

LOCAL GOVERNMENT IN JEFFERSON COUNTY

Do you really know what and how many local government entities you live in and what effects those entities have on your quality of life and economic well-being? The purpose of this EMM is to create an awareness of the role and responsibilities of Jefferson County local governments and provide some tools for member involvement. Local governments include counties, municipalities (cities and towns), school districts, and other types of government entities such as "authorities" and "special districts." We will not address the school district, urban renewal or improvement districts.

League Positions

Since 1953, when the League of Women Voters of Jefferson County became the first county League in the United States, we have studied local governmental units several times, developed positions and acted on issues. Below are the positions in brief:

LWV Colorado Local Government Positions

Local governments should be accountable, responsive, flexible, efficient, effective, able to raise sufficient revenues to perform their duties, and have adequate constitutional and statutory powers to cope effectively.

Special Districts

* Special districts should be more difficult to form and should be consolidated, dissolved, and/or multipurpose in nature whenever possible.

* The financial accountability of special districts should be improved and mill levies limited.

* Services should be provided by existing units of government whenever possible.

* Guidance and supervision from a central agency is desirable.

LWV Jeffco Government Positions

Support of governmental solutions most suitable to the needs of Jefferson County.

Support of structures, procedures, and practices for elected and appointed boards and commissions (including committees and special districts) which ensure accountability, representativeness, decision-making capability, effective performance, and openness.

Support for increasing the number of county commissioners from three to five members.

County Government

Counties are political subdivisions of state government, and may only exercise those powers specifically provided in state law. Specific statutory responsibilities include the provision of jails, weed control, and establishment of a county or district public health agency to provide, at minimum, health and human services mandated by the state. Counties have discretionary power to provide several additional services. A board of county commissioners is authorized to control specific activities through police powers or through licensing requirements, such as; marijuana, trash removal, animal control, disturbances and riots and the discharge of firearms. The counties and state share authority in other areas, such as liquor licenses, landfills, and pest control.

Colorado is divided into 64 counties. The Colorado Constitution establishes the following county officers: commissioners (3), treasurer, assessor, coroner, clerk and recorder, surveyor, and sheriff. Salaries are set based on population. Counties with a population of more than 70,000 may vote to have 5 commissioners. (Efforts to increase the number to five Jeffco commissioners failed in 1976 and 2014.)

Counties have the power to collect property and sales and use taxes (limited), as well as to incur debt, enter contracts and receive grants and gifts. Property taxes are the main source of county revenue and are paid on a proportion of a property's value. The property tax is determined by multiplying a property's assessed value by a mill levy. A mill is one-tenth of a cent; or \$1 of taxes for each \$1,000 of assessed value. (The Jefferson County 2018 mill levy was 23.739 mills throughout the county, whether incorporated or unincorporated.)

The 2018 population of Jefferson County was estimated to be 580,233 with a land area of 764 square miles. An estimated one-third of the population lives in unincorporated areas. County Commissioners serve as policy makers for land use, roads and bridges, parks and libraries, public protection, public assistance, health and intergovernmental services. The total FY 2019 Budget was \$586 million. Jefferson County has 3,091 full-time employees. A 0.5% sales tax solely funds the Jefferson County Open Space Program.

Statutory responsibilities which the Jefferson County Government provides include:

- * The County jail is the central detention facility for all law enforcement agencies in Jefferson County.
- * The J.C. Department of Human Services offers several programs and benefits related to childhood education, adult and child protection, job training, food and financial assistance, Medicaid, veterans, housing and other programs.
- * The J.C. Public Health Department supports many programs from emergency preparedness to substance abuse prevention. Clinic services include cancer screening, family planning and treating sexually transmitted infections. Environmental services relate to air quality, drinking and wastewater, food safety and others.
- * Weed control: some work with noxious weeds and pests

Discretionary services include:

