

Alternative Governance Structures
in Larimer County

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Introduction

In the summer of 2002, the Larimer County Board of Commissioners received a request from some citizens to change their Board to the five Commissioner form of county government, as allowed by state statute. The Board agreed to examine alternatives to organizing its governing board, in order to provide broader and more equitable representation of Larimer County citizens.

The commissioners decided to use this opportunity to fully examine all the alternative approaches that might be employed in such reorganization. They asked the Department of Local Affairs to outline the alternatives as a function of the technical assistance that the Department's Division of Local Government (DLG) regularly provides to local governments, with the understanding that if a more in-depth examination is warranted, a consultant might have to be used.

This monograph, therefore, examines the alternatives allowed under Colorado law for organizing the Board of County Commissioners. Some historical and practical background is also provided, in order to provide the context in which the enabling statutes have been drafted.

There are essentially three paths that counties in Colorado can take to reorganize their system of governance: (1) adding 2 commissioners, for a total of 5 members of the Board, (2) adopting a county home rule charter, and (3) consolidating as a city and county. Each alternative is addressed in the pages that follow.

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Background

The first years of the twentieth century in Colorado were banner years for local discretionary control. Complaints of legislative meddling in local affairs reached a fever pitch, and the City of Denver wanted some measure of independence from the statehouse. In 1902, separate referred ballot measures approved the creation of a consolidated City and County of Denver, allowed any other municipality¹ to adopt a home rule charter, and allowed only counties with a population over 70,000 to have five county commissioners.²

After World War II, the state's population had grown to the point where more action was called for. In the period 1958-1966, Governors McNichols and Love each appointed commissions to study various aspects of the state's structure of governance and tax policy. While those commissions made many recommendations on a variety of subjects, each examined county governance, and the structure of county government received special criticism. Alternative county structures of governance, including home rule, had been recommended as constitutional amendments in 1958, 1960 and 1962. Each failed at a general election, although by a smaller margin each time.

Governor Love's Local Affairs Study Commission (LASC), often referred to as the "100-man Commission," specifically examined county structure, and its 1966 recommendations constituted the next real milestone in the development of local government within Colorado. The LASC recommended, among many other things, that county home rule be enacted in two forms: a form similar to municipal home rule for "urban counties" with a population over 100,000 and an average density of 100 persons per square mile, and another "administrative" home rule for any county in the state.

Colorado's municipal home rule laws are often referred to as "functional" home rule, whereby local authority can define the functions to be performed and the powers exercised by the local government. In this way, maximum flexibility is allowed so that a municipality can respond to the varied and changing demands on service delivery.

Complete functional home rule has not been granted to counties by any state.³ A few states have permitted counties to exercise home rule authority in deciding the scope of their functions and powers, in addition to having some choice of the form and structure of their government, but still requires them to perform their state administrative functions. This reflects the unique role of county government as not only a method for delivery of local services (i.e., a local government, or political subdivision of the state), but also as administrative arms of the state to provide such uniform statewide services as welfare and courts.

¹ Only municipalities with a population over 2000 were allowed to adopt a home rule charter until 1970, when Section 9 of Article XX was added to the State Constitution, one of the recommendations of the Governor's Local Affairs Study Commission.

² In 1900 the state's population was 541,483, and Arapahoe was the only county with a population over 70,000 (153,017). At that time, Arapahoe County was made up of territory which today comprises Adams County and Denver, and extended east to the Kansas border.

³ 48 states use the county structure for service delivery, although they are referred to as "boroughs" in Alaska and Louisiana. Rhode Island and Connecticut have abolished their counties.

Counties, therefore, can only wield those legislative powers which are specifically granted by the state legislature, and those which are implied or reasonably necessary to carry out their duties. This role has been known as “Dillon’s Rule” for nearly a century and a half, when it was first espoused by the Chief Judge of the Iowa Supreme Court, John F. Dillon.⁴ The National Association of Counties distinguishes between counties which have been granted home rule and those merely operating under a charter without true home rule functional power.⁵ Using that distinction, Colorado counties do not have true home rule power, but can adopt a charter to define their own county organization and structure.

