County Authority

Mostly Dillon’s Rule with Optional Home Rule: Most Colorado counties are governed by Dillon’s Rule authority and are limited to the authorities the state legislature explicitly grants. Counties may establish government organization and structure through a home rule charter to be voted on by registered electors; however, currently only two counties and two consolidated city-county governments have adopted a home rule charter. Despite the implied autonomy, Colorado home rule counties must hold certain row officer positions and provide some mandatory programs, services and facilities.

TOP REVENUE SOURCES FOR COLORADO COUNTIES

| Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017 |

<table>
<thead>
<tr>
<th>Revenue Source</th>
<th>Revenue</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property Taxes</td>
<td>$3.17 B</td>
<td>(36%)</td>
</tr>
<tr>
<td>Charges and Fees</td>
<td>$2.12 B</td>
<td>(24%)</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>$1.50 B</td>
<td>(17%)</td>
</tr>
<tr>
<td>General Sales Taxes and Gross Receipts</td>
<td>$1.48 B</td>
<td>(17%)</td>
</tr>
</tbody>
</table>

Summary of County Services

Services counties MUST provide:
- Establish a county public health agency or participate in a district public health agency.
- Oversee flood control projects.

Services counties MAY provide:
- Establish libraries, cemeteries and recreation districts.
- Provide workforce development programs.
- Operate mass transportation systems either individually or jointly with another local government.

Services counties CANNOT provide:
- Create school districts.

1“Government Form” refers to the distribution of executive decision making authority in a county.
2“Traditional” county states mandate that counties exercise executive decision making power solely through the board of elected officials (commissioners, supervisors, etc.). “Reformed” county states mandate that counties employ an elected or appointed county executive, manager or similar position to take on at least some of the county’s executive decision making authority.
3“Mixed” county states means that some counties in that state are “traditional” and some are “reformed.”
4NACo Analysis of U.S. Census Bureau - 2020 Decennial Census

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017
SUMMARY

Most counties in Colorado are governed by a board of 3-5 county commissioners that acts in both a legislative and executive capacity. Some counties, however, have consolidated with a city and are governed by a city council. City-county consolidated governments employ a chief executive leader while counties may have an appointed chief administrator. All counties may adopt and enforce ordinances and resolutions regarding health, safety and welfare issues.

COUNTY STRUCTURE

Legislative Branch: A board of 3-5 county commissioners acts as the sole legislative decision-making body for most Colorado counties. City-county consolidated governments, however, are governed by a city council.

Executive Branch: The board of county commissioners acts as the sole executive decision-making body for most Colorado counties. City-county consolidated governments, however, may have an elected executive position which takes on some executive power and responsibilities.

Judicial Branch: Each of Colorado’s 64 counties has a county court. County courts have jurisdiction over civil cases under $25,000, misdemeanors, traffic infractions, felony complaints, protection orders and small claims cases. County judges also issue search warrants and restraining orders in cases involving domestic violence.

Optional Forms of Government:

- Commission Administrator
- City-County Consolidated
- Home Rule Charter

COUNTY AUTHORITY

Executive Power: Counties may adopt and enforce ordinances and resolutions regarding health, safety and welfare issues.

Ability to Form Partnerships: Counties may form partnerships with other government entities to provide mass transit services. A board of commissioners may make contracts.

Call a State of Emergency: Counties cannot declare a local state of emergency. Only the state can declare a state of emergency and may decide how much counties must contribute to cover the nonfederal cost shares of disaster relief and emergency assistance.

Special Districts: Colorado has about 2,600 special districts. There are 36 different types of special district, and including sanitation districts, library districts, mental health care service districts and others.

<table>
<thead>
<tr>
<th>Row Officers</th>
<th>Elected/Appointed</th>
<th>Required/Optional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessor</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Clerk*</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Coroner</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Sheriff</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Surveyor</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
<tr>
<td>Treasurer</td>
<td>Elected</td>
<td>Mandatory</td>
</tr>
</tbody>
</table>

* The county clerk is the ex officio recorder of deeds.
OVERVIEW OF COUNTY SERVICES

Colorado counties have jurisdiction over a range of services including public health, infrastructure, welfare and public safety. Counties may also provide specialized services through special districts. For counties under Dillon’s Rule, most of the authority around services is explicitly granted by the state. Home rule counties are also required by the state to provide certain programs, services and facilities.