- * veteran services: 2 persons in Social Services work with veterans and coordinate with the VA.
- * emergency telephone services: The JC 911 Authority includes J.C., Broomfield and Westminster. Phone fees finance 911 services.
- * law enforcement: The J.C. Sheriff is responsible for patrolling the unincorporated areas of the county.
- * build and maintain roads and bridges: The J.C. Road and Bridge Division maintains almost 3,000 lane miles of roadways in unincorporated J.C. (one lane mile is a 10-foot wide section of a road one mile long.)
- * mass transit: help with Golden's Green Bus/RTD
- * airport: Rocky Mountain Metropolitan Airport is a county airport. It functions as an Enterprise entity (90% of funding is non-governmental).
- * wildfire planning and response
- * pest control
- * libraries: J.C. has 11 libraries throughout the county and a book mobile. Littleton and Westminster have city libraries.
- * recreation: The J.C. Open Space program is financed by a 1/2 of 1% sales tax. It has preserved more than 56,000 acres and more than 244 miles of trails countywide. It contributes to city and park district projects.

Discretionary services the county does not provide include: ambulance services, water and sewer services, irrigation districts, cemeteries, solid waste and disposal services.

Municipal Governments

There are twelve incorporated municipalities located totally or partly within Jefferson County. Eight are home rule municipalities (Arvada, Edgewater, Golden, Lakewood, Littleton, Mountain View, Westminster, Wheat Ridge), four are statutory towns (Bow Mar, Lakeside, Morrison, Superior). There are no statutory cities. Statutory cities and towns are limited to exercising powers specifically granted to them by state law. A home rule charter provides a city or town with greater authority to regulate local and municipal matters than is available to statutory municipalities.

The legislative and corporate authority of statutory towns is vested in a board of trustees that consists of a mayor and up to six trustees elected at large. The board is required to appoint a clerk, treasurer, and town attorney or provide for the election of these offices. Terms may be two or four years.

All Jefferson County home rule cities have a city council-city manager form of municipal government. (Statutory towns may not adopt a city council-city manager form of municipal government.) In general, a home rule city's ordinances pertaining to local matters supersede conflicting state laws. For example, a home rule municipality may adopt its own procedures to rezone an area instead of following the statutory requirement. However, state laws may take precedence over conflicting home rule ordinances when such issues are a matter of statewide concern.

Golden was the first city to be incorporated in Jefferson County, 1859. It became the seat of the County in 1860. Morrison followed in 1874 and Arvada in 1904. Lakewood and Wheat Ridge were incorporated in 1969. All cities provide police protection and various services such as street maintenance and park and recreation services. Special districts meet fire protection, water and sanitation and park services within many of Jeffco's cities.

Special Districts

Here is a nutshell description from colorado.gov:

"Special Districts in Colorado are local governments, i.e., political subdivisions of the state, which make up a third level of government in the United States. (The federal and state governments are the other two levels.) Local governments include counties, municipalities (cities and towns), school districts, and other types of government entities such as "authorities" and "special districts."

Special districts are quasi-governmental organizations created to supply services not otherwise available from a municipality or county. They are not a part of said municipality or county – i.e. Arvada Fire Protection District is NOT a part of the City of Arvada. They are created in accordance to Colorado Statute Title 32, Article 1. Jefferson County districts include those for fire protection, water, sanitation, parks and recreation, forest improvement and metropolitan districts that supply at least two of those services.

Organizers of special districts must first submit a service plan, describing the services to be provided, the proposed cost and financial plans for the district, the number of voters and the estimated valuation of property in the district, and the number of board members to be elected.

This service plan is submitted to the board of commissions or governing body of each county or city in which the district is to be located for approval. If the plan is approved, it then is submitted to the county district court, which issues a court order to approve the district creation. Once the district is approved by the commissions and the district court, an election is ordered for voters to determine final approval.

A special district is governed by a five or seven-member Board of Directors, who are elected by the registered electors within the district to staggered four-year terms. Anyone who is registered to vote in the State of Colorado and resides within the special district or who owns taxable property within the boundaries of the special district is eligible to serve on the Board of Directors. The Board of Directors may hire a manager, employees or consultants to carry out the purposes of the special district and to ensure compliance with all statutory requirements for the special district's operations.

