



Statutory Requirements of the Board of County Commissioners

**Prepared by County Technical Services, Inc.
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It is neither the purpose nor intent of the following information to make legal interpretations and does not represent an official position of the preparer. This information is designed only to serve as a general reference. The county and the board of county commissioners should always seek the advice and counsel of their county attorney.

Statutory Requirements of the Board of County Commissioners

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- **The county SHALL (statutorily required) establish a county department of social services to provide public assistance and welfare activity.**
C.R.S. 26-1-115(1)26
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C.R.S. 26-1-116 (1) (a).....26
- **The board SHALL (statutorily required) appoint a county department of social services/human services director or acting director**
C.R.S. 26-1-117(1)27
- **The board SHALL (statutorily required) establish the office of veterans services and provide a veterans services officer.**
C.R.S. 28-5-801(1)30
- **The board SHALL (statutorily required) designate or appoint a person to prepare the budget for the upcoming year.**
C.R.S. 29-1-104.....31
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C.R.S. 29-1-106.....31
- **The governing body SHALL cause a certified copy of the budget, including the budget message, to be filed in the office of the division.**
C.R.S. 29-1-113.....31
- **The board SHALL (statutorily required), by resolution, adopt the budget and make appropriations for the upcoming budget year prior to certifying a county mill levy.**
C.R.S. 29-1-108 (2)32
- **The board SHALL (statutorily required) cause an annual inventory to take place of county property, both real and personal.**
C.R.S. 29-1-506.....33
- **The board SHALL (statutorily required) cause to be made an annual audit of the financial statements of the county each fiscal year.**
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- **The board SHALL (statutorily required), not less than once annually, establish a rate for “Emergency Telephone Service”.**
C.R.S. 29-11-103 (3) (a).....34
- **The board SHALL (statutorily required) approve the appointment and compensation of the deputies, assistants and employees of the county clerk and recorder, county treasurer, county assessor, county coroner, and surveyor.**
C.R.S. 30-2-104 (1) (a).....35

- **The board SHALL (statutorily required) approve the compensation of the undersheriff and the deputy sheriffs appointed by the sheriff.**
C.R.S. 30-2-106 (1)36
- **The board SHALL (statutorily required) designate, by resolution, the county’s office hours by days and hours, including an annual holiday schedule for all county offices.**
C.R.S. 30-10-10936
- **The board SHALL (statutorily required) conduct meetings at the county seat at least one business day each month. In counties with a population over 100,000, the board SHALL (statutorily required) hold at least two meetings in each week of the year except for July and August.**
C.R.S. 30-10-303 (1) &
C.R.S. 30-10-30436
- **The board SHALL (statutorily required) divide the county into three compact commissioners’ districts.**
C.R.S. 30-10-306 (1)37
- **The board SHALL (statutorily required) choose one of the members as chairman at the first meeting after an election. The board may also designate a vice-chairman at this time.**
C.R.S. 30-10-30738
- **The board SHALL (statutorily required) approve and designate, by resolution, financial institutions that the county is to use as depositories of funds.**
C.R.S. 30-10-708 (1)38
- **The board SHALL (statutorily required) create, by resolution duly adopted, the office of county manager, or administrative assistant to the BOCC, or county budget officer, or any other such office.**
C.R.S. 30-11-107 (1) (n)42
- **The board SHALL (statutorily required) annually, cause to be advertised in the official newspaper for bids on stationery and supplies for the county offices.**
C.R.S. 30-11-109 (1)50
- **The board SHALL (statutorily required) annually, furnish the assessor suitable blank assessment rolls and suitable books, stationery and office equipment for the use of each of the county officers.**
C.R.S. 30-11-11351
- **The board is responsible (statutorily responsible) for the maintenance of the general accounting records of the county.**
C.R.S. 30-11-12152
- **The board SHALL (statutorily required) cause to be erected and maintained a minimum of twenty signboards with signs of campfire restriction notices.**
C.R.S. 30-15-20159

- **The board SHALL (statutorily required), no later than January 1, 2011, determine whether there are fire hazards within the county; and if it is determined that there are, the county SHALL (statutorily required) prepare a community wildfire protection plan.**
C.R.S. 30-15-401.7 (3) (b)85
- **The county SHALL (statutorily required) provide for the burial of any person who dies within the county and does not leave sufficient funds for such burial.**
C.R.S. 30-17-104.....80
- **If the board determines to undertake a temporary general assistance program, it SHALL (statutorily required) establish a temporary general assistance account for such purpose.**
C.R.S. 30-17-105.....80
- **The board SHALL (statutorily required) establish a fund known as the county general fund.**
C.R.S. 30-25-105.....82
- **The board SHALL (statutorily required) carefully examine the county orders returned by the treasurer with the record of orders at a minimum of twice each year, in January and July.**
C.R.S. 30-25-108.....82
- **The board SHALL (statutorily required) audit and allow, or disallow, all claims or demands against the county.**
C.R.S. 30-25-110 (1)83
- **The board SHALL (statutorily required) publish a report of each claim not less than monthly, and within 30 days following the end of the period for which the claim is made. The board SHALL (statutorily required) also publish a semiannual financial statement furnished by the treasurer within 60 days following June 30 and December 31.**
C.R.S. 30-25-111 (1) &
C.R.S. 30-25-111 (2)84
- **The board SHALL (statutorily required) publish a report in August and February showing salary information for all county employees and officials**
C.R.S. 30-25-111 (1.5)84
- **The board SHALL (statutorily required) create a county planning commission or serve as the county planning commission in counties of less than 15,000 in population.**
C.R.S. 30-28-103 & 30-28-133 (1)86
- **The board SHALL (statutorily required) adopt and enforce subdivision regulations.**
C.R.S. 30-28-133 (1)87

- **The board SHALL (statutorily required) adopt and maintain a noxious weed management plan.
C.R.S. 35-5.5-10592**
- **The board SHALL (statutorily required) certify the levies of all taxable property within and including the county, no later than December 22 of each year.
C.R.S. 39-1-111 (1)93**
- **The board SHALL (statutorily required) comprise the board of equalization of the county.
C.R.S. 39-8-10194**
- **The board SHALL (statutorily required) select the county primary system of roads.
C.R.S. 43-2-10994**
- **The board SHALL (statutorily required) cause a map to be prepared showing each road in the county’s primary and secondary road system.
C.R.S. 43-2-110 (1) (a).....95**
- **The board SHALL (statutorily required) appoint a road supervisor(s) for all roads constituting the county road system.
C.R.S. 43-2-111 (1)95**
- **The board SHALL (statutorily required) approve or disapprove the presented recommendations for the road and bridge work, after receiving the monthly report of the road supervisor(s)’ estimated repairs and construction costs presentation.
C.R.S. 43-2-111 (5)95**
- **The board SHALL (statutorily required) annually prepare a tentative road budget.
C.R.S. 43-2-11996**
- **The board SHALL (statutorily required) cause to be made and filed with the highway operations and maintenance division, a complete annual report of the expenditures of all moneys applied to the county road system.
C.R.S. 43-2-120 (1)97**
- **The board SHALL (statutorily required) submit, to the highway commission annually priorities for the construction of state highways within the county’s jurisdiction. 43-2-137. Counties submit priorities – instructions.98**
- **The board SHALL (statutorily required) annually adopt a county road and bridge budget.
C.R.S. 43-2-203 (1)98**

Statutory Citations

Elections

The board SHALL (statutorily required) approve the establishment of precincts and polling places as established by the county clerk and recorder.

C.R.S. 1.5.101

1-5-101. Establishing precincts and polling places for partisan elections.

- (1) Subject to the *approval by the **board of county commissioners**, the county clerk and recorder of each county shall divide the county into as may election precincts for all general, primary, and congressional vacancy elections as is convenient for the eligible electors of the county and shall designate the place for each precinct at which elections are to be held.* In establishing boundaries, the **board of county commissioners** shall take into consideration natural and artificial boundaries that meet the requirements of the United States bureau of the census. The precincts shall be numbered in accordance with section [1-5-101.5](#)¹, C.R.S. Changes in the precinct boundaries of a county shall be made only within the district boundaries of each representative and senatorial district.
- (2) In counties that use paper ballots, the county clerk and recorder, subject to approval by the **board of county commissioners**, shall establish at least one precinct for every six hundred active eligible electors, with the boundaries that take into consideration municipal and school district boundary lines whenever possible. However, the county clerk and recorder, subject to approval by the **board of county commissioners**, may establish one precinct for every seven hundred fifty active eligible electors.
- (3) In a county that uses an electronic or electromechanical voting system, the county clerk and recorder, subject to approval by the **board of county commissioners**, shall establish at least one precinct for every one thousand five hundred active eligible electors. However, the county clerk and recorder, subject to approval by the **board**, may establish one precinct for every two thousand active eligible electors.
- (4) Repealed.
- (5) Notwithstanding section [1-5-103](#)², C.R.S., and except as otherwise required by federal law, in order to facilitate the preparation of a computerized database for use in the redistricting process that will take place after the decennial census in years ending in the number zero, the precinct boundaries established by the county clerk and recorder of each county, subject to approval by the **board of county commissioners**, that are used in the general election in years ending in the number eight shall remain in effect until after the general election in years ending in the number zero; except that the precincts so established may be subdivided within the boundaries of the original precinct and adjacent precincts may be aggregated for purposes of data collection. In establishing precinct boundaries pursuant to the provisions of this subsection (5), county clerk and recorders and **board of county commissioners** shall, to the extent reasonably possible, utilize natural and man-made boundaries that meet the requirements for visible features adopted by the United States bureau of the census. If the precinct boundaries used in the general election in years ending in the number eight are changed prior to the next general election in years ending in the number zero pursuant to federal law, the county clerk and recorders shall timely submit in writing to the director of research of

¹ Elections; 1-5-101.5 – Precinct numbering

² Elections; 1-5-103 – Changes in boundaries – partisan elections

the legislative council a list showing the precincts for which the boundaries have changed.

- (6) A precinct containing no more than one hundred fifty electors may be designated as a mail-in polling precinct at the discretion of the election official for the precinct.

1-5-103. Changes in boundaries – partisan elections.

- (1) (a) Changes in the boundaries of precincts or the creation of new precincts for partisan elections shall be completed no later than twenty-nine day prior to the precinct caucus day, except in cases of precinct changes resulting from changes in county boundaries.
- (b) Repealed.
- (2) Subject to approval by the **board of county commissioners**, the county clerk and recorder shall change any polling place upon a petition of a majority of the eligible residing within a precinct if the request is made at least ninety days prior to the primary election.
- (3) All changes in precinct boundaries or numbering for partisan elections, including changes required pursuant to section 1-5-101.5, C.R.S., shall be reported within ten days by the county clerk and recorder to the secretary of state, and a corrected precinct map shall be transmitted to the secretary of state as soon as possible after the changes have been effected.

Liquor License

The board SHALL (statutorily required) serve as the county local liquor licensing authority.

C.R.S. 12-47-103.(17)

12-47-103. Definitions

As used in this article and article 46 of this title, unless the context otherwise requires:

- (17) “Local licensing authority” means the governing body of municipality or city and county, the **board of county commissioners** of a county, or any authority designated by municipal or county charter, municipal ordinance, or county resolution.

Courts

The board SHALL (statutorily required) provide and maintain courtroom(s) and other court facilities.

C.R.S. 13-3-108 (1)

13-3-108. Maintenance of court facilities – capital improvements.

- (1) *The **board of county commissioners** in each county shall continue to have the responsibility of providing and maintaining adequate courtrooms and other court facilities including janitorial service, except as otherwise provided in this section.*
- (2) The court administrator, subject to the approval of the chief justice, shall prepare annually a capital construction budget. The capital construction budget shall specify: The additional court housing facilities required for each court; the estimated cost of such additional structures or facilities and whether such additional court structures or facilities will include space used by other governmental units for nonjudicial purposes; and a detailed report on the present court facilities currently in use and the reasons for their inadequacy.
- (3)(Deleted by amendment, L.97, p.1482, 38, effective June 3, 1997.)
- (4) (a) The chief justice is authorized to approve payment of state funds for the construction of

any capital improvement facilities to be used for judicial purposes authorized and approved by the general assembly.

- (b) The court administrator, with the approval of the chief justice, shall enter into leasing agreements with the **governing body** of the appropriate local unit of government when joint construction is authorized, or when the approved facilities are also to be used for nonjudicial purposes. The leasing agreement shall provide for the payment of state funds for that portion of the construction costs related to the operation of the courts.
- (5) Construction or remodeling of any court or court-related facility shall be commenced only with prior approval of the chief justice of the Colorado Supreme Court after consultation with the **board of county commissioners**, except that a **board of county commissioners**, at its discretion, take such actions.

Detention

The board SHALL (statutorily required) examine the county jail and its operation at a minimum of once annually.

C.R.S. 17-26-126

17-26-126. Commissioners to examine jail.

*It is the duty of the **board of county commissioners**, as often as they deem necessary, but at least once annually, to make personal examination of the jail of its county, its sufficiency, and the management thereof and to correct all irregularities and improprieties therein found.*

District Attorney

20-1-201. Deputies – chief deputies – staff.

- (1) (a) The district attorney in every judicial district is authorized to appoint such deputy district attorneys as he deems necessary to properly discharge the duties of his office, with the approval of the **board of county commissioners or boards of county commissioners** of multicounty districts or the city council of the city and county affected, and such deputies shall hold offices during the pleasure of such district attorney. Such deputies shall not engage in the private practice of law nor receive any income from any private law firm.
- (b) The district attorney in every judicial district that is composed in part of a county or counties of less than twenty-five thousand population may appoint, with the approval of the **board of county commissioners** of such county or counties, one or more part-time deputies to fulfill the duties of the district attorney which may arise in such county or counties. Such part-time deputies shall be entitled to receive as compensation for services rendered a sum as provided in section [20-1-203](#)³, C.R.S. Such part-time deputies may engage in the private practice of law.
- (c) The district attorney in every judicial district is authorized to appoint such special deputy district attorneys as he deems necessary to properly discharge the duties of his office, and such special deputies shall hold their offices during the pleasure of such district attorney. Such special deputies shall receive no compensation for their services from the county or counties of the judicial district, except that such special deputies may be reimbursed their ordinary and necessary expenses, including travel. Such special deputies shall only be appointed from among those persons holding office as attorney general, deputy attorney general, assistant attorney general, or special assistant attorney general of the state of

³ District Attorneys; 20-1-203 – Compensation of deputy, chief deputy, and assistant attorneys.

Colorado, or as district attorney, assistant district attorney, chief deputy district attorney, or deputy district attorney of another judicial district, or as United States attorney or assistant United States attorney for the district of Colorado, or as city attorney or assistant city attorney of a city and county in this state.

- (d) To prosecute felony nonsupport actions pursuant to article [6](#)⁴ of title [14](#), C.R.S., the district attorney in every judicial district is authorized to appoint any attorney performing child support enforcement services for the county department of social services pursuant to article [13](#)⁵ of title [26](#), C.R.S., as a special deputy district attorney, whether such attorney is employed by the department directly, as contractual agent for the department, or through the services of a private company under contract with the department. In no event shall a special deputy district attorney appointed pursuant to this subsection (1) be granted all of the powers enumerated in section [16-2.5-101](#)⁶, C.R.S. The power granted by this appointment shall be limited to the prosecution delineated in this subsection (1).
- (2) The district attorney in every judicial district may designate and appoint chief deputy district attorneys, who shall be attorneys-at-law admitted to practice within this state. All chief deputy district attorneys shall hold office at the pleasure of the district attorney; except that no district attorney may appoint more than one chief deputy district attorney without the prior approval of the **board of county commissioners or boards of county commissioners** of multicounty districts or the city council of the city and county affected. Such chief deputies shall not engage in the private practice of law nor receive any income from any private law firm.
- (3) Before such deputy district attorneys, chief deputy district attorneys, or special deputy district attorneys enter upon the duties of their office, they shall file with the secretary of state the oath of office required by law to be filed by district attorneys and may be required, as the district attorney shall direct, to file a like bond as that required to be filed by district attorneys.

20-1-202. Powers of deputies.

The deputy has all the powers of the district attorney.

20-1-203. Compensation of deputy, chief deputy and assistant district attorneys.

Compensation for all deputy, chief deputy, part-time deputy, assistant, and part-time assistant district attorneys shall be fixed by the district attorney with the approval of the **board of county commissioners or boards of county commissioners** of multicounty districts or the city council of a city and county affected; and each county comprising such judicial district *shall pay such deputies, chief deputies, assistants, and part-time assistants salaries in the proportion which the population of such county bears to the whole population of such judicial district; except that part-time deputies shall be paid by the county or counties they serve.*

20-1-204. Powers of chief deputy.

The chief deputy district attorney has all powers of the district attorney.

20-1-205. Assistant district attorneys.

- (1) (a) In every judicial district, the district attorney is authorized to appoint an assistant district attorney who shall be an attorney-at-law admitted to practice within this state and who shall actually have practiced law not less than two years.

⁴ Domestic Matters; 14-6-101 to 14-6-113 - Nonsupport

⁵ Human Service Code; 26-13-101 to 26-13-129 – Child Support Enforcement Act

⁶ Criminal Proceedings; 16-2.5-101 – Peace officer – description – general authority

- (b) Repealed.
 - (c) The district attorney in every judicial district having a population not exceeding fifty thousand may appoint one part-time assistant district attorney. Such part-time assistant may engage in the private practice of law.
- (2) Every such assistant district attorney, before entering upon the duties of office, shall file with the secretary of state the oath of office required by law to be filed by district attorneys and shall hold office at the pleasure of the district attorney by whom he is appointed. Such assistant district attorney, before entering upon the duties of office, may be required, as the district attorney may direct, to file like bond as that required to be filed by district attorneys.
 - (3) The salaries authorized by subsection (1) of this section shall be paid monthly and shall be paid by the counties comprising such judicial district out of the ordinary revenues of such counties. *Every county shall pay in proportion as the population of such county bears to the whole population of such judicial district, according to the latest federal census.*

20-1-208. Special officers – stenographers – salaries.

- (1) The district attorney of each judicial district in this state having more than one hundred thousand population, as shown by the last decennial census, except the city and county of Denver, is authorized by and with the consent of the district judges of the judicial district to appoint one or two special officers, each at an annual salary to be determined by such district judges or not to exceed five thousand dollars, and actual and necessary expenses; and in his district he is authorized by and with the consent of the district judges of the judicial district to appoint a stenographer at an annual salary to be determined by such district judges of not to exceed three thousand dollars. Said salaries shall be paid monthly and shall be borne and paid monthly by the several counties comprising said judicial districts. *Each county shall pay its proportionate part of said salaries as the population of such county bears to the whole population of the judicial district, according to the last preceding decennial census.*
- (2) The district attorney of each judicial district in the state having a population of less than one hundred thousand as shown by the last decennial census is authorized to appoint a special investigator, a stenographer, and such other technical and professional assistants as are necessary to assist him in properly transacting all of the business of his office. The salary and compensation for such employees and assistants shall be fixed by such district attorney in an amount commensurate with the services performed and the duties and responsibilities of such employees. The salaries of such persons so appointed shall be paid by the various counties within the judicial district, *each county paying its proportionate part of said salaries as the population of such county bears to the whole population of such judicial district, according to the last preceding decennial census. Such budget shall be approved by the **board of county commissioners**.*

20-1-301. Compensation of district attorneys.

- (1) (a) (I) Commencing January 1, 1997, in every judicial district the district attorney shall receive as compensation for his or her services the sum of not less than sixty-seven thousand dollars per annum.
- (II) Effective January 1, 2009, in every judicial district the district attorney shall receive as compensation for his or her services the sum of not less than one hundred thousand dollars per annum.
- (III) Effective January 1, 2010, in every judicial district the district attorney shall receive as compensation for his or her services the sum of not less than one

hundred ten thousand dollars per annum.

- (IV) Effective January 1, 2011, in every judicial district the district attorney shall receive as compensation for his or her services the sum of not less than one hundred twenty thousand dollars per annum.
 - (V) Effective January 1, 2012, and for each year thereafter, in every judicial district the district attorney shall receive as compensation for his or her services the sum of not less than one hundred thirty thousand dollars per annum.
 - (b) Any amount in excess of the compensation amount set pursuant to paragraph (a) of this subsection (1) shall be set by the **board of county commissioners** of the county or counties comprising the judicial district or the city council of the city and county of Denver for the second judicial district.
 - (c) During the regular legislative session commencing January 2012, and every fourth legislative session thereafter, the judiciary committees of the house of representatives and the senate, or any successor committees, shall review the compensation of elected district attorneys and made recommendations, if appropriate, to the general assembly regarding the compensation of elected district attorneys.
- (2) A district attorney shall not engage in the private practice of law, nor shall he receive any income from any private law firm.

The board SHALL (statutorily required) approve expenses and fund a majority of the office of the district attorney either totally or proportionally, depending if the county is a member of a multicounty district or the county is its own district.

C.R.S. 20-1-302

20-1-302. Expenses.

Except as otherwise specifically provided, the district attorneys of each judicial district in the state of Colorado shall be entitled to collect and receive at the end of each month, of and *from respective counties in the district attorney's judicial district, the necessary expenses of maintaining an office for the transaction of official business, which expenses shall be borne by the various counties in the judicial district*, each in the proportion that the population of such county bears to the population of the whole judicial district, according to the last preceding population estimate that is prepared before May 1 of the current year by the division of planning in the department of local affairs pursuant to section 24-32-204, C.R.S. With the agreement of all of the **boards of county commissioners** of the judicial district, the funding allocation provisions of this section may be modified. *Nothing in part 2 of this article or this part 3 shall prohibit any municipality, county, or government entity from agreeing to fund programs, projects, personnel, or salaries that are in addition to the funds provided for the reasonable and necessary expenses of the district attorney with the agreement of the relevant **board of county commissioners**.*

20-1-303. District attorneys allowed necessary expenses.

Except as otherwise specifically provided, the district attorney of each judicial district in the state of Colorado, and each of his assistants and deputies, shall be allowed to collect and receive from each of the counties in his district the expenses necessarily incurred in the discharge of his official duties for the benefit of such county.