In 1970, Colorado voters approved a constitutional amendment granting home rule to any county, one of the LASC’s recommendations. The language of the amendment could, arguably, be interpreted to allow the state legislature to enact statutes to allow more functional home rule, as long as all mandatory county functions and powers prescribed by statute continue to be performed.⁶ However, the enabling statutes allow a home rule county only to “provide all permissive functions, services, and facilities and may exercise all permissive powers granted” by the Legislature. Therefore, county home rule in Colorado is today constrained by the principles of Judge Dillon’s rule.

The inflexibility of county powers under this structure, meanwhile, has been a regular subject of debate. The powers of boards of county commissioners, delineated in 30-11-107, C.R.S was amended in each legislative session from 1979 to 1986 except one. In 1988, Senate Bill 113 directed the Department of Local Affairs to appoint a committee to examine counties’ problems in providing services in unincorporated areas, especially adopting ordinances and establishing fees, and recommend solutions to those problems. The committee recommended legislation granting relatively broad authority for counties to regulate matters of local concern by ordinance, but the bill failed to be enacted in the 1989 session. The statute granting power to the board of commissioners has seen amendments enacted in every legislative session since 1989 except two.⁷

Five Commissioners

In 1902, when counties in Colorado with a population over 70,000 were enabled by law to increase the size of the Board to five Commissioners, the consolidated City and County of Denver was also approved. Reports from that time indicated that this was only one of the many compromises that were made in the General Assembly to secure sufficient votes for referring the measure to the voters.

In the 1900 federal Census, 70,000 was nearly 13% of the state’s population, and Arapahoe was the only county of that size at 153,017.⁸ With the consolidation of the City

⁴ City of Clinton v. Cedar Rapids & Missouri River Railroad Co., 1868 24 Iowa 455

⁵ County Government Structure, Second Edition 2001, NACO, Washington, D.C.

⁶ The full text of Section 16, Article XIV, Colo. Const. and Art 35, Title 30, C.R.S. can be found in Appendix A

⁷ In 1992 and 1994 there were no amendments to the county powers statute

⁸ Denver’s population in 1900 was 133,859.

and County of Denver and the creation of Adams County, the population of Arapahoe County became 10,263,⁹ so no county in the state was able to adopt a five commissioner plan when the law was adopted. Although not one county makes up 13% of the state's population today (Jefferson County is the closest, at over 12%), about 83% of the state's total population resides in counties over 100,000 population, stretching along the Front Range from the Wyoming border to Pueblo plus Mesa County and the City and County of Denver. Today only those 10 Colorado counties have population greater than 70,000, and are able to adopt a five commissioner plan, without first adopting a home rule charter:

County	2000 Population	% of State Total
Adams	363,857	8.46%
Arapahoe	487,967	11.34%
Boulder	291,288	6.77%
Douglas	175,766	4.09%
El Paso	516,929	12.02%
Jefferson	527,056	12.25%
Larimer	251,494	5.85%
Mesa	116,255	2.7%
Pueblo	141,472	3.29%
Weld	180,936	4.21%

Weld and Pitkin counties have established a Board of five commissioners under their home rule charter. Of those without a home rule charter, Arapahoe and El Paso operate with five commissioners under the statute.¹⁰ Arapahoe, El Paso and Pitkin counties have each adopted a five commissioner district plan, while Weld County has three commissioner districts, elected by district, and two commissioners elected at-large.

Home Rule

Although functional home rule, such as is afforded municipalities in Colorado, is not available to counties, a county home rule charter can offer substantial flexibility in the organization and structure of county government, as well as certain aspects of the county's fiscal affairs and citizen involvement.