HEALTH AND HUMAN SERVICES

**County Health Department:** Counties must establish and maintain a county public health agency or participate in a district public health agency.

**Hospitals:** Counties may create a public hospital board and levy a tax to fund the building and maintenance of a county public hospital.

**Senior Care Facilities:** The state is responsible for licensing and investigating assisted living residences. Counties are generally not involved with senior care facilities.

**Mental Health Facilities:** Counties may purchase mental health services from community mental health clinics and other community agencies. To fund these expenses, the county may levy a tax not exceeding $2 per $1,000 of real property’s assessed value. This tax must be voted on in a general election.

**Welfare:** Counties may provide temporary assistance to residents experiencing poverty by using a special account to appropriate funds. Every county has a department of human or social services. Two or more counties may also jointly establish a district department or human of social services, subject to state approval.

**Child Welfare:** Counties may participate in an integrated care management program to provide child welfare services.

**Workforce Development:** Counties may establish a workforce development program, to be known as “Bright Future Colorado.” This program provides financial assistance to county residents who pursue training programs or post secondary education.

INFRASTRUCTURE

**Roads:** Counties must construct and maintain their primary and secondary road systems. The board of county commissioners appoints road supervisors.

**Mass Transportation:** Counties may, individually or jointly with another governmental entity, develop, maintain and operate mass transportation systems. Counties may also set passenger fees and policies for use and maintenance of the transportation system.

**Airports:** Counties may acquire land to construct, maintain and repair airports and landing strips. A board may also enter into leases and set fees for use of airports and landing strips.

**Street Lighting:** Counties must pay for the construction, installation, operation and maintenance of street lighting.

**Utilities:** The state regulates utilities. Counties may provide solid waste disposal services, but other utilities are provided by municipalities or investor-owned companies.

- **Water:** Counties cannot provide water utility services.
- **Solid Waste:** Counties, individually or with another governmental unit, may establish and operate solid waste disposal sites and facilities.
- **Electric:** Counties cannot provide electric utility services.
- **Gas:** Counties cannot provide gas utility services, except for landfill gas, which may be produced and sold.
ZONING AND DEVELOPMENT

**Zoning Power:** County planning commissions may provide for the physical development and zoning of unincorporated territory. The board of commissioners may also use building permits to enforce zoning regulations.

**County Planning Commission:** A board of county commissioners may appoint a county planning commission or, depending on the population, the board may itself constitute the planning commission. Regional planning commissions may also be formed by the governing boards of two or more counties, municipalities or a combination. A planning commission must make and, by resolution, adopt a master plan for the physical development of the unincorporated areas.

**Housing Authority:** If county residents submit a petition to the board of county commissioners, the board must determine whether there is a shortage of decent, safe, sanitary and affordable housing accommodations in the county. If there is a shortage, the board must appoint commissioners to a housing authority.

**Environmental Conservation:** Counties may coordinate with the U.S. Secretary of the Interior and the U.S. Secretary of Agriculture to develop land management plans that address hazardous fuel removal, forest management, water development and other environmental conservation measures.

**Mobile Homes:** In unincorporated areas, counties may provide for the safe and equitable operation of mobile home parks. Counties may also enter into intergovernmental agreements with municipalities to extend this provision.

**Agricultural Research:** Counties may acquire land to be used for agricultural research, appropriate funds for research and appoint a research advisory committee.

**Cluster Development:** Counties may encourage the clustering of residential dwellings in order to preserve common open space and reduce the extension of roads and utilities.
SCHOOLS

Education, Generally: The state board of education supervises public schools and educational programs. Locally elected school boards and superintendents govern the public school system. If school districts are undergoing reorganization, the county clerk and recorder receive and approve petitions of reorganization.

Community Colleges: The state board for community colleges may organize local college districts. A district may be entirely within one county or partly in two or more counties.

PUBLIC SAFETY

Law Enforcement: Counties may create a law enforcement authority. A board of commissioners and a municipality may also contract for the sheriff to provide law enforcement.

Jails: Counties must maintain a county jail. The county sheriff keeps the jail.

Courthouses: Counties must provide and fund a courthouse.

Fire: Counties must adopt fire safety standards and provide fire protection services. Counties may contract with an enforcement agency for areas of the county not receiving fire protection. In addition, a county may implement a fire management plan.

Ambulance: Counties may create an ambulance district. The district can include one or more contiguous counties.