20-1-306. Salaries paid from state and county funds.

The salaries of district attorneys of the several judicial districts of the state as set forth in section [20-1-](#)

301(1) (a),

C.R.S., shall be paid in twelve equal monthly installments of which the state shall contribute eighty percent annually and the counties making up each district the balance, each county's payment to be in the same proportion as provided in section 20-1-302,

C.R.S.

20-1-307. Social security coverage.

The office of district attorney, including the district attorney and the employees of each such office within each judicial district, shall be considered a juristic entity as described in section 24-53-101⁷, C.R.S. Each office of district attorney shall enter into an agreement with the director of the division of employment and training of the department of labor and employment for the purpose of including the district attorney and the employees of his office under the state's federal-state social security coverage agreement with the secretary of the United States department of health and human services pursuant to section 24-53-104⁸,

C.R.S.

20-1-308. Compensation and expenses – special prosecutors.

(1) The compensation and expenses of special prosecutors appointed pursuant to section 13-1-128⁹ or 16-5-209¹⁰,

C.R.S., or section 20-1-107¹¹,

C.R.S. shall be paid as follows:

- (a) When the special prosecutor is a full-time district attorney, assistant district attorney, or deputy district attorney, the county or counties in the judicial district for which the appointment is made shall pay only the ordinary and necessary expenses, including travel, of the special prosecutor, as the judge of the court, which has jurisdiction of the offense being prosecuted, may direct.
- (b) In all other cases, the county or counties in the judicial district for which the appointment is made shall pay only the ordinary and necessary expenses, including travel, of the special prosecutor as directed by the judge in addition to a fee for the services of the special prosecutor, which fee shall be approved by the judge but which may not exceed the amount of salary payable to a retired judge sitting in that court or district pursuant to section 5 (3) of article VI of the state constitution.

⁷ Government – State; 24-53-101 – Public Employee' Social Security- Definition

⁸ Government – State; 24-53-104 – Public Employee' Social Security – Coverage of political subdivisions

⁹ Courts and Court Procedure; 13-1-128 – Confidentiality of decisions of courts of record – violations - penalties

¹⁰ Criminal proceedings; 16-5-209 – Commencement of criminal action – Judge may require prosecution

¹¹ District Attorney; 20-1-107 – Disqualification – court to appoint prosecutor –legislative declaration

Colorado Sunshine Law

The board SHALL (statutorily required) designate annually, at the first meeting, the public place(s) where the posted notice(s) and agenda of the public meetings or hearings will be located.

C.R.S. 24-6-402. (2)(c)

The board SHALL (statutorily required) post any meeting at which action is taking place or proposed to take place or a quorum of the board is present, a minimum of 24 hours in advance of the meeting.

C.R.S. 24-6-402. (2)(c)

24-6-402. Meetings – open to public.

(1) For the purposes of this section:

- (a) “Local public body” means any board, committee, **commission**, authority, or other advisory, policy-making, rule-making, or formally constituted body of any political subdivision of the state and any public or private entity to which a political subdivision, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the local public body.
- (b) “Meeting” means any kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication.
- (c) “Political subdivision of the state” includes, but is not limited to, any county, city, city and county, town, home rule city, home rule county, home rule city and county, school district, special district, local improvement district, special improvement district, or service district.
- (d) “State public body” means any board, committee, **commission**, or other advisory, policy-making, rule-making, decision-making, or formally constituted body of any state agency, state authority, governing board of a state institution of higher education including the regents of the university of Colorado, a nonprofit corporation incorporated pursuant to section [23-5-121 \(2\)](#)¹², C.R.S., or the general assembly, and any public or private entity to which the state, or an official thereof, has delegated a governmental decision-making function but does not include persons on the administrative staff of the state public body.

- (2) (a) All meetings of two or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times.
- (b) All meetings of a quorum or three or more members of any local public body, whichever is fewer, at which any public business is discussed or at which any formal action may be taking are declared to be public meetings open to the public at all times.
- (c) Any meetings at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or at which a majority or quorum of the body is in attendance, or is expected to be in attendance, shall be held only after full and timely notice to the public. *In addition to any other means of full and timely notice, a local public body shall be deemed to have given full and timely notice if the notice of the meeting is posted in a designated public place within the boundaries of the local public*

¹² Higher Education and Vocational Training; 23-5-121 – Governing boards – authority to establish nonprofit corporations for developing discoveries and technology

body no less than twenty-four hours prior to the holding of the meeting. The public place or places for posting such notice shall be designated annually at the local public body's first regular meeting of each calendar year. The posting shall include specific agenda information where possible.

- (d) (I) Minutes of any meeting of a state public body shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (3) of this section is held shall reflect the topic of the discussion at the executive session.
 - (II) Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, resolution, rule, regulation or formal action occurs or could occur shall be taken and promptly recorded, and such records shall be open to public inspection. The minutes of a meeting during which an executive session authorized under subsection (4) of this section is held shall reflect the topic of the discussion at the executive session.
 - (III) If elected officials use electronic mail to discuss pending legislation or other public business among themselves, the electronic mail shall be subject to the requirements of this section. Electronic mail communication among elected officials that does not relate to pending legislation or other public business shall not be considered a “meeting” with the meaning of this section.
- (d.5) (I) **Sub-subparagraph (A), (B), (C), (D) and (E) of subparagraph (I) pertains to state public bodies and are not specifically noted in this citation.**
- (II) (A) Discussions that occur in an executive session of a local public body shall be electronically recorded. If a local public body electronically recorded the minutes of its open meetings on or after August 8, 2001, the local public body shall continue to electronically record the minutes of its open meetings that occur on or after August 8, 2001; except that electronic recording shall not be required for two successive meetings of the local public body while the regularly used electronic equipment is inoperable. A local public body may satisfy the electronic recording requirements of this sub-subparagraph (A) by making any form of electronic recording of the discussions in an executive session of the local public body. Except as provided in sub-subparagraph (B) of this subparagraph (II), the electronic recording of an executive session shall reflect the specific citation to the provision in subsection (3) of this section that authorizes the local public body to meet in an executive session and the actual contents of the discussion during the session. The provisions of this sub-subparagraph (A) shall not apply to discussions of individual students by a local public body pursuant to paragraph (h) of subsection (4) of this section.
 - (B) If, in the opinion of the attorney who is representing the local public body and who is in attendance at an executive session that has been properly announced pursuant to subsection (4) of this section, all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication. The electronic recording of said executive session discussion shall reflect that no further record or electronic recording was kept of the discussion based on the opinion of the attorney representing the local public body, as stated for the record during the executive session,

that the discussion constitutes a privileged attorney-client communication, or the attorney representing the local public body may provide a signed statement attesting that the portion of the executive session that was not recorded constituted a privileged attorney-client communication in the opinion of the attorney.

- (C) If a court finds, upon application of a person seeking access to the record of the executive session of a local public body in accordance with section [24-72-204](#)¹³ (5.5), C.R.S. and after an in camera review of the record of the executive session, that the local public body engaged in substantial discussion of any matters not enumerated in subsection (3) of this section or that the body adopted a proposed policy, position, resolution, rule, regulation, or formal action shall be open to public inspection pursuant to section [24-72-204](#) (5.5)
C.R.S.
- (D) No portion of this record of an executive session of a local public body shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the local public body or as provided in sub-subparagraph (C) of this subparagraph (II) and section [24-72-204](#) (5.5),
C.R.S.

(E) The record of an executive session of a local public body recorded pursuant to sub-subparagraph (A) of this subparagraph (II) ***shall be retained for at least ninety days after the date of the executive session.***

- (e) This part 4 *does not apply to any chance meeting or social gathering* at which discussion of public business is not the central purpose.
- (f) The provisions of paragraph (c) of this subsection (2) *shall not be construed to apply to the day-to-day oversight of property or supervision of employees by county commissioners*. Except as set forth in this paragraph (f), the provisions of this paragraph (f) shall not be interpreted to alter any requirements of paragraph (c) of this subsection (2).
- (3) **Subsection (3), paragraph (a) and subparagraphs (I), (II), (III), (IV), (V), (VI), (VII), and (VIII); paragraph (b) and subparagraphs (I) and (II); paragraph (c) and subsection (3.5) pertains to state public body and are not noted in this citation.**
- (4) The members of a local public body subject to this part 4, upon the announcement by the local public body to the public of the topic for discussion in the executive session, including specific citation to the provision of this subsection (4) authorizing the body to meet in an executive session and identification of the particular matter to be discussed in as much detail as possible without compromising the purpose for which the executive is authorized, and the affirmative vote of two-thirds of the quorum present, after such announcement, may hold an executive session only at a regular or special meeting and for the sole purpose of considering any of the following matters; except that no adoption of any proposed policy, position, resolution, rule, regulation, or formal action, except to review, approval, and amendment of the minutes of an executive session recorded pursuant to subparagraph (II) of paragraph (d.5) of subsection (2) of

¹³ Government – State; 24-72-204 – Allowance or denial of inspection – grounds – procedure - appeal

this section, shall occur at any executive session that is not open to the public:

- (a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the local public body has a personal interest in such purchase, acquisition, lease, transfer, or sale;
 - (b) Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient to satisfy the requirements of this subsection (4).
 - (c) Matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.
 - (d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;
 - (e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;
 - (f)
 - (I) Personnel matters *except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.*
 - (II) The provisions of subparagraph (I) of this paragraph (f) shall not apply to discussions concerning any member of the local public body, any elected official, or the appointment of a person to fill the office of a member of the local public body or an elected official or to discussions of personnel policies that do not require the discussion of matters personal to particular employees.
 - (g) Consideration of any documents protected by the mandatory nondisclosure provisions of the “Colorado Open Records Act”, part 2 of article 72 of this title; except that all consideration of documents or records that are work product as defined in section [24-72-202](#)¹⁴ (6.5, C.R.S. or that are subject to the governmental or deliberative process privilege shall occur in a public meeting unless an executive session is otherwise allowed pursuant to this subsection (4):
 - (h) **Paragraph (h) has to do with individual students and is not cited in this citation.**
- (5) Deleted by amendment
- (6) The limitations imposed by subsections (3), (4), and (5) of this section do not apply to matters which are covered by section 14 of article V of the state constitution.
- (7) The secretary or clerk of each state public body or local body shall maintain a list of persons who, within the previous two years, have requested notification of all meetings or of meetings when certain specified policies will be discussed and shall provide reasonable advance notification of such meetings, provided, however, that unintentional failure to provide such advance notice will not nullify actions taken at an otherwise properly published meeting. The

¹⁴ Government – State; 24-72-202 – Definition – Public Records – work product

provisions of this subsection (7) shall not apply to the day-to-day oversight of property or supervision of employees by **county commissioners**, as provided in paragraph (f) of subsection (2) of this section.

- (8) No resolution, rule, regulation, ordinance, or formal action of a state or local public body shall be valid unless taken or made at a meeting that meets the requirements of subsection (3) of this section.
- (9) The courts of record of this state shall have jurisdiction to issue injunctions to enforce the purposes of this section upon application by any citizen of this state. In any action in which the court finds a violation of this section, the court shall award the citizen prevailing in such action costs and reasonable attorney fees. In the event the court does not find a violation of this section, it shall award costs and reasonable attorney fees to the prevailing party if the court finds that the action was frivolous, vexatious, or groundless.
- (10) Any provision of this section declared to be unconstitutional or otherwise invalid shall not impair the remaining provisions of this section, and, to this end, the provisions of this section are declared to be severable.

Legal Newspaper

The board SHALL (statutorily required) designate the official newspaper of the county.

C.R.S. 24-70-108 (2)

24-70-108. Designation of legal newspaper.

In all cases and proceedings brought in courts of record in this state and in foreclosure proceedings through the public trustee *wherein the law requires the publication of a legal notice or advertisement or said legal notice or advertisement is published by order of the court in compliance with the law or rules of procedure of such court, the party upon whose motion or application or the beneficiary under the deed of trust or the legal holder of an indebtedness secured by a deed of trust shall have the right to designate the newspaper in which such legal notice or advertisement shall be published.* Said newspaper shall be a legal newspaper as defined by law and shall be published in the county where such publication is required to be made by law or by the rules of civil procedure or rules of the court applicable thereto.

Public Health

The board SHALL (statutorily required), by resolution, establish and maintain a county or district public health agency.

C.R.S. 25-1-506 (1)

25-1-506. County or district public health agency.

- (1) *Each county, by resolution of its **board of county commissioners**, shall establish and maintain a county public health agency or shall participate in a district public health agency. Any two or more contiguous counties, by resolutions of the **boards of county commissioners** of the respective counties, may establish and maintain a district public health agency. An agency shall consist of a county or district board of health, a public health director, and all other personnel employed or retained under the provisions of this subpart 3.*
- (2) (a) (I) The jurisdiction of any agency shall extend over all unincorporated areas and over all municipal corporations within the territorial limits of the county or the counties comprising the district, but not over the territory of any municipal corporation that

maintains its own public health agency. If the county has a county public health agency or a district board of health and if the county is within a district public health agency, any municipal corporation not otherwise within the jurisdiction of an agency, by agreement of its city council, board of trustees or other governing body, and the **board of county commissioners** of the county wherein the municipal corporation is situated may merge its department with the county or district public health agency.

- (II) In the event of a merger between a health department of a municipal corporation with a county or district public health agency, the agreement of merger, among other things, shall provide that a member or members of the county or district board of health, as is specified in the agreement, shall be appointed by the city council or board of trustees of the municipal corporation rather than as provided in this section. The city council or board of trustees shall appoint the number of members specified in the agreement of merger, and the remaining members shall be appointed as provided in this section.
 - (III) The **board of county commissioners**, in order to give the municipal corporation representation on a county board of health previously established, may declare vacancies in the county board of health and permit the vacancies to be filled by the city council or board of trustees of the municipal corporation.
- (b) All county or district boards of health existing within the county or district shall be dissolved upon the organization of a county or district public health agency under the provisions of this part 5 or upon the acceptance of a county into a district already established.
 - (c) In the event of the dissolution of any county or district public health agency, the withdrawal of a county from an established district, or the withdrawal of a municipal corporation that has voluntarily merged its health department or agency with a county or district public health agency, local boards of health shall be reestablished under the provisions of this part 5 and assume the powers and duties conferred upon such local boards.
- (3) (a) Subject to available appropriations, an agency shall provide or arrange for the provisions of services necessary to carry out the public health laws and rules of the state board, the water quality control commission, the air quality control commission, and the solid and hazardous waste commission according to the specific needs and resources available within the community as determined by the county or district board of health or the **board of county commissioners** and as set out in both the comprehensive, statewide public health improvement plan developed pursuant to section [25-1-504](#)¹⁵, C.R.S., and the county or district public health plan developed pursuant to section [25-1-505](#)¹⁶, C.R.S.
 - (b) In addition to other powers and duties, an agency shall have the following duties:
 - (I) To complete a community health assessment and to create the county or district public health plan at least every five years under the direction of the county or district board and to submit the plan to the county or district board and state board

¹⁵ Health; 25-1-504 – Comprehensive public health plan – development – approval – reassessment – cash fund

¹⁶ Health; 25-1-505 – County and district public health plans - approval

for review;

- (II) To advise the county or district board on public policy issues necessary to protect public health and the environment;
- (III) To provide or arrange for the provision of quality, core public health services deemed essential by the state board and the comprehensive, statewide public health improvement plan; except that the agency shall be deemed to have met this requirement if the agency can demonstrate to the county or district board that other providers offer core public health services that are sufficient to meet the local needs as determined by the plan;
- (IV) To the extent authorized by the provisions of this title or article [20](#)¹⁷ of title [30](#), C.R.S., to administer and enforce the laws pertaining to:
 - (A) Public health, air pollution, solid and hazardous waste, land water quality;
 - (B) Vital statistics; and
 - (C) The orders, rules, and standards of the state board and any other type 1 agency created pursuant to the provisions of this title;
- (V) To investigate and control the causes of epidemic or communicable diseases and conditions affecting public health;
- (VI) To establish, maintain, and enforce isolation and quarantine, and in pursuance thereof and for this purpose only, to exercise physical control over property and over the persons of the people within the jurisdiction of the agency as the agency may find necessary for the protection of the public health.
- (VII) To close schools and public places and to prohibit gatherings of people when necessary to protect public health;
- (VIII) To investigate and abate nuisances when necessary in order to eliminate sources of epidemic or communicable diseases and conditions affecting public health;
- (IX) To establish, maintain, or make available chemical, bacteriological, and biological laboratories, and to conduct such laboratory investigations and examinations as it may deem necessary or proper for the protection of the public health;
- (X) To purchase and distribute to licensed physicians and veterinarians, with or without charge, as the county or district board may determine upon considerations of emergency or need, approved biological or therapeutic products necessary for the protection of public health;
- (XI) To initiate and carry out health programs consistent with state law that are necessary or desirable by the county or district board to protect public health and the environment;
- (XII) To collect, compile, and tabulate reports of marriages, dissolutions of marriage, and declarations of invalidity of marriage, births, deaths, and morbidity, and to require any person having information with regard to the same to make such reports and submit such information as is required by law or the rules of the state board;
- (XIII) To make necessary sanitation and health investigations and inspections, on its own

¹⁷ Public Improvements; 30-20-100.5 to 30-20-1203

initiative or in cooperation with the state department, for matters affecting public health that are within the jurisdiction and control of the agency; and

(XIV) To collaborate with the state department and the state board in all matters pertaining to public health, the water quality control commission in all matters pertaining to water quality, the air quality control commission and the division of administration of the state department in all matters pertaining to air pollution, and the solid and hazardous waste commission in all matters pertaining to solid and hazardous waste.

(c) If a county or district board of health does not receive sufficient appropriations to fulfill all the duties described in paragraph (b) of this subsection (3), the county or district board shall set priorities for fulfilling the duties and shall include the list of priorities in its county or district public health plan submitted pursuant to section [25-1-505](#)¹⁸, C.R.S.

25-1-507. Municipal board of health.

Except as otherwise provided by law, the mayor and council of each incorporated town or city, whether incorporated under general statutes or special charter in this state, may establish a municipal; public health agency and appoint a municipal board of health. If appointed, the municipal board of health shall have all the powers and responsibilities and perform all the duties of a county or district board of health as provided in this part 5 within the limits of the respective city or town of which they are the officers.

25-1-508. County or district boards of public health – public health directors.

- (1) Within ninety days after the adoption of a resolution to establish and maintain a county public health agency or to participate in a district public health agency, the respective **board of county commissioners** shall proceed to organize the agency by the appointment of a county or district board of health, referred to in this part 5 as a “county or district board”.
- (2)
 - (a)
 - (I) Each county board of health shall consist of at least five members to be appointed by the **board of county commissioners** for five-year terms; except that the **board of county commissioners** shall stagger the terms of the initial appointments. Thereafter, full-term appointments shall be for five years.
 - (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (a), a county with a population of less than one hundred thousand people may have a county board of health that consists of at least three members to be appointed by the **board of county commissioners** for five-year terms; except that the **board of county commissioners** shall stagger the terms of the initial appointments. Thereafter, full-term appointments shall be for five years.
 - (b) Each member of the county board of health shall be a resident of the county in which the county agency is located. Appointments shall be made to the board so that no business or professional group or governmental entity shall constitute a majority of the board. Any vacancy on the board shall be filled in the same manner as full-term appointments by the appointment of a qualified person for the unexpired term.
 - (c) In a county with a population of less than one hundred thousand people that, as of July 1, 2008, does not have a board of health that is separate from the **board of county commissioners**, the **board of county commissioners** may designate itself as the county board of health as of July 1, 2008. The terms of the members of the county board of

¹⁸ Health; 25-1-505 – County and district public health plans - approval

health shall coincide with their terms as commissioners. Such county boards shall assume all the duties of appointed county boards.