As mentioned above, two counties in Colorado have adopted a home rule charter: Weld (1975) and Pitkin (1978). A charter Commission in La Plata County proposed charters in 1991 and 1992, but both were voted down. Summit County elected a home rule commission in 1997, but the voters did not approve the proposed charter.¹¹ An attempt was made at county home rule in Park County (1994), but the voters did not

⁹ Denver's population was 213,381, and Adams County's was 8,892, according to the 1910 federal census.

¹⁰ Art. XIV, Section 6, Colo. Const., and sections 30-10-306(2), 30-10-306.5 and 30-10-306.7, C.R.S. are included as Appendix B.

¹¹ The home rule charter in Summit proposed four commissioner districts, elected at large, and one at-large commissioner, a plan which the county five-commissioner statutes do not anticipate.

approve a commission which would have developed a charter for consideration. Mesa County's initial election to establish a Charter Commission failed on November 5, 2002.

Both existing Colorado county home rule charters contain provisions which appear to be vestiges of serious local concern at the time the charter was adopted, which probably contributed to the charter's adoption. Changing the Board to five commissioners, as we have seen, is one thing that the two existing Colorado home rule counties have in common. Without a home rule charter, Pitkin County would not have been able to make that change, since the population of the county does not exceed 70,000. In Pitkin County, the 1978 charter called for appointment of the County Treasurer (called the Director of Finance), the County Coroner and the County Surveyor, and Weld County followed suit with amendments to their charter in 2001. Neither charter otherwise alters the administrative structure of county government, although Weld's specifically defines the "Departments of County Government."

In some states, county home rule charter is necessary to adopt a county administrator or manager form of management, but Colorado statutes allow that form for any county.¹² If a county wanted an elected county executive officer, then that might be accomplished by means of a charter.

Both Pitkin's and Weld's charter establish citizen boards. Pitkin's charter calls for an Election Commission, a Financial Advisory Board, a Conflict of Interest Committee, and Open Space/Trails Board of Trustees, and recognizes "caucuses," which are self-selected groups of citizens representing "geographically contiguous areas with social, economic, cultural and environmental communities of interest." Weld's charter created an elected County Council, whose powers include filling vacancies on the Board of Commissioners, fixing elected officials salaries, suspension of officers being recalled or charged with a felony, conducting "performance audits," and reporting to the citizens on county "expenditures, efficiency, responsiveness, adherence to statutes, laws and regulations, and other matters the Council deems advisable." Other notable provisions of the two charters include:

Pitkin County

- The Commissioners are elected on a nonpartisan basis
- The remaining commissioners appoint replacements to fill vacancies on the Board
- The offices of County Treasurer, Coroner and Surveyor are appointed
- The Financial Advisory Board must review throughout the fiscal year annual operating and capital improvement budgets, financial planning, assets, liabilities, receipts, expenditures, budget and accounting practices, and financial status of all capital improvement programs the County and all its special districts, and report its findings to the County and the public, and make recommendations where appropriate
- All county departments, including all elected officials, are bound by County personnel and purchasing rules

¹² 30-11-107(1)(n), C.R.S.

- County policy makers (Commissioners, County Manager, Assistant County Manager, Community Development Director, County Attorney and Open Space and Trails Director) are bound by conflict of interest rules, and are prohibited from influencing or communicating with county staff on pending or proposed matters, and may not appear in any representative capacity before the Board of County Commissioners, Board of Equalization, or planning and Zoning Commission for two years after their employment has ended.
- Commissioners may establish a county ambulance district and levy a property tax to support it
- All elected officials except Commissioners may serve an unlimited number of consecutive terms
- The County may not sell park or recreation areas without voter approval and it must be replaced with property of equivalent value

Weld County

- Property tax revenue is limited to an increase of 5% per year, with no additional amount to accommodate growth or higher inflation
- The offices of County Treasurer, Coroner and Surveyor are appointed, with the duties the Surveyor transferred to the County Engineer
- Voters must approve any project requiring a capital expenditure equivalent to more than 3 mill for three years
- Specific purchasing procedures are in the charter, with preference given to Weld County vendors
- Citizen-initiated ballot measures are allowed for much broader purposes than state law and referenda are allowed to challenge any ordinance adopted by the Board except ordinances for the tax levy, annual appropriations, calling for a special election, or improvements initiated by petition and paid for by special assessments
- The siting of any correctional facility requires voter approval
- The Board has the power to impose solid waste surcharge fees
- The County may not provide a residence for the Sheriff

