

# DOUGLAS COUNTY

## HOME RULE COUNTY





# 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

## Advantages

- Distinguish County from State government
- Voters' Right to Petition for Change
- Opt out of state regulation
- Retain all the authority of statutory counties
- Obtain authority only granted Home Rule Counties
- Design the County's government
- Create unique laws on local matters



# Home Rule County

## Disadvantages

- Requires 2 county wide elections
- It is a lot of work
  - *Creating the Charter*
  - *Self Governing and Defending the Charter*
- Widespread misunderstanding of County Home Rule
- Opposition spreading misinformation



# Home Rule County

## Process

- Home Rule is a County's Constitutional Right  
Colorado Constitution Art. XIV, § 16
- Nine-Step Process
- Requires 21 member Charter Commission



# Home Rule County

## Schedule – Set by Charter Commission

Step	Action	C.R.S.	Proposed Timeline and Deadline
1-2	Initial Resolution and Divide County (at least 60 days before election)	C.R.S. 30-11-502(2)(a)	3/25/2025
3	First Election	C.R.S. 30-11-503(1)-(2)	6/24/2025
4	First Charter Commission Meeting (no more than 30 days after Election)	C.R.S. §30-11-504	7/8/2025
5	Three public meetings 15 to 30 days apart	C.R.S. §30-11-504(1)	
6	Complete Public Meetings		8/12/2025
7	Approve final draft - 10 days after last public meeting	C.R.S. §30-11-504(2)	8/22/2025
	Certified Language Due - from qualified petitions - 60 days before election		9/5/2025
8	Second Election - 45 to 90 days after final draft approved	C.R.S. §30-11-505(1)	11/4/2025
9	Effective	C.R.S. 30-11-505(2)	1/1/2026

**CRUNCH TIME**

Timeline to meet November general election and avoid additional costs.



# Home Rule County

## Nine-Step Process

- Step 1 – Initiating Resolution  
Action – BOCC adopt Home Rule Resolution  
**Completed – March 25<sup>th</sup>**
- Step 2 – Division of County  
Action – BOCC adopt County Division Resolution and Post Election  
**Completed – March 25<sup>th</sup>**





# 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 Home Rule 2027**

§ 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

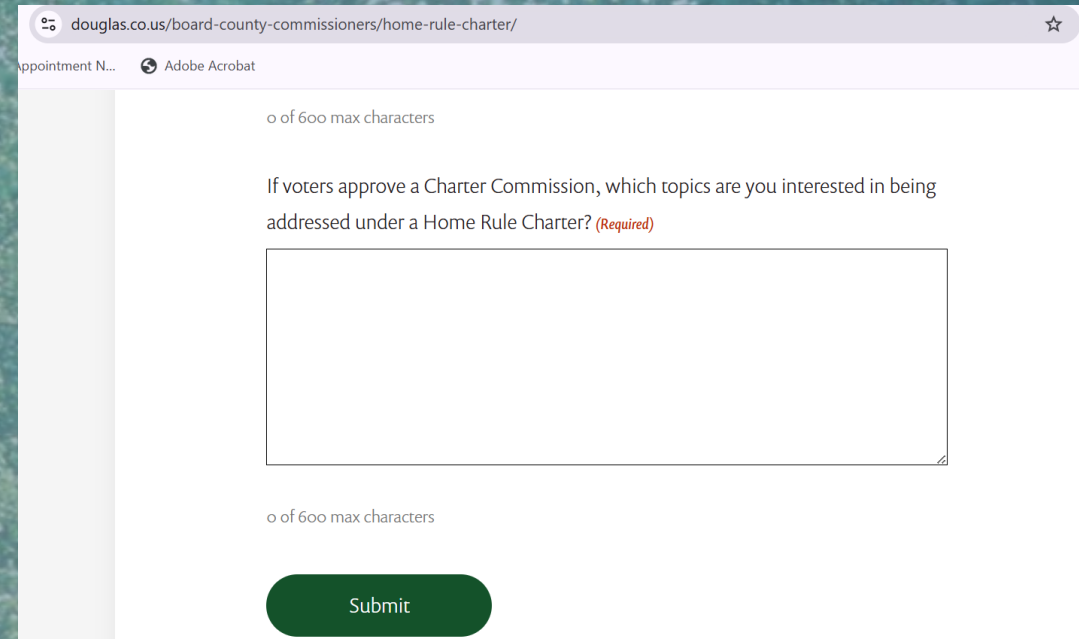


# Home Rule County

## Nine-Step Process

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

**Weld County Example – 36 meetings**



The screenshot shows a web browser window with the address bar displaying "douglas.co.us/board-county-commissioners/home-rule-charter/". The page content includes a text input field with a character limit of "o of 600 max characters". Below the input field is a question: "If voters approve a Charter Commission, which topics are you interested in being addressed under a Home Rule Charter? (Required)". There is a large, empty rectangular box for the answer. Below this box is another character limit indicator: "o of 600 max characters". At the bottom of the form is a green "Submit" button.



# 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

## 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



# Home Rule County

## **Home Rule Authority** - Explicit statutory authority

C.R.S. 30-35-201 – 47 items

- Finances
- Appropriations
- Public Entertainment
- Advertising
- Taxes
- Indebtedness
- Officers and Employees
- Supplies
- Vacancies
- Buildings
- Energy Conservation Measures
- Streets and Public Ground
- Bridges and Tunnels
- Sewers and Water Mains
- Own and maintain canals
- Purchase water rights
- Water pollution control
- Firehouses, equipment, and staff
- Cemeteries
- Utility franchises
- Assessment for utility charges
- Water facilities and taxes
- Parks and conservation
- Land and land acquisition
- Licenses and franchises
- Enhanced lawmaking
- Tax limits
- Acquire park land
- Condemnation
- Parks bonds
- Control parks ground
- Planning and Zoning

**NOT  
REQUIREMENTS**



# 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
- Unfunded Mandates

§ 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.



# Home Rule County

## 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

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



# Home Rule County

## Home Rule Authority

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

### 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

### Public Questions???

- Preserve County Structure
- Preserve Property Rights
  - Policy Taxes – Bags / Delivery
  - Gun ownership
- No DEI policies
- No county unions
- Parental Rights
- No state minimum wage
- Neighborhood parking regulation
- Financial commitments
- Residents' Constitutional Rights
- Public Safety – Sidewalks
- Constitutional Carry
- Genders in sports
- School security
- Cooperation with ICE
- Local Election Laws
- Protect and fund law enforcement
- Explicitly exclude county from state 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