- (d) Notwithstanding the provisions of paragraphs (a) to (c) of this subsection (2), a county board of health in a home-rule county shall comply with the requirements of its home-rule charter.
- (3)
- (a) Each district board of health shall consist of a minimum of five members. The membership of each district board of health shall include at least one representative from each county in the district. The members of the board shall be appointed by an appointments committee composed of one member of each of the **board of county commissioners** of the counties comprising the district. The appointments committee for each district board shall designate the number of members of its district board and shall establish staggered terms for the initial appointments. Thereafter, full-term appointments shall be for five years.
 - (b) Each member of the district board shall be a resident of one of the counties comprising the district, and there shall be at least one member from each of the counties comprising the district. Appointments shall be made to the district board so that no business or professional group or governmental entity shall constitute a majority of the district board. The appointments committee shall fill any vacancy on the district board by appointment of a qualified person for the remainder of the unexpired term.
 - (c) Upon establishment of a district board, all county boards previously existing within the county or district shall be dissolved. Upon the acceptance of a new county into an established district, the county or district board previously existing for the county being added shall be dissolved and the chair of the previous county or district board or the chair's designee shall represent the new county on the district board until a new member is appointed by the appointments committee.
- (4)
- (a) A county or district board, at its organizational meeting, shall elect from its members a president and other officers as it shall determine. The public health director of the agency, at the discretion of the board, may serve as secretary but shall not be a member of the board. All officers and the public health director shall hold their positions at the pleasure of the board.
 - (b)
 - (I) Special meetings of the board may be called by the president, by the public health director, or by a majority of the members of the board at any time on three days' prior notice; except that, in case of emergency, twenty-four hours' notice shall be sufficient.
 - (II) A county or district board may adopt, and at any time may amend, bylaws in relation to its meetings and the transaction of its business. A majority of the board shall constitute a quorum. Members of the board shall serve without compensation but shall be reimbursed for their actual and necessary travel and subsistence expenses to attend meetings.
- (5) In addition to all other powers and duties conferred and imposed upon county or district boards by the provisions of this subpart 3, county or district boards shall have and exercise the following specific powers and duties.
- (a) To develop and promote the public policies needed to secure the conditions necessary for a healthy community;
 - (b) To approve the local public health plan completed by the county or district agency, and to

- submit the local plan to the state board for review;
- (c) (I) To select a public health director to serve at the pleasure of the county or district board. The public health director shall possess such minimum qualifications as may be prescribed by the state board. A public health director may be a physician, a public health nurse, or other qualified public health professional. A public health director may practice medicine or nursing with his or her license and scope of practice, as necessary, to carry out the functions of the office of the public health director. The qualifications shall reflect the resources and needs of the county or counties covered by the agency. If the public health director is not a physician, the county or district board shall employ or contract with at least one medical officer to advise the public health director on medical decisions. The public health director shall maintain an office location designated by the county or district board and shall be the custodian of all property and records of the agency.
 - (II) A person employed or under contract to act as a medical officer pursuant to this paragraph (c) shall be covered by the “Colorado Governmental Immunity Act”, article [10](#)¹⁹ of title [24](#), C.R.S., for duties performed for the agency.
 - (d) (I) In the event of a vacancy in the position of public health director or medical officer, to either employ or contract with a person deemed qualified to fill the position or to request temporary assistance from a public health director or a medical officer from another county. The county or district board may also request that an employee of the state department, such as a qualified executive director or the chief medical officer, serve on an interim basis with all the powers and duties of the position.
 - (II) A person filling a temporary vacancy as public health director or medical officer shall be covered by the “Colorado Governmental Immunity Act”, article [10](#) of title [24](#), C.R.S., for duties performed for the agency.
 - (e) To provide, equip, and maintain suitable offices and all necessary facilities for the proper administration and provision of core public health services, as defined by the state board;
 - (f) To determine general policies to be followed by the public health director in administering and enforcing public health laws, orders, and rules of the county or district board, and orders, rules, and standards of the state board;
 - (g) To issue orders and to adopt rules not inconsistent with the public health laws of this state nor with the orders or rules of the state board as the county or district board may deem necessary for the proper exercise of the powers and duties vested in or imposed upon an agency or county or district board by this part 5;
 - (h) To act in an advisory capacity to the public health director on all matters pertaining to public health;
 - (i) To hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the exercise and performance of the powers and duties vested in or imposed upon a county or district board;

¹⁹ Government – State; 24-10-101 to 24-10-120 – Governmental Immunity

- (j) To provide environmental health services and to assess fees to offset the actual, direct cost of such services; except that no fee for a service shall be assessed against any person who has already paid a fee to the state or federal government for the service, and except that the only fee that shall be charged for annual retail food establishment inspections shall be the fee set forth in section [25-4-1607](#)²⁰, C.R.S.; and
- (k) To accept and, through the public health director, to use, disburse, and administer all federal aid, state aid, or other property, services, or moneys allotted to an agency for county or district public health functions or allotted without designation of a specific agency for purposes that are within the functions of an agency, and to prescribe, by rule consistent with the laws of this state, the conditions under which the property, services, or moneys shall be accepted and administered. The county or district board is empowered to make agreements that may be required to receive such moneys or other assistance.

25-1-509. County and district public health directors.

- (1) (a) The director of each agency shall be the public health director.
 - (b) All other personnel required by an agency shall be selected by the public health director. All personnel shall perform duties as prescribed by the public health director.
 - (c) In the event of a public health emergency, the agency shall issue orders and adopt rules consistent with the laws and rules of the state as the public health director may deem necessary for the proper exercise of the powers and duties vested in or imposed upon the agency or county or district board.
- (2) In addition to the other powers and duties conferred by this part 5 or by the agency, a public health director has the following powers and duties:
 - (a) To administer and enforce:
 - (I) The public health laws of the state and, as authorized by the provisions of this title or article [20](#)²¹ of title [30](#), C.R.S., the public health orders, rules, and standards of the state department or the state board; and
 - (II) The orders and rules of the county or district board;
 - (b) To exercise all powers and duties conferred and imposed upon agencies not expressly delegated by the provisions of this part five to a county or district board;
 - (c) To hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the exercise and performance of his or her powers and duties;
 - (d) To act as the local registrar of vital statistics or to contract out the responsibility of registrar in the area over which the agency has jurisdiction;
 - (e) To direct the resources needed to carry out the county or district public health plan developed pursuant to section [25-1-505](#)²², C.R.S.; and
 - (f) If requested by the county or district board, to serve as secretary to the board responsible

²⁰ Health; 25-4-1607 – Food Protection Act - Fees

²¹ Government – County; 30-20-100.5 to 30-20-1203 – Public Improvements

²² Health; 25-1-505 – Health departments - personnel

for maintaining all records required by part 2 of article 72²³ of title 24, C.R.S., and ensuring public notice of all meetings in accordance with part 4 of article 6²⁴ of title 24,
C.R.S. The director shall be the custodian of all properties and records for the agency.

25-1-510. County or district board unable or unwilling to act.

- (1) If the county or district board is unable or unwilling to efficiently or promptly abate a nuisance or prevent the introduction or spread of a contagious or infectious disease, the county or district board or agency shall notify the state department and request assistance to take measures that will abate the nuisance or prevent the introduction or spread of disease.
- (2) Upon receipt of the notice and request described in subsection (1) of this section, or upon determination that the county or district board is unable or unwilling to act, the state department has full power to take measures to ensure the abatement of the nuisance or prevent the introduction or spread of disease. The state department, for this purpose, may assume all powers conferred by law on the county or district board.
- (3) The state department may reallocate state moneys from an agency that is not able to provide core public health services or standards to another entity to deliver services in that agency's jurisdiction.

25-1-511. County treasurer – agency funds.

- (1) In the case of a county public health agency, the county treasurer, as a part of his or her official duties as county treasurer, shall serve as treasurer of the agency, and the treasurer's official bond as county treasurer shall extend to and cover his or her duties as treasurer of the agency. In the case of a district public health agency, the county treasurer of the county in the district have the largest population as determined by the most recent federal census, as a part of his or her official duties as county treasurer, shall serve as treasurer of the district agency, and the treasurer's official bond as county treasurer shall extend to and cover his or her duties as treasurer of the district agency.
- (2) The treasurer of any agency, upon organization of the agency, shall create a county or district public health agency fund, to which shall be credited:
 - (a) Any moneys appropriated from a county general fund; and
 - (b) Any moneys received from state or federal appropriations or any other gifts, grants, donations, or fees for local public health purposes.
- (3) Any moneys credited to a fund created pursuant to subsection (3) of this section shall be expended only for the purposes of this part 5, and claims or demands against the fund shall be allowed only if certified by the public health director and the president of the county or district board or any other member of the county or district board designated by the president for such purpose.
- (4) On or before September 1, 2008, and on or before September 1 of each year thereafter, a county board of health shall estimate the total cost of maintaining the county public health agency for the ensuing fiscal year, and the amount of moneys that may be available from unexpended surpluses or from state or federal funds or other grants or donations. On or before September 1 of each year, the estimates shall be submitted in the form of a budget to the **board of county commissioners**. The **board of county commissioners** is authorized to provide any moneys

²³ Government – State; 24-72-101.1 to 24-72-502 – Public (Open) Records

²⁴ Government – State; 24-6-101 to 24-6-402 – Colorado Sunshine Law

necessary, over estimated moneys from surpluses, grants, and donations, to cover the total cost of maintaining the agency for the ensuing fiscal year by an appropriation from the county general fund.

- (5) On or before September 1, 2008, and on or before September 1 of each year thereafter, a district board of health shall estimate the total cost of maintaining the district public health agency for the ensuing fiscal year, and the amount of moneys that may be available from unexpended surpluses or from state or federal funds or other grants or donations. On or before September 1 of each year, the estimates shall be submitted in the form of a budget to a committee composed of the chairs of the **boards of county commissioners** of all counties comprising the district. The cost for maintaining the agency, over estimated moneys from surpluses, grants, or donations, shall be apportioned by the committee among the counties comprising the district in the proportion that the population of each county in the district bears to the total population of all counties in the district, population figures to be based on the most recent federal census. The **board of county commissioners** of the respective counties is authorized to provide any moneys necessary to cover the proportionate shares of their counties by any appropriation from the county general fund.

25-1-512. Allocation of moneys – public health services support fund – created.

- (1) (a) The state department shall allocate any money that the general assembly may appropriate for distribution to county or district public health agencies organized pursuant to this part 5 for the provision of local health services. The state board shall determine the basis for the allocation of moneys to the agencies. In determining the allocation of moneys, the state board shall take into account the population served by each agency, the additional costs involved in operating small or rural agencies, and the scope of services provided by each agency.
- (b) (I) In order to qualify for state assistance, *each county and city and county shall contribute a minimum of one dollar and fifty cents per capita for its local health services* and may contribute additional amounts as it may determine to be necessary to meet its local health needs.
- (II) Notwithstanding the provisions of subparagraph (I) of this paragraph (b), for a district public health agency, the counties or cities and counties of the district in total shall contribute a minimum of one dollar and fifty cents per capita for local health services within the district.
- (c) Federally funded and state-funded special projects and demonstrations shall be in addition to the allotments specified in paragraph (b) of this subsection (1).
- (2) The public health services support fund is hereby created in the state treasury and shall be known in this section as the “fund”. The principal of the fund shall consist of tobacco litigation settlement moneys transferred by the state treasurer to the fund pursuant to section [24-75-1104.5](#)²⁵ (1.5) (a) (IV), C.R.S., and shall, subject to annual appropriation by the general assembly to the state department, be allocated by the state department to all agencies authorized pursuant to this part 5 as specified in subsection (1) of this section; except that, at the end of the 2007-08 fiscal year and at the end of each fiscal year thereafter, all unexpended and unencumbered principal of the fund shall be transferred to the short-term innovative health program grant fund created in section [25-36-101](#)²⁶ (2),

²⁵ Government – State; 24-75-1104.5 – Use of settlement moneys - programs

²⁶ Health; 25-36-101 – Short-term grants for innovative health programs – grant fund – creation – appropriation from fund –

C.R.S., in accordance with section [24-75-1104.5](#) (1.5) (b),
C.R.S. Interest and income earned on the deposit and investment of moneys in the public health services support fund shall be credited to the fund and shall remain in the fund until the end of the fiscal year in which credited, when it shall be transferred to the short-term innovative health program grant fund created in section [25-36-101](#) (2),
C.R.S., in accordance with section [24-75-1104.5](#) (1.5) (b),
C.R.S.

Social Services

The county SHALL (statutorily required) establish a county department of social services to provide public assistance and welfare activity.

C.R.S. 26-1-115(1)

26-1-115. County departments- district departments.

- (1) Except as provided in subsection (2) of this section, *there shall be established in each county of the state a county department of social services which shall consist of a **county board of social services**, a county director of social services, and such additional employees as may be necessary for the efficient performance of public assistance and welfare activities, including but not limited to assistance payments, food stamps, and social services.*
- (2) With the approval of the state department, two or more counties may jointly establish a district department of social services. All duties and responsibilities set forth in this title for county departments shall also apply to district departments.

The board SHALL (statutorily required) sit as the board of social services.

C.R.S. 26-1-116 (1) (a)

26-1-116. County boards – district boards.

- (1)
 - (a) *The **county board** shall consist of the **board of county commissioners** in each county; except that “board of county commissioners” as used in this title, in the city and county of Denver, means the department or agency with the responsibility for public assistance and welfare activities and, in the city and county of Broomfield, means the city council or a board or commission appointed by the city and county of Broomfield.*
 - (b) *In the case of district department established pursuant to section [26-1-115](#) (2), C.R.S., the district board shall consist of not less than three members, and each county in the district shall select one or more of its **county commissioners** to serve as a member of the district board. The district board shall, in relation to the district department, have all the powers, duties, and responsibilities which the county board has in relation to the county department.*
- (2) *The **county board** shall elect a chairman who shall preside at meetings and when authorized by the board, shall sign all necessary documents for the board.*
- (3) *The **county board** may hold a meeting to address the public assistance and welfare duties, responsibilities, and activities of the county department in conjunction with a meeting of the **board of county commissioners**, upon full and timely notice given pursuant to the provisions of*

transfer of moneys for fiscal years 2007-08 through 2011-12

section [24-6-402](#)²⁷,

C.R.S. The **county board** shall act in accordance with rules adopted by the state board when addressing public assistance and welfare duties, responsibilities, and activities of the county department.

The board SHALL (statutorily required) appoint a county department of social services/human services director or acting director

C.R.S. 26-1-117(1)

26-1-117. County director – district director.

- (1) It is the duty of the **county board** to appoint a county director, who shall be charged with the executive and administrative duties and responsibilities of the county department, subject to the policies, rules, and regulations of the state department, and who shall serve as secretary to the **county board**, unless a secretary is otherwise appointed by the **board**. The salary of the county director shall be established by the **board of county commissioners** of the county. The state department shall reimburse the salary of the county director as provided in section [26-1-120](#)²⁸, C.R.S.
- (2) In the case of a district department established pursuant to section [26-1-115](#)²⁹ (2), C.R.S., the district board shall appoint one district director to serve the entire district. Such district director shall be appointed in the same manner and subject to the same conditions as the county director provided for in subsection (1) of this section. The district director shall, in relation to the district department, have all the powers, duties, and responsibilities which the county director has in relation to the county department.

26-1-118. Duties of county departments, county directors, and district attorneys.

- (1) The county departments or other state designated agencies, where applicable, shall serve as agents of the state department and shall be charged with the administration of public assistance and welfare and related activities in the respective counties in accordance with the rules and regulations of the state department.
- (2) The county departments or other state designated agencies, where applicable, shall report to the state department as such times and in such manner and form as the state department may from time to time direct. The state department may require a county department to report information concerning *county employees* including but not limited to qualifications, work schedules, pay, duties, evaluations, training, and corrective and disciplinary actions. A county department may provide such information by use of a unique identifier for each employee that provides the information without identifying the name of the employee. However, nothing in this section shall be construed to prevent access by the state department to individual employee files, to the extent permitted by state and federal law, for purposes of carrying out the responsibility of the state department for the supervision and administration of programs funded in whole or in part by the state department. The state department shall maintain the confidentiality of such records in a manner consistent with state and federal law.
- (3) The county department or other state designated agencies, where applicable, in each county shall submit quarterly and annually to the **board of county commissioners** a budget containing an estimate and supporting data setting forth the amount of money needed to carry out the

²⁷ Government – State; 24-6-402 – Colorado Sunshine Law

²⁸ Human Services Code; 26-1-120 – Merit System

²⁹ Human Services Code; 26-1-115 – County department – district department

provisions of this title.

- (4) When appointed by a court of competent jurisdiction and consistent with state department rules and regulations, the county director shall perform under the supervision of such court the function of officer or agent of the court in any social services matters which may be before it.
- (5) The county department may receive for placement in foster care any child upon agreement of his parent, his guardian, or any other person having legal custody of such child. Such agreements, provided for in this subsection (5), shall be in writing and on forms prescribed by the state department and may contain any proper and legal provisions for proper care of the child and such other provisions as may be considered necessary by the state department.
- (6) The county department shall report, to the district attorney monthly, data relating to fraudulent activities covering, as a minimum, the activities specified in paragraphs (a), (b), and (d) of this subsection (6), and the district attorney shall likewise report, monthly to the county department, the data specified in paragraph (c) of this subsection (6), as follows when applicable:
 - (a) Investigations (including welfare and district attorney cases accepted for fraud investigation during the month);
 - (b) Welfare action – assistance denials and assistance reductions;
 - (c) District attorney action:
 - (I) Criminal complaints requested during the month;
 - (II) Criminal complaints declined during the month;
 - (IV) Cases dismissed during the month;
 - (V) Convictions during the month;
 - (VI) Confessions of judgments (notes);
 - (d) Recoveries:
 - (I) Fines and penalties _____ (in dollars);
 - (II) Restitutions ordered _____ (in dollars);
 - (III) Restitutions collected _____ (in dollars).
- (7) The counties may prepare and issue to all payees, excluding heads of households in NPA food stamp cases, at the time of delivery of any public assistance, a hermetically sealed photo identification card which is manufactured in such a secure manner as to resist duplication or intrusion and containing the full name, a card identification number, and any other data which would insure proper identification. A county department shall refer to the appropriate law enforcement agency for investigation, within ten working days after discovery, any information it may have concerning the improper use of a photo identification card by a person not eligible to possess such card.
- (8) Starting in the calendar year 1979, no less than eight hours of fraud prevention training shall be given to all eligibility technicians, caseworkers, resource investigators, homemakers, supervisors, and such other persons within the county department as the county director deems necessary, who have not previously received such training. Such training shall be conducted by a law enforcement agency or its appropriate professional association.

26-1-119. County staff.

The county director, with the approval of the **county board**, shall appoint such staff as may be necessary as determined by the state department rules to administer public assistance and welfare and child welfare activities within his or her county. Such staff shall be appointed and shall serve in accordance with a merit system for the selection, retention, and promotion of county department

employees as described in section [26-1-120](#)³⁰,
C.R.S. The salaries of the members of such staff shall be fixed in accordance with the rules and salary schedules prescribed by the state department; *except that, once a county transfers its county employees to a successor merit system as provided in section 26-1-120, C.R.S., the salaries shall be fixed by the county commissioners.*

26-1-120. Merit system.

- (1) *On January 1, 2001, the merit system for the selection, retention, and promotion of employees of the county departments that has been operated by the state department pursuant to this section is **abolished**.* Beginning on or after July 1, 1997, but no later than January 1, 2001, each county shall provide for a merit system for the selection, retention, and promotion of employees of the county departments *that complies with the criteria specified in subsection (8) of this section and with any other federal standards for a merit system of personnel administration for employees, specified as a condition of receipt of federal funds as set forth in subpart F of 5 CFR 900.601, et seq.* A county can combine with another county or form a district to provide such a merit system for its employees. ***The county department shall certify to the state department that the successor merit system of personnel administration used by the county is in conformance with the federal standards.*** Prior to transferring county employees to a successor merit system, each county shall submit a transition plan to the state department outlining its plan for transferring such employees and for addressing issues that may arise during the transfer, such as salary issues, retention, seniority rights, and appeal processes. The state department shall examine and approve the transition plan if the state department determines that the transition plan is reasonable and that the merit system meets the federal standards. The county may not implement the transition plan or transfer employees to the successor merit system until the state department has approved the transition plan. The state shall not unreasonably withhold approval. Any transition plan for transferring county employees from the state merit system to a successor merit system shall include protections for employees that allow them to retain any accrued annual or sick leave benefits and that the compensate such employees at the same or higher rate of salary. The state department shall provide assistance to counties regarding the transition of county employees from the state merit system to a successor merit system. Nothing in this section shall preclude a county from reorganizing employee staff functions or abolishing positions to achieve greater efficiencies in operations.
- (1.5) Any moneys saved as a result of eliminating the state merit system shall be available to counties to implement the transition from a state merit system to a successor merit system.
- (2) to (7) Repealed.
- (8) ***The merit system provided by the counties shall meet the following federal criteria:***
 - (a) The recruitment, selection, and advancement of employees shall be on the basis of relative abilities, knowledge, and skills, including open consideration of qualified applicants for initial appointment.
 - (b) The system shall provide equitable and adequate compensation.
 - (c) The employees shall be trained as needed to assure high quality of performance.
 - (d) The system shall provide for retaining employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected.

³⁰ Human Services Code; 26-1-120 – Merit system

- (e) The system shall assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, religious creed, age, or disability and with proper regard for the privacy and constitutional rights of such persons as citizens. This fair treatment principle shall include compliance with all federal equal opportunity and nondiscrimination laws.
 - (f) The system shall assure that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the results of an election or a nomination for office.
- (8.5) The merit system provided by the counties shall assure fair treatment of applicants and employees in all aspects of personnel administration without regard to race, creed, color, religion, age, disability, sex, sexual orientation, marital status, national origin, or ancestry.
- (9) With respect to the merit system provided by the counties, the state board of human services shall promulgate rules on the following:
- (a) Minimum standards for qualifications of certain positions that are determined by the state board to necessitate uniform standards;
 - (b) *Establishment of maximum state reimbursement levels for the salaries of county department employees and county directors.*
- (10) Repealed.
- (11) The county director of a county department shall be exempt from the merit system established and maintained by the state department pursuant to this section as it existed prior to July 1, 1997. Each county shall determine whether to exempt its county director for the successor merit system designed pursuant to this section. Until the county provides for a successor merit system as provided in this section, the state department shall reimburse only eight percent of the salary established in the compensation plan pursuant to rules of the state department or eighty percent of the actual salary, whichever is less. After the county provides for a successor merit system as provided in this section, the state department shall reimburse only eighty percent of the actual salary; except that such reimbursement shall not exceed the maximum state reimbursement level established by the state board pursuant to subsection (9) of this section.

The board SHALL (statutorily required) establish the office of veterans services and provide a veterans services officer.

C.R.S. 28-5-801(1)

28-5-801. Establishment of veterans service offices.

- (1) *The **board of county commissioners** of each county in this state shall establish a county veterans service office and shall appoint a county veterans service officer for such county, and such **board of county commissioners** may also appoint any assistant and such clerical help as may be deemed necessary, each at such compensation as shall be fixed by such **board**. Together with the necessary and actual traveling and other expenses incurred in their work as shall be approved by such **board of county commissioners** and such other expenses as such **board** may deem necessary for the proper operation of such office, payable monthly out of the county general fund in the manner provided by law. The **board of county commissioners**, in its discretion, may appoint any county officer, official, or employee as such county veterans service officer or as such assistant, if qualified to serve as such under the provisions of section [28-5-802](#)³¹,*

³¹ Military and Veterans; 28-5-802 – Qualifications – term of office

C.R.S., or as clerical help to such county veterans officer, at such additional compensation for such additional duties as shall be fixed by the **board of county commissioners**.

- (2) The **boards of county commissioners** of adjacent counties may act jointly in establishing a veterans service office for such counties and in appointing a veterans service officer and an assistant and such necessary clerical help as may be deemed necessary to operate such office for such counties, at such compensation as may be fixed by the joint action of the **boards of county commissioners** joining in the appointment of such officer and assistant and clerical help, together with the actual and necessary expenses incurred in the conduct of their work, as shall be approved by such **boards of county commissioners**. The salaries and expenses and all other jointly approved expenses necessary for the proper operation of such office shall be paid monthly by the **boards of county commissioners** out of their respective county general funds in the manner provided by law, each county bearing its share thereof in the proportion that the population of each county bears to the total population of the counties combining to establish such office.