Consolidated City and County

Denver (1902) and Broomfield (2001) are the only two consolidated city and county governments in Colorado. In both cases, an existing city created a new county government with which to consolidate, and excluded their area from an existing county or counties. In Denver, the consolidated City and County was even defined as the boundaries of the school district, taking consolidation a step further than in Broomfield. It could be argued that Denver and Broomfield are the only true functional home rule counties in Colorado, since they derive their authority not from the county home rule laws, but from separate and individual municipal home rule constitutional provisions in Article XX.

Other jurisdictions have explored the idea of consolidating operations, but have not actually consolidated governments to date.¹³

¹³ Pitkin County operates a joint planning department with the city of Aspen, and has consolidated the two entities' web sites. A number of joint ventures have been established between cities and counties, especially in the area of public safety dispatch.

Larimer County

Five Commissioners

There are two methods by which a five commissioners plan can be implemented under state statute, by petition or by resolution of the Board.¹⁴ In either case an election must be held to approve the plan. The plan may call for three of the five commissioners to represent districts, with two commissioners representing the whole county (“at large”). Alternatively, each of the five commissioners can represent a district. In either case, the commissioners from districts can either (a) be elected by the entire county, the current practice for three commissioners, or (b) be elected by voters only within their district.¹⁵ If five county commissioners are proposed, the ballot must offer two possible alternative election scenarios for the voters’ consideration. The one receiving the most votes must be implemented if a 5-commissioner plan is approved.¹⁶

Presumably, a five commissioner plan in Larimer County with three districts and two at-large would consist of districts with virtually the same boundaries as the current three-member Board. Those districts were recently reapportioned based on the 2000 federal Census, and do not appear to be in any need of adjustment. 30-10-306(2), C.R.S. states that the districts, whether three or five, must be as nearly equal in population as possible based upon the most recent federal Census. The population of Larimer County is 251,494, according to the 2000 federal Census. Therefore, the population of each district under a three district plan must be about 83,831, as it is today. Under a five district plan, each district would have to have a population of about 50,299.

If a five district plan is adopted, then the boundaries will probably be developed to not only be as equal in population as possible, as the law requires, but also to represent the population in a way to represent communities that are as similar as possible. There are seven incorporated municipalities within Larimer County with the following populations, according to the 2000 Federal Census:

Berthoud ¹⁷	4,823
Estes Park	5,413
Fort Collins	118,652
Loveland	50,608
Timnath	223
Wellington	2,672
Windsor ¹⁷	284
Unincorporated	68,819
Total	251,494

¹⁴ 30-10-306.5(2) and (3), C.R.S.

¹⁵ 30-10-306.5(5) and (6), and 30-10-306.7(2), C.R.S.

¹⁶ 30-10-306.5(2), C.R.S.

¹⁷ These are multicounty places; only the population within Larimer County is listed.

To arrive at a five district plan, with each district having as near 50,299 as possible, would require splitting the City of Fort Collins, and possibly Loveland to a lesser extent. Some of those cities' residual population, along with all the other incorporated places, would be represented in two other districts with the unincorporated parts of the county. This would have the effect of three "urban" districts and two "rural" districts on the Board of County Commissioners.

For example, Fort Collins might be represented by two commissioner districts, each having a 2000 population of 50,299. The balance of the city's population of 18,054, (plus growth that has occurred since April 1, 2000¹⁸) would be in on of the "rural" districts. Likewise, the City of Loveland could have one district representing most of the city, but 309 people in the 2000 Federal Census data would have to be included in another district.¹⁹ The remaining populations in these two largest municipalities, plus all other population in Larimer County, would have to be divided into two other commissioner districts.