Emergency Management Agency: Counties must maintain an emergency management agency or participate in a local or interjurisdictional agency.

Flood Control: Counties must provide flood control and remove obstructions that may cause flooding. Counties may modify existing flood control diversion or storage facilities. These services may be financially supported by grants from the Colorado water conservation board.

COLORADO COUNTIES EMPLOY 46,548 GOVERNMENT EMPLOYEES

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017

COLORADO COUNTY GOVERNMENT EMPLOYEES BY TOP FUNCTIONAL CATEGORIES

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Employment, 2017
OVERVIEW OF COUNTY FINANCE STRUCTURE

Counties in Colorado raise revenue primarily through taxes on real property, personal property and sales. With approval at a general or special election, counties may issue bonds for creating public buildings, making repairs to infrastructure and developing transit systems.

FINANCES, TAXES AND LIMITATIONS

**Property Tax:** Counties must tax real and personal property to fund general county services. County assessors must list and value most real and personal property. Counties calculate a tax rate based on how much revenue the county needs.

**Personal Property:** Unless personal property is held for consumption or sale by a business, counties may assess personal property for taxes.

**Income Tax:** Counties cannot impose an income tax.

**Sales Tax:**
- **Sales Tax:** Counties may levy a sales tax for public safety improvements of no more than 2 percent on the sale of tangible personal property or retail and services taxable in such county. All counties that impose a sales tax are state collected, except for Denver County and Broomfield County.
- **Lodging Tax:** Counties may levy a lodging tax of 2 percent or less of the purchase price. This tax funds advertising and marketing for local tourism.

**Mineral Tax:** Counties cannot tax minerals.

**Gas/Fuel Taxes:** Counties cannot impose a local fuel or gas tax. The state of Colorado levies a tax on gasoline and special fuels and distributes a share of tax revenue to counties.

**Debt and Debt Limit:** Counties may take on debt through bonds, but counties must get voter approval to take on debt through loans. Counties with a short-term debt of $5,000 or more must get voter approval to fund the debt and determine the bonds’ interest rate.

**State Shares**
- **National Forest Payments:** The state makes national forest payments to counties based on the acreage of national forest land in each county. Counties generally must allocate a minimum of 25 percent of these payments to the county road and bridge fund and a minimum of 25 percent to the public schools.
- **Flood Control Projects:** The state must deliver federal funds for flood control to counties with flood control projects. These counties must allocate 25 percent to the county road and bridge fund and 75 percent to the public.

**Other Finance Info:**
- **Incentives for the Installation of Renewable Energy Fixtures:** Counties may offer an incentive through a county property tax credit, sales tax credit or rebate to a residential or commercial property owner who installs a renewable energy fixture.
- **Rental Tax:** Counties may levy a rental tax on personal property. The rental tax rate cannot exceed 1 percent of the rental payment.
- **County Agricultural Fund:** A board of county commissioners may establish a county agricultural fund. This fund may be created out of the county general fund, and repayment may be made through a county agricultural research tax levy.
- **Capital Expenditures Fund:** Counties may create a capital expenditures fund for providing and accumulating money for long-term improvements, capital projects and capital equipment.
- **Contingent Fund:** Counties may establish a fund to provide money for contingencies. Counties may also fix an annual levy for this fund.
COLORADO COUNTIES INVEST $7.9 BILLION ANNUALLY

<table>
<thead>
<tr>
<th>Category</th>
<th>Revenue</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Justice and Public Safety</td>
<td>$1.63 B</td>
<td>21%</td>
</tr>
<tr>
<td>Transportation</td>
<td>$1.6 B</td>
<td>20%</td>
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<tr>
<td>Health and Human Services</td>
<td>$1.29 B</td>
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</tr>
<tr>
<td>Administration</td>
<td>$664 M</td>
<td>9%</td>
</tr>
<tr>
<td>Public Amenities</td>
<td>$593 M</td>
<td>8%</td>
</tr>
</tbody>
</table>


COLORADO COUNTIES RECEIVE $1.5 BILLION FROM INTERGOVERNMENTAL SOURCES

- **From Federal Government**: 83%
- **From Local Government**: 3%
- **From State Government**: 14%
- **County-Generated Revenue**: 1%

Source: NACo Analysis of U.S. Census Bureau - Census of Individual Governments: Finance, 2017