The board SHALL (statutorily required) designate or appoint a person to prepare the budget for the upcoming year.

C.R.S. 29-1-104

29-1-104. By whom budget prepared.

The governing body of each local government shall designate or appoint a person to prepare the budget and submit the same to the governing body.

At the time the board receives the preliminary budget, prior to October 15th of each year, the board SHALL (statutorily required) cause to have published a date and time at which the board will consider adopting such budget, supply information on where the public may view the preliminary budget and a statement notifying electors that they may file an objection to the budget.

C.R.S. 29-1-106

The governing body SHALL cause a certified copy of the budget, including the budget message, to be filed in the office of the division.

C.R.S. 29-1-113

29-1-106. Notice of budget.

- (1) Upon receipt of the proposed budget, *the governing body shall cause to be published a notice containing the following information.*
- (a) The date and time of the hearing at which the adoption of the proposed budget will be considered;
 - (b) A statement that the proposed budget is available for inspection by the public at a designated public office located within the boundaries of the local government, or, if no public office is located within such boundaries, the nearest public office where the budget is available; and
 - (c) A statement that any interested elector of the local government may file any objections to the proposed budget at any time prior to the final adoption of the budget by the **governing body**.
- (2) If the **governing body** has submitted or intends to submit a request for increased property tax

revenues to the division pursuant to section [29-1-302](#)³² (1), C.R.S., the amount of the increased property tax revenues resulting from such request shall be stated in such notice or in a subsequent notice in the manner provided in subsection (3) of this section.

- (3) (a) For any local government whose proposed budget is more than fifty thousand dollars, the notice required by subsection (1) of this section shall be published one time in a newspaper having general circulation in the local government.
- (b) Any local government whose proposed budget is fifty thousand dollars or less shall cause copies of the notice required by subsection (1) of this section to be posted in three public places within the jurisdiction of such local government in lieu of such publication.

The board SHALL (statutorily required), by resolution, adopt the budget and make appropriations for the upcoming budget year prior to certifying a county mill levy.

C.R.S. 29-1-108 (2)

29-1-108. Adoption of budget – appropriations – failure to adopt.

- (1) *The **governing body** of the local government shall hold a hearing to consider the adoption of the proposed budget, at which time objections of the electors of the local government shall be considered. The **governing body** shall revise, alter, increase, or decrease the items as it deems necessary in view of the needs of the various spending agencies and the anticipated revenue of the local government. Adoption of the proposed budget shall be effective only upon an affirmative vote of a majority of the members of the **governing body**.*
- (2) *Before the mill levy is certified pursuant to section [39-1-111](#)³³ or [39-5-128](#)³⁴, C.R.S., the **governing body** shall enact an ordinance or resolution adopting the budget and making appropriations for the budget year. The amounts appropriated shall not exceed the expenditures specified in the budget. Appropriations shall be made by fund or by spending agencies within a fund, as determined by the **governing body**. Changes to the adopted budget or appropriation shall be made in accordance with the provisions of section [29-1-109](#)³⁵, C.R.S.*
- (3) *If the **governing body** fails to adopt a budget before certification of the mill levy as provided for in subsection (2) of this section, then ninety percent of the amounts appropriated in the current fiscal year for operation and maintenance expenses shall be deemed reappropriated for the budget year.*
- (4) *If the appropriations for the budget year have not been made by December 31 of the current fiscal year, then ninety percent of the amount appropriated in the current fiscal year for operation and maintenance expenses shall be deemed reappropriated for the budget year.*
- (5) *Notwithstanding any other provision of law, the adoption of the budget, the appropriation of funds, and the certification of the mill levy shall be effective upon adoption.*
- (6) *All unexpended appropriations, or unencumbered appropriations if the encumbrance basis of budgetary accounting is adopted, expire at the end of the fiscal year.*

³² Government – Local; 29-1-302 – Increased levy – submitted to people at election

³³ Taxation; 39-1-111 – Taxes levied by board of county commissioners

³⁴ Taxation; 39-5-128 – Certification of valuation for assessment

³⁵ Government – Local; 29-1-109 – Changes to budget – transfers – supplemental appropriations

The board SHALL (statutorily required) cause an annual inventory to take place of county property, both real and personal.

C.R.S. 29-1-506.

29-1-506. Continuing Inventory

(1) *The **governing body** of each local government shall make or cause to be made an annual inventory of property, both real and personal, belonging to such political subdivision; except that an inventory shall be required only with respect to items of property having an original cost that equals or exceeds an amount established by the **governing body** of each local government, unless such items having a value of less than the amount established by such **governing body** are required to be inventoried by directive of the state auditor. In no event shall the amount established by the governing body of any local government pursuant to this subsection (1) exceed the amount specified in rules promulgated by the state controller pursuant to section [24-30-202](#)³⁶, C.R.S., regarding inventory accounts for items of state property.*

(2) Repealed.

The board SHALL (statutorily required) cause to be made an annual audit of the financial statements of the county each fiscal year.

C.R.S. 29-1-603

29-1-603. Audit required.

- (1) *The **governing body** of each local government in the state shall cause to be made an annual audit of the financial statements of the local government for each fiscal year. To the extent that the financial activities of any local government, or of any other entity, organization, or corporation formed by intergovernmental agreement or other contract between or among local governments, are fully reported in the audit or audits of a parent local government or governments, a separate audit is not required. Such audit shall be made as of the end of the fiscal year of the local government, or, at the option of the governing body, audits may be made at more frequent intervals. As part of the audit of a school district, the auditor shall ensure that the school district is complying with the provisions of section [22-44-204](#)³⁷ (3), C.R.S., concerning the use of the financial policies and procedures handbook adopted by the state board of education. The supplemental schedules of receipts and expenditures for each fund shall be in the format prescribed by the state board of education and shall be in agreement with the audited financial statements of the school district. The department of education shall provide assistance to auditors and school districts implementing and following these requirements.*
- (2) *The audits of each local government shall be conducted in accordance with generally accepted auditing standards by an auditor, as defined in section [29-1-602](#)³⁸, C.R.S., but in no event shall any auditor audit the records, books, or accounts which he has maintained.*
- (3) *The expenses of audits required by this part 6, whether ordered by the local government or the state auditor shall be paid by the local government for which the audit is made. It is the duty of the **governing body** of the local government to make provision for payment of said expenses.*

³⁶ Government – State; 24-30-202 – Accounts and Control – Procedures – vouchers and warrants – rules - penalties

³⁷ Education; 22-44-204 – Financial Policies and Procedures – Use of handbook by school districts

³⁸ Government – Local; 29-1-602 – Local Government Audit Law - Definitions

- (4) The entities listed in section [29-1-602](#) (5)(b), C.R.S. shall annually have an audit made by a certified public accountant and shall file a copy of the audit report made pursuant to such audit with the state auditor no later than thirty days after the report is received by such entity.
- (5) For the audit for the 1994-95 budget year and budget years thereafter, the audit report of each school district shall include a calculation of the school district's fiscal year spending under section 20 of the article X of the state constitution; except that, if a school district has received voter approval to retain revenues in excess of its spending limits under said section 20 (7), the school district shall include a calculation of its fiscal year spending for the first fiscal year following said voter approval but need not include such calculation for fiscal years thereafter.

The board SHALL (statutorily required), not less than once annually, establish a rate for "Emergency Telephone Service".

C.R.S. 29-11-103 (3) (a)

29-11-103. Remittance of charge to governing body – administrative fee – establishment of rate of charge.

- (1) Any charge imposed under the authority of this article and the amounts required to be collected or paid are to be remitted monthly. The amount of the charge collected or paid in one month by the service supplier shall be remitted to the **governing body** no later than thirty days after the close of that month. On or before the sixtieth day of each calendar quarter, a return for the preceding quarter shall be filed with the **governing body** in such form as the **governing body** and service supplier shall agree upon. The service supplier required to file the return shall deliver the return, together with a remittance of the amount of the charge payable, to the office of the **governing body**. The service supplier shall maintain a record of the amount of each charge collected pursuant to this article. Such record shall be maintained for a period of one year after the time the charge was collected.
- (2) From every remittance to the **governing body** made on or before the date when the same becomes due, the service supplier required to remit the same shall be entitled to deduct and retain two percent of said remittance.
- (3) (a) *At least once each calendar year, the **governing body** shall establish a rate of charge, not to exceed the amount authorized, that together with any surplus revenues carried forward will produce sufficient revenues to fund the expenditures authorized by this article. Amounts collected in excess of such necessary expenditures within a given year shall be carried forward to subsequent years and shall be used in accordance with section [29-11-104](#)³⁹ (2),*
C.R.S. Immediately upon determining such rate, the **governing body** shall public in its minutes the new rate, and if the rate has been changed from the prior rate, it shall notify by registered mail every service supplier at least sixty days before such new rate will become effective.
- (b) The governing body may, at its own expense, require an annual audit of the service supplier's books and records concerning the collection and remittance of the charge authorized by this article. Public inspection of the audit and of documents reviewed in the audit shall be subject to section [24-72-204](#)⁴⁰,

³⁹ Government – Local; 29-11-104 – Agreements or contracts for emergency telephone service – use of funds collected

⁴⁰ Government – State; 24-72-204 – Public Records - Allowance or denial of inspection – grounds – procedure – appeal - definitions

Compensation Of County And Other Officers

30-2-103. County commissioners – expenses.

County commissioners shall be allowed their actual and necessary maintenance expenses, together with such mileage as shall be determined by resolution of the **board of county commissioners** of the county or as provided by the charter of a home rule county, within the limits provided under section [30-11-107](#)⁴¹(1) (t),

C.R.S., for each mile actually traveled whether within or without the state when engaged in business on behalf of the county; but no mileage expense shall be allowed while said commissioners are traveling in an automobile furnished by the county.

The board SHALL (statutorily required) approve the appointment and compensation of the deputies, assistants and employees of the county clerk and recorder, county treasurer, county assessor, county coroner, and surveyor.

C.R.S. 30-2-104 (1) (a)

30-2-104. Compensation of deputies and assistants.

- (1) (a) The county clerk and recorders, county treasurers, county assessors, county coroner, and surveyors of the respective counties may appoint such deputies, assistants, and employees as shall be necessary at the compensation, payable at least once each month, as fix by the officers **with the approval of the board of county commissioners** of their respective counties. Except for those employees provided for pursuant to article [1](#)⁴² of title [26](#), C.R.S., **boards of county commissioners** may adopt a classification and compensation plan for all county employees paid in whole or in part by the county. The classification and compensation plan shall include workweek formulas of not less than forty hours designed to satisfy the varying requirements of each county service and county department as provided in paragraph (b) of this subsection (1). Upon **acceptance by an elected official**, the plan shall become binding upon the employees of that office. Changes in benefits, pay grades, and job classifications of employees shall thereafter be made in accordance with the plan.
- (b) (I) Notwithstanding any other provision of law to the contrary, workweek formulas shall take into account the various services provided by the county, the operation of the various county departments, and the demands which such services and operations have in requiring employees to be on the job in a manner which is not in conformity with the basic forty-hour workweek which generally characterizes office work.
- (II) Such workweek formulas may provide for work time in excess of forty hours during consecutive seven-day calendar periods may be based on an averaging formula covering more than such seven-day calendar period.
- (III) Authorized overtime work shall relate to such averaged workweeks where determined in the classification and compensation plan applicable to a described department or service.
- (IV) All employees who work overtime pursuant to any classification and

⁴¹ Government – County; 30-11-107 – Powers of the board

⁴² Human Services Code; 26-1-101 to 26-1-311 – Department of Human Services (See 26-1-119, transfer of employees and salaries shall be fixed by the county commissioners)

compensation plan shall receive overtime compensation, either in cash or in compensatory time.

- (2) In the event litigation is instituted relating to compensation or classification, the burden of proof shall be upon the plaintiff or the elected official instituting such action. Costs of any litigation instituted by an elected official shall be paid out of the county general fund.

The board SHALL (statutorily required) approve the compensation of the undersheriff and the deputy sheriffs appointed by the sheriff.

C.R.S. 30-2-106 (1)

30-2-106. Undersheriffs and deputies – salaries – report of fees.

- (1) Undersheriffs and deputy sheriffs shall be appointed by the sheriffs of their respective counties, and their salaries shall be paid at least one each month. In all counties the salaries of the undersheriff and deputy sheriff shall be fixed by the sheriff, **with the approval of the board of county commissioners**.
- (2) The undersheriff and each deputy sheriff shall make to the sheriff a report in writing, under oath, of all fees collected of any description whatsoever and of all expenditures and necessary expenses relating to the discharge of the duties of his office.
- (3) In addition thereto such sheriffs, undersheriffs, and deputy sheriffs shall be allowed such mileage as shall be determined by resolution of the **board of county commissioners** of each county or as provided by the charter of a home rule county, within the limits provided under section [30-11-107](#)⁴³(1) (t), for each mile actually and necessarily traveled in the performance of their duties.

County (Board Of County Commissioners) Powers And Functions

The board SHALL (statutorily required) designate, by resolution, the county's office hours by days and hours, including an annual holiday schedule for all county offices.

C.R.S. 30-10-109

30-10-109. Office hours.

All county offices shall be kept open for the transaction of county business on the days and during the hours designated by resolution of the **board of county commissioners**. However, all clerks of court and sheriffs shall be subject, at all times, to the command of the people, and each thereof shall at all hours, night and day, be prepared to attend such duties as may reasonably be required of them.

The board SHALL (statutorily required) conduct meetings at the county seat at least one business day each month. In counties with a population over 100,000, the board SHALL (statutorily required) hold at least two meetings in each week of the year except for July and August.

*C.R.S. 30-10-303 (1) &
C.R.S. 30-10-304*

30-10-303. Meetings of board.

- (1) Each **board of county commissioners** shall meet at the county seat of its county at least one business day of each month and at such other times and locations within the county as in the

⁴³ Government – County; 30-11-107 – Powers of the board

opinion of the **board** the public interest may require. Such meeting shall be held on a regular and published schedule, *as determined by resolution of the board*.

- (2) The **board** may hold such special or emergency meetings and adopt such publication procedure therefore as the public interest may, in the opinion of the **board**, require.

30-10-304. Meetings of board in counties over one hundred thousand.

Each board of county commissioners of counties containing more than one hundred thousand inhabitants shall hold at least two meetings in each week of each year; but in the months of July and August of each year the board will not be required to hold more than two meetings in each of those months.

The board SHALL (statutorily required) divide the county into three compact commissioners' districts.

C.R.S. 30-10-306 (1)

30-10-306. Commissioners' districts – vacancies.

- (1) *Each county shall be divided into three compact districts by the board of county commissioners.* Each district shall be as nearly equal in population as possible based on the most recent federal census of the United States minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year. Each district shall be numbered consecutively and shall not be subject to alteration more often than once every two years. One commissioner shall be elected from each of such districts by the voters of the whole county. If any commissioner, during his or her term of office, moves from the district in which he or she resided when elected, his or her office shall thereupon become vacant. All proceedings by the **board of county commissioners** in formation of such districts not inconsistent with this section are confirmed and validated.
- (2) Each county having a population of seventy thousand or more which has chosen to increase the members of the **board of county commissioners** from three to five shall be divided into three or five districts by the **board of county commissioners** according to the method of election described in section [30-10-306.5](#)⁴⁴ (5) or (6) or section [30-10-306.7](#)⁴⁵. The districts shall be as nearly equal in population as possible based on the most recent federal census of the United States minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year. Each district shall be numbered consecutively, and shall not be subject to alteration more often than once every two years; except that, notwithstanding subsection (3) of this section, the **board** may alter the districts to conform to precinct boundaries that are changed in accordance with section [1-5-103](#)⁴⁶ (1), C.R.S., based on the division of the state into congressional districts or an approved plan for reapportionment of the members of the general assembly when necessary to ensure that no precinct is located in more than one district. Commissioners shall be elected at large or from districts according to the method of election described in section [30-10-306.5](#) (5) or (6) or section [30-10-306.7](#). If any commissioner required to be resident in a district moves during his term of office from the district in which he resided when elected, his office shall thereupon become vacant. All proceedings by the **board of county commissioners** in formation of such district not inconsistent with this section are confirmed and validated.

⁴⁴ Government – County; 30-10-306.5 – Procedure to increase number of county commissioners

⁴⁵ Government – County; 30-10-306.7 – Procedure for electing county commissioners

⁴⁶ Elections; 1-5-103 – Changes in boundaries – partisan elections

- (3) When a **board of county commissioners** determines to change the boundaries of commissioner district or when new districts are created, such changes or additions shall be made only in odd-numbered years and, if made, shall be completed by July 1 of such year, except in case of changes resulting from changes in county boundaries.
- (4) Notwithstanding subsections (1) to (3) of this section, after each federal census of the United States, each district shall be established, revised, or altered to assure that such districts shall be as nearly equal in population as possible based on such census minus the number of persons serving a sentence of detention or confinement in any correctional facility in the county as indicated in the statistical report of the department of corrections for the most recent fiscal year. The establishment, revision, or alteration of districts required by this subsection (4) shall be completed by September 30 of the odd-numbered year following such census.
- (5) No less than thirty days before adopting any resolution to change the boundaries of commissioner districts or create new commissioner districts, the **board of county commissioners** shall hold a public hearing on the proposed district boundaries.

The board SHALL (statutorily required) choose one of the members as chairman at the first meeting after an election. The board may also designate a vice-chairman at this time.

C.R.S. 30-10-307

30-10-307. Chairman – temporary chairman.

At the first meeting after election, *the board of county commissioners shall choose one of its number as chairman*, who shall preside at such meeting and all other meetings, if present; but, in case of his absence from such meeting, *the members present shall choose one of its number as temporary chairman*.

The board SHALL (statutorily required) approve and designate, by resolution, financial institutions that the county is to use as depositories of funds.

C.R.S. 30-10-708 (1)

30-10-708. Deposit of funds in banks and savings and loan associations.

- (1) In all counties of this state, the county treasurer shall deposit all the funds and moneys of whatever kind that come into the treasurer's possession by virtue of the office, in the treasurer's name as treasurer, in one or more state bank, national banks, or, in compliance with the provisions of article [47](#) of title [11](#)⁴⁷, C.R.S., savings and loan associations that have previously been approved and designated by *written resolution duly adopted by a majority vote of the board of county commissioners*, which shall be entered in its minutes. The **board**, by written resolution similarly adopted, may authorize the county treasurer to invest all or any part of the funds and moneys in securities meeting the investment requirements established in part 6 of article [75](#) of title [24](#)⁴⁸, C.R.S. For the purposes of investment of funds of the county as set forth in said part 6, the **board**, by written resolution, may appoint one or more custodians of the funds, and such persons shall give surety bonds in such amounts and form and for such purposes as the **board** requires.
- (2) All securities so purchased shall be duly registered in the name of the county treasurer and shall be deposited and safely kept in the custody of some state bank or any national bank. No such security shall be sold or otherwise disposed of except pursuant to a resolution of said **board of**

⁴⁷ Financial Institutions; 11-47-101 to 11-47-120 – Protection of deposits of public moneys

⁴⁸ Government – State; 24-75-601 to 24-75-605 – Funds legal investments

county commissioners similarly adopted, which resolution shall also approve and designate the bank or banks in which such proceeds shall then be deposited, or such resolution may in lieu thereof authorize the reinvestment of such proceeds in any of the securities specified in subsection (1) of this section.

(3) and (4) Repealed.

(5) No county treasurer, or member of the **board of county commissioners**, who acted in good faith in approving an designating such depository, is liable for loss of public funds deposited by such county treasurer or his deputies by reason of the default or insolvency of such depository; nor shall any county treasurer who invests any such funds or any member of the **board of county commissioners** who in good faith authorizes such investment be liable for any loss on account of such investment.

(6) Subject to the requirements of part 7 of article [75](#)⁴⁹ of title [24](#), C.R.S., funds of the county may be pooled for investment with the funds of other local government entities.

30-11-101. Powers of counties.

(1) Each organized county within the state shall be a body corporate and politic and as such shall be empowered for the following purposes:

- (a) To sue and be sued;
- (b) To purchase and hold real and personal property for the use of the county, and acquire lands sold for taxes, as provided by law;
- (c) To sell, convey, or exchange any real or personal property owned by the county and make such order respecting the same as may be deemed conducive to the interests of the inhabitants; and to lease any real or personal property, either as lessor or lessee, together with any facilities thereon, when deemed by the **board of county commissioners** to be in the best interests of the county and its inhabitants;
- (d) To make all contracts and do all other acts in relation to the property and concerns necessary to the exercise of its corporate or administrative powers. Any such contract may be its terms exceed one year and shall be binding upon the parties thereto as to all of its rights, duties, and obligations.
- (e) To exercise such other and further powers as may be especially conferred by law;
- (f) To develop, maintain, and operate mass transportation systems, which power shall be vested either individually in the **board of county commissioners** jointly with other political subdivisions or governmental entities formed pursuant to the provisions of part 2 of article [1](#)⁵⁰ of title [29](#), C.R.S. Except as provided in paragraph (j) of this subsection (1), this provision shall not apply to any county or portion thereof encompassed by the regional transportation district as formed pursuant to the provisions of article [9](#)⁵¹ of the title [32](#), C.R.S. Counties, by ordinance adopted, administered, and enforced in accordance with part [4](#)⁵² of article [15](#) of this title, shall have the authority: To fix, maintain, and revise passenger fees, rates, and charges, and terms and conditions for such systems; to

⁴⁹ Government – State; 24-75-701 to 24-75-709 – Investment funds – Local government pooling

⁵⁰ Government - Local; 29-1-201 to 29-1-207 – Budget and Services - Intergovernmental Relationships

⁵¹ Special Districts; 32-9-101 to 32-9-164 – Regional Transportation District Act

⁵² Government - County; 30-15-401 to 30-15-411 – Regulation under Police Power

prescribe the method of development, maintenance, and operation of such mass transportation systems; and to receive contributions, gifts, or other support from public and private entities to defray the operating costs of such systems.