Therefore, the makeup of the Board under a five district plan would have two commissioners from Fort Collins, one from Loveland, and two representing the towns of Berthoud, Estes Park, Timnath, Wellington, Windsor, 18,054 Fort Collins residents, 309 Loveland residents and residents of the unincorporated part of the county.

The law allows a county which has adopted a five commissioner plan to change the method of electing commissioners, or reduce the number to three.²⁰ In such case, another election must be held.

Appendix C includes maps of two possible scenarios that might be implemented, if Larimer County moved to a 5-Commisisoner plan. In each, natural visible boundaries, such as roads and highways, were used as much as possible. One attempts follow the current 3 Commissioner districts as much as possible, and both keep the City of Loveland west of I-25 in one district. Of course, either of these plans is subject to improvement by county personnel and the citizens, who can best take into account specific local attributes when developing boundaries. They are included here simply to demonstrate that there may be many ways of approaching the issue.

Home Rule

As previously noted, county home rule in Colorado is structural, rather than the functional home rule that municipalities enjoy. It is possible that the Board of Commissioners and citizens of Larimer County might see some advantage to an alternate structural arrangement. While both Pitkin and Weld counties have seen fit to require the appointment of the County Treasurer, Coroner, and Surveyor, other county "row" officers could be so treated.

¹⁸ The preliminary July 1, 2001 population estimate for Fort Collins is 122,521.

¹⁹ The preliminary July 1, 2001 population estimate for Loveland is 53,345.

²⁰ 30-10-306.7, C.R.S.

The consolidated City and County of Denver has, for nearly a century, operated relatively successfully with an appointed assessor, sheriff, clerk and treasurer, and the newly consolidated City and County of Broomfield is operating under a similar plan. It is possible that Larimer County might decide to explore one of these options. Some observers note that these positions should be filled by individuals with distinct professional qualifications, and not be subject to only political popularity. On the other hand, voters may be reluctant to relinquish what they perceive as control over who accedes to those positions.

Larimer County may also decide that certain parts of the County deserve special recognition in the plan for county governance, and establish some sort of representative body, such as Weld has done with the County Council, or Pitkin with their "caucus" system. It may also be possible that Larimer County desires a five commissioner plan that is not among those made possible under the state statutes, such as the four districts and on at-large that Summit County proposed in their unsuccessful charter. Any such plans can be implemented only with a county home rule charter. However, if five commissioners is the only aspect of county governance in need of change, then a county home rule charter is not required.

If, however, Larimer County decides that its citizens would be better served if more substantial changes were made to its form of governance than only five commissioners, there are a number of areas that might be addressed. Some of the broad operational areas which have been altered by a county charter, or proposed under charters which failed, include administrative structure, finance, taxation and citizen involvement.

It should be noted that the limits of this "structural" home rule available to counties have never been defined. The legal provisions are vague and ill-defined, and there have not been any court cases that we are aware of that add any clarity. There may be nothing to prevent a Board of Commissioners or Charter Commission from interpreting this "structural" authority to be more than their predecessors in other counties have done, and go beyond what others have thought was possible..

Administrative Structure and Authority

As noted above, the county "row" officers can be defined differently. Both Weld and Pitkin counties have abolished the elected Treasurer, Coroner and Surveyor, and appoints those county officers.

Weld County defines five county departments: (1) Finance, Central Purchasing and Personnel, (2) Health Services, (3) Planning Services, (4) Engineering Services, and (5) Communications Services. (The Department of Law is separate from this organization, headed by the County Attorney.) The Director of the Department of Finance, Central Purchasing and Personnel is defined as the statutorily-required budget officer. The Chairman of the Board of County Commissioners is responsible for that Department, and the other four commissioners are responsible for the other four departments. Each Department is further organized into Divisions for specific services.

