 |

| General Government (1/4 Issues) | |
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| Fremont | |
| Issue | County Surveyor |
| Background | In the days of initial mapping of counties there was a need for a Surveyor. This is an elected position and not needed any more. Fremont County has to appoint for this position every time and have at times not had any interested candidates. There are few if any times the services are needed. Before legislation was changed the Surveyor checked all plats that were deposited for filing, this is no longer the case. With the current legislation the Clerk has taken on the role and can just record the documents. |
| Proposed Solution | Change the Constitution to remove the Surveyor as an elected official. |
| C.C. Role | If a survey is need, we can hire it out for much less cost to the county. |
| Potential Proponents | NA |
| Potential Opponents | NA |
| Fiscal Impact | We currently pay \$5370/yr. |
| Priority Ranking | 1/1 |

General Government

(2/4 Issues)

Grand

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| <p>Issue</p> | <p>Insurance Reform: End Post Loss Underwriting</p> <p>In October of 2020, 366 homes were destroyed in Grand County by the East Troublesome Fire. Current Insurance law in Colorado allows Insurance Companies to conduct post loss underwriting with their clients, whose homes were destroyed. Post Loss Underwriting involves the homeowner clients to itemize their possessions that were destroyed. The practice allows Insurance companies to pay out less than the policy amount, despite the clients paying premium rates based on certain premium amounts. Current Colorado Law requires insurance companies to pay a statutory minimum of 30% of full policy value, and policy owners must provide itemized lists to get paid out any more than that.</p> |
| <p>Background</p> | <p>This issue was brought to me by a local attorney Natascha O’Flaherty. The following was provided to me by her:</p> <p>“I spent the last eight months assisting numerous insureds with getting their claims paid out for the properties lost to the East Troublesome Fire on October 21, 2020. What is acutely apparent is that legislative changes are needed to assist insureds to get paid out timely on their policies without unnecessary hurdles. Specifically, the practice of “post loss underwriting” for personal property in the event of a total catastrophic loss must end!</p> <p>In order for insureds (with most carriers) to get paid out on their personal property (aka contents) they must submit an itemized inventory that includes a description/brand name, age, condition and price of each item lost. Plus, once the inventory is submitted, the carriers usually request a link/source to verify the cost/pricing of the items. The average household has thousands and thousands of items. Is it fair to ask somebody who has just lost everything they own how many pairs of socks they have?!?...Who can accurately recall the brand name of each piece of furniture, what was in their freezer, how many books they have, the tools and equipment in their garage , how many serving dishes, towels, suitcases they have, the brand and age of their sports equipment, their cookware, dishes and bakeware, art, Christmas décor, family heirlooms, music, electronics, toiletries, appliances, etc.?</p> <p>Not only is this process of trying to get paid out for personal property coverage hugely time consuming, but it also is exceptionally cruel. Recounting all the things that one acquired, cherished and enjoyed after losing it all to a fire or other catastrophic loss is emotionally gutting. It is the source of many tears, stress and frustration. Most of my clients spend hundreds of hours compiling their inventories. It is time consuming and beyond emotionally painful. For insureds that work full time jobs it is beyond challenging to find the time to do this claims process.</p> <p>I have a number of clients - especially older clients - that emotionally are not up to the task. After decades of paying premiums for the contents of their homes, they decided to just take the required statutory 30% that the current statute requires the carrier to pay just to avoid having to do the inventory. So they leave 70% of the coverage for which they paid premiums on the table.</p> <p>For those insured that do compile the carrier required inventory, the carriers then depreciate the items on the inventory and only pay out ACV (actual cash value). Replacement cost minus depreciation = ACV. Thus, if the insureds want to get paid out for the replacement insurance coverage they paid for, they must save and submit the receipts for each item as they repurchase them. Who has the time to do that?!? (And depreciation appears to be rather subjective and in the insurance company’s favor.) Yes, the insurance carriers provide an itemized report of their estimated replacement cost and depreciation for each item. But again, if the insured is to get the replacement cost they paid for, they have to go through the carrier’s report, which is often over a hundred pages long, and see which items require receipts to be submitted. Then the insureds have to remember to copy and submit the receipt for each item to the carrier. Is it fair to ask the insured to invest that level of time and effort to collect on their policy? They paid the premiums and should get what they purchased.</p> <p><i>(continued)</i></p> |

This post loss underwriting came before the Colorado legislature a few decades ago on Disability Insurance. Originally, in Colorado disability insurers wrote policies and collected premiums on face amounts of disability insurance. Yet, once a claim was filed, the insured had to show current income to verify payment of a claim. As a result the insured did not know what they would actually get at the time they got disabled. An insured who perhaps took a maternity leave or had a lower income year, would at time of disability suddenly learn that the monthly insurance benefit they purchased would not be paid out. Fortunately, this practice of post claim underwriting for Disability Insurance was ended. Now it is up to the carrier to verify income when the insured applies for the policy. Like with life insurance there is a two year look back window to challenge any misrepresentations on the application and to verify income. But after that, the insured is entitled to the benefit amount they purchased.

Thus, the legislative change that is needed: Personal Property coverage should be paid out in full within 30 days of a catastrophic loss. No itemization of personal property should be required. The claim process should not be unduly burdensome.

There are certainly a number of other tweaks that would make it much easier for those that experienced a catastrophic loss to rebuild or repurchase:

1. The time to rebuild and loss of use benefit period should run at least two years from when the insurer actually pays out on the claim (NOT from the date of loss). How can an insured move forward with a rebuild or purchase of a new home without knowing their budget;
2. A signed rebuild contract is the best evidence of the costs to rebuild the home and should take precedent over the carrier estimates. I have seen dozens and dozens of carrier estimates for homes lost to the Troublesome fire that reflect a rebuild cost of @\$200/sq ft, when the actual cost is more than double that here in a rural, resort community in the mountains.
3. There needs to be a deadline by which the claim must be paid out. It is unacceptable that now almost nine months after the fire, many insureds have only been paid the statutory 30% on their contents and 50% of their dwelling coverage limits.

However, if I had only one ask, it would be that the practice of post claim underwriting for personal property be stopped.

Sincerely,

Natascha O'Flaherty

Of Counsel

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Proposed Solution

Recommend CCI Policy Experts work with the Colorado Division of Insurance to help craft the precise Legislative Language that will be most effective and have the desired result and no unintended consequences. The desired results include: 1. Personal Property coverage should be paid out in full within 30 days of a catastrophic loss. No itemization of personal property should be required. The claim process should not be unduly burdensome. 2. The time to rebuild and loss of use benefit period should run at least two years from when the insurer actually pays out on the claim (NOT from the date of loss). How can an insured move forward with a rebuild or purchase of a new home without knowing their budget? 3. A signed rebuild contract is the best evidence of the costs to rebuild the home and should take precedent over the carrier estimates. I have seen dozens and dozens of carrier estimates for homes lost to the Troublesome fire that reflect a rebuild cost of @\$200/sq ft, when the actual cost is more than double that here in a rural, resort community in the mountains. (Rich Cimino comment: I have been told some rebuilding costs are over \$1,000 / sq ft.). 4. There needs to be a deadline by which the claim must be paid out. It is unacceptable that now almost nine months after the fire, many insureds have only been paid the statutory 30% on their contents and 50% of their dwelling coverage limits.