Colorado law limits the types of services that county governments can provide to residents. Districts are created to fill the gaps that may exist in the services counties provide and the services the residents may desire. Special districts may allow the developer to do more high-end quality development up front. They allow for a cheaper home sale price, as improvements will be paid through the special district mill levy over several years. Special districts shift the risk of development costs from the developer to the consumer. The majority of districts draw their boundaries in unincorporated county land, but residents of a municipality may be included in one or more districts.

Jefferson County Regulatory Policy: Special Districts

The Jefferson County Regulatory Policy regarding special districts guides the Jefferson County staff, the Jefferson County Planning Commission and the Board of County Commissioners in making decisions regarding the creation, consolidation and modification of special districts located wholly or partially in unincorporated Jefferson County. The policies include:

1. The use of special districts to provide services to specific areas designated in county plans is encouraged.
2. When possible, one metropolitan special district is preferred to many single purpose districts.
3. Service provision by an existing service provider or inclusion into an existing special district is encouraged.
4. Cooperation with other governmental jurisdictions is promoted.
5. The service plan application should be coordinated with the land development application.
6. The use of special districts solely as a financing mechanism for the construction of improvements listed in the Land Development Regulation is discouraged. (Improvements listed include: streets/roads, water supply, wastewater, drainage and others.)
7. A new or expanded special district which would stimulate more growth than recommended by the relevant community plan is discouraged.
8. Special districts are encouraged to provide information to developers to enable them to include the mill levy imposed by their special district in marketing materials.

Criteria used to evaluate proposed special districts include:

- * need - the area is currently underserved
- * inability of existing service providers to offer proposed services
- * capability and financial ability (e.g. sufficient water supply, is the district economically feasible)
- * compliance with applicable standards and procedures
- * compliance with appropriate Jefferson County comprehensive plans
- * compliance with Jefferson County water plans (such as they exist)
- * mill levy is not too onerous - district serves long-term interests of district residents

Special Districts in Jefferson County

There are over 180 special districts in Jefferson County.

- * 16 Fire Districts

- * 14 Water Districts
- * 27 Water and Sanitation Districts
- * 8 Sanitation Districts
- * 9 Park and Recreation Districts
- * 8 Improvement Districts
- * 73 Metropolitan Districts

and 6 other districts including: Urban Drainage and Flood Control District, Regional Transportation District (funded primarily by a sales tax) and a Law Enforcement Authority District.

According to J.C. Commissioner, Casey Tighe, special districts make government confusing. People are not aware that a district is responsible for services and confuse district taxes with general county taxes. Special districts impact the ability of local governments to meet their taxing needs. This "mishmash" of taxing makes it difficult to pass something for the good of the whole community.

The number of Metropolitan Special Districts in Colorado has exploded. Since 1980, 1,471 metropolitan districts have been created. (As of 9/15/2016 there were a total of 1,520 active metropolitan districts.). Colorado ranks in the middle (#22) of all states for the number of general-purpose governments (cities, towns and counties), but #4 in the number of special districts, behind California, Texas and Illinois. The largest increase by type of district is found in the number of metropolitan districts. Metropolitan districts were originally formed to provide two or more services, e.g. water, fire protection, park and recreation services. They now are the first choice of land developers to use as mechanisms to finance public improvements. They allow developers to retain control of the development with minimum risk or accountability. Many were not initially organized to provide "services for the inhabitants thereof," since most of the metropolitan districts are formed to incur debt for the development of raw land where there are not yet any inhabitants. Currently, there are 73 Metropolitan Districts in Jefferson County.

Special District Elections

Special district elections are nonpartisan. Regular elections must be held on the first Tuesday after the first Monday of May in even-numbered years until 2022. The elections will be held in odd numbered years starting 2023.

TABOR (tax increase issues) elections may be held only on the date of a state general election, biennial local district election, or on the first Tuesday of November of odd number years. For districts conducting independent mail ballot elections, a notice is required to be sent to "All registered voters" giving the specifics about the ballot issue including fiscal information and a summary of pro and con statements. A district may choose to have the county clerk and recorder(s) conduct their November TABOR elections for them at the District's expense.