Pitkin County's Charter calls for the remaining members of the Board of Commissioners to fill a vacancy by appointment, and requires the appointment to stand for election at the next regular election. If the remaining members of the Board are unable to act, then the vacancy is filled by appointment of the Governor. The Board of Commissioners also sets the salaries of the other elected officials, with their own salaries set by state statute.

Pitkin's Board of Commissioners must adopt ordinances to amend their County Code, rezone, grant easements in public lands, acquire, vacate, sell or lease public lands for more than one year, and authorize proceedings of eminent domain, under their Charter. Formal resolutions for certain "matters of significant importance" must be considered at two public meetings before adoption, and newspaper publication ten days prior to consideration is required.

All Pitkin County's departments must follow standard personnel and purchasing policies, adopted by the Board. All employees are bound by strict conflict of interest guidelines, including the prohibition against any county official or employee appearing in a representative capacity before the Board, Board of Adjustment or Planning and Zoning Commission for one year after termination of employment. A citizen volunteer Conflict Committee is appointed to resolve any conflicts of interest.

Finance

Weld's Charter limits property tax revenue to 5% of what was levied in the preceding year.²¹ Increased revenue above this amount may be granted by the County Council, but they may not approve a mill levy over that of the previous year. An election may be held to approve an increase in taxes if the Board of County Commissioners fails or refuses to approve the request from the Council.

Weld County may not, under their Charter, make capital expenditures from *ad valorem* tax revenue on any one project equal to three mills for three years, unless voters approve. The Charter also requires bidding procedures to be developed and followed, and requires that preference be given to Weld County bidders.

Weld's Charter allows the County to impose a surcharge on users of any solid waste disposal site, to be used for the County's expenses addressing solid waste disposal.

Pitkin's Charter prohibits any tax or other revenue to be committed to any debt of the county without voter approval.²² The County is authorized to borrow funds that will be repaid within one year.

²¹ Note that the state statutory property tax revenue limit in 29-1-301, C.R.S. was 5% in 1975 when Weld County developed their charter. During the ensuing 27 years, the statutory percentage has been 7%, and 6%, before being set at the current 5.5%. In addition to the percentage increase allowed, an additional amount is allowed under the statute for "growth," which Weld County's Charter does not allow.

²² This predated a similar restriction Art. X, Sec. 20(4)(b), Colo. Const. (TABOR) by twelve years.

Taxation

Pitkin County's charter sets the 1979 mill levy as the maximum which may be imposed without voter approval.²³ Revenue from property tax may not exceed budget year 1980 revenue without voter approval, except that it may be annually increased by the lesser of (1) additions of property on the tax rolls plus the increase in the Consumer Price Index,²⁴ or (2) the amount permitted by state law.²⁵

Two mill levy increases (1990 and 1999) are restricted to be used only for the Open Space and Trails. The Charter contains detailed provisions on how those funds are to be divided between acquisition/improvements and maintenance.

Elections

Pitkin County's Charter imposes limits on campaign contributions to any candidate or political committee of more than \$500. In addition, no candidate or political committee may spend more than \$1 per voter in the last general election in support or opposition to any candidate for county office or ballot question.

Pitkin County may not sell any recreation facility without first submitting the question to the voters at an election

Citizen Involvement

Weld County's Charter created a County Council, made up of five elected members representing each of the five commissioner districts. They may not hold any other elective office within the County, or be a county employee, and are limited to two consecutive terms. The County Council sets the salaries of all elected officials, fills vacancies on the Board of Commissioners by appointment, may suspend an officer being recalled or accused of a crime, and may make performance audit reports on all aspects of county government.

Weld County must, by Charter, offer full initiative power to the voters, unlike the restrictive approach that is in state statutes.²⁶ The Charter also requires an election to approve the siting of any correction of detention facilities. Pitkin County's charter allows any resolution or ordinance to be citizen-initiated, except those concerning land use applications, the annual operating budget, and levy of taxes. This includes matters either approved or rejected by the Board of Commissioners.