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| C.C. Role | Represent the citizens of my County who are currently involved with post loss claims, and the citizens who may be involved in fire loss in the future. |
| Potential Proponents/Opponents | Proponents: CCI (assuming successful 66% of vote), Colorado Builder's Association, Relator's Association, others. Opponents: Insurance Companies |
| Fiscal Impact | Zero for the State Budget. Slight increased tax revenue from increased economic vibrancy by these policy owners moving quickly to rebuild and recover. |
| Priority Ranking | 1/1 |

**General Government
(3/4 Issues)**

Huerfano

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| Issue | Counties do not currently have a method to initiate a process to disband a special district. The Special District Act gives citizens, municipalities, and regional service authorities the ability to petition for the dissolution of a service district. |
| Background | Under the Special District Act, Colorado Counties have no way to recommend the dissolution of a special district that is defunct or has otherwise strayed from the purpose of such a district. As a unit of local government, special districts in Rural Areas can go for significant lengths without elections, being controlled or abandoned by voters. Under Part 7, Article 1, Title 32 Municipalities and regional service authorities are granted the ability under certain circumstances to initiated a process to disband a special district. The Department of Local Affairs also has the ability to Administratively dissolve a district. Counties are notably lacking such an option. |
| Proposed Solution | <p>We propose to amend Part 7 of Article 1 of Title 32 CRS to provide Counties an avenue to disband a Special District that is non-functional or not serving the public interest. As such we would request to add the following language to C.R.S. 32-1-701:</p> <p>(6) If the territory encompassed by a special district lies wholly within the boundaries of a County, the board of County Commissioners may file an application with the board to dissolve the special district, and the board, promptly and in good faith, shall take the necessary steps to dissolve such district in accordance with the procedures specified in subsection (2) of this section.</p> <p>(7) If the territory encompassed by a special district lies within the boundaries of two or more Counties, the two or more Counties may file jointly an application with the board to dissolve the special district, and the board, promptly and in good faith, shall take the necessary steps to dissolve such district in accordance with the procedures specified in subsection (2) of this section. The application shall include the consent of such Counties to assume the responsibilities for providing the service in their respective jurisdictions or evidence of an agreement to provide the service on a contractual basis.</p> <p>The language of the existing section 6 would be moved to a new section 8 and reworded as follows</p> <p>(8) Any application filed with the board to dissolve a special district under subsection (2), (3), (4), (5), (6), or (7) of this section shall be accompanied by a cash bond in the amount of three hundred dollars to cover the expenses connected with the proceedings if the dissolution is not effected.</p> |
| C.C. Role | Commissioners will be able to exercise a new power to remove defunct special districts |
| Potential Proponents/ Opponents | TBD |
| Fiscal Impact | None |
| Priority Ranking | 2/2 |

**General Government
(4/4 Issues)**

Prowers

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| Issue | The County can appoint members to the Cemetery District Boards but do not have the ability to remove a member from the board. |
| Background | This past year, we had a board that was not able to work together and some members were not acting in good faith with the cemetery property. The tax payers for that district came to the board of commissioners asking for members to be removed that we had just appointed to the board and after research, this was one of the only two boards that the BOCC appoints to, that we did not have the ability to remove a member for just cause. There is no current way to remove a member, except for them to resign, even if they are not acting in good faith or even in a fraudulent manner. |
| Proposed Solution | Adding a simple way, just as we have for all the other boards we appoint to, a way to remove a member by the appointing board, for just cause. |
| C.C. Role | The county Commissioners are the board that appoints to these special districts. |
| Potential Proponents/ Opponents | The Special Districts lobbyist are against this, if we do not have just cause in the wording of the bill. |
| Fiscal Impact | None |
| Priority Ranking | 1/1 This is a relativity easy bill to fix current statue, the only two boards that we can appoint to that the BOCC current cannot remove a member are the Library District Boards and the Cemetery District Boards. I am only presenting the we change the Cemetery District board. |

**Health & Human Services
(1/5 Issues)**

Douglas

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| Issue | Expand Counties' access to The Work Number for real-time verification of earned income as part of the household eligibility determination process for human services benefit programs, such as SNAP (the Supplemental Nutrition Assistance Program), to improve staff efficiency, increase automation, and reduce improper payments. |
| Background | Today, 43 Counties across Colorado access The Work Number via a Web Portal to support eligibility determinations for human services benefits for programs that have income requirements included but not limited to SNAP, Colorado Works, and Medicaid. The Work Number has a cost of \$6.28 per search. This price is cost-prohibitive for some counties. The ability for all counties to utilize the Work Number to verify income for application and redetermination of benefits will enhance the timeliness and accuracy of county staff. This will also help ensure citizens receive benefits they are eligible for timely and equitably across the state. |
| Proposed Solution | Proposed Budget Justification Language: Include \$3.5 million in the CDHS General Funds budget for FY2022-2023 to enable all Counties' access to The Work Number for human services benefits eligibility determinations and redeterminations via the Colorado Benefits Management System (CBMS) to improve staff efficiency, increase automation, and reduce improper payments. This proposed amount includes a minimum of \$306,576 in federal USDA FNS grant funding. |
| C.C. Role | Implementing this proposed solution will preserve limited County Administration funds and enable all County human services departments to benefit from streamlined, automated, and equitable access to The Work Number via CBMS. |
| Potential Proponents/ Opponents | Pros: <ul style="list-style-type: none"> • Equal Access to income verification statewide. • Dedicated allocation for all counties to provide unlimited searches of the Work Number to increase efficiency and accuracy of income-based applications and redeterminations. |
| Fiscal Impact | Estimated \$3.5 million in CDHS General Funds, including a minimum of \$306,576 in federal USDA FNS SNAP grant funding. Expanding use of The Work Number to all Counties via CBMS may result in an estimated \$21M in annual cost savings by reducing improper payments and increasing operational efficiency. By integrating The Work Number into CBMS, HCPF implemented the service statewide for Medicaid eligibility determinations in June 2021. HCPF's initial estimates projected an annual savings of nearly \$50 million. |
| Priority Ranking | 1/1 |

**Health & Human Services
(2/5 Issues)**

Huerfano

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| Issue | Under C.R.S. 25-1-508(3) terms for members of the district board have to be for a period of 5 years. |
| Background | Huerfano and Las animas Counties would like to be able to add a County Commissioner to the Board of Health but the terms do not coincide. |
| Proposed Solution | Change CRS 25-1-508 (3) to say “up to five years” instead of setting the term at five years. |
| C.C. Role | Having the ability to sit on the Board of Health as a County Commissioner for up to five years. |
| Potential Proponents/ Opponents | We have had conversations with Las Animas County about it and believe we have their support. |
| Fiscal Impact | None |
| Priority Ranking | 1/1 |

**Health & Human Services
(3/5 Issues)**

Summit

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| Issue | Behavioral Health Transparency & Accountability |
| Background | There have been ongoing discussions regarding the complexity of the behavioral health system within Colorado & limited progress has been made in demystifying the system for consumers and communities. The proposal below is an effort to make the system more transparent and accountable, with the exception that it improves access and outcomes. |
| Proposed Solution | <p>Goal #1: Ensure that Colorado residents and communities have access to the information about how public funds supporting behavioral health are spent in an understandable format.</p> <p>Strategy 1a: Require the Behavioral Health Authority to create an office of behavioral health transparency that maintains a website that plainly displays</p> <ul style="list-style-type: none"> • All contracts with community mental health centers, managed service organizations, crisis administrative service organizations, and other organizations that have direct contracts to deliver behavioral health services with the Colorado Department of Human Services (CDS) and or Behavioral Health Authority within 60 days of contract execution • Summarizes the key contract requirements in plain language within 60 days of contract execution • Presents performance against contract requirements in a summary form comparing contractors within each business line (e.g. CMHC versus MSO) for the prior contract year within 60 days of contract end • Posts audited financial statements and 990s for all contractors within 30 days of submission and establishes financial reporting in lieu of 990s for contractors that are not required by the IRS to submit 990s <p>Strategy 1b: Require Behavioral Health Authority to create contractual requirements for minimum services available at the county and regional level (based on travel time and/or population size) and communicate these requirements publicly.</p> <p>Strategy 1c: Require the Behavioral Health Authority and the Department of Health Care Policy and Financing (HCPF) to work collaboratively to publish the major contractual obligations for community mental health center providers who receive value-based, risk-based, or cost-based rates to serve Medicaid members to include service timeliness, geographic accessibility, availability and/numbers served.</p> <p>Strategy 1d: Require HCPF to publish the methodology and outcome of their price schedule for actual or reasonable costs of services provided both community mental health centers and community mental health clinics as required under <u>C.R.S. 25.5-4-403</u></p> <p><i>“For the purpose of reimbursing community mental health center and clinic providers, the state department shall establish a price schedule annually with the department of human services in order to reimburse each provider for its actual or reasonable cost of services.” (CRS 25.5-4-403)</i></p> <p>Strategy 2e: Require that all behavioral health contractors with CDHS and/or the Behavioral Health Authority publish the locations where they are actively seeing patients in person, their telehealth availability, expected wait times and the services provided at each location.</p> |