- (g) To provide for the payment of construction, installation, operation, and maintenance of street lighting by ordinance adopted, administered, and enforced in accordance with part [4](#) of the article [15](#) of this title and to assess, either in whole or in part, the cost of constructing, installing, operating, and maintaining such street lighting against the property in the vicinity of such street lighting in proportion to the frontage of the property abutting the road, street, or alley where such street lighting is so constructed, installed, operated, and maintained;
 - (h) To enter into contracts with the executive director of the department of corrections pursuant to section [16-11-308.5](#)⁵³, C.R.S., for the placement of persons under the custody of the executive director in county jails or adult detention centers;
 - (i) To dispose of abandoned personal property acquired by an elected official or county employee in performing official duties. Said personal property may be disposed of only after the exercise of due diligence to determine the owner of such personal property. Such personal property may be sold, discarded, or used for county purposes as the **board of county commissioners** deems to be in the best interests of the county.
 - (j) For any county located in whole or in part within the boundaries of the regional transportation district, to provide transit services in cooperation with and pursuant to consultation with the board of directors of the district. For purposes of this paragraph (j), “county” means any county or city and county.
 - (k) To coordinate, pursuant to 43 U.S.C. sec. 1712, the “National Environmental Policy Act of 1969”, 42 U.S.C. sec. 4321 et seq., 40 U.S.C. sec. 3312, 16 U.S.C. sec 530, 16 U.S.C. sec, 1604, and 40 CFR parts 1500 to 1508, with the United States secretary of the interior and the United States secretary of agriculture to develop land management plans that address hazardous fuel removal and other forest management practices, water development and conservation measures, watershed protection, the protection of air quality, public utilities protection, and private property protection on federal lands with such county’s jurisdiction.
- (2) Counties have the authority to adopt and enforce ordinances and resolutions regarding health, safety, and welfare issues as otherwise prescribed by law. In addition to any other enforcement or collection method authorized by law, if a county passes an ordinance or resolution of which a violation would be a class 2 petty offense, the county may elect to apply the penalty assessment procedure set forth in section [16-2-201](#)⁵⁴, C.R.S., and may adopt a graduated fine schedule for multiple offenses. If a specified offense would be an unclassified misdemeanor, a county may elect to downgrade the offense to a class 2 petty offense and apply the penalty assessment procedure under circumstances deemed appropriate and prescribed by the county in an ordinance or resolution.

30-11-102. Property of county.

Any real or personal property conveyed to any county shall be deemed the property of such county.

⁵³ Criminal Proceedings; 16-11-308.5 – Imposition of Sentence - Authority to contract with a county or a city and county for placement of prisoners in custody of the executive director

⁵⁴ Criminal Proceedings; 16-2-201 – County Court Provisions - Penalty assessment procedure

30-11-103. Commissioners to exercise powers of county.

The **powers of a county as a body politic** and corporate **shall be exercised by a board of county commissioners** therefore.

30-11-103.5 County petitions and referred measures.

The procedures for placing an issue or question on the ballot by a petition of the electors of a county that is pursuant to statute or the state constitution or that **a board of county commissioners may refer to a vote of the electors pursuant to statute or the state constitution shall**, to the extent no such procedures are prescribed by statute, charter, or the state constitution, follow as nearly as practicable the procedures for municipal initiatives and referred measures under part 1 of article [11](#)⁵⁵ of title [31](#), C.R.S. The county clerk and recorder shall resolve any questions about the applicability of the procedures in part 1 of article [11](#) of title [31](#), C.R.S.

30-11-104. County buildings – acquisition of land or buildings by eminent domain authorized.

- (1) (a) Each county, at its own expense, shall provide a suitable courthouse, a sufficient jail, and other necessary county buildings and keep them in repair.
- (b) For any penal institution that begins operations on or after August 30, 1999, that is operated by or under contract with a county, the county may establish standards relating to space requirements, furnishing requirements, required special use areas or special management housing, and environmental condition requirements, including but not limited to standards pertaining to light, ventilation, temperature, land noise level. If a county does not adopt standards pursuant to this paragraph (b), the penal institution operated by or under contract with the county shall be subject to the standards adopted by the department of public health and environment pursuant to section [25-1.5-101](#)⁵⁶ (1) (i), C.R.S. In establishing such standards, the county is strongly encouraged to consult with national associations that specialize in policies related to correctional institutions.
- (2) Each county has the power to acquire, by eminent domain, land or buildings, or both, for the provision of court and district attorney facilities, jails, and other necessary facilities specifically related thereto. Any acquisitions by eminent domain shall be made in the manner authorized for cities and towns as set forth in article [6](#)⁵⁷ of title [38](#), C.R.S.

30-11-104.1. Lease purchase agreements.

- (1) In order to provide for financing of a public park, a public trail, a public golf course, or public open space, or a courthouse jail, or other county building or equipment used, or to be used for governmental purposes, any county is authorized to enter into lease purchase agreements.
- (2) Such agreements may include an option to purchase, transfer, and acquire title to such property and in the improvements thereon, if any, within a period not exceeding the useful life of such property and any improvements, but in no case exceeding thirty years.
- (3) The obligation under any such leases may only be from year to year and may not constitute a mandatory charge or requirement in any ensuing budget year.
- (4) The obligation to make payments under such an agreement and the obligation to pay other charges incident to any such agreement shall not constitute or give rise to indebtedness within

⁵⁵ Government - Municipal; 31-11-101 to 31-11-118 – Municipal Initiatives, Referenda, and Referred Measures

⁵⁶ Health; 25-1.5-101 – Powers and duties of the department of Public Health and Environment

⁵⁷ Property – Real and Personal; 38-6-101 to 38-6-216 – Proceedings by Cities and Towns - Condemnation of Property

the meaning of any constitutional, statutory, or home rule charter debt limitation.

The board SHALL (statutorily required) create, by resolution duly adopted, the office of county manager, or administrative assistant to the BOCC, or county budget officer, or any other such office.

C.R.S. 30-11-107 (1) (n)

30-11-107. Powers of the board.

- (1) The **board of county commissioners** of each county ***has power at any meeting:***
- (a) To make such orders concerning the property belonging to the county as it deems expedient;
 - (b) To examine and settle all accounts of the receipts and expenses of the county, to examine and settle and allow all accounts chargeable against the county, and, when so settled, to issue county orders therefore as provided by law;
 - (c) To build and keep in repair county buildings and cause the same to be insured in the name of the county treasurer for the benefit of the county and, in case there are no county buildings, to provide suitable rooms for county purposes;
 - (d) (I) To apportion and order the levying of taxes as provided by law; except that, for purposes of the application of any occupational privilege tax, oil and gas wells and their associated production facilities shall not be considered as business or occupation subject to such tax; and
(II) To contact loans in the name and for the benefit of the county for the purpose of erecting necessary public buildings and making or repairing public roads or bridges, when such loans have been authorized by a vote of the legal voters of the county;
 - (e) To represent the county and have the care of the county property and the management of the business and concerns of the county in all cases where no other provisions are made by law;
 - (f) To set off, organize, and change the boundaries of precincts in their respective counties and to designate and number such precincts in accordance with sections [1-5-101](#)⁵⁸ and [1-5-101.5](#), C.R.S.;
 - (g) To establish one or more voting places in each election precinct, as the convenience of the inhabitants may require;
 - (h) To lay out, alter, or discontinue any road running into or through such county and also to perform such other duties respecting roads as may be required by law;
 - (i) To grant such licenses and perform such other duties as are or may be prescribed by law;
 - (j) To acquire land for, lay out, construct, maintain, and repair airports and landing strips for aircraft, to enter into leases, and to fix and collect charges or fees for the use of such airports and landing strips;
 - (k) To provide in the county budget for dumping grounds within the county to be used for such purposes as may be prescribed by the **board**;

⁵⁸ Elections; 1-5-101 – Notice and Preparation of Elections - Establishing precincts and polling places for partisan elections, and 1-5-101.5 – Precinct numbering

- (l) To enter into agreements with any municipality for the joint use and occupation of public buildings. The consideration to be paid for such use and occupation shall be paid each year out of current revenues which shall be appropriated annually, and any agreement to make such annual payment shall not be considered or held to be creation of an indebtedness of the county within any constitutional or statutory limitation.
- (m) To negotiate with the board or boards of county commissioners of another county or counties, and with the board of governors of the Colorado state university system of Colorado state university, for agricultural extension service to be furnished such counties, and to be financed on a pro rata share by the counties receiving such service;
- (n) To create, by resolution duly adopted, the office of county manager, or administrative assistant to the **board of county commissioners**, or *county budget officer*, or any other such office as may, in its judgment, be required for the efficient management of the business and concerns of the county. When so created, the **board** has power to make appointments to such offices, to prescribe the duties to be performed by such appointees, to fix the compensation to be paid to such appointees, and to pay the same from the county general fund. Any persons appointed to such offices shall serve at the pleasure of the **board of county commissioners**.
- (o) To cooperate with other counties and with the state forester in the organization and training of rural fire fighting groups, payment for the operation and maintenance of fire fighting equipment and in sharing the cost to suppressing fires;
- (p) To purchase all necessary uniforms of the county sheriff, undersheriff, and deputies of the county; but no such uniforms shall be supplied to those persons deputized to perform particular acts, and all such uniforms shall be and remain the property of the county;
- (q) To organize, own, operate, control, direct, manage, contract for, or furnish ambulance service;
- (r) To provide in the county budget for services for the aged, including but not limited to social and recreational services, medical services, transportation, and homemaker services;
- (s) To appropriate moneys from sources other than ad valorem taxes to multijurisdictional housing authorities established under part 5 of article 4⁵⁹ of title 29, C.R.S., from the county general fund;
- (t) To set, by resolution duly adopted or by the method provided in the charter of a home rule county, mileage for all county officers, employees, and agents in an amount not less than twenty cents per mile more than a rate per mile equal to the standard mileage rate allowed pursuant to 26 U.S.C. sec. 162, as amended, and regulations promulgated thereunder, for each mile actually and necessarily traveled while on official county business;
- (u) To expend moneys or make assessments pursuant to paragraph (z) of this subsection (1) for the maintenance of drainage structures and facilities and to accept dedicated or deeded drainage easements or drainageway tracts as county property once drainage structures and facilities on such easements or tracts have been completed and found to meet county specifications and standards;
- (v) To provide a job diversion program directing persons making application for or receiving

⁵⁹ Government - Local; 29-4-501 to 29-4-509 – Housing - County Housing Authority

assistance under the Colorado works program, as described in part 7 of article [2](#)⁶⁰ of title [26](#),

C.R.S., into bona fide public or private sector employment;

- (w) To expend moneys or make assessments pursuant to paragraph (z) of this subsection (1) for the construction, reconstruction, improvement, or extension of drainage facilities within the unincorporated or incorporated areas of the county and to acquire, by gift, purchase, lease, or the exercise of the right of eminent domain, all lands, easements, or rights in land which are necessary in connection with such construction, reconstruction, improvement, or extension. Drainage facilities shall not be provided in any area which is within an existing drainage district organized or created pursuant to law without the approval of such district;
- (x) To enter into a contract with the state telecommunications director pursuant to the provisions of section [24-37.5-502](#)⁶¹ (3), C.R.S., for the providing of teleconferencing facilities and services between the county and any other county, city and county, or state agency to be used for teleconferencing of hearings relating to any person in the custody of the county;
- (y) To expend moneys or make assessments pursuant to paragraph (z) of this subsection (1) for the construction, maintenance, repair, or installation of curbs, gutters, sidewalks, and related structures along residential and commercial streets or alleys and in residential or commercial subdivisions within the unincorporated areas of the county; except that, prior to making an assessment for any purpose authorized by this paragraph (y), the county shall consider cost-sharing alternatives so that a portion of the cost of any project authorized in this paragraph (y) is incurred and paid by the county;
- (z) To prescribe, by ordinance adopted, administered, and enforced in accordance with part [4](#)⁶² of article [15](#) of this title, the mode in which the charges on the respective owner of lots or lands, and on the lots or lands, shall be assessed and determined for the purposes authorized in paragraphs (u), (w), and (y) of this subsection (1)
- (aa) To establish policies and procedures regarding entering into contracts binding on the county, and to delegate its powers to enter into such contracts pursuant to such policies and procedures, where amounts specified in such policies and procedures and where such contracts otherwise comply with limits and requirements set for the in such policies and procedures;
- (bb) To provide for the preservation of the cultural, historic, and architectural history with the county by ordinance or resolution; to delegate the power to designate historic landmarks and historic districts to an historic preservation advisory board; to accept dedicated or deeded easements or other historic property and to expend moneys for the maintenance of such deeded historic land, facilities, and structures; and to receive contributions, gifts, or other support from public and private entities to defray the maintenance costs of such historic land, facilities, and structures;
- (cc) By resolution, memorial, plaque, or limited gift, to honor, commemorate, memorialize, or acknowledge outstanding service or other events, including death or retirement of individuals, or actions, accomplishments, or achievements deserving of recognition;

⁶⁰ Human Services Code; 26-2-701 to 26-2-724 – Public Assistance - Colorado Works Program

⁶¹ Government - State; 24-37.5-502 – Office of Innovation and Technology - Duties and responsibilities

⁶² Government - County; 30-15-401 to 30-15-411 – Regulation under Police Power - General Regulations

- (dd) To enter into installment purchase contracts or shared-savings contracts or otherwise incur indebtedness under section [29-12.5-103](#)⁶³, C.R.S., to finance energy conservation and energy saving measures and enter into contracts for an analysis and recommendations pertaining to such measures under section [29-12.5-102](#)⁶⁴, C.R.S.;
 - (ee) Repealed.
 - (ff) To set, by written resolution duly adopted by a majority vote of the **board** and enter in its minutes prior to the county treasurer being sworn into office, the amount of a surety bond to be executed by the treasurer and to authorize the purchase of such a bond by the **board**;
 - (gg) To authorize the use of electronic records or signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures pursuant to article [71.3](#)⁶⁵, of title [24](#), C.R.S.;
 - (hh) To establish an affordable housing dwelling unit advisory board for the county in accordance with the requirements of article [26](#)⁶⁶ of title [29](#), C.R.S.;
 - (ii) To provide in the county budget for programs that support education and outreach on environmental sustainability and for financing capital improvements for energy efficiency retrofits and the installation of renewable energy fixtures, as defined in section [30-11-107.3](#)⁶⁷, for private residences and commercial property within the county but that do not exempt the county from the requirements of any other statute;
 - (jj) To encourage homeowners to participate in utility demand-side management programs where applicable.
- (2) (a) Subject to the provisions of part 1 of article [1](#)⁶⁸, of title [29](#), C.R.S., the **board of county commissioners** of each county has exclusive power to adopt the annual budget for the operation of the county government, including all offices, departments, boards, commissions, other spending agencies of the county government, and other agencies which are funded in whole or in part by county appropriations. All such entities shall make appropriate budget recommendations each year to the **board of county commissioners** for the operation of their respective offices; but the final budget determination of each **board of county commissioners** shall be binding upon each of the respective offices, departments, boards, commissions, other spending agencies of the county government, and other agencies which are funded in whole or in part by county appropriations;
- (b) Every decision made by the **board of county commissioners** in exercising its budget-making power shall be presumed to be a valid exercise of the power granted by paragraph

⁶³ Government - Local; 29-12.5-103 – Energy Conservation Measures - Financing utility cost savings measures – exception to debt limitations

⁶⁴ Government - Local; 29-12.5-102 – Energy Conservation Measures - Contract for analysis and recommendations

⁶⁵ Government – State; 24-71.3-101 to 24-71.3-121 – Uniform Electronic Transactions Act

⁶⁶ Government - Local; 29-26-101 to 29-26-104 – Affordable Housing Dwelling Unit Advisory Boards

⁶⁷ Government - County; 30-11-107.3 – County Powers and Functions - Incentives for installation of renewable energy fixtures – definitions

⁶⁸ Government - Local; 29-1-101 to 29-1-115 – Budget and Services - Local government budget law of Colorado

(a) of this subsection (2).

- (3) The **board of county commissioners** of any county eligible to receive impact assistance grants pursuant to part [3](#)⁶⁹ of article [25](#) of this title may certify a dollar amount to the wildlife commission or the board of parks and outdoor recreation or both said commissions and said board pursuant to part [3](#)⁷⁰ of article [25](#) of this title.

30-11-107.5. Lodging tax for the advertising and marketing of local tourism.

- (1) In accordance with the procedures set forth in this section, the **board of county commissioners** of each county, **for the purpose of advertising and marketing local tourism, may levy a county lodging tax of not more than two percent on the purchase price paid or charged to persons for rooms or accommodations as included in the definition of “sale” in section [39-26-102](#)⁷¹ (11),**
C.R.S. No tax shall apply within any municipality levying a lodging tax.
- (2) (a) The county lodging tax shall be collected, administered, and enforced, to the extent feasible, pursuant to section [29-2-106](#)⁷²,
C.R.S.
- (c) The department of revenue shall perform, on an annual basis, an analysis to determine the net incremental cost of such collection, administration, and enforcement. The department of revenue shall retain only the amount determined to be necessary by the cost analysis, and in no event shall that amount exceed three and one-third percent of the amount collected. Such amount retained shall be transmitted to the state treasurer, who shall credit the same to the general fund, and such amount shall be subject to appropriation by the general assembly for the net incremental cost of such collection, administration, and enforcement.
- (d) Any person or entity providing rooms or accommodations as included in the definition of “sale” referred to in subsection (1) of this section shall be liable and responsible for the payment of an amount equivalent of up to two percent of all such sales made and shall quarterly, unless otherwise provided by law, make a return to the executive director of the department of revenue for the preceding tax-reporting period and remit an amount equivalent up to the said two percent on such sales to said executive director.
- (3) (a) The **board of county commissioners** may, by resolution, approve a proposed for a county lodging tax; upon, such proposal for the county lodging tax shall be referred to the registered electors of the unincorporated areas and the municipalities subject to the lodging tax at a special election held for such purpose. Any such election may be combined with any other special election. On and after January 1, 1989, such tax may only be approved at a general election.
- (b) (I) Such proposal contain a description of the proposed county lodging tax, including its purposes, and state the amount to be imposed and shall describe any municipality within the county which has such a tax and which shall therefore be excluded for the election proposed in paragraph (a) of this subsection (3) and any resulting lodging tax.
- (II) If any additional lodging tax or statewide tax on lodging facilities is enacted or

⁶⁹ Government - County; 30-25-301 to 30-25-302 – Bonds - Impact Assistance Grants

⁷⁰ Health; 25-3-301 through 25-3-315 – Hospitals - County hospitals – Establishment

⁷¹ Taxation; 39-26-102 – Sales and Use Tax - “Sale” Definition

⁷² Government - Local; 29-2-106 – County and Municipal Sales or Use Tax -Collection – administration – enforcement

levied after January 1, 1987, which in combination with the lodging tax authorized by this section exceeds two percent, the tax under this section shall be reduced by that amount that the total tax exceeds the two percent maximum specified in subsection (1) of this section.

- (c) Repealed.
- (d) No public moneys from any source shall be expended directly or indirectly to urge electors to vote in favor or against the imposition of the lodging tax. Nothing in this paragraph (d) shall be construed as prohibiting an elected official from expressing his personal opinion concerning the imposition of the lodging tax.
- (e) Upon the adoption of the resolution by the **board of county commissioners** approving such county lodging tax proposal, the county clerk and recorder shall publish the text of such county lodging tax proposal four separate times, a week apart, in a newspaper of general circulation within the county. The cost of the election shall be initially paid out of the general fund of the county. If the county lodging tax is approved, the general fund of the county shall be reimbursed out of the county lodging tax tourism fund described in paragraph (a) of subsection (4) of this section. The conduct of the election shall conform, so far as practicable, to the general election laws of the state.
 - (I) If approved by a majority of the registered electors from the municipality or unincorporated area subject to the lodging tax voting thereon, the county lodging tax shall become effective as provided in the section [29-2-106](#)⁷³ (2), C.R.S.
 - (II) If a majority of the registered electors voting thereon fail to approve the county lodging tax, the question shall not be submitted again to such electors for a period of one year following the date of said election.
- (4)
 - (a) All revenue collected from such county lodging tax, except the amounts retained under subsection (2) of this section, shall be credited to a special fund designated as the county lodging tax tourism fund, hereby created. The fund shall be used only to advertise and market tourism in accordance with paragraphs (b) and (c) of this subsection (4) and to reimburse the general fund of the county for the cost of the election in accordance with paragraph (d) of subsection (3) of this section. No revenue collected from such county lodging tax shall be used for any capital expenditures, with the exception of tourist information centers.
 - (b) Upon approval of a lodging tax by the electors pursuant to this section, the **county commissioners** shall select a panel of no less than three citizens to administer the tourism fund. Members of the panel shall be appointed from the tourism industry within the municipalities or unincorporated areas from which the lodging tax is collected. Where there is an established and proven marketing entity within the county formed for the purpose of advertising and marketing tourism, the panel is encouraged to use that entity, and that entity shall provide an accounting to the panel and to the **board of county commissioners**.
 - (c) The panel, to the extent feasible, shall advertise and market tourism for the benefit of those unincorporated areas and municipalities from which the lodging tax originated.
- (5) Nothing provided in this section shall in any way prohibit municipalities and counties for

⁷³ Government - Local; 29-2-106 – County and Municipal Sales or Use Tax - Collection – administration – enforcement

cooperating to create countywide uniform lodging taxes with voluntary abandonment of municipal lodging tax ordinances.

(6) Repealed.

30-11-107.7. County rental tax on the rental of personal property – procedures – apportionment.