If there is a tax increase ballot issue being posed to voters, the election must be held by mail ballot, even for a regular election.

Each candidate for office, or interested party in case of a ballot issue or ballot question, is entitled to appoint an eligible elector to act as a watcher in every polling place in which he or she is a candidate or in which the issue or question is on the ballot.

How to run for a Special District Board position.

Candidates in special district elections file a "Self-Nomination and Acceptance" form with the Designated Election Official of the District for which they are applying. For the May 3, 2022 Special District election, the deadline for filing is February 25, 2022 (67 days prior to the election). No personal financial disclosure statement is required. The form requires you to affirm that you are an eligible elector of the District and that you will file all disclosure reports required if campaign expenditures exceed \$200.00. Witnesses are required. The candidate must also provide an email address

More information and the election calendar and a link to SD forms can be found here:

<https://cdola.colorado.gov/special-district-elections>

Special District Budget Cycle

Another area to keep an eye on is the budget cycle. These are the important dates:

- October 15 - Budget Officer must present a Draft budget to the governing body. Budget Hearing is scheduled and draft is available for public review and comment.
- December 15 - Budget must be adopted and mill levy set for property taxing entities.
- December 31 - Budget must be adopted for non-property taxing entities.
- January 31 - Budget must be submitted to the Division of Local Government.

For more information use this link:

<https://www.colorado.gov/pacific/dola/budget-information-and-resources>

Accountability of Special Districts

Financial transparency of special districts is required by the state through the annual submission of a budget, financial statement (which includes debt load and fees levied), contact information (including meeting times/dates and board members), and notification of the mill levy amount for the coming year. Additional oversight may be required, depending on the type and amount of bonds issued. Notification of elections, meetings and proposed additional bond issuance and/or mill levy increases are also required. Most of this information may be obtained by the public from the Colorado Division of Local Government at colorado.gov.

As political subdivisions of the State of Colorado, special districts are required to submit a number of filings to various state agencies throughout the year. These filings are primarily financial, but also include election results, lists of boards of directors, and others.

Special districts also file reports for County approved districts with the County. These reports are "filed." There is no direction as to what the county can or should do with the reports. The County lacks the teeth to conduct oversight. It is up to the district residents to maintain control. Commissioner Tighe suggested that the State could provide more criteria and guidelines for the establishment and oversight of special districts.

Seems pretty straightforward, although the oversight seems to focus on the receiving of reports rather than active oversight. Citizens living in a special district should receive a copy of the report by mail.

Dissolution of Special Districts

Special district electors or board may petition the court to dissolve the district. The Division of Local Government may initiate the dissolution of a special district that fails to perform its statutory or service responsibilities.

Special District oversight or lack thereof:

You know more about where your money's going when you buy a used car than you do when you buy a house in a special district

—John Henderson, *Denver Post*

In 2020, there has been a spate of news about the lack of effective oversight of special districts and the effects of this lack of oversight on the homeowners in their jurisdiction. Particularly relevant is a series of articles by the Denver Post, which should be mandatory reading for anyone buying a home in a special district. The articles describe the ways in which metro districts can operate without any meaningful oversight as well as efforts by homeowners to take control of their operations.

These are the links to the articles:

- **[Colorado metro districts and developers create billions in debt, leaving homeowners with soaring tax bills:](#)**

- “A Denver Post investigation into the inner workings of the state’s 1,800 metro districts found a governmental system that operates without the usual oversight of voters, without the usual restrictions on conflicts of interest, and without the usual checks and balances to ensure communities won’t spiral into insolvency.”

- Link: www.denverpost.com/2019/12/05/metro-districts-debt-democracy-colorado-housing-development/

- **[There is little transparency for metro district fees that are supposed to benefit the community:](#)**

- “Dozens of metropolitan districts across Colorado have for years collected hundreds of dollars, sometimes thousands, from homeowners who sell their houses, a fee assessed no matter how frequently a home is sold, according to a Denver Post analysis of how the districts function. Nearly all of the districts that assess the fee will be doing it into the next century.”