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| | <p>Goal 2: Ensure a separation between decisions about how public funding is distributed and the organizations benefiting from public funding</p> <p>Strategy 2a: Require that all behavioral health contractors with CDHS and/or the Behavioral Health Authority publicly post the members of their boards of directors, the organizational affiliations of the directors, how decisions about funding are made, how conflict of interest in funding decisions is managed.</p> <p>Strategy 2b: Require that the Behavioral Health Authority limit contracts for behavioral health services to entities that maintain a board of directors that is not controlled by members who receive financial benefit from contractors with the State.</p> <p>Strategy 2c: Modify the statute on Managed Service Organization Designation to ensure that Managed Service Organizations have organizational structures that are not controlled by providers who will benefit from the contracts. CRS. 27-80-107.</p> <p>Goal 3: Increase the investigation and enforcement of state contractual requirements</p> <p>Strategy 3a: Require the Behavioral Health Authority to publicly report on the status of contractual requirements for each contract within 90 days of the close of the contract year.</p> <p>Strategy 3b: Allow the Legislative Audit Committee to request that the State Auditor’s Office perform an audit of any entity that receives 80% or more of their annual revenue from state, federal and/or local funds.</p> |
| C.C. Role | Behavioral Health services and access remain one of our community’s top Public Health priorities and the pandemic has exacerbated this issue. The County Commissioners continue to support greater access and transparency for programs funded and otherwise supported by the state. |
| Potential Proponents | Conversations with our local legislators have been ongoing for several years and we hop to build upon transparency discussions that began in earnest in 2019. |
| Fiscal Impact | We do not expect a fiscal impact to the state. |
| Priority Ranking | 1/3 |

**Health & Human Services
(4/5 Issues)**

Logan

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| Issue | Workforce in behavioral health in rural and frontier counties, specifically CAS, CAT (formally CAC) |
| Background | With the new changes to the certified addiction specialist and certified addiction technician, it has impacted rural and frontier counties greatly. Our service providers find it very hard to get qualified people to come rural areas. We can use our community colleges and offer tuition forgiveness for any CAS or CAT to work for 3 years in a Rural or Frontier County. |
| Proposed Solution | <p>Rural Colorado has many community colleges that service their areas, using the community college system to help educate our workforce would benefit us greatly. There are many barriers to overcome with getting these Behavioral Health degrees, if we can get through these obstacles and grow our own workforce here then we won't lose them to the Front Range.</p> <ul style="list-style-type: none"> • Need to be able to Teach the classes remotely (currently this is available but only temporary due to Covid) • CAC one class work needs to be available to be taught at the community college level • Allow remote supervisory observation |
| C.C. Role | Behavioral Health and workforce are two very important areas in our community it affects everything from DHS to Law Enforcement therefore our budgets. Any improvements we can make in these areas would be helpful to counties. |
| Potential Proponents/ Opponents | I have mention this in a couple of meetings. |
| Fiscal Impact | |
| Priority Ranking | High (1/1) |

**Health & Human Services
(Issue 5/5)**

Jefferson

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| <p>Issue</p> | <p>In October 2021, Colorado will be implementing the federal Family First legislation which, among other things, places an even strong emphasis on placement with kin and, for the first time ever, allows the use of federal funds to provide treatment and services to kin providers. Colorado’s current laws and rules for what criminal convictions and founded child abuse prevent a relative or kin from becoming a kin placement for children in need of out-of-home care are too restrictive, do not consider people’s ability to change, and are a potential barrier to the implementation of Family First.</p> |
| <p>Background</p> | <p>The proposed solution is to create more limited timeframes for when certain convictions are a barrier to placement, rather than the indefinite timeframes currently in statute. C.R.S. 19-3-406(4) & C.R.S. 19-3-407(1) outline a variety of crimes and timelines that prevent placement and/or require immediate removal of that child until a court order can be obtained. Additionally, 19-3-406 which deals with emergency placement of children with kin and 19-3-407 which deals with non-emergency placement of children with kin have some different criteria that are prohibitions on placement. There does not appear to be any reason for these different criteria based on whether the placement is an emergency or not an emergency. For example, 19-3-406 lists violation of a protection order and homicide as prohibitions but they are not in 19-3-407.</p> <p>With regard to the lack of time frames on certain convictions, C.R.S. 19-3-406(4) states: A county department or a local law enforcement agency shall not make an emergency placement or continue the emergency placement of a child with a person who has been convicted of one or more of the following offenses:</p> <ul style="list-style-type: none"> (a) Child abuse, as described in section 18-6-401, C.R.S. ; (b) A crime of violence, as defined in section 18-1.3-406, C.R.S. ; (c) An offense involving unlawful sexual behavior, as defined in section 16-22-102(9), C.R.S. ; (d) A felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S. ; (e) A felony involving physical assault or a drug-related offense, committed within the preceding five years; (f) Violation of a protection order, as described in section 18-6-803.5, C.R.S. ; (g) A crime involving homicide; or (h) An offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in paragraphs (a) to (g) of this subsection (4). <p>If a possible kin placement provider was convicted of child abuse in 1997 but has not had any additional convictions since that time, this 24 year old conviction would prevent a child from being placed with the kin or require immediate removal of the child until a court order could be obtained, and prevent the trauma of placing a child in stranger care.</p> |
| <p>Proposed Solution</p> | <p>That C.R.S. 19-3-406 (4) and 19-3-407(1) are changed to include time frames for the different listed convictions. This would allow for more children to be placed with appropriate relatives and kin, preventing additional trauma to children by being placed into stranger care. This change would also align with the philosophy and system changes with the Family First Prevention Services Act.</p> |
| <p>C.C. Role</p> | |

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| Potential Proponents/ Opponents | None known at this time. |
| Fiscal Impact | County Departments might experience savings in out-of-home costs that could then be used in additional services to support the placements with kin and in preventative services. |
| Priority Ranking | 1/3 |

Justice & Public Safety
(1/6 Issues)

Gilpin

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| 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 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 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. Using 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 time detentions while insurance is in place. Once incarcerated the person loses Medicaid State Aid and becomes uninsured unless they have a second insurance source. This transfers the cost of medical care to the county jail, further squeezing county budgets. |
| Proposed Solution | <p>State to be amended – C.R.S. 17-26-104.5. It appears this statute already addresses this as far as the person being responsible but does not require insurance to be held responsible for payment and reimburse the county for the expenses. It only implies private insurance could be billed by the inmate being billed for medical expenses.</p> <p>(1)...Any medical treatment charge that remains unpaid shall constitute a cost of care that the person shall be ordered to pay pursuant to section 18-1.3-70, C.R.S., and that may be collected by the county pursuant to the provisions of section 16-11-101.6, C.R.S.</p> <p><i>Add: Private or Colorado Option insurance in good standing at the time of the person's medical treatment must reimburse the provider in lieu of a county paying or reimburse the county if payment for care has already been rendered.</i></p> <p>(4) 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.</p> <p><i>Add: Private or Colorado Option insurance in good standing at the time of the person's medical treatment must reimburse the provider in lieu of a county paying or reimburse the county if payment for care has already been rendered.</i></p> |
| C.C. Role | County Commissioners are tasked with the overall management of the county budget to meet both funded and unfunded statutory requirements to insure 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 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 who approve the annual budget and any supplemental expenses. |
| Potential Proponents/Opponents | Yes, the Board and County Attorney are proponents. I have contacted our county Sheriff, Undersheriff, and Detentions Director to obtain support of this proposed legislation to both provide medical care and manage the detentions budget. |
| Fiscal Impact | TBD, although it has the potential to reduce county budget costs. |
| Priority Ranking | 2/2 |