(1) As used in this section, unless the context otherwise requires:

(a) “Personal property” means personal property which:

(I) Is not subject to ad valorem tax pursuant to section [39-3-119](#)⁷⁴, C.R.S., or specific ownership tax pursuant to section [42-3-107](#)⁷⁵, C.R.S.; and

(II) The owner thereof is regularly engaged in the sale, rental, or both sale and rental of such personal property and rents such personal property and rents such personal property to another individual or corporation, in which the owner does not have any interest whatsoever, for one or more periods of thirty days or less in any calendar year.

(b) “Personal property” does not include any residential real property as defined for property tax purposes in section [39-1-102](#)⁷⁶ (14.5), C.R.S.

(2) (a) In accordance with the procedures set forth in this section, the **board of county commissioners** of each county may levy a rental tax on personal property which is rented in such county. The rate of any rental tax levied pursuant to this section shall be no more than one percent of the amount of the rental payment paid or charged to persons who rent such personal property.

(b) The **board of county commissioners may, by resolution, approve a rental tax on personal property which is rented in the county**. Such resolution shall contain a description of the rental tax on personal property which is rented, state the rate of rental tax to be levied, and specify the effective date of the resolution.

(c) (I) Any rental Tax levied pursuant to the provisions of this section shall be collected, administered, and enforced, to the extent feasible, pursuant to section [29-2-106](#)⁷⁷, C.R.S.

(II) The department of revenue shall perform, on an annual basis, an analysis to determine the net incremental cost of such collection, administration, and enforcement. The department of revenue shall retain only the amount determined to be necessary by the cost analysis, and in no event shall that amount exceed three and one-third percent of the amount collected. Such amount retained shall be transmitted to the state treasurer, who shall credit the same to the general fund, and such amount shall be subject to appropriations by the general assembly for the net incremental cost of such collection, administration, and enforcement.

(3) (a) During the month of January of each year, the county treasurer of any county which

⁷⁴ Government - Local; 29-3-119 – Exemptions - Inventories – materials and supplies – held for consumption or primarily for sale – exemption

⁷⁵ Vehicles and Traffic; 42-3-107 – Registration and Taxation - Taxable value of classes of property – rate of tax - when and where payable – department duties – apportionment of tax collections – definitions

⁷⁶ Taxation; 39-1-102(14.5) – General Provisions - Definitions – “residential real property”

⁷⁷ Government – Local; 29-2-106 – County and Municipal Sales or Use Tax - Collection – administration – enforcement

levies a rental tax pursuant to this section shall calculate, for such county and each political subdivision located with the boundaries of such county, the percentage which the dollar amount of ad valorem taxes levied by each such political entity is of the aggregate dollar amount of ad valorem taxes levied during the preceding calendar year. The percentages so calculated shall be used for the apportionment between the county itself and each political subdivision located within such county of the aggregate amount of rental tax revenue to be distributed by the department of revenue of the county treasurer during the current calendar year.

- (b) All rental taxes collected by the county treasurer shall be apportioned, credited, and distributed to the county and to each political subdivision located within such county on the tenth day of each month for all rental taxes collected during the immediately preceding month.

30-11-107.9. County tax for public safety improvements – definitions.

- (1) As used in this section, unless the context otherwise requires:
 - (a) “Public safety improvements” means capital expenditures or operational costs associated with a public safety organization.
 - (b) “Public safety organization” means a law enforcement agency or office, district attorney’s office, judicial district, coroner’s office, a fire protection district, fire department, or any other public entity dedicated to providing services related to public safety, public health, or emergency management at the county or local level in the state.
- (2) In accordance with the procedures set forth in this section, the **board of county commissioners** of each county may levy a sales tax for public safety improvements of no more than two percent on the sale of tangible personal property of retail and services taxable in such county pursuant to the provisions of section [39-26-104](#), C.R.S. All net revenues collected by a county after the payment of the costs of collection, administration, and enforcement of the department of revenue in accordance with subsection (4) of this section shall be used exclusively for public safety improvements.
- (3) The **board of county commissioners of a county may by resolution approve a proposal for a county public safety improvements tax**; thereupon the public safety improvements tax proposal shall be submitted to the registered electors of the county at the next general election. The proposal shall contain a description of the tax including its purposes and shall state the amount to be imposed. The proposal may include a provision to also seek voter approval to retain and expend all or a portion of the revenues of the tax from district fiscal year spending for purposes of section 20 of article X of the state constitution. The conduct of the election shall conform so far as practicable to the general election laws of the state and with the provisions of said section 20.
- (4)
 - (a) The county public safety improvements tax shall be collected, administered, and enforced, to the extent feasible, pursuant to section [29-2-106](#)⁷⁸, C.R.S.
 - (b) The department of revenue shall perform, on an annual basis, an analysis to determine the net incremental cost of such collection, administration, and enforcement. The department shall retain only the amount determined to be necessary by the cost analysis, and in no event shall that amount exceed three and one-third percent of the amount collected. Such amount retained shall be transmitted to the state treasurer, who shall credit the same to

⁷⁸ Government - Local; 29-2-106 – County and Municipal Sales or Use Tax -Collection – administration – enforcement

the general fund, and such amount shall be subject to appropriation by the general assembly for the net incremental cost of such collection, administration, and enforcement.

- (5) No public moneys from any source shall be expended directly or indirectly to urge electors to vote in favor or against the imposition of a county public safety improvements tax. Nothing in this section (5) shall be construed as prohibiting an elected official from expressing his or her personal opinion concerning the imposition of the tax.

30-11-108. Assent of electors required – when.

The **board of county commissioners** shall not **borrow money for the purposes stated in section 30-11-107⁷⁹**, except as provided in section **30-11-107** (1) (dd), without having first submitted the **question of such loan to a vote of the electors of the county** and without a majority of the voters legally qualified to vote and voting on that question having voted therefore.

The board SHALL (statutorily required) annually, cause to be advertised in the official newspaper for bids on stationery and supplies for the county offices.

C.R.S. 30-11-109 (1)

30-11-109. Advertisement for bids on supplies.

- (1) *It is the duty of the board of county commissioners in each county in this state to cause as least one advertisement to be inserted in the official newspaper of its respective county, under the heading of “stationery proposals”, asking for bids for the supplying, for one year, of all books, stationery, records, printing, lithographing, and such other supplies, specifically mentioning and describing them, as are furnished to the several officers of the county, such advertisement to be published not less than twenty nor more than forty days prior to the opening of such bids. Such advertisement may be published any time during the year as the board deems most advisable. The publication of the advertisement may be made in conjunction with any other county or the state, when bids are asked on the supplies specified in this section.*
- (2) Notwithstanding the provisions of subsection (1) of this section, a **board of county commissioners** may purchase recycled paper under an existing price agreement between the state purchasing division and a recycled paper supplier when such **board** has determined that the recycled paper available through such agreement is comparable in cost and quality to the paper which the county proposes to purchase.

30-11-109.5. Purchases of recycled paper and recycled products.

- (1) When purchasing any products with public funds, the purchasing agent for the county shall be authorized to purchase products or materials with recycled content that have been source-reduced, that are reusable, or that have been composted, unless one or more of the following conditions exist:
- (a) The product is not available within a reasonable period of time;
 - (b) The product fails to meet applicable purchasing rules, including specifications; or
 - (c) The product fails to meet federal or state health or safety standards, as set forth in federal or state regulations.

30-11-110. State suppliers preferred.

It is **unlawful for any board of county commissioners of any county to accept any bid or make a purchase of any books, stationery, records, printing, lithographing, or other supplies for any officer of its county, from any person, company, or corporation having its manufactory or**

⁷⁹ Government - County; 30-11-107 – County Powers and Functions - Powers of the board

principal place of business outside the state of Colorado, when the same can be procured from some person, company, or corporation having its manufactory or principal place of business within this state and at a net cost which shall not exceed the amount for which such books, stationery, records, printing, lithographing, or other supplies can be procured and delivered to them by any person, company, or corporation having its manufactory or principal place of business within the state.

30-11-111. Term of contract.

No contract for the furnishing of such books, stationery, records, lithographing, or other supplies shall be made for more than one year.

The board SHALL (statutorily required) annually, furnish the assessor suitable blank assessment rolls and suitable books, stationery and office equipment for the use of each of the county officers.

C.R.S. 30-11-113

30-11-113. Commissioners to furnish blank assessment rolls.

The board of county commissioners of their respective counties, at the expense of the county, shall furnish annually and in due season, to the assessor of the county, suitable blank assessment rolls, prepared in accordance with the provisions of law; shall also provide suitable books and stationery for the use of each of the county officers of their county, together with appropriate cases and furniture for the safe and convenient keeping of all the books, documents, and papers belonging to each of said officers; and also shall provide official seals for each of said officers when the same are required by law.

30-11-114. New precincts - change boundaries – reduce number.

The **board of county commissioners** may set off or organize new precincts, change the **boundaries, or reduce the number of those already organized** as the public good from time to time requires.

30-11-115. Board may appropriate for expositions.

The **board of county commissioners** of any county in this **state may make such** appropriation as it may seem proper **for the purpose of enabling such county** to secure a proper representation of **its interests in exhibits and expositions held in Colorado.**

30-11-116. Appropriations for advertising or marketing.

The **board of county commissioners** of the several counties within the state of Colorado **is authorized to appropriate money from the county general fund for the purpose of advertising or marketing the county.**

30-11-117. Commissioners to fill vacancies in county offices.

In case a vacancy occurs in any county office, or in any precinct office in this state, by reason of death, resignation, removal, or otherwise, **the board of county commissioners of such county has power to fill such vacancy by appointment**, subject to [section 9⁸⁰ of article XIV](#) of the state constitution, until an election can be held as provided by law.

30-11-118. County attorney – county collector.

The **board of county commissioners of each county of the state, when the interests of the county require it, may employ an attorney**, but the person appointed shall be a member of the bar of the supreme court of this state and at least twenty-five years of age. The **board** may also, when the business of the county requires it, appoint a county collector, whose duty it is to collect license moneys and other special dues of said county; such collector shall receive such compensation as may be allowed by the **board of county commissioners.**

⁸⁰ Counties; Section 9 – Vacancies – how filled

30-11-119. New bond for officers, when.

When the **board of county commissioners** of any county in this state deems the bond given by the sheriff or other officer of the county insufficient, or when in its opinion the sureties on said bond are insolvent or permanently removed for the county, or when it for any other reason considers said bond insufficient for the public security, it is lawful for the **board** to require of said sheriff or other officer a new bond, with such sureties and so conditioned as required by law in the first instance.

30-11-120. Failure to file bond – office vacant.

In case any sheriff or other officer refuses or neglects, for a period longer than thirty days after receiving notice, to give a new bond as required, **it is lawful for the board of county commissioners to declare the office vacant and appoint some other person to fill the vacancy**, who shall hold the office until a successor is elected or appointed.

The board is responsible (statutorily responsible) for the maintenance of the general accounting records of the county.

C.R.S. 30-11-121

30-11-121. General accounting records.

The board of county commissioners is responsible for the maintenance of the general accounting records of the county. It is the duty of the county treasurer, county clerk and recorder, county sheriff, and county assessor to furnish, as directed by the **board of county commissioners**, copies of any and all accounting, administrative, financial, recorded, or assessment records to a person appointed by the **board of county commissioners** for the purpose of utilizing computer or other record-keeping facilities. Such person shall serve at the pleasure of the **board of county commissioners**.

30-11-122. Conservation trust fund authorized.

Each county in this state may create a conservation trust fund as provided in section [29-21-101](#)⁸¹, C.R.S.

30-11-123. Legislative declaration - counties – new business facilities – expansion of existing business facilities – incentives – limitations – authority to exceed revenue – raising limitations.

- (1) (a) The general assembly hereby finds and declares that the health, safety, and welfare of the people of this state are dependent upon the attraction of new private enterprise as well as the retention and expansion of existing private enterprise; that incentives are often necessary in order to attract private enterprise; and that providing such incentives stimulates economic development in the state and results in the creation and maintenance of new jobs.
- (b) Notwithstanding any law to the contrary, any county may negotiate for an incentive payment or credit with any taxpayer who establishes a new business facility, as defined in section [39-30-105](#)⁸² (7) (e), C.R.S., in the county. In no instance shall any negotiation result in an annual incentive payment or credit that is greater than fifty percent of the amount of the taxes levied by the county upon the taxable personal property located at or within the new business facility and used in connection with the operation of the new business facility for the current property tax year. The term of any agreement made pursuant to the provisions of this section shall not exceed four years; except that the term of any agreement made or renewed on or after June 3, 2002, may extend to as many as ten years, including the term

⁸¹ Government – Local; 29-21-101 – Conservation trust funds – definitions

⁸² Taxation; 39-30-105 – Urban and Rural Enterprise Zone Act - Credit for new business facility employees

of any original agreement being renewed.

- (2) Notwithstanding any law to the contrary, any county may negotiate for an incentive payment or credit with any taxpayer who expands a facility, as defined in section [39-30-105](#), (7) (c), C.R.S., the expansion of which constitutes a new business facility, as defined in section [39-30-105](#), (7) (e), C.R.S., and that is located in the county. In no instance shall any negotiation result in an annual incentive payment or credit that is greater than fifty percent of the amount of the taxes levied by the county upon the taxable personal property directly attributable to the expansion, located, at or within the expanded facility, and used in connection with the operation of the expanded facility for the current property tax year. The term of any agreement made pursuant to the provisions of this section shall not exceed four years; except that the terms of any agreement made or renewed on or after June 3, 2002, may extend to as many as ten years, including the term of any original agreement being renewed.
- (3) For purposes of this section, “county” means any county or city and county.
- (4) (Deleted by amendment).
- (5) Any county which negotiates any agreement pursuant to the provisions of this section shall inform any municipality and any school district in which a new business facility would be located or an expanded business facility is located, whichever is applicable, of such negotiations.
- (6) Any county may adjust the amount of its tax levy authorized pursuant to the provisions of section [29-1-301](#), C.R.S., or pursuant to a county home rule charter, whichever is applicable, by an additional amount which does not exceed the total amount of annual incentive payments or credits made by such county made by such county in accordance with agreements negotiated pursuant to the provisions of this section or section [39-30-107.5](#)⁸³, C.R.S.

30-11-124. Fire planning authority.

- (1) **The board of county commissioners of each county in the state, subject to the requirements of section [25-7-123](#)⁸⁴, C.R.S., may prepare, adopt, and implement a county fire management plan that details individual county policies on fire management for prescribed burns, fuels management, or natural ignition burns** on lands owned by the state or county. Such plans shall be developed in coordination with the county sheriff, the Colorado state forest service, and the appropriate state and local governmental entities. All interested parties shall have the opportunities to comment on the plan prior to its adoption and implementation.
- (2) County fire management plans created pursuant to subsection (1) of this section shall:
 - (a) Clearly define appropriate responses in order to mitigate immediate threats to public safety;
and
 - (b) Set forth the conditions under which prescribed or natural ignition fires shall be managed.
- (3) Any county that adopts and adheres to a county fire management plan shall be accorded liability protection pursuant to article [10](#)⁸⁵ of title [24](#),

⁸³ Taxation; 39-30-107.5 – Urban and Rural Enterprise Zone Act -Taxable property valuations – sales taxes - incentives – definitions

⁸⁴ Health; 25-7-123 – Air Quality Control - Open burning - penalties

⁸⁵ Government – State; 24-10-101 to 24-10-120 – Governmental Immunity

C.R.S.

- (4) Federal government agencies, subject to the provisions of section [25-7-106](#)⁸⁶ (7) and (8) and [25-7-114.7](#)⁸⁷ (2) (a) (III), C.R.S., and private landowners may enter into memoranda of understanding with the **board of county commissioners** to include public and private lands that are within the boundaries of the county under the county fire management plan. Counties may purchase an indemnification insurance policy and private landowners who enter into memoranda of understanding with the **board** shall have the opportunity to opt into such policy.
- (5) Nothing in this section shall infringe upon or otherwise affect the ability of agricultural producers to conduct burning on their property.

30-11-125. Licensing program for building contractors – contents of program – requirements – exceptions – definitions.

- (1) As used in this section, unless the context otherwise requires:
- (a) (I) “Building contractor” means a building contractor who for compensation directs, supervises, or undertakes any work for which a county building permit is required.
 - (II) “Building contractor” shall not include an electrician required to be licensed by the state pursuant to article [23](#)⁸⁸ of title [12](#), C.R.S., or a plumber required to be licensed by the state pursuant to article [58](#)⁸⁹ of title [12](#), C.R.S.
 - (b) “County” means any county or city and county in the state.
 - (c) “Municipality” means any home rule or statutory city or town in the state.
 - (d) “Person” means any individual, corporation, limited liability company, partnership, association, or other legal entity.
- (2) Subject to the requirements of this section, any county that has adopted a building code may establish a licensing program to require a person who engages in the business of being a building contractor within the unincorporated areas of the county to obtain a license from the county prior to engaging in the business. The county may develop the licensing program in accordance with the requirements of this section, and any such program may include one or more of the following:
- (a) Procedures that a building contractor would follow in order to obtain or renew a license, including the submission of any documentation or information as may be required by the county;
 - (b) A requirement that the building contractor achieve a passing grade on a nationally recognized examination promulgated by the international code council that is commonly used and accepted in the industry;
 - (c) Specification of the duration of the license issued by the county;
 - (d) Subject to the requirements of subsection (3) of this section, the imposition of a

⁸⁶ Health; 25-7-106 – Air Quality Control - Commission – additional authority

⁸⁷ Health; 25-7-114.7 – Air Quality Control - Emission fee – fund

⁸⁸ Professions and Occupations; 12-23-100.2 to 12-23-120 – Electricians

⁸⁹ Professions and Occupations; 12-58-101 to 12-58-117 – Plumbers

reasonable fee to be charged by the county to a building contractor to cover the costs of any testing required to be performed by the county, the processing of the application, or any other costs incurred by the county in connection with the issuance or renewal of a license; or

- (e) Grounds for the revocation or suspension of a license issued by the county, grounds for the revocation or suspension of a building permit issued for a project for which the building contractor is found not to be in compliance with the county's licensing requirements, or grounds for the imposition of any lesser sanction, which shall be based on objective standards and criteria developed from the county building code, and procedures to be followed by the county in carrying out the revocation, suspension, or other sanction based upon such grounds, including a process for appealing any sanction so imposed.
- (3) Any county that establishes a licensing program pursuant to this section shall issue a license to a building contractor holding a valid license issued by another county or municipality in the state without requiring the building contractor to take or achieve a passing grade on any examination conducted by the county if the license issued by such other county or municipality required the building contractor to achieve a passing grade on a nationally recognized examination promulgated by the international code council commonly used and accepted in the industry. In the case of a building contractor holding a valid license issued by another county or municipality in the state, the fee charged by a secondary county for issuance or renewal of a license in accordance with the requirements of this section shall be reasonable and limited to costs incurred by the secondary county in processing the application and otherwise administering the issuance or renewal of a license required by this section.
 - (4) If a building contractor applying for a license complies with the requirements for obtaining a license established by the county, the county shall issue a provisional license to the building contractor no later than seven business days after the building contractor has submitted a complete application. Notwithstanding the provisions of subsection (5) of this section, any failure on the part of the county to issue a nonprovisional license within forty-five days after submission of a complete application to a building contractor who has otherwise satisfied all other requirements for obtaining a license shall not preclude the building contractor from engaging in the business of being a building contractor and applying for a building permit for unincorporated areas of the county.
 - (5) Except as otherwise provided in subsection (4) of this section, no person shall engage in the business of being a building contractor within the unincorporated areas of any county that has adopted a licensing program created pursuant to this section unless the person holds a valid license issued or recognized by the county in accordance with the requirements of this section.
 - (6) Notwithstanding any other provision of this section:
 - (a) The provisions of this section shall apply to any licensing program operated or administered by a county that is in existence as of August 3, 2007. Any licensing program operated or administered by a county as of August 3, 2007, that satisfies or is amended to satisfy the requirements of this section is hereby ratified as compliant with the requirements of this section and need not be reestablished by the county.
 - (b) Nothing in this section shall be construed to require any individual to hold a license to perform repair or maintenance work on his or her own property, nor shall it prevent a person from employing an individual on either a full-time or a part-time basis to perform repair or maintenance work on his or her own property who is not licensed under the

provisions of this section.

30-11-302. Oil, gas, and mineral rights – reservation of - sale.

- (1) In any sale of county lands made by any county acting through its **board of county commissioners**, a valid reservation of oil and gas and other minerals in such lands may be made when in the opinion of the **board of county commissioners** it is deemed to be for the best interest of the county. Oil and gas and other mineral rights or any of them thus reserved by a county upon the sale of such real estate may be sold by order of the **board of county commissioners** at public sale to the highest and best bidder after four weeks' prior notice by publication two times in a newspaper of general circulation in the county in which the land is situated, said notice to describe the oil and gas or other mineral rights to be sold, the location of the land involved, and the date, time, and place of such sale; but a copy of said notice shall be mailed, postage prepaid, by the **board of county commissioners** to the owner of the surface at the time of such notice as shown by the records in the office of the county assessor of the county in which such lands are situated at the last known address of such owner as shown by said books of the county assessor, and that a copy of said notice shall be mailed, postage prepaid, by the **board of county commissioners** to the person in possession of the surface.
- (2) In the sale of reserved oil and gas rights under any tract of land, the number of acres contained in any one parcel or unit of sale of such rights shall not exceed the total number of acres of such surface land sold by the county to the purchaser thereof at the time of reservation therefrom of the oil and gas rights thus offered for sale. Nothing contained in this section shall prevent a county from selling any number of such units or parcels at any public sale. The **board of county commissioners** has the right to reject any and all bids.
- (3) Mineral rights, other than oil and gas, reserved as provided in this section may be leased for exploration, development, and production purposes upon such terms and conditions as may be prescribed and contracted by the **board of county commissioners** in the exercise of its best judgment and as such **board** deems to be for the best interest of the county. Any such lease of mineral rights, other than oil and gas, shall be for a term not to exceed twenty-five years and as long thereafter as such minerals are produced. Leases of any such mineral rights made or entered into by the **board** in conformity with the provisions of this section prior to February 25, 1955, are hereby confirmed, validated, and declared to be legal and valid insofar as the authority of any such **board** is concerned.