Pitkin County's Charter also uses citizen boards for the functions of a Board of Adjustment (Zoning) and Board of Appeals (County Board of Equalization), in addition to the more standard Planning and Zoning Commission. The Charter also establishes a

²³ This predated a similar restriction Art. X, Sec. 20(4)(a), Colo. Const. (TABOR) by thirteen years.

²⁴ This predated a similar restriction Art. X, Sec. 20(7)(c), Colo. Const. (TABOR) by ten years.

²⁵ This provision refers to the "5.5%" property tax revenue limit in 29-1-301, C.R.S.

²⁶ 30-11-104, C.R.S. requires counties to follow, as closely as possible, the municipal initiative process in 31-11-104, C.R.S. concerning citizen-initiated ordinances. Since the statutes limit the ordinance power for counties much more than for municipalities, the citizens' use of initiated measures in counties is, in turn, more restrictive.

citizen Library Board, Election Commission and Financial Advisory Board. A separate provision creates an Open Space/Trails Board of Trustees.

The Charter in Pitkin County also calls for “caucuses” which can be established by any citizen who calls a meeting at a convenient time and place within a proposed caucus area. A caucus area is a geographically contiguous area which reflects a social, economic, cultural and environmental community of interest. A caucus makes recommendations to the Board of Commissioners for all planning matters affecting the area, as well as budgetary and work programs, and they set their own operating procedures and bylaws. The County encourages Master Plans for all caucus areas, and any land use decision must be referred to an affected “caucus area” for comment.

Consolidated City and County

With seven municipalities in Larimer County, the complexities of establishing a consolidated City and County government are considerable. Technically it is possible, but the political problems presented would be substantial. The only city-county consolidations in Colorado have been accomplished by creating a new county within the boundaries of an existing city. Larimer would break new ground by creating a county-wide city government to consolidate with the existing county.

A consolidated city and county could define its charter to derive the considerable functional authority of a home rule city, while consolidating the county functions within its structure at the same time. For example, a consolidated police force and sheriff department could possibly operate more efficiently and effectively than two separate departments in separate jurisdictional structures. Alternative taxation plans could also be implemented, such as broader-based tax on service transactions, instead of relying solely on a sales/use tax on tangible personal property.

The flexibility that a consolidated city and county structure would offer is the greatest of any form of local government in Colorado. Until some change is needed that requires such flexibility, however, it does not appear to deserve an in-depth analysis.

Cost

Implementing a five member Board of County Commissioners alone will cost money. State statute defines the salary that each county commissioner must receive, which, for a Category 1 county such as Larimer, is \$63,203.²⁷ Two additional commissioners will therefore cost \$126,406 in salary, plus benefits, office space, equipment (i.e., telephone, computer, etc.), and certain ongoing operating costs. Larimer County’s budget officer has developed a cost estimate for all these items, which total \$207,824 for the first year. A copy of that analysis can be found in Appendix D.

A home rule County, if that option were to be decided upon, would cost some initial amount to support the home rule charter commission. In addition, changes that the

²⁷ 30-2-102, C.R.S.

charter would call for also would involve some additional expense. However, other savings may be realized under a home rule charter that are not available to a statutory county. For example, 5 commissioners could be paid under a charter provision less than they would as a statutory county, so a total salary expense could be developed so that a five member Board would cost the same as three. Weld County has stated that their abolishment of the elected County Treasurer and Coroner has saved the expense of those elected officials' salaries. They estimate the cost savings by appointing those officials to be approximately \$138,000.

A consolidated city and county would likely cause the most complex array of changes. The two prior city/county consolidations, as has been noted, consisted of creation of a new county. This meant considerable expense for new county offices and functions, such as sheriff, jail, assessor, welfare, etc. Since Larimer County already has those in place, it is likely that a city/county consolidation would be much less expensive than, say, Broomfield's. A complete analysis would be necessary to determine the full cost of consolidating Larimer County with one or more of its existing municipalities. However, since the city/county option is not seriously being considered at this point, it is not yet necessary to perform such an analysis.