



Local Government

During the 2017 legislative session, the General Assembly considered a variety of measures related to local government. These topics were wide-ranging and encompassed special districts, local taxes, and intergovernmental agreements and contracts. Peace officer status, nonprofit boards, and internet services were also part of the conversation.

Special Districts

The General Assembly passed a number of bills regarding the structure and organization of special districts. *House Bill 17-1297* increases the yearly compensation of special district board members from \$1,600 to \$2,400. *House Bill 17-1198* allows a special district having a five-member board to increase the number of board members to seven.

Under current law, no tract of land that is 40 acres or greater, and is used primarily and zoned for agricultural uses, may be included in any park and recreation district without the written consent of the land's owners. *House Bill 17-1065* expands this limitation to include tracts of land within any special metropolitan district that provides parks or recreational facilities and programs.

Taxes

Colorado voters adopted Amendment 64 in 2012, which legalized recreational marijuana use as a matter of state law. The following year, voters passed Proposition AA that specifically authorized the state, and cities, to levy a special sales tax on

retail marijuana. This proposition remained silent on the authority of counties and statutory cities in such cases. In an effort to level the playing field, *House Bill 17-1203* allows for counties and statutory cities to collect voter approved special sales taxes on retail marijuana.

Another tax-related bill addressed the inadvertent payment of sales and use taxes to the wrong local jurisdiction. *Senate Bill 17-112* specifies that any statutes of limitations, either local, state, or in intergovernmental agreements, do not apply in dispute resolutions concerning mistaken tax payments and ensures that the taxpayer does not pay the amount twice to two different local governments.

Agreements and Contracts

Intergovernmental agreements are made between two or more governmental entities to share resources and solve problems of mutual concern. *House Bill 17-1054* directs the Department of Local Affairs to support cooperative intergovernmental agreements between military installations and local governments within its existing programs, resources, and technical expertise.

In an effort to reduce energy consumption and operating costs, state law allows political subdivisions to enter into utility cost savings contracts. Utility cost savings are defined by law to include installation, modification, or services to reduce energy consumption and operating costs, but this definition does not include water meters and increasing their

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accuracy to measure water usage. *Senate Bill 17-252* specifies that political subdivisions may also enter into energy cost-savings contracts to increase meter reading accuracy.

Peace Officers

Colorado law imposes standards on persons or groups seeking peace officer status. One of the requirements for those seeking status involves going through an extended review and evaluation process by the Peace Officers Standards and Training Board (POST). In an effort to streamline and clarify hiring practices, *Senate Bill 17-066* authorizes municipalities to employ a police force without being subject to the POST review process.

County Officer Duties

State law defines the roles and responsibilities of county officers. County officer duties and job descriptions are rarely static, however, and legislative changes are routinely requested for definition and modernization purposes. This year, the General Assembly visited county official job descriptions, storage procedures, and systems used to track land ownership titles.

To save space and more easily and safely store plats or maps, *Senate Bill 17-129* permits a county clerk and recorder to preserve an original plat in an electronic format.

Another bill impacting county clerks is *Senate Bill 17-140*. This bill closes the Torrens title registration system, which records and registers land ownership, and institutes a new land title registration application in its place.

County surveyors were the subject of *House Bill 17-1017*, which clarifies surveyor duties, compensation, and contracts. Specifically, the bill allows surveyor duties to be contracted out if workload allows and extends the period in which the position may remain vacant. The bill also addresses

indefinite boundary lines between two counties.

Emergency Funds

Following the floods of 2013, counties have requested more flexibility with emergency reserves, generally, and road and bridge funds, specifically. Under current law, road and bridge funds may only be accessed for four years after an emergency, which is turning out to be too short of period to address the magnitude of the damage. *Senate Bill 17-034* extends the ability of a board of county commissioners to transfer county General Fund money to its county road and bridge fund from four years to eight years after a declared emergency.

Nonprofit Boards

State law previously did not address public officials on nonprofit boards and the potential conflicts of interest of serving on both. Because it is not uncommon for public officials to serve as nonprofit board members, *House Bill 17-1293* specifies that it is neither a conflict of interest nor a breach of fiduciary duty or the public trust to do so. The bill also addresses disclosure requirements if the official or a family member receives services from, or has a financial interest in, the nonprofit organization.