

DOUGLAS COUNTY

HOME RULE COUNTY



DOUGLAS COUNTY
COLORADO

Home Rule County

Today

- There are four Home Rule Counties in Colorado (Weld, Pitkin, Denver, Broomfield)
- The other 60 counties (statutory counties) operate under state regulation

Home Rule County

Goal

- Address Harmful Change in State Policies
- Limit State Regulation of Douglas County
- Obtain the authority granted Home Rule counties
- Provide for the unique local needs of the County
- Codify the County's identity
- Create real Local Control

Home Rule County

Advantages

- Retain all the authority of statutory counties
- Design the County's government
- Opt out of state regulation
- Increased financial powers
- Increased lawmaking and local regulation
 - Unique laws on matters that are distinct on Douglas County

Home Rule County

Disadvantages

- Requires 2 county wide elections
- It is a lot of work
- Widespread misunderstanding of County Home Rule
- Opposition spreading misinformation

Home Rule County

Process

- Home Rule is a County's Constitutional Right (Art. XIV, § 16)
- Nine-Step Process
 - Minimum 243 day process
 - Requires 21 member Charter Commission

Home Rule County

Nine-Step Process

- Step 1 – Initiating Resolution

Action – BOCC adopt Home Rule Resolution

Completed – March 25th

- Step 2 – Division of County

Action – BOCC adopt County Division Resolution
and Post Election

Completed – March 25th

Home Rule County

Nine-Step Process

- Step 3 – First Election – 6/24/25

Action – Countywide election to 1.) Form Home Rule Commission, and 2.) Select Commissioners

Special Election or 2 years

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

Currentness

(1) Upon submission to the board of county commissioners of a charter by the charter commission, the board of county commissioners shall call a special election, to be paid for from the special county charter fund and held pursuant to the Colorado election laws. The special election shall be held not more than ninety days nor

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Nine-Step Process

- Step 4 – First Home Rule Commission Meeting
Action – Elect Officers and Adopt Schedule
- Step 5 – Subsequent Commission Meetings
Action – Approve public draft
- Step 6 – Hold 3 Public Comment Meetings

Weld County Example – 36 meetings

Home Rule County

Nine-Step Process

- Step 7 – Approve Final Draft
 - Action – Commission approves final draft and BOCC forwards final draft
- Step 8 – Second Election
 - Action – County-wide election to adopt Charter
- Step 9 – Adopted Charter effective following January 1st

Home Rule County

Misinformation ~ “Home Rule does not give Counties any new or real authority” – THIS IS FALSE

Home Rule Authority

Explicit statutory authority arises from State statutes governing Home Rule Counties.

C.R.S. 30-35-103

- Mandatory Functions
- Structure of Government
- Right to contract

C.R.S. 30-35-201 – 43 additional powers

- Broad taxation authority
- Unique Land Use
- Fill vacancies

HB 25-1191
HB 25-1319

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Home Rule County

Home Rule Authority

2. Explicit statutory exemptions are State statutes that exclude home rule counties from state regulation.

Examples:

- State collective bargaining requirements
- Local election laws
- Tax caps

§ 8-3.3-105. Counties--rights

(2) Nothing in this article 3.3 or in a collective bargaining agreement may restrict, duplicate, or usurp any responsibility or authority granted to the county commissioners of any county by the state constitution, a home rule county charter, or any other state law.

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Home Rule Authority – Four Sources

3. Implied exemptions are matters not identified as “state concern” open to Home Rule County regulation.

League of Women Voters of Greeley, Weld Cnty., Inc. v. Bd. of Cnty. Commissioners of Cnty. of Weld, 563 P.3d 1192 (Colo. 2025) – Home Rule Counties can regulate county structure and are permitted to regulate internal affairs of the county when not prohibited by the State Constitution or a state law.

§ 18-12-201. Legislative declaration

CO ST § 18-12-201 • West's Colorado Revised Statutes Annotated • Title 18. Criminal Code

112 State Concern laws

(c) Whether concealed handguns can be carried in a specific area is a matter of state and local concern.

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Home Rule Authority

4. Discretionary authority is the ability to enact ordinances covering issues not authorized in state statutes.

Examples of State Concern:

- County Identity
 - Take choice out of the hands of elected officials
 - Homeless shelters
 - Open Space

Home Rule County

Charter Content

Other Counties Topics

- Elected Officials
- Executive Departments
- Appointed Officials
- County Seat
- County Powers
- Administrative and Personnel
- Courts
- Budget and Finance
- Elections
- Business Regulations
- Animals
- Safety
- Public Health
- Public Improvements
- Zoning

Home Rule County

Charter Content

What Douglas Could Do -

- Preserve County Structure
- Preserve Property Rights
 - Policy Taxes – Bags / Delivery
 - Gun ownership
- No DEI policies
- No COBCA
- Cooperation with ICE
- Local Election Laws
- Protect and fund law enforcement
- Explicitly exclude county from state regulation
- No state minimum wage
- Neighborhood parking regulation

Home Rule County

Charter Content Roadmap

- Mandatory Requirements - Colo. Const. Art. XIV, § 16 (3)
- Form Structure of County Government - C.R.S § 30-35-201(7)
- Explicit Additional Powers - C.R.S. §30-35-201
- Finance and Debt
- Opt Out State Regulations
- Discretionary Authority – local concerns - C.R.S. §30-35-301