**Justice & Public Safety
(2/6 Issues)**

Larimer

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| <p>Issue</p> | <p>The state of Colorado through SB18-251 created the Bridges Program and established the legislative expectation that there be a Bridges Program Court Liaison in each judicial district intended to assess and provide intensive case management services to those in the criminal justice system in which competency to proceed has been raised. One of the main priorities for the Bridges Program is to have the courts release more individuals to community-based evaluation and restoration services. Our district received 1 FTE state-funded Bridges Court Liaison position in 2019 with the position established as a Larimer County employee. The Bridges Liaisons across the state including Larimer County have been overwhelmed with referrals. In state fiscal year 2020-2021 the Program received a 10% cut in funding. This reduced contract will remain in effect for state fiscal year 2021-2022. This is happening as the Judicial Officers in the 8th Judicial District and many other judicial districts are appointing the Court Liaisons to more and more cases to support the population in question, provide efficient and appropriate processing of cases, while striving to maintain public safety and accountability to the crimes defendants have been accused of. Caseloads are skyrocketing, while funding decreases, leaving the counties to pick up the difference, leaving programs underfunded and understaffed. Funding needs to be restored and new positions need to be created to meet the demand to support our communities. This would allow a system that would not unduly criminalize those that have underlying cognitive and mental health related issues leaving them unable to understand and assist in their defense.</p> |
| <p>Background</p> | <p>The criminal justice system has become the de facto place to take care of people with mental illnesses. The behaviors associated with mental illness can be frightening, and without a healthy behavioral health system of care we end up calling the police and criminalizing the behaviors and symptoms of mental illness.</p> <p>The process of competency evaluation in Colorado is theoretically simple: If any party involved in a case - the police, the judge, the prosecutor, but most often the defense - suspects that the defendant does not have the mental capability to understand the basics of his or her legal situation, that person can refer the defendant for competency evaluation. If deemed incompetent, the defendant must then go through a process called “competency restoration,” which teaches people very basic information about the justice system (for example, “What is a judge?” “What is a prosecutor?”). The aim is much more modest than “restoring” the person to mental health or treating their illness, though they may also receive treatment like psychiatric medication or cognitive behavioral therapy. At its core, though, restoration simply means that the person can pass a test that declares them competent enough to understand what is going on in a courtroom. Then they can proceed with their case.</p> <p>The state of Colorado has failed for almost a decade to provide evaluations (to determine mental competency) and restoration services in a timely manner to thousands of people in jail who are awaiting trial and presumed innocent. While the history of backlogs dates back more than a decade, the issue formally entered the legal system in 2011 when Disability Law Colorado, the state’s designated watchdog for the mentally ill, then known as the Center for Legal Advocacy, sued the state.</p> <p><i>(continued)</i></p> |

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| | <p>In 2012, a federal court ruled in favor of Disability Law Colorado and ordered the state to provide timely competency evaluations and treatment to defendants. The state did not comply, Disability Law Colorado sued the state several more times. Despite multiple court orders to reduce the backlogs, pre-trial detainees who require competency evaluations and treatment are consistently languishing in county jails or the state mental hospital in Pueblo. Between 2000 and 2020 the number of people referred for competency evaluations jumped 930 percent and those needing treatment jumped 431 percent in that same time.</p> <p>The latest lawsuit was in 2018; in 2019 the courts issued a consent decree incorporating hefty financial burden and enforcement of the settlements. This new agreement enforces state officials to support outpatient, community-based services, and make the system more efficient for those that require inpatient services. Hence the legislation in 2018 that established the Bridges Court Liaison program as well as many other attempts to address this ongoing problem in the state.</p> |
| <p>Proposed Solution</p> | <p>(the following proposed solutions are not statutory language)</p> <ol style="list-style-type: none"> 1) Return to full state funding of the original Bridges Program Court Liaison positions; 2) After assessing the need in each judicial district, allocate additional Bridges Court Liaison positions across the state to enhance the original intent of SB18-251; and 3) Support additional monies for each judicial district to utilize to make wrap-around services available to this vulnerable population. |
| <p>C.C. Role</p> | |
| <p>Potential Proponents/ Opponents</p> | |
| <p>Fiscal Impact</p> | <p>A significant increase in funding allocated to the statewide Bridges Program by way of state legislative fiscal note.</p> |
| <p>Priority Ranking</p> | <p>2/3</p> |

Justice & Public Safety
(3/6 Issues)

Larimer

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| Issue | Code enforcement/compliance officers are not eligible to conceal their personal information from the Internet as other officers of the law are. However, the work that Code Enforcement/Compliance Officers do to maintain and enforce building, zoning and other codes can upset violating parties who have been known to make personal safety threats to officers. Officers in Larimer County have experienced security threats to themselves and their families, and they have limited options to protect themselves without the ability to have personal information removed from websites such as the Assessor’s Office. |
| Background | <p>Colorado Revised Statute §18-9-313 allows personal information to be removed from the Internet for various categories of people. Currently the legislature limits the application of the statute to child protection workers, adult protection workers, fraud investigators, peace officers, judges, prosecutors, participants in the address confidentiality program and all of their immediate family members. The statute allows these categories of people to have their address removed from websites such as the Assessor's Office. However, a “Code Enforcement/Compliance Officer” is not currently one of the included categories.</p> <p>Larimer County has explored other solutions to removing personal information of Code Compliance Officers from Internet, including deputizing code enforcement officers as “peace officers,” however that approach has other issues. Code Compliance Officers have few options to protect themselves and families, but to seek a Restraining Order against a threatening party (which requires release of an officer’s address), sending a directive that prohibits the threatening party from entering specific county buildings, or relaying information about the individual to Law Enforcement for criminal investigation.</p> |
| Proposed Solution | A relatively simple approach to remedy this issue appears to be amending the statute (§18-9-313) that allows removing personal information from the internet to expand the categories of individuals who fall within to include Code Enforcement/Compliance Officers. |
| C.C. Role | Support inclusion of this issue. |
| Potential Proponents/ Opponents | Not aware of any conversations. Proponents include Code Compliance staff within Community Development. Not aware of opponents. |
| Fiscal Impact | None. |
| Priority Ranking | 3/3 |

**Justice & Public Safety
(4/6 Issues)**

Summit

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| Issue | Funding for crisis intervention, de-escalation, and leadership training in law enforcement to support the implementation of recent statewide criminal justice reform measures. |
| Background | <p>The State Legislature has passed multiple criminal justice reform bills, training is required to ensure that our law enforcement personnel is properly prepared for the volatile encounters to which they are exposed. Law enforcement has become a primary responder to individual suffering from mental health or substance abuse crises. With Crisis Intervention Training (CIT) we can improve those interactions, reduce the likelihood of arrest and rather steer these individuals towards mental health resources.</p> <p>De-escalation training is critical in defusing potentially dangerous situations for both law enforcement and those with whom they are interacting, particularly when they are dealing with emotionally charged situations, particularly those are fueled by substance abuse or mental health challenges. De-escalation training enables law enforcement to better manage individuals with better skills regarding establishing contact, building rapport and gaining influence to achieve public safety objectives.</p> <p>Mandated and consistent leadership and cultural training for law enforcement executives tasked with implementing police reform would aid law enforcement executives in making informed hiring decisions. The training would promote a culture of equity and inclusion by working to eliminate racial, ethnic, and gender bias in the workplace. The training would guide the development of policies and training practices that focus on de-escalation and the application of force only when necessary. It would teach law enforcement executives to better identify and understand the totality of incidents, trends associated with use of force incidents, and other outlying factors. Intrusion could also be provided to clarify when an officer has a duty to intervene to prevent or stop the use of excessive force by another officer as well as addresses the issues of chokeholds and vascular neck restraints.</p> |
| Proposed Solution | We request that the POST statute (Title 24, Article 31, Part 3) be modified to provide funding to support CIT, de-escalation and Leadership training. |
| C.C. Role | Although we support the concept of criminal justice reform, we lack the financial resources to implement these unfunded mandates. In order to properly implement reforms we need financial support to train our law enforcement staff and ensure they have the tools necessary to operate safely and effectively as their role evolves. |
| Potential Proponents/ Opponents | Locally both our County Commissioners and our Sheriff support this approach and we expect ongoing discussions between CCI and CSOC on this topic, along with an engagement process with other stakeholders. |
| Fiscal Impact | Each of these classes would provide 40 hours of training estimated at \$950 per student per class. |
| Priority Ranking | 3/3 |