30-11-303. Oil and gas rights – leases – royalties.

- (1) **Any county acting by its board of county commissioners may lease any real estate or any interest therein owned by the county for oil and gas exploration, development, and production purposes** upon such terms and conditions as may be prescribed and contracted by the **board of county commissioners** in the exercise of its best judgment, and as such **board** deems to be for the best interests of the county.
- (2) Any such lease of oil and gas rights shall be for a term not to exceed five years and as long thereafter as oil or gas is produced and shall provide for a royalty of not less than twelve and one-half percent of all oil and gas produced, saved, and marketed, or the equivalent market value thereof, which royalty may be reduced proportionately under appropriate provision in such lease if the interest of the county is less than a full interest in the land or oil and gas rights in the land described in such lease.
- (3) When, in the opinion of the **board of county commissioners** and because of the size, shape, and current use of any tract of county real estate, the public interest so requires, any lease of such tract may provide that no drilling shall be conducted on the land covered thereby, in which case

such lease shall be for a term not to exceed ten years and so long thereafter as the county may share in royalties payable on account of production of oil or gas from lands adjacent to such tract of county land so leased.

30-11-304. Agreements to pool lands for production purposes.

When deemed by the **board of county commissioners** to be in the best interest of the county, any county acting by its **board of county commissioners** may enter into any unit agreement providing for the pooling or consolidation of acreage covered by any oil and gas leases executed by such county with other acreage for oil and gas exploration, development, and production purposes and providing for the apportionment or allocation of royalties among the separate tracts of land included in such unit agreement on an acreage or other equitable basis, and may by such agreement, with the consent of its lessee, change any and all of the provisions of any lease issued by such county including the term of years for which such lease was originally granted in order to conform such lease to the terms and provisions of such unit agreement and to facilitate the efficient and economic production of oil and gas from the unit lands.

30-11-305. Prior agreements validated.

All reservations of oil and gas and other mineral rights and sales of previously reserved oil and gas and other mineral rights in county lands made or entered into by any county prior to May 20, 1949, acting by its **board of county commissioners**, all leases of oil and gas or rights, and all unit agreements related to or dealing with oil and gas and containing provisions similar to those set forth in section [30-11-304](#)⁹⁰, affecting county lands, made or entered into by any county prior to May 20, 1949, acting by its **board of county commissioners** are hereby confirmed, validated, and declared to be legal and valid in all respects.

30-11-307. County authority relating to landfill gas.

(1) To accomplish the purposes specified in section [30-11-306](#)⁹¹, **counties are granted the following powers:**

- (a) To acquire, hold, use, transfer, and convey any real property or any interest therein for purposes of landfill gas exploration, production, and development;
- (b) To engage in any and all activities respecting the exploration, development, production, distribution, marketing, and sale of landfill gas to any person or public or private entity, or for county uses;
- (c)(I) To acquire by gift, purchase, or condemnation necessary easements and rights-of-way, for ingress and egress and for the installation of facilities related to collection and distribution of landfill gas; except that the power of condemnation granted in this paragraph (c) shall not extend to acquisition of landfill gas in place nor shall such power be available to a county until the county has entered into a contract with the owner of such landfill gas for the development, extraction, and purchase of such landfill gas, and except that such condemnation shall not interfere with the normal use of any real property, or other property appurtenant thereto, which is devoted or dedicated to a public utility use or upon which landfill gas abatement or recovery facilities have been placed in operation and shall be limited to the maximum reasonable width or area necessary to install, operate, and maintain such rights-of-way, ingress and egress, and collection and distribution facilities.

⁹⁰ Government - County; 30-11-304 – County Powers and Functions - Agreements to pool lands for production purposes

⁹¹ Government - County; 30-11-306 – County Powers and Functions - Legislative declaration concerning landfill gas

- (II) Any interest in real property acquired by condemnation pursuant to this paragraph (c) shall terminate upon the completion of use of such real property, or any interest therein, for landfill gas operations, and any such condemnation shall be in the manner provided in part 1 of article [6](#)⁹² of title [38](#), C.R.S.
- (d) To enter into contracts, including intergovernmental contracts, and to perform all acts necessary to produce, distribute, and market landfill gas;
- (e) To issue general obligation bonds, after approval of the qualified electors of the county, for purposes of financing the exploration, development, production, distribution, and marketing of landfill gas;
- (f) To issue revenue bonds authorized by action of the **board of county commissioners**, without the approval of the qualified electors of the county, for purposes of financing the exploration, development, production, distribution, and marketing of landfill gas. Such revenue bonds shall be issued in the manner provided in part 4 of article [35](#)⁹³ of title [31](#), C.R.S., for the issuance of revenue bonds by municipalities; except that such revenue bonds may be sold in one or more series at par, or below or above par, at public or private sale, in such manner and for such price as the county, in its discretion, shall determine. Such revenue bonds and interest coupons, if any, appurtenant thereto shall never constitute the debt or statues, and shall not constitute nor give rise to a pecuniary liability of the county or a charge against its general credit or taxing powers, and such revenue bonds and the income therefrom are exempt for taxation, except inheritance, estate, and transfer taxes.

30-15-101. Pet animal control and licensing

- (1) (a) **The board of county commissioners of any county may adopt a resolution for the control and licensing of dogs and other pet animals** as provide in this part 1. Such resolution may:
 - (I) Require licensing of dogs and other pet animals by owners and impose reasonable conditions and fees on the same. No registration permit or license shall be issued by any **board of county commissioners** unless and until the owner of a dog shall exhibit to such **board** or designated official a valid rabies vaccination certificate indicating the dog has been vaccinated against rabies by a licensed veterinarian. The county dog control resolution may exempt dogs below a specified age from licensing and registration or vaccination requirements, or both; except that the recommendations of the department of public health and environment shall be followed concerning the minimum age for such vaccination.
 - (II) Require that dogs and other pet animals be under control at all times and define “control”, which may vary from time to time, place to place, and animal to animal;
 - (III) Define “vicious dog” and “vicious animal”;
 - (IV) Establish a dog pound, or other animal holding facility, and engage personnel to operate it and otherwise to enforce the county dog control resolution or any other resolution concerning the control of pet animals;

⁹² Property – Real and Personal; 38-6-101 to 38-6-216 – Proceedings by Cities and Towns -Condemnation of property

⁹³ Government - Municipal; 31-35-401 to 31-35-712 – Sewer and Water Systems

- (V) Provide for the impoundment of animals which are vicious, not under control, or otherwise not in conformity with the resolution;
 - (VI) Establish terms and conditions for the release or other disposition of impounded animals;
 - (VII) Establish such other reasonable regulations and restrictions for the control of dogs and other pet animals as the **board of county commissioners** may deem necessary.
- (b) The control provisions of such resolution, as provided in subparagraph (II) of paragraph (a) of this subsection (1), shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter, or assisting law enforcement officers or while actually being trained for any of these pursuits.
- (2) In order to implement the provisions of this section, any county or municipality may enter into an intergovernmental agreement pursuant to the provisions of part 2 of article 1⁹⁴ of title 29, C.R.S., to provide for the control, licensing, impounding, or disposition of dogs or other pet animals or to provide for the accomplishment of any other aspect of a county or municipal dog control or pet animal control licensing resolution or ordinance.
- (3) For purposes of this part 1, “pet animal” means and includes any animal owned or kept by a person for companionship or protection or for sale to others for such purposes. Except as otherwise provided in this subsection (3), “pet animal” does not include wildlife, livestock used for any purpose or which is stray as defined in section 35-44-101⁹⁵, C.R.S., or animals which are owned or bought and sold through the efforts of those that are licensed, inspected, or both, by the United States Department of Agriculture, the Colorado department of agriculture, or both; however, nothing in this subsection (3) shall be construed to exempt such animals from county control regulations.

The board SHALL (statutorily required) cause to be erected and maintained a minimum of twenty signboards with signs of campfire restriction notices.

C.R.S. 30-15-201

30-15-201. Notice to extinguish campfires – penalty.

- (1) *It is the duty of the board of county commissioners of each county in this state to cause to be erected and maintained, at suitable distances and in conspicuous places* (at side of the main-traveled highways of each county and at such other places in each county as each **board** may deem proper), notices printed in large **letters on suitable signboards stating that campfires must not be left unattended and must be totally extinguished before breaking or leaving camp and that violators are subject to a fifty-dollar fine.** Any person who leaves a campfire unattended commits a class 2 petty offense and, upon conviction thereof, shall be punished by a fine of fifty dollars.
- (2) *The erection of such notices shall be at the expense of each county, and at least twenty notices shall be posed and maintained in each county in this state.* The board of governors of the Colorado state university system may also post similar notices, signed by the board and erected and maintained at its expense, at such points throughout the state as it deems necessary or expedient.

⁹⁴ Government - Local; 29-1-201 to 29-1-206 – Budget and Services - Intergovernmental Relationships

⁹⁵ Agriculture; 35-44-101 – Estrays - Definitions

30-15-302. Board of county commissioners to designate area.

- (1) The **board of county commissioners of any county in this state may designate, by resolution, areas in the unincorporated territory of such county in which it is unlawful for any person to discharge any firearms**, except a duly authorized law enforcement officer acting in the line of duty, by nothing in this subsection (1) shall prevent the discharge of any firearm in shooting galleries or in any private grounds or residence under circumstances when such firearm can be discharged in such a manner as not to endanger persons or property and also in such a manner as to prevent the projectile from any such firearm from traversing any grounds or space outside the limits of such shooting gallery, grounds, or residence.
- (2) No area shall be so designated under authority of subsection (1) of this section unless it has an average population density of not less than one hundred persons per square mile in the area designated, and, before making any such designation, the **board of county commissioners** shall hold a public hearing thereon at which any interested person shall have an opportunity to be heard. The provisions of article [3](#)⁹⁶ of title [33](#), C.R.S., concerning the state's liability for damages done to property by wild animals protected by the game laws of the state shall not apply to any area designated by a **board of county commissioners** under authority of this part 3.
- (3) Nothing in this section shall be construed to restrict or otherwise affect any person's constitutional right to bear arms or his right to the defense of his person, his family, or his property.

30-15-401. General regulations.

- (1) In addition to those powers granted by sections [30-11-101](#)⁹⁷ and 30-11-107, C.R.S. and parts 1, 2, and 3 of this article, the **board of county commissioners has the power to adopt ordinances for control or licensing of those matters of purely local concern which are described in the following enumerated powers:**
 - (a) (I) (A) To provide for and compel the removal of rubbish, including trash, junk, and garbage, from lots and tracts of land with the county, except industrial tracts of ten or more acres and agriculture land currently in agricultural use as the term agricultural land is defined in section [39-1-102](#)⁹⁸ (1.6), C.R.S., and from the alleys behind and from the sidewalk areas in front of such property at such time, upon such notice, and in such manner as the **board of county commissioners** may prescribe by ordinance, including removal performed by the county upon notice and failure of the property owner to remove such rubbish, and to assess the reasonable cost thereof, including five percent for inspection and other incidental costs in connection therewith, upon the lots and tracts from which such rubbish has been removed. Ordinances passed by a **board of county commissioners** for the removal of rubbish pursuant to this sub-subparagraph (A) shall include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court having jurisdiction over the property from which rubbish shall be removed. Any assessment pursuant to this sub-subparagraph (A) shall be a lien against such lot or tract of land until paid and shall have priority over all other liens except

⁹⁶ Wildlife and Parks and Outdoor Recreation; 33-3-101 to 33-3-204 – Damage by Wildlife

⁹⁷ Government – County; 30-11-101 – County Powers and Functions – Powers of counties

⁹⁸ Taxation; 39-1-102 - Definitions

general taxes and prior special assessments. In case such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the clerk to the county treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessments pursuant to this sub-subparagraph (A).

- (B) A county court or district court having jurisdiction over property from which rubbish shall be removed pursuant to the ordinances authorized by sub-subparagraph (A) of this subparagraph (I) shall issue an administrative entry and seizure warrant for the removal of such rubbish. Such warrant shall be issued upon presentation by a county of ordinance provisions which meet the requirements of sub-subparagraph (A) of this subparagraph (I) and a sworn or affirmed affidavit stating the factual basis for such warrant, evidence that the property owner has received notice of the violation and has failed to remove the rubbish within a reasonable prescribed period of time, a general description of the location of the property which is the subject of the warrant, a general list of any rubbish to be removed from such property, and the proposed disposal or temporary impoundment of such rubbish, whichever the court deems appropriate. Within ten days following the date of issuance of an administrative entry and seizure warrant pursuant to the provisions of this sub-subparagraph (B), such warrant shall be executed or accordance with directions by the issuing court, a copy of such issued warrant shall be provided or mailed to the property owner, and proof of the execution of such warrant, including a written inventory of any property impounded by the executing authority, shall be submitted to the court by the executing authority.
- (I.5) (A) To provide for and compel the removal of weeds and brush from residential lots of two and one-half acres or less within the county and from the alleys behind and from the sidewalk areas in front of such property at such time, upon such notice, and in such manner as the **board of county commissioners** may prescribe by ordinance, including removal performed by the county upon notice to and failure of the property owner to remove such weeds and brush, and to assess the reasonable cost thereof, including ten percent for inspection and other incidental costs in connection therewith, upon the property from which such weeds have been removed. Ordinances passed by a **board of county commissioners** for the removal of weeds and brush pursuant to this sub-subparagraph (A) shall include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court having jurisdiction over the property from which weeds and brush shall be removed. Any assessment pursuant to this sub-subparagraph (A) shall be a lien against such property until paid and shall have priority over all other liens except general taxes and prior special assessments.
- (B) In case of such assessment is not paid within a reasonable time specified by ordinance, it may be certified by the clerk to the county treasurer, who shall collect the assessment, together with a ten percent penalty for the

cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments pursuant to this sub-subparagraph (B).

- (C) A county court or district court having jurisdiction over property from which weeds and brush shall be removed pursuant to the ordinances authorized by sub-subparagraph (A) of this subparagraph (I.5) shall issue an administrative entry and seizure warrant for the removal of such weeds and brush. Such warrant shall be issued upon presentation by a county of ordinance provisions which meet the requirements of sub-subparagraph (A) of this subparagraph (I.5) and a sworn or affirmed affidavit stating the factual basis for such warrant, evidence that the property owner has received notice of the violation and has failed to remove the weeds and brush within a reasonable prescribed period of time, a general description of the location of the property which is the subject of the warrant, and the proposed disposal of such weeds and brush. Within ten days following the date of issuance of an administrative entry and seizure warrant pursuant to the provisions of this sub-subparagraph (C), such warrant shall be executed in accordance with directions by the issuing court, a copy of such issued warrant shall be provided or mailed to the property owner, and proof of the execution of such warrant shall be submitted to the court by the executing authority.
- (II) To inspect vehicles proposed to be operated in the conduct of the business of transporting ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials and to determine, among other things, that any such vehicle has the following:
 - (A) A permanent cover of canvas or equally suitable or superior material designed to cover the enter open area of the body of such vehicle;
 - (B) A body so constructed as to be permanently leak proof as to such discarded materials;
 - (C) Extensions of sideboards and tailgate, in any, constructed of permanent materials;
- (III) To contract with persons in the business of transporting and disposing of ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials to provide such services, but in no event on an exclusive territorial basis, to every lot and tract of land requiring such services within the unincorporated area of the county or in conjunction with the county on such terms as shall be agreed to by the **board of county commissioners**. Nothing in this subparagraph (III) shall be deemed to preclude the owner or tenant of any such lot or tract from removing discarded materials from his lot, so long as appropriate standards of safety and health are observed.
- (IV) To regulate the activities of persons in the business of transporting ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials within the unincorporated area by requiring each such person to secure a license from the county and charging a fee therefore to cover the cost of administration and enforcement and by requiring adherence to such reasonable

standards of health and safety as may be prescribed by the **board of county commissioners** and to prohibit any person from commercially collecting or disposing of ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials within the unincorporated area without a license and when not in compliance with such standards of health and safety as may be prescribed by the **board**;

- (V) To do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease, limited to the following:
- (A) In addition to the authority given counties under section [18-4-511](#)⁹⁹ C.R.S., to restrain, fine, and punish persons for dumping rubbish, including trash, junk, and garbage, on public or private property;
 - (B) (Deleted by amendment, L. 2008, p.2054, 11, effective July 1, 2008.)
 - (C) To adopt reasonable regulations for controlling pollution caused by wood smoke;
 - (D) In addition to the authority given counties under article [5](#)¹⁰⁰ of title [35](#), C.R.S., to establish mosquito control areas, to assess the whole cost thereof against those persons especially benefitted by the service, and, if a person's portion of the assessment is not paid within a reasonable time as specified by ordinance, to direct that the assessment, which shall be a lien against the property of such person, be certified by the county clerk and recorder to the county treasurer for collection in the same manner as other taxes are collected;
- (VI) To require every person in the business of transporting ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials to and from disposal sites to have, before commencing such operations, in such motor vehicle a motor vehicle liability insurance policy or evidence of such policy issued by an insurance carrier or insurer authorized to do business in the state of Colorado in the sum of not less than one hundred fifty thousand dollars for damages for or on account of any bodily injury to or the death of each person as the result of any one accident, in the sum of not less than four hundred thousand dollars for damages for or on account of any bodily injury to or the death of all persons and for damages to the property of others. Any liability for failure to comply with the requirements of this subparagraph (VI) shall be borne by the individual, partnership, or corporation who owns such vehicle.
- (a) To prevent and suppress riots, routs, affrays, disturbances, and disorderly assemblies in any public or private place;
 - (b) To suppress bawdy and disorderly houses and houses of ill fame or assignation; to suppress gaming and gambling houses, lotteries, and fraudulent devices and practices for the purpose of gaining or obtaining money or property; and to regulate the promotion or wholesale promotion of obscene material and obscene performances, as defined in part 1 of article [7](#)¹⁰¹ of title [18](#), C.R.S.;

⁹⁹ Criminal Code; 18-4-511 – Littering of public or private property

¹⁰⁰ Agriculture; 35-5-101 to 35-5-125 – Pest Control Districts

¹⁰¹ Criminal Code; 18-7-101 to 18-7-106 – Obscenity - Offenses

- (c) To restrain and punish loiters and prostitutes;
- (d.5) To discourage juvenile delinquency through the imposition of curfews applicable to juveniles, the restraint and punishment of loitering by juveniles, and the restraint and punishment of defacement of, including the affixing of graffiti to, buildings and other public or private property by juveniles by means that may include restrictions on the purchase or possession of graffiti implements by juveniles. The **board of county commissioners**, when enacting an ordinance to carry out the powers granted by this paragraph (d.5) may make it unlawful for a retailer displays graffiti implements. For purposes of this paragraph (d.5), “juvenile” means a juvenile as defined in section [19-2-103](#)¹⁰² (10), C.R.S., and “graffiti implement” means an aerosol paint container, board-tipped marker, gum label, paint stick or graffiti stick, or etching equipment.
- (d) To control unleashed or unclaimed animals, except those animals defined in section [35-44-101](#)¹⁰³ (1), C.R.S.;
- (e) To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law and with the consent of the **board of county commissioners**;
- (f) To authorize the acceptance of a bail bond when any person has been arrested for the violation of any ordinance and a continuance or postponement of a trial is granted. When such bond is accepted, it shall have the same validity and effect as bail bonds provided for under the criminal statutes of this state.
- (g) To control and regulate the movement and parking of vehicles and motor vehicles on public property; except that misdemeanor traffic offenses and the posted speed limit on any state highway located within the county shall be deemed a matter of statewide interest. The county may establish fire lanes and emergency vehicle access on public or private property zoned commercial or residential and provide for fines and punishment of violators.
- (h) To regulate and license escort bureaus, escorts, and escort bureau runners to the extent permitted under article [25.5](#)¹⁰⁴ of title [12](#), C.R.S.;
- (i) To regulate and license secondhand dealers to the extent permitted under article [13](#)¹⁰⁵ of title [18](#), C.R.S.;
- (j) To regulate and license pawnbrokers as provided in section [12-56-102](#)¹⁰⁶, C.R.S.;
- (k.5) To require registration of persons who engage in door-to-door selling of merchandise of goods and the delivery thereof with the county; except that nonprofit organizations which are exempt for the income tax imposed under article [22](#)¹⁰⁷ of title [39](#),

¹⁰² Children’s Code; 19-2-103 - Definitions

¹⁰³ Agriculture; 35-44-101 - Definitions

¹⁰⁴ Professions and Occupations; 12-25.5-101 to 12-25.5-115 – Escort Services

¹⁰⁵ Criminal Code; 18-13-101 to 18-13-129 – Miscellaneous Offenses

¹⁰⁶ Professions and Occupations; 12-56-102 – Local authority to license and regulate

¹⁰⁷ Taxation; 39-22-101 to 39-22-3604 – Income Tax

C.R.S., and schools shall not be subject to county requirements imposed under this paragraph (k.5);

- (l) (I) To adopt reasonable regulations for the operation of establishments open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishment; except that such regulations shall not be tantamount to a complete prohibition of such operation. Such regulations may include the following:
 - (A) Minimum age requirements for admittance to such establishments;
 - (B) Limitations on the hours during which such establishments may be open for business; and
 - (C) Restrictions on the location of such establishments with regard to schools, churches, and residential areas.
- (II) The **board of county commissioners** may enact ordinances which provide that any establishment which engages in repeated or continuing violations of regulations adopted by the **board** shall constitute a public nuisance. The county attorney of such county, or the district attorney acting pursuant to section [16-13-302](#)¹⁰⁸, C.R.S., may bring an action in the district court of such county for an injunction against the operation of such establishment in a manner which violates such regulations.
- (III) Nothing in the regulations adopted by the **board of county commissioners** pursuant to this paragraph (l) shall be construed to apply to the presentation, showing, or performance of any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.
- (m) (I) In addition of the authority given counties in article [12](#)¹⁰⁹ of title [25](#), C.R.S., to enact ordinances which regulate noise on public and private property except as provided in subparagraph (II) of this paragraph (m); prohibit the operation of any vehicle that is not equipped with a muffler in constant operation and is not properly maintained to prevent an increase in the noise emitted by the vehicle above the noise emitted when the muffler was originally installed; and prohibit the operation of any vehicle having a muffler that has been equipped or modified with a cutoff and bypass or any similar device or modification. For the purposes of this paragraph (m), “vehicle” shall have the same meaning as that set forth in section [42-1-102](#)¹¹⁰ (112), C.R.S.
 - (II) Ordinances enacted to regulate noise on public and private property pursuant to subparagraph (I) of this paragraph (m) shall not apply to:
 - (A) Property used for purposes which are exempt, pursuant to section [25-12-](#)