- Link: www.denverpost.com/2019/12/09/metro-districts-transfer-fees-nonprofits-foundations/

- **[Bruce Rau is one of the most elected men in Colorado but doesn’t live in any of the metro districts he represents](#)**

- “Bruce Rau is one of the most elected men in Colorado. And it’s unlikely you’ve ever heard of him. The 48-year-old Centennial resident sits on at least three dozen metropolitan district boards that, if fully developed and put together, would easily rank among the state’s top 10 biggest cities.”

- Link: www.denverpost.com/2019/12/12/metro-districts-bruce-rau-housing-development-colorado/

- **Metro district debt is decided long before residents move in, but some are trying to take back control:**
- “Nov. 3, 2015, was a big day for the 8,672 people who are one day expected to move into the Coal Creek Metropolitan District on the eastern edge of Aurora near Murphy Creek. It was Election Day, and all the eligible voters within the 598 acres that made up the district were to cast their ballots on several key questions that would impact Coal Creek residents for generations. Every single one of the 28 questions on the ballot – including one that did away with term limits for the newly elected board members – passed unanimously, six to zero. It was precisely the same outcome for all five of Coal Creek’s metro districts because the same six people were voting.”

Link: www.denverpost.com/2019/12/12/metro-districts-management-residents-board-directors/

[Read more from this investigation here:](#)

www.denverpost.com/tag/debt-and-democracy/

The oversight problems are not limited to the metro districts. The Colorado Sun has investigated the case of a volunteer fire chief who embezzled \$642,000 over three years. As part of his defense he claimed that he was not solely blame because the board had never asked for receipts. The board ousted the chairman but he has since been reinstated “because he has experience”. The link to the full article is below.

<https://coloradosun.com/2020/01/13/special-district-elections-inter-canyon-fire/>

These investigations highlight the need for greater citizen involvement in the elections of board members.

Ideas and Recommendations

A Denver Post Editorial (2/2/20) suggested closing a loophole in state law that allows a special district board member with a conflict of interest to vote in that particular matter.

Sam Mamet, retired executive director for the Colorado Municipal League, believes there are "ample legal tools available to counties and municipalities as part of the metro district service plan approval process. Real estate documents require a certain level of legal disclosure about metro districts." "Potential homeowners..must closely examine..any real estate documents containing information about taxing districts." (Denver Post, 12/22/19)

In the same Denver Post edition (12/22/19) the Editors proposed "Lawmakers should pass a bill requiring disclosure of the property tax rate - also known as the mill levy - on all real estate listings, including a 'check-the-box' disclosure if the home is in a special taxing district."

Commissioner Tighe believes they have the needed tools, but need "political will" to control the formation of special districts. His greatest concern is that special districts contribute to a loss of community - everyone becomes focused on their own little area, not caring for the larger community.

What do you think?

Homework to be done before the Unit Meeting:

A useful, and perhaps eye-opening exercise is to take your property tax bill and analyze the operations of the special districts listed on it. Include your HOA, if you have one, as they are often intertwined with their metro districts.

Some questions to ask:

- a. When does the board meet?
- b. Where? Are meetings virtual? Can you attend virtually?
- c. Who is on the Board?
- d. Do you personally know any Board member?
- e. Are the Board members residents of the district?
- f. Does the board use a professional management company? If so, what is the board oversight of the company?
- e. What level of debt is the district carrying?

We will be discussing these issues at the meeting.

Resources:

Program for Study and Action, 2011-2013, p. 17, League of Women Voters of Colorado

Program and History 1953 - 2017, p. 9, p. 11-12, p. 13. League of Women Voters of Jefferson County

Colorado Local Government Handbook, Colorado Legislative Council Staff, 2018

QuickFacts, U.S. Census Bureau

Jefferson County 2019 Adopted Budget

Joe Vaccarelli, Initiative to increase number of Jefferson County commissioners doesn't get signatures, The Denver Post, July 1, 2014

Jefferson County, Wikipedia, 8/30/19

Committee: Jane Cates, Christina Manthey, Bette Seeland, Sydney Miles