**Justice & Public Safety
(Issue 5/6)**

Jefferson

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| Issue | Pretrial Reform and Public Safety Community Response Collective |
| Background | <p>During the 2021 Legislative session, SB 21-062 and SB 21-273 approached the topics of pretrial reform and jail management/depopulation. These bills took the path of removing LE officer, DA and judge discretion to achieve their respective intent, and would have caused an increase in crime on top of the already 12% increase Jefferson County has seen in the past year. Removing discretion is not a reasonable option in approaching this issue.</p> <p>SB 21-273, if it had passed, would have formed a working group to explore alternatives to police response to situations which may not actually require law enforcement (i.e. mental health crisis, homelessness, etc.). HB 1250, when signed into law July 6, 2021, did form a “best practices in policing” study group similar to the one in SB 273; however, a more localized study would be appropriate to address particular Jeffco community needs.</p> |
| Proposed Solution | <p>Draft legislation which would codify into law a validated risk assessment matrix to evaluate bond conditions, much like DA King’s assessment tool. The below group would serve as a research body for this purpose, as well as look at additional community needs and public safety priorities.</p> <p>Working Group - The Jefferson County Sheriff’s Office, District Attorney, Jeffco municipal law enforcement CEO’s, community members, business owners, non-profit organizations and victims’ rights entities, would structure a working group to survey the Jefferson County community on various public safety related categories. The group would analyze the data and make recommendations to county government on the potential formation of a Regional Community Response Collective (similar to the Denver Police STAR program).</p> |
| C.C. Role | The Commissioner role would be to support pretrial legislation reform, hear recommendations from the working group, and ultimately support measures in the best interest of the community and public safety. |
| Potential Proponents/ Opponents | Conversations have been had with law enforcement CEO’s and various non-Jeffco democratic legislators. They are proponents. More outreach will be done to other legislators in the coming weeks to seek bipartisan. The development of action items relative to these issues are in their preliminary phases. |
| Fiscal Impact | <p>Pretrial legislation would likely be a net favorable to the county.</p> <p>Working Group - Fiscal impact is unknown; however, the group itself will not require funding. The working group will visit the various areas that may require funding for the formation of a response entity.</p> |
| Priority Ranking | |

**Justice & Public Safety
(Issue 6/6)**

Jefferson

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| Issue | The current Court Reminder program statute C.R.S. 13-1-138 and the corresponding legislation SB 19-036 should be enhanced to provide even greater access for more defendants to reduce failure to appear rates throughout the State. SB 19-036 State Court Administrator Reminder Program requires the state court system to implement a program that sends defendants reminders about court dates via text messages if they agree to accept messages. |
| Background | The Criminal Justice Coordinating Committee has discussed renewing the Sheriff's Office opt-out format but were met with resistance from the State Court Administrators Office. They indicated that the statute only authorizes an opt-in program. They also cited that the information needed for the text message can only be distributed by the entity that has possession of the information (The Courts). Court notification systems in Jefferson County have been shown to reduce failure to appear rates by 8-10 percent. In the meantime, we have worked on changing internal systems to develop our own "opt-in" opportunities. These changes are time consuming and require a specific conversation and signature to approve. |
| Proposed Solution | The program only generates these messages to defendants who complete a form or step to "opt-in" to get the messages. A program change to an "opt-out" program would reach significantly more defendants. Another solution may be to allow criminal justice agencies access to defendant information for this purpose. Currently, we receive limited criminal justice related information, but a simple download from the SCOA program would make a significant positive impact on our court appearance rates. |
| C.C. Role | Encourage changes to the current process of court reminder through CCI and local legislators. |
| Potential Proponents/ Opponents | The Sheriff and the CJCC is in support.. The DA believes it makes sense but is concerned about the fiscal note. They will be discussing this internally. I will discuss this further with CJCC on July 21. |
| Fiscal Impact | I do not know the costs of their current system. The return on investment is tremendous when you compare the price of a text message to the cost of a night in our jail. |
| Priority Ranking | |

**Land Use & Natural Resources
(1/4 Issues)**

Gilpin

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| Issue | Dispersed recreational shooting in populated areas of the counties. |
| Background | Many of Colorado’s counties have been subjected to people shooting their guns in subdivisions, along county roads, in campgrounds and near state highways as well as on surrounding private and public lands. This used to be less of a concern when there weren’t so many people migrating to Colorado. Many of our residents are now fearful of walking their dogs along mountain paths or on county roads due to the insistent shooting that is taking place nearby. Some of the guns are automatic weapons and large piles of spent cartridges which can contaminate ground water as well as be harmful to wildlife. We have received numerous complaints from residents that bullets have hit their homes. Wildlife disturbances and noise concerns also factor in this situation. |
| Proposed Solution | <p>C.R.S. 30-15-302 was approved in 2015 by the seventieth General Assembly of the State of Colorado. The C.R.S. in part states... “nothing in this subsection (1) shall prevent this discharge of any firearm in shooting galleries or in any private grounds or residence under circumstances when such firearm can be discharged in such a manner as not to endanger persons or property and also in such a manner as to prevent the projectile from any such firearm from traversing any grounds or space outside the limits of such shooting gallery, grounds or residence.” Most of the recreational shooting in Gilpin County takes place in the subdivisions and open space areas with no regard for the safety of others.</p> <p>The legislative remedy I would suggest is to make firing any kind of gun in populated areas of a county illegal. There should be areas designated for recreational shooting whenever possible. In Gilpin County’s case, our terrain is vertical for the most part and doesn’t lend itself to a shooting range, hence our joint project with Clear Creek County for a shooting range. We might be able to include our law enforcement groups in this endeavor as well since they need shooting ranges to site their guns and practice. We currently have a small range for our sheriff’s office, but it will be subject to developers’ plans in the coming years.</p> |
| C.C. Role | To advocate for safe shooting ranges that are managed and accessible to the shooting public. Currently Gilpin and Clear Creek counties are partnering to create a joint shooting range in Clear Creek County. Once this is completed, the USFS has agreed to close portions of the public lands in our counties to recreational shooting. Hunting will still be allowed. We must continue to advocate that the State of Colorado repeals CRS 30-15-302 which is antiquated in today’s world of dense living and high traffic throughout the counties. |
| Potential Proponents/ Opponents | We have heard from many residents over the years that they do not want shooting in their neighborhood (all of which exceed the 100 person/square mile limit) and do not feel safe as it is a constant activity for many gun enthusiasts. The flip side of the coin is that some people think it’s against their Amendment Two rights and fear that the county wants to “take away their guns”. |
| Fiscal Impact | Gilpin has committed \$400,000 towards the joint shooting range in Clear Creek County. Clear Creek has submitted a planning grant request to CPW. |
| Priority Ranking | 1/2 |

