



BECOMING HOME RULE

CONSTITUTIONAL GRANT FOR HOME RULE COUNTIES

Colo. Const. Art. 14 §16(1):

Notwithstanding the provisions of sections 6, 8, 9, 10, 12, and 15 of this article, the registered electors of each county of the state are hereby vested with the power to adopt a home rule charter establishing the organization and structure of county government consistent with this article and statutes enacted pursuant hereto.



**THERE ARE ONLY TWO HOME
RULE COUNTIES IN COLORADO**

WELD (1976) AND PITKIN (1978)

**THE CITIES AND COUNTIES OF
DENVER AND BROOMFIELD
EXERCISE THE AUTHORITY
GRANTED TO HOME RULE
MUNICIPALITIES AND WERE
SPECIFICALLY CREATED
THROUGH AMENDMENTS TO THE
COLORADO CONSTITUTION IN
STATEWIDE VOTES**



WHAT IS HOME RULE?

- Home rule allows a county to exercise additional powers as provided under state law and exempts a county from certain legislation.
- A home rule charter may also restrict certain powers that a county already has authority to exercise.

What county home rule is not:

- It is not municipal home rule. Municipal home rule derives from a different Constitutional provision and is broader in its grant of authority. Municipal home rule has also been tested through a multitude of case law.
- It does not change the requirement that a county provide certain mandatory services.
- It does not grant the County unlimited local powers.



WHAT ARE THE LEGAL AUTHORITIES GRANTED HOME RULE COUNTIES?

- To determine, through the enactment of a county home rule charter, the structure of the county government and terms and compensation of elected officials.
- To establish unified personnel and purchasing systems.
- To set limits on revenue and spending stricter than TABOR limits.
- To enact ordinances covering discretionary issues not authorized in state statutes.
- To restrict the issuance of debt by the county
- To allow citizen-initiated ordinances or charter amendments and referendums.
- To restrict the use of eminent domain by the county.
- To take advantage of greater authorities and independence granted to or recognized for home rule counties by the General Assembly.

HOME RULE COUNTY REQUIRED FUNCTIONS

Colo. Const. Art. 14 §16(3):

A home rule county shall provide all mandatory county functions, services, and facilities and shall exercise all mandatory powers as may be required by statute.

A close-up photograph of green wheat stalks, showing the long, thin awns and the developing grain heads. The image is slightly blurred, giving a sense of movement or a shallow depth of field.

WHAT ARE THE DISADVANTAGES TO HOME RULE

- Lengthy process requiring a lot of hard work and two elections.
- Currently does not provide the broad home rule authority and self-governance granted to municipalities.
- May have to defend home rule authority in the future if challenge is made to the County's actions pursuant to that authority.
- Voter education is key and can be difficult.



WHAT ARE THE ADVANTAGES OF HOME RULE

- Exercise local control over the structure of County government.
- Exercise local control where expressly provided by statute.
- Exemption from certain state laws.
- To allow citizen-initiated ordinances or charter amendments and referendums.
- Advocate for legislative changes that provide for further County home rule authority.
- Does not decrease the County's current authority, unless the Charter includes such limitation.
- Home rule is a citizen-driven process. The Charter is drafted by citizens, voted on by citizens, and can only be changed by citizens.



STEPS TO BECOMING A HOME RULE COUNTY

- Board of County Commissioners calls an election for the registered electors to: 1) determine whether there should a Charter Commission be formed and 2) elect members of the Charter Commission.
- The Charter Commission consists of 11 members – 3 members from each of the three designated districts and 2 members at large.
- Charter Commission members must be qualified electors of the County.
- Candidates for the Charter Commission must submit a nomination petition signed by at least twenty-five registered electors of the county and a statement by the candidate consenting to serve if elected.



STEPS TO BECOMING A HOME RULE COUNTY

- If the registered electors vote in favor of a Charter Commission, the Commission shall meet within 30 days of the election on a date designated by the Board of County Commissioners.
- The Charter Commission shall elect a chairman and a vice-chairman. Meetings of the Commission shall be held upon call of the chairman or a majority of the members of the Commission. All meetings shall be open to the public. Members of the Commission shall not receive any compensation but shall be reimbursed for necessary expenses pursuant to law.
- The Commission has 240 days from their first meeting to draft a charter and deliver it to the Board of County Commissioners and must hold at least three public hearings during its drafting process.



STEPS TO BECOMING A HOME RULE COUNTY

- Upon receipt of the charter, the Board of County Commissioners shall refer the Charter to the registered electors of the County for approval. The Board may not make any revisions to the charter.
- If the registered electors approve the charter, the charter becomes effective on January 1st of the succeeding year or at such other time as the charter may provide.
- If the charter is rejected, the charter commission may proceed to prepare a revised proposed charter in the same manner provided for preparation, submission, and election on the proposed charter. The election on any revised proposed charter must be held not less than 90 nor more than 180 days after the election rejecting the proposed charter. No new referendum may be held during the next 12 months following the date of the last disapproval.

QUESTIONS?