¹⁰⁸ Criminal Proceedings; 16-13-302 –Public nuisances - policy

¹⁰⁹ Health; 25-12-101 to 25-12-110 – Noise Abatement

¹¹⁰ Vehicles and Traffic; 42-1-102 - Definitions

[103](#)¹¹¹,
C.R.S., from noise abatement; and

- (B) Property used for: Manufacturing, industrial, or commercial business purposes; public utilities regulated pursuant to title [40](#)¹¹², C.R.S.; and oil and gas production subject to the provisions of article [60](#)¹¹³ of title [34](#), C.R.S.
- (n) To provide for and compel the removal of snow on sidewalks within the county, at such time, upon such notice, and in such manner as the **board of county commissioners** may prescribe by ordinance, including removal performed by the county upon notice to and failure of the property owner to remove such snow and to assess the whole cost thereof, and other incidental costs in connection therewith, upon the property from which such snow has been removed;
- (n.5) To ban open fires to a degree and in a manner that the **board of county commissioners** deems necessary to reduce the danger of wildfires within those portions of the unincorporated areas of the county where the danger of forest or grass fires is found to be high based on competent evidence. For purposes of this paragraph (n.5), “competent evidence” may include, but is not limited to, the use of the national fire danger rating system and any other similar indices or information.
- (n.7) To prohibit or restrict the sale, use, and possession of fireworks, including permissible fireworks, as defined in section [12-28-101](#)¹¹⁴ (3) and (8), C.R.S., for a period no longer than one year within all or any part of the unincorporated areas of the county; except that such an ordinance shall not be in effect between May 31 and July 5 of any year unless the ordinance includes an express finding of high fire danger, based on competent evidence, as defined in paragraph (n.5) of this subsection (1);
- (o) In addition of the authority given counties under sections [30-10-513.5](#)¹¹⁵ and [30-15-401.5](#)¹¹⁶, to enact ordinances to restrain and punish any person who gives, makes, or causes to be given a false alarm of fire and to assess costs associated with such false alarms;
- (o.5) To provide by ordinance for the regulation and licensing of alarm systems which transmit information to law enforcement or other public safety officials located within the county;
- (p) In addition to the authority given counties under article [7](#)¹¹⁷ of title [29](#), C.R.S., and part [7](#)¹¹⁸ of article [20](#) of this title, to establish by ordinance and regulation the fees for certificates, permits, licenses, and passes for users in order to provide the funds for recreational facility development and to offset the costs of emergency search and rescue operations on public lands and the construction, operation, and maintenance of recreation paths on public property; except that areas, lakes, properties, and facilities under the control and management of the division of parks and outdoor recreation or the division of wildlife shall be exempt from any such fees for certificates, permits, licenses,

¹¹¹ Health; 25-12-103 – Maximum permissible noise levels

¹¹² Utilities

¹¹³ Mineral Resources; 34-60-101 to 34-60-129 – Oil and Gas Regulation

¹¹⁴ Professions and Occupations; 12-28-101 - Definitions

¹¹⁵ Government – County; 30-10-513.5 – Authority of sheriff relating to fires within unincorporated area of county – liability for expenses

¹¹⁶ Government – County; 30-15-401.5 – Fire safety standards

¹¹⁷ Government – Local; 29-7-101 to 29-7-108 – Recreational Facilities Districts

¹¹⁸ Government – County; 30-20-701 to 30-20-705 – Recreation District - County

passes, or any other special charges;

- (q) To provide for and compel the removal of any building or structure, except for a building or structure on affected land subject to the “Colorado Mined Land Reclamation Act”, as the term “affected land” is defined in section [34-32-103](#)¹¹⁹ (1.5), C.R.S., or on lands subject to the “Colorado Surface Coal Mining Reclamation Act”, pursuant to article [33](#)¹²⁰ of title [34](#), C.R.S., the condition of which presents a substantial danger or hazard to public health, safety, or welfare, or any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard, or subjects adjoining property danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter, at such time, upon such notice, and in such manner as the **board of county commissioners** may prescribe by ordinance, including the removal performed by the county upon notice to and failure of the property owner to remove such building or structure, and to assess the whole cost of such removal, including incidental costs and a reasonable fee for inspection which fee shall not exceed five percent of the total amount due in connection therewith, upon the property from which such building or structure has been removed. Any assessment pursuant to this paragraph (q) shall be a lien against such property until paid. If such assessment is not paid within a reasonable time as specified by ordinance, it may be certified by the clerk and recorder to the county treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected.

- (1.5) In addition to any other powers, the **board of county commissioners** has the power to adopt a resolution or an ordinance prohibiting minors from possessing cigarettes or tobacco products, as defined by section [39-28.5-101](#)¹²¹ (5), C.R.S.
- (2) (a) (I) Except as provided in subparagraph (II) of this paragraph (a), the ordinances described in subsection (1) of this section shall apply throughout the unincorporated area of the county including public and state lands and to any incorporated town or city that elects by ordinance or resolution to have the provisions thereof apply.
- (II) The **board of county commissioners** may designate, by resolution, areas in the unincorporated territory of the county exclusively within which an ordinance adopted pursuant to this section shall apply. The **board** shall set forth a rational basis for the designation and hold a public hearing prior to making the designation at which any interested person shall have an opportunity to be heard.
- (b) Any regulation imposed prior to January 1, 1980, by resolution adopted under any provision of law may, upon suitable accommodation to the pertinent ordinance adoption procedure set forth in this part 4, be reimposed by ordinance. In such cases the resolution shall continue in force and effect until the ordinance which replaces it becomes effective.
- (c) Nothing in this part 4 shall be construed to affect any proceeding arising under or pursuant to the provisions of law in effect immediately prior to January 1, 1980.
- (3) Paragraph (a) of subsection (1) of this section shall not apply to the transportation of sludge and

¹¹⁹ Mineral Resources; 34-32-103 - Definitions

¹²⁰ Mineral Resources; 34-33-101 to 34-33-137 – Colorado Surface Coal Mining Reclamation Act

¹²¹ Taxation; 39-28.5-101 – Definitions

fly ash or the transportation of hazardous materials, as defined in the rules and regulations adopted by the chief of the Colorado state patrol pursuant to section [42-20-104](#)¹²² (1), C.R.S.

- (4) Paragraph (a) of subsection (1) of this section shall not apply to the transporting of ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials which are collected by a city, county, city and county, town, or other local subdivision within its jurisdictional limits, provided every vehicle so engaged in transporting the discarded materials has conformed to vehicle standards at least as strict as those prescribed in subparagraph (II) of paragraph (a) of subsection (1). Such governing body shall not grant an exclusive territory or regulate rates for the collection and transportation of ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials.
- (5) Any provision of paragraph (a) of subsection (1) of this section to the contrary notwithstanding, the governing body of a city and county shall not be precluded from adopting ordinances, regulations, codes, or standards or granting permits issued pursuant to home rule authority; except that such governing body shall not grant an exclusive territory or regulate rates for the collection and transportation of ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials.
- (6) If the **board of county commissioners** or the governing body of any other local governmental entity is providing waste services, including the collection and transportation of ashes, trash, waste, rubbish, garbage, or industrial waste products or any other discarded materials, within the limits of any county or other local subdivision on or after April 19, 1994, any private person seeking also to offer those services shall first give a one-year public notice advising of the intent to offer the services. If a private person or persons are providing waste services within the limits of any county or other local subdivision on or after April 19, 1994, any **board of county commissioners** or the governing body of any other local governmental entity seeking also to offer those services shall first give a one-year public notice advising of the intent to offer the services. The public notice shall be given in a local newspaper of general circulation in the area served by the waste service provider. The requirements of this subsection (6) shall not apply to any municipality or city and county subject to subsection (7.5) of this section.
- (7)
 - (a) Notwithstanding any other provision of law, nothing in this section shall prohibit the providing of waste services by a private person, if that person is in compliance with applicable rules and regulations, with the limits of any municipality or city and county if those services also are provided by a governmental body with the limits of that governmental unit. The governmental body may not compel industrial or commercial establishments or multifamily residences of eight or more units to use or pay user charges for waste services provided by the governmental body in preference to those services provided by a private person.
 - (b) Subject to the limitation set forth in subsection (6) of this section and notwithstanding paragraph (a) of this section (7) and subsection (7.5) of this section or any other provision of law, nothing in this section shall prohibit the providing of waste services by a private person within the limits of any county or other local subdivision if that person is in compliance with applicable rules and regulations. If services also are provided by a governmental body within the limits of the county or other local subdivision, the governmental body shall not compel any resident, including, but not limited to, any

¹²² Vehicles and Traffic; 42-20-104 – General powers and duties of chief – department of public safety – cooperation from other state agencies

owner or tenant of industrial or commercial establishments or multifamily residences, to use or pay user charges for waste services provided by the governmental body in preference to those services provided by a private person.

- (7.5) (a) Any requirement that municipal residents use or pay user charges for residential waste services pursuant to paragraph (a) of subsection (7) of this section may be affected by utilization of the initiative and referendum power reserved to the municipal electors in section 1 (9) of article V of the Colorado constitution.
- (b) The governing body of any municipality or city and county that chooses, after April 19, 1994, to require use of or to commence the imposition of a fee for residential waste services pursuant to paragraph (a) of subsection (7) of this section in all or any portion of the jurisdiction, including any portion of the jurisdiction annexed after April 19, 1994, may do so subject to the following requirements:
- (I) The governing body shall provide written notice to any private person who lawfully provides waste services within the jurisdiction and shall give a six-month public notice in a newspaper of general circulation within the jurisdiction prior to requiring the use or initial imposition of the fee. The notice shall include:
 - (A) The date upon which, and the area within the jurisdiction where, required use of or billing for residential waste services will commence; and
 - (B) An explanation of the option to request an opportunity to submit a proposal to provide residential waste services to that area.
 - (II) Any person may, within thirty days following publication or receipt of the notice, request in writing the opportunity to submit a proposal to provide residential waste services within the portion of the jurisdiction where required use of those services or imposition of the fee will commence. A request for an opportunity to submit a proposal shall suspend required use of the services or imposition of the residential waste services fee until a request for proposal process, as set for the in paragraph (c) of this subsection (7.5), is completed. Any person who has requested in writing an opportunity to submit a proposal to provide residential waste services pursuant to this subparagraph (II) is eligible to participate in the proposal process. If no written request is received within the time permitted, the governing body may proceed to require use of or impose a fee for residential waste services without conducting a request for proposal process as set forth in paragraph (c) of this subsection (7.5).
 - (III) Any municipality or city and county that comply with paragraph (c) of this subsection (7.5) shall not be subject to the provisions of section [31-12-119](#)¹²³, C.R.S.
 - (IV) The requirements set forth in this subsection (7.5) shall not apply to any municipality or city and county that is legally requiring use of or imposing a fee for residential waste services within its jurisdiction pursuant to paragraph (a) of subsection (7) of this section on April 19, 1994, and, having complied with the notice requirements of subsection (6) of this section applicable at the time of the initiation of such residential waste services, chooses to extend the requirement for use of or imposition of the fee for residential waste services to areas within the jurisdiction that have not been annexed after April 19, 1994.

¹²³ Government – Municipal; 31-12-119 – Disconnection of territory because of failure to serve

- (c) The governing body shall conduct any request for a proposal process required pursuant to this subsection (7.5) as follows:
 - (I) The governing body shall mail a request for proposals to all private persons who are eligible to submit a proposal. The request for proposals shall include a description of the portion of the jurisdiction to which residential waste services will be provided and shall request a proposed price of providing those services.
 - (II) When the jurisdiction issuing the request for proposals chooses to submit a proposal, a certification of an independent auditor stating that the public entity's proposed price is not based on subsidization from entity revenue streams or operations unrelated to the provision of waste services shall be appended to the proposal.
 - (III) Following review of all proposals properly submitted, the governing body shall award a contract for the provision of residential waste services based upon the criteria set forth in the request for proposals.
- (d) As used in this subsection (7.5), "residential waste services" means the collection and transportation of ashes, trash, waste, rubbish, garbage or industrial waste products, or any other discarded materials from sources other than industrial or commercial establishments or multifamily residences of eight or more units.
- (7.7) (a) If the governing body of a jurisdiction selects a proposal submitted by the jurisdiction, any private person who submitted a proposal may request a review of the selection as provided in this subsection (7.7). A request for review shall be submitted to the governing body in writing within ten days following selection of the jurisdiction's proposal. The filing of a request shall suspend the award until the completion of the review provided in this subsection (7.7).
 - (b) (I) Upon receipt of a request, the governing body, or its designee, shall promptly select a reviewing auditor to conduct the review. The reviewing auditor shall commence and complete its review as expeditiously as practicable.
 - (II) As a part of that review, the reviewing auditor shall afford the person who submitted the request for review the opportunity to present the reviewing auditor his or her views with respect to the governing body's determination, subject to any reasonable procedures, guidelines, and limitations as the reviewing auditor may prescribe, including but not limited to requiring that those views be expressed in writing and submitted by a specific date and time. No person shall be permitted to alter any previously submitted proposal in any respect.
 - (III) The reviewing auditor shall review each of the proposals submitted, but the review shall be limited to determining:
 - (A) Whether the selection of jurisdiction's proposals was made in a manner contrary to the procedure set forth in subsection (7.5) of this section or in the request for proposals;
 - (B) Whether the selection of the jurisdiction's proposal was clearly erroneous in light of the criteria set forth in the request for proposals; and
 - (C) Whether the certification of an independent auditor provided pursuant to subparagraph (II) of paragraph (c) of subsection (7.5) of this section is materially inaccurate.

- (IV) Should the reviewing auditor find that the governing body's selection of a proposal was improper, the determination of the governing body shall be void, and the governing body shall reconsider as expeditiously as is practicable all proposals timely submitted and determine which proposals it will accept, giving due regard to the determination of the reviewing auditor. No person shall be entitled to alter any previously submitted proposal in any respect. If the reviewing auditor finds that the governing body's selection of a proposal was proper, the selection shall be valid and conclusive and shall not be subject to further challenge or review.
- (V) The reviewing auditor's fee for performing a review pursuant to this subsection (7.7) shall be paid by the private person requesting the review; except that, if the governing body's selection of a proposal is found to be improper by the reviewing auditor, the municipality or city and county shall pay the fee.
- (c) As used in this subsection (7.7), a reviewing auditor shall be a qualified, licensed, independent public accountant or public accounting firm selected by the governing body and shall certify to the governing body in writing that it is not being retained currently, has not been retained within the previous five years, and currently has no basis for believing it will be retained in the future by the governing body, and persons who have submitted proposals, or, to the accountant's or firm's knowledge after due inquiry, any of the governing body's or person's affiliates, partners, or relatives for the performance of accounting or other services.
- (8) No ordinance, resolution, rule, regulation, service, function, or exercise of an authorized power pursuant to this section or section [30-11-101](#)¹²⁴ (1) (f) or (1) (g) or [30-11-107](#)¹²⁵ (1) (u), (1) (w), (1) (y), (1) (z), or (1) (bb) or [25-1-508](#)¹²⁶ (5) (j), C.R.S., shall apply within the corporate limits of any incorporated municipality, nor to any municipal service, function, facility, or property whether owned by or leased to the incorporated municipality, outside the municipal boundaries, unless the municipality consents. If the municipality consents that any ordinance, resolution, rule, regulation, service, function, or exercise of an authorized power shall apply within the municipality or to municipal services, functions, facilities, or property outside the municipal boundaries, such ordinance, resolution, rule, regulation, service, function, or exercise of an authorized power shall be uniform within the municipality and the applicable unincorporated areas of the county, unless the county and the municipality agree otherwise pursuant to part 2 of article [1](#)¹²⁷ of title [29](#), C.R.S.
- (9) (a) No ordinance, resolution, rule, regulation, service, function, or exercise of an authorized power pursuant to this section shall apply within the jurisdictional boundaries of any special district enumerated in this subsection (9), nor to any special district service, function, facility, or property whether owned by or leased to the special district outside the special district boundaries if such ordinance, resolution, rule, regulation, service, function, or exercise of an authorized power would duplicate or interfere with any service or facility authorized and provided by such special district or contravene any power authorized and exercised by such special district, unless the county is specifically empowered by law to exercise authority with respect thereto, or the county and the

¹²⁴ Government – County; 30-11-101 – Powers of counties

¹²⁵ Government – County; 30-11-107 – Powers of the board

¹²⁶ Health; 25-1-508 – Powers and duties of public health administrator

¹²⁷ Government – Local; 29-2-101 to 29-2-113 – County and Municipal Sales or Use Tax

special district agree otherwise pursuant to part 2 of article [1](#)¹²⁸ of title [29](#),
C.R.S.

- (b) For purposes of this subsection (9), “special district” means any special district established pursuant to article [1](#)¹²⁹ of title [32](#),
C.R.S., the three lakes water and sanitation district established pursuant to article [10](#)¹³⁰ of title [32](#),
C.R.S., the urban drainage and flood control district established pursuant to article [11](#)¹³¹ of title [32](#),
C.R.S., any drainage district established pursuant to article [20](#)¹³² of title [37](#),
C.R.S., the Cherry Creek basin water quality authority established pursuant to article [8.5](#)¹³³ of title [25](#),
C.R.S., any regional service authority pursuant to article [7](#) of title [32](#),
C.R.S., and the regional transportation district established pursuant to article [9](#)¹³⁴ of title [32](#),
C.R.S.

- (10) (a) Subject to the exemptions found in 8 U.S.C. sec. 1621 (c) (2), to the extent that a license, permit, certificate, or other authorization to conduct business issued by a county constitutes a professional license or commercial license regulated by 8 U.S.C. sec. 1621, a county may issue such authorization to an individual only if the individual is lawfully present in the United States, and shall immediately deny any such authorization or renewal thereof upon determining that the individual is unlawfully present in the United States. The individual shall prove his or her identity with a secure and verifiable document, as that term is defined in section [24-72.1-102](#)¹³⁵,
C.R.S. A county shall not sell or utilize for any purpose other than those specified in law the information contained in the secure and verifiable document, and shall keep such information confidential unless disclosure is required by law; except that nothing in this paragraph (a) shall be construed to limit public access to records that are available for public inspection pursuant to article [72](#)¹³⁶ of title [24](#),
C.R.S.
- (b) For purposes of this subsection (10), an individual is unlawfully present in the United States if the individual is an alien who is not:
- (I) A qualified alien as defined in 8 U.S.C. sec. 1641;
 - (II) A nonimmigrant under the “Immigration and Nationality Act”, federal Public Law 82-414, as amended; or
 - (III) An alien who is paroled into the United States under 8 U.S.C. sec 1182 (d) (5) for less than one year.
- (c) This subsection (10) shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

¹²⁸ Government – Local; 29-1-201 to 29-1-207 – Intergovernmental Relationships

¹²⁹ Special Districts; 32-1-101 to 32-1-1807 – Special District Provisions

¹³⁰ Special Districts; 32-10-101 to 32-10-180 – Three Lakes Water and Sanitation District Act

¹³¹ Special Districts; 32-11-101 to 32-11-817 – Urban Drainage and Flood Control Act

¹³² Water and Irrigation; 37-20-101 to 37-20-121

¹³³ Health; 25-8.5-101 to 25-805-120 – Cherry Creek Basin Water Quality Authority

¹³⁴ Special Districts; 32-9-101 to 32-9-164 – Regional Transportation District Act

¹³⁵ Government – State; 24-72.1-102 - Definitions

¹³⁶ Government – State; 24-72-100.1 through 24-72-502 – Public Records

- (11) (a) (I) If a county is the permittee of a municipal separate storm sewer system permit issued pursuant to part 5 of article [8](#)¹³⁷ of title [25](#), C.R.S., the **board of county commissioners** may adopt a storm water ordinance to develop, implement, and enforce the storm water management program required by the permit.
- (II) The storm water ordinance may specify that the county may:
- (A) Provide for and compel the abatement of any condition that causes or contributes to a violation of the permit or requirement from any property located within the unincorporated portion of the county at such time, upon such notice, and in such manner consistent with the terms of the permit as the **board of county commissioners** may prescribe by ordinance;
- (B) Perform the abatement upon notice to and failure of the property owner to abate such condition; and
- (C) Assess the reasonable cost of the abatement, including five percent for inspection and other incidental costs in connection therewith, upon the property from which such condition has been abated.
- (III) Storm water ordinances adopted pursuant to this subsection (11) shall include provisions for applying for and exercising an administrative entry and seizure warrant issued by a county or district court having jurisdiction over the property from which the condition is to be abated. An assessment pursuant to this subsection (11) shall, once recorded, be a lien against such property until paid and shall have priority based upon its date or recording. If the assessment is not paid within a reasonable time specified by ordinance, the county clerk and recorder may certify that fact to the county treasurer, who shall collect the assessment, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected. The laws of this state for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of assessments pursuant to this subsection (11).
- (b) (I) A county court or district court having jurisdiction over the property from which such condition is to be abated pursuant to the storm water ordinance shall issue an administrative entry and seizure warrant for the abatement of such condition upon presentation by a county of:
- (A) Ordinance provisions that meet the requirements of paragraph (a) of this subsection (11);
- (B) A sworn or affirmed affidavit stating the factual basis for such warrant;
- (C) Evidence that the property owner has received notice of the condition and has failed to abate the condition within a reasonable prescribed period;
- (D) A general description of the location of the property that is the subject of the warrant; and
- (