**Land Use & Natural Resources
(2/4 Issues)**

Larimer

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| Issue | To allow counties to permit prefabricated Tiny Houses remaining on wheels and/or placed on permanent foundations as residential uses for permanent occupancy (31 days or more) which may be connected to the utility grid. |
| Background | Tiny Houses are not built to a recognized national standard that could qualify them as Recreational Vehicles (ANSI A119.2), Recreational Park Trailers (ANSI A119.5), or manufactured homes (CRS 24-32-3302). Recreational vehicles and park trailers are not intended for permanent occupancy, while manufactured homes are so intended. The great majority of Tiny Houses do not comply with construction standards and inspections for manufactured homes. Therefore, there is no legal path under current law for to occupy a Tiny House on a permanent basis. The State Division of Regulatory Agencies has stated that without inspection by state or local authorities or construction under Division of Housing manufactured home protocols, Tiny Houses are not eligible for electrical, plumbing or gas permits, inspections by state or local jurisdictional permitting agencies, or connection to utility services. |
| Proposed Solution | <p>Add a definition of Tiny House under CRS 24-32-902 to distinguish from RVs and manufactured homes;</p> <p>Charge Division of Housing under CRS 24-32-3303 with conducting research into new approaches, appropriate standard, and rules for quality assurance, certification and insignia application for Tiny Houses;</p> <p>Specify the appropriate standard under CRS 24-32-904.5;</p> <p>Clarify that local government permitting, inspection and approval of utility connections for Tiny Houses is not inconsistent with state law under CRS 24-32-3310.</p> <p>[NOTE – these sections of CRS have recently changed and some section references may be incorrect.]</p> |
| C.C. Role | Propose this legislation through CCI, find other county sponsors, seek legislative sponsors and co-sponsors, assign staff and interns to further research issue and support CCI efforts. If legislation passes, develop county program for Tiny House regulation consistent with state law. |
| Potential Proponents/ Opponents | No conversations have yet been held on this proposal. Proponents might include Tiny House advocates including individuals as well as trade associations such as the Colorado chapter of the American Tiny House Association, energy efficiency advocates and affordable housing advocates. Opponents might include manufactured home or RV manufacturers, dealers and installers, realtors, HOAs and others who would oppose the increasing installation of Tiny Houses such legislation might encourage. |
| Fiscal Impact | Division of Housing will need funds appropriated to conduct research and rule development as noted in Item #4. Cost is unknown. Local governments who adopt Tiny House permitting programs will see increased costs, presumably offset by permit fees. If greater installation of Tiny Houses has the expected effect of increasing housing attainability and decreasing homeless, there would be a decrease in funds currently being spent on dealing with these issues. |
| Priority Ranking | 1/3 |

**Land Use & Natural Resources
(3/4 Issues)**

Ouray (Updated: 8/27/2021)

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| Issue | Residential use of treated water for outdoor landscaping, and the lack of educational and financial resources to promote xeriscaping or water-wise landscaping. |
| Background | <p>Seasonal residential outdoor watering with treated utility water increases the demand for treated water by over 50% during the growing season in the Front Range and similar areas of Colorado. While some water utilities already have water-wise or water-smart education and financial incentive programs, others do not. Greeley, Denver, Aurora, & Colorado Springs offer waterwise xeriscaping education already. Aurora offers \$3000 rebate if residents get pre-approved for landscape design and implement the design. However, there is no such incentive from any of the four water utilities known to be serving Ouray County residents .</p> <p>Residential accounts could choose to install water-wise/water-smart landscaping to reduce outdoor water needs by 30% or more. Benefits include: utility bill savings, reducing costly water treatment, reducing water calls and staged water use restrictions in times of drought, increased ability to sustain economic development and reasonable community growth.</p> |
| Proposed Solution | <p>Legislatively require or incentivize water utilities to offer water-wise/water-smart education and financial incentives to promote the installation of water-wise/water-smart landscaping/xeriscaping for residential accounts.</p> <p>Option: Pursue a model similar to SB21-264 that gave energy utilities the ability to increase rates (limited to certain %), to be able to offer incentives and rebate programs for energy efficiency. This was a requirement for PUC-regulated energy utilities, but voluntary for all others.</p> |
| C.C. Role | Advocacy. If our county’s communities do not become more efficient with water use, we will not be able to accommodate reasonable growth anticipated in our zoning and land use codes, and will continue to see more calls curtailing water used for agriculture, municipal, industrial, and recreation. |
| Potential Proponents/ Opponents | Some water utilities may be resistant, others may be very excited. Proponents include water users and elected officials being asked to work on drought contingency and water supply issues. |
| Fiscal Impact | No direct fiscal impact to counties, but there would be costs to water utilities to develop outreach and offer incentives. Water utilities will reduce costs by treating less water. Overtime, base rates might be adjusted by water utilities. Counties have fiscal impacts from water shortages reducing economic activity and community development, including workforce housing development. |
| Priority Ranking | 2/2 |

**Land Use & Natural Resources
(4/4 Issues)**

Park

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| Issue | State Water Engineer ordering the draining of ponds that are used for firefighting |
| Background | Because of the buy and dry policy followed by the front range communities, many rural counties along the front range are left without the necessary resources to fight fires. Unlike metro areas, we don't have municipal pipelines that we can tap into for fire hydrants. We rely on small 'historic' ponds that have been around for over 50 years, which no longer have augmentation water to cover evaporation. We aren't talking about fighting wildfires, but in fighting the small fires before they grow. |
| Proposed Solution | There are two steps to solve this problem. If a county was interested in perusing assistance in covering the augmentation of their firefighting water, they would first have to complete a study of the ponds that could be used to determine if they need augmentation, and also to obtain certification from the fire district that the pond meets their requirements. After that is done, we need either a waiver to cover the water, or some mechanism that would allow us to tap the water resources of the water districts that own the water. |
| C.C. Role | Commissioners need to be involved to make sure water resources are being protected and the various fire districts in the county are treated fairly. |
| Potential Proponents/ Opponents | Proponents – any fire district that relies on ponds for water. All the residents that are scared spitless that we don't have adequate water available to fight the small fires before they become large fires. Anyone who is interested in good water shed management. Opponents: People who have water and don't want to share. I am hoping that Denver, Aurora and Centennial water understand the importance of protecting their watershed, and this would be a minor impact on their water. |
| Fiscal Impact | None to the state. Counties and water districts that want to work the issue would need to fund the study. |
| Priority Ranking | 1/1--This is a very high priority for us. |

**Tax & Finance
(1/5 Issues)**

Clear Creek

Issue

The issue is a large gap between Sales tax rates in Municipalities and unincorporated areas. Tax rates in unincorporated Clear Creek County are 4.55 percent, but those in our municipalities are 3-5% higher. Clear Creek County cannot seek to increase sales taxes in unincorporated areas without increasing rates in the municipal areas that are already approaching the top end of rates in the state.

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 tax provide a way for visitors to pay for the impacts that they create.

Every county in Colorado struggles to deliver the services that our constituents expect. Property taxation is an increasingly unstable source of revenue, while sales tax revenues continue to climb with inflation, wayfair implementation, online ordering and increased sales taking place in unincorporated areas. Sales tax revenues are not burdened by the fiscal quagmire that is property tax law.

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 sustainable.

Background

There is a very large potential source of revenue in unincorporated county areas. In unincorporated Clear Creek County, every 1% of sales tax generates \$544,000. If the effective sales tax rates were the same, it would generate a total of \$2.1M. This tax base is growing faster than the incorporated tax bases as recreational activity increases, online ordering becomes more popular and wayfair is implemented. As evidence to this, unincorporated collections totaled 26% of all collections in 2019 and jumped to 33% in 2020.

| Effective Sales tax rates | Colorado | County | Municipal | Total |
|---------------------------|----------|--------|-----------|-------|
| Clear Creek | 2.90% | 1.65% | | 4.55% |
| Idaho Springs | 2.90% | 1.65% | 4.00% | 8.55% |
| Silver Plume | 2.90% | 1.65% | 3.00% | 7.55% |
| Georgetown | 2.90% | 1.65% | 4.50% | 9.05% |
| Empire | 2.90% | 1.65% | 5.00% | 9.55% |

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| Avg difference between unincorporated and incorporated sales tax | 4.13% |
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| 2019 | | | | |
| Revenue Potential Calculation | | | | |
| Jurisdiction | 2019 Collections | Tax rate | 2019 Sales tax base | 2019 % tax base |
| Clear Creek (actual) | \$1,414,128.00 | 1.0% | \$141,412,800.00 | |
| Idaho Springs (actual) | \$2,951,774.03 | 4.0% | \$73,794,350.75 | 52% |
| Silver Plume (actual) | \$101,565.19 | 3.0% | \$3,385,506.33 | 2% |
| Georgetown (actual) | \$1,040,467.00 | 4.5% | \$23,121,488.89 | 16% |
| Empire (estimated) | \$232,257.64 | 5.0% | \$4,645,152.80 | 3% |
| Unincorporated | | | \$36,466,301.23 | 26% |
| | | | | |
| Revenue potential at 4% increase | | | Revenue potential per 1% | |
| \$1,458,652.05 | | | \$364,633.01 | |

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|---|------------------|----------|---------------------------------|-----------------|---------------|
| 2020 | | | | | |
| Jurisdiction | 2020 Collections | Tax rate | 2020 Sales tax base | 2020 % tax base | Annual Growth |
| All Clear Creek (2021 budget) | \$1,414,128.00 | 1.0% | \$164,314,500.00 | | 16% |
| Idaho Springs (actual) | \$2,951,774.03 | 4.0% | \$75,061,125.00 | 46% | 2% |
| Silver Plume (actual) | \$101,565.19 | 3.0% | \$4,618,468.67 | 3% | 36% |
| Georgetown (actual) | \$1,040,467.00 | 4.5% | \$25,537,855.56 | 16% | 10% |
| Empire (estimated) | \$232,257.64 | 5.0% | \$4,645,152.80 | 3% | 0% |
| Unincorporated | | | \$54,451,897.98 | 33% | 49% |
| | | | | | |
| Revenue potential at 4% increase | | | Revenue potential per 1% | | |
| \$2,178,075.92 | | | \$544,518.98 | | |

Proposed Solution

We propose the strikethrough as indicated below: 29-2-103:

(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.

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| | <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> <ul style="list-style-type: none"> a. Deleted by Laws 2008, Ch. 264, § 4, eff. Aug. 5 2008. 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 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>(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 | One of our county commissioners came across this issue in trying to find creative solutions to rapidly declining revenues and demand for new services. The research and calculations were made by this commissioner, who will be a reliable partner in lobbying for this change if it becomes a CCI bill. |
| Potential 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 | This could enable Clear Creek to ask the voters for 2.1 million dollars in sales tax revenues that otherwise are politically unattainable because of prevailing rates inside the municipalities |
| Priority Ranking | Not provided. |

**Tax & Finance
(2/5 Issues)**

Clear Creek

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| 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 our 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. |
| C.C. Role | The Clear Creek BoCC has discussed and support submitting this request for further CCI consideration. |
| Potential Proponents/ Opponents | We have discussed in a public meeting, but have not done community outreach or industry leader input. |
| 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 and experiences. |
| Priority Ranking | Not provided |

Taxation & Finance
(3/5 Issues)

Eagle

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| <p>Issue</p> | <p>Across Colorado we have a shortage of child care spaces which has only been exacerbated in the past year by Covid-19. What was an issue in some counties now affects most of Colorado with over half of communities being labeled as “child care deserts”, (defined as a census tract with more than three children under age 5 for every licensed child care slot). According to a report released by Ready Nation, Colorado’s infant-toddler child care crisis carries an annual cost of \$2.2 billion in lost earnings, productivity, and revenue. The pandemic and an estimated 7% loss of child care businesses has magnified this negative fiscal impact, and the lack of access to quality, affordable child care for working parents is becoming an even greater economic strain on counties, employers, and taxpayers. Assisting property owners with a tax exemption for the portion of their property leased to a child care program could help to incentivize the creation of more facilities. Due to licensing and safety regulations, child care is not suitable for every location and communities need to capitalize on creating and sustaining access to child care services when and where it is suitable. A change to taxing regulations could help a property owner see leasing space to a child care facility or providing child care for the local community as an attractive choice.</p> |
| <p>Background</p> | <p>Under current law, a real property owner may qualify for the statutory child care center property tax exemption only if the owner is a nonprofit corporation. If an owner of real property leases to a nonprofit child care center, the owner is not entitled to the same tax exemption. The proposal is to revise the statute so that an owner qualifies in either scenario - either where the owner itself is a nonprofit organization running a child care center, or where the owner leases to a tenant that is a nonprofit corporation running a child care center. This would encourage and incentivize use of suitable real property for licensed child care and early childhood education purposes in a manner that makes these services widely available to all. Owners of real property that are not themselves child care center operators would be inclined to lease this property to bona fide child care center operators in order to receive this favorable tax treatment. In turn, expanding the application of this property tax exemption could result in reduced lease costs for nonprofit operators that do not own the real property. If the owner passes this tax savings on to the tenant, it could reduce the cost of operation for childcare centers . Finally, given the statewide focus on early childhood education, it seems reasonable that the use of real property (as a regulated and vetted child care center available to all), rather than the ownership of the real property, should be the determinative factor as to whether favorable tax treatment is appropriate or not. Since real property exemptions are determined on a yearly basis, it should not matter if the real property is irrevocably dedicated for charitable purposes in perpetuity. Again, the use of the property for a purpose that serves the public good should be determinative.</p> <ol style="list-style-type: none"> 1. Typical commercial leases are “triple net” meaning taxes are passed along to and paid by the tenant. |
| <p>Proposed Solution</p> | <p>§ 39-3-110. Property--integral part of child care center--charitable purposes--exemption—limitations</p> <ol style="list-style-type: none"> (1) Property, real and personal, which is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit shall be exempt from the levy and collection <p><i>(continued)</i></p> |

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| | <p>of property tax if such property is used BY THE PROPERTY OWNER OR TENANT as an integral part of a child care center SHALL BE EXEMPT FROM THE LEVY AND COLLECTION OF PROPERTY TAX IF THE CHILD CARE CENTER:</p> <p>(a) Which i Is licensed pursuant to article 6 of title 26, C.R.S.;</p> <p>(b) Which i Is maintained for the whole or part of a day for the care of five or more children who are not sixteen years of age or older;</p> <p>(c) Which i Is not owned or operated for private gain or corporate profit;</p> <p>(d) Operates at costs which, including salaries, are reasonable based upon the services and facilities provided and as compared with the costs of operation of any comparable public institution;</p> <p>(e) Which p Provides its services to an indefinite number of persons free of charge or at reduced rates equal to five percent of the gross revenues of such child care center or equal to ten percent of the amount of tuition charged by such child care center to the financially needy or charges on the basis of ability to pay;</p> <p>(f) The operation of which does not materially enhance, directly or indirectly, the private gain of any individual except as reasonable compensation for services rendered or goods furnished; AND</p> <p>(g) The property of which is claimed for exemption does not exceed the amount of property reasonably necessary for the accomplishment of the exempt purpose.</p> <p>(h) The property of which is irrevocably dedicated to a charitable purpose.</p> <p>(1.5) No requirement shall be imposed that use of property which is otherwise exempt pursuant to the provisions of this section shall benefit the people of Colorado in order to qualify for said exemption.</p> <p>(2) Any exemption claimed pursuant to the provisions of subsection (1) of this section shall comply with the provisions of section 39-2-117.</p> <p>(3) The provisions of subsection (1) of this section shall not apply to any child care center which is operated for religious purposes and which is exempt from the levy and collection of property tax pursuant to the provisions of section 39-3-106 or 39-3-106.5.</p> |
| C.C. Role | Commissioners can assist in helping legislators understand the child care crisis in their county and how many/few facilities this may impact. The vast majority of non-profit child care centers are already in tax-exempt locations such as schools, churches and government buildings. This legislation could assist with a small number of already existing programs or in the creation of new child care businesses. |
| Potential Proponents/ Opponents | |
| Fiscal Impact | There would be a loss of property tax revenue from commercial rate to exempt but it would only affect the portion of any business leased to a non-profit child care and not the entire property. It would be relatively minor compared to the benefit of the creation of child care spaces. |
| Priority Ranking | 1/1 |

Tax & Finance
(4/5 Issues)

Pitkin

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| Issue | Real Estate Transfer Tax |
| Background | TABOR prohibits the ability of counties to ask voters to approve a Real Estate Transfer Tax and requires legislative permission for this opportunity. Jurisdictions that had a RETT in place before the prohibition were allowed to keep this tax in place. This creates an imbalance between the powers and authorities allowed across local jurisdictions. Local control should be allowed for each jurisdiction to determine which funding opportunities are appropriate to ask for from it's electorate; in particular, the RETT. Our community is seeing an influx of new year round residents that is driving up service needs and will require additional revenues to keep up. In the instance of the RETT, this is such a tax that would place the burden more closely to the source of how impacts are being generated rather than a broad based tax on all taxpayers. Our community already has a history of familiarity of the opportunities and obligations around the RETT as at least one local municipality's tax was grandfathered. The opportunity for individual counties to seek appropriate revenue sources as aligns with their community values is an important authority that we are missing in a time of demonstrated need. |
| Proposed Solution | Legislature removes prohibition on counties and municipalities to ask voters to approve a Real Estate Transfer Tax. This is a permissive change that enhances local control and does not remove requirement to seek voter approval for any new tax. It requires that the legislature refer measure to ballot and a ballot measure to amend TABOR pass by electorate. |
| C.C. Role | Seek local legislative support, advocate in state legislature and for ballot measure |
| Potential Proponents/ Opponents | Proponents: Other counties and municipalities Opponents: Pro-TABOR advocates |
| Fiscal Impact | None |
| Priority Ranking | 1/1 |

Taxation & Finance
(5/5 Issues)

Summit

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| Issue | The proposed legislation would allow local voters to choose how their county lodging tax revenues should be invested. |
| Background | Counties can seek voter approval for a 2% excise tax on the purchase of hotel rooms and other lodging accommodations (CRS 30-11-107.5). Currently, any revenue generated by this tax must be committed to marketing and advertising the county. (County lodging tax authority does not apply to cities that have their own lodging tax.) |
| Proposed Solution | <p>The proposed legislation would allow communities to prospectively determine if community needs generated by short term lodging activities should be addressed with a voter-approved lodging tax. Amend 30-11-107.5(1) and (4) as follows:</p> <p>30-11-107.5(1) In accordance with the procedures set forth in this section, the board of county commissioners of each county, for the purpose of advertising and marketing local tourism AND SUCH OTHER PURPOSES SPECIFIED IN AN APPROVED LODGING TAX BALLOT MEASURE, may levy a county lodging tax of not more than two percent on the purchase price paid or charged to persons for rooms or accommodations as included in the definition of “sale” in section 39-26-102(11), C.R.S. No tax shall apply within any municipality levying a lodging tax.</p> <p>30-11-107.5(4)</p> <p>(a) All revenue collected from such county lodging tax, except the amounts retained under subsection (2) of this section, shall be credited to a special fund designated BY as the county lodging tax tourism fund, hereby created. The fund shall be used only FOR SUCH PURPOSES SPECIFIED IN THE APPROVED LODGING TAX BALLOT MEASURE AND. to advertise and market tourism in accordance with paragraphs (b) and (c) of this subsection (4) and to reimburse the general fund of the county for the cost of the election in accordance with paragraph (d) of subsection (3) of this section. No revenue collected from such county lodging tax shall be used for any capital expenditures, with the exception of tourist information centers.</p> <p>(b) Upon approval of a lodging tax by the electors pursuant to this section FOR USE IN WHOLE OR IN PART FOR THE PURPOSE OF ADVERTISING AND MARKETING LOCAL TOURISM, the county commissioners shall select a panel of no less than three citizens to administer the SPECIAL tourism fund REVENUES ALLOCATED FOR ADVERTISING AND MARKETING PURPOSES. Members of the panel shall be appointed from the tourism industry within the municipalities or unincorporated areas from which the lodging tax is collected. Where there is an established and proven marketing entity within the county formed for the purpose of advertising and marketing tourism, the panel is encouraged to use that entity, and that entity shall provide an accounting to the panel and to the county commissioners.</p> |
| C.C. Role | Short-term rentals continue to have substantial impacts on tourist communities with large numbers of such units. The growth of remote working in our society (the “zoom town” phenomenon) and the continued growth of the sharing economy in the lodging context (VRBO/Airbnb) requires that impacted mountain communities take more proactive steps to preserve our local workforce to support our economy as well as preserve our community character. Institutional investors are now purchasing residential units for short-term rentals in order to gain higher yield on their funds, |

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| | <p>drastically bidding up the price of homes in the process. As authorized by this legislation, commissioners would develop a lodging tax proposed ballot measure for consideration by the voters, with the approved revenues to be used for such purposes as determined by the BOCC to mitigate the above-referenced impacts and promote tourism as deemed necessary in certain communities.</p> |
| Potential Proponents/ Opponents | <p>The County Commissioners and other counties support this approach and we expect ongoing discussions between CCI and other stakeholders who have been opposed to this change in the past.</p> |
| Fiscal Impact | <p>None</p> |
| Priority Ranking | <p>2/3</p> |

**Tourism, Resorts & Economic Development
(1/1 Issues)**

Clear Creek

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| Issue | Short Term Rental Platform Transparency & Accountability |
| Background | The ability to discover and prove who is operating short term rentals is a keystone issue to successful implementation of any approach to managing STR activity. Counties pay large sums of money to firms who find operators in our communities only to find that information is not admissible evidence in the cases where enforcement in court is the only option. The fees paid to those firms drive licensing costs as well. |
| Proposed Solution | <p>A few platforms host almost all of the STR operators in the state, and AIRBNB in particular controls 75% of the market share. These platforms have the information we need and operators could save money in licensing fees if we were able to obtain this information for free from the platforms.</p> <p>In San Francisco, a settlement agreement with AIRBNB created a solution to this issue. AIRBNB has a portal into their software for local officials to see who is operating in their communities and verify that rules such as occupancy limits are being followed. Officials have the ability to cancel bookings if they find a site is in violation of their rules.</p> |
| C.C. Role | A Clear Creek County Commissioner has been researching this issue with the support of CCI staff. This commissioner and likely many others are ready to enthusiastically push this issue. |
| Potential Proponents/ Opponents | Work has not been done to identify proponents and opponents beyond commissioners and legislators. |
| Fiscal Impact | The fiscal impact is likely to be negligible. Cost savings in managing licenses may reduce license fees to operators. |
| Priority Ranking | |

**Transportation & Telecommunications
(1/2 Issues)**

La Plata

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| Issue | County General Fund Money for Roads & Bridges |
| Background | Current law prohibits a county from appropriating county general fund money for roads and bridges and, subject to an exception for disaster emergency response within the county, from transferring county general fund money to the county road and bridge fund. |
| Proposed Solution | Under current law, counties may not transfer money from their general fund to their county road and bridge fund unless the county is under a declared disaster emergency. La Plata County would like legislation to remove this restriction and allow a county to transfer general fund money to a road and bridge fund at any time. |
| C.C. Role | |
| Potential Proponents/ Opponents | HB21-1127 was introduced during the legislative session and was postponed indefinitely. Opponents of the legislation are likely municipalities who are concerned that counties may reduce the mill allocation to the road and bridge fund, which is proportionally shared with the municipalities, thereby reducing funds to the municipalities. |
| Fiscal Impact | If county governments transfer their general funds into road and bridge funds, this will increase funding for transportation and reduce funding available for other general government purposes. |
| Priority Ranking | 1/1 |

**Transportation & Telecommunications
(2/2 Issues)**

Ouray

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| Issue | State law appears to prohibit skiing within a County Road Right of Way. Many county roads are not maintained in the winter and have become widely used cross-county and back-country ski routes. The potential for enforcing the prohibition puts much of the winter outdoor recreation industry at risk. |
| Background | Many county roads are not used to access residential properties, and are instead merely access to historic sights or to public lands. While maintained for rubber-tire vehicles in the summer, many of these roads are not plowed in the winter, and are therefore attractive to use as ski routes. This activity has developed to the point where it is common-place, yet remains potentially in conflict with state law. |
| Proposed Solution | Clarification that enables a county to designate portions of its roadways as wintertime ski access and other over-the-snow access only. |
| C.C. Role | Ouray County spends an increasing amount of time resolving conflicts between different types of winter recreational users and those seeking plowed access. Having the flexibility within state law to designate certain roads as unplowed and acceptable for recreational use would give us one of the tools we would like to help us better manage our roads and limited road and bridge department resources. |
| Potential Proponents/ Opponents | <p>Proponents would include backcountry recreational users, business owners, residents, and all those who are finding it increasingly difficult to afford the increasing costs of access to formalized lifted ski areas.</p> <p>Opponents may include property owners who seek year-round rubber-tire access to their properties via plowed maintenance.</p> |
| Fiscal Impact | Having the flexibility to designate some roads as winter recreation routes would both enhance the local economy and free up limited road maintenance resources. |
| Priority Ranking | 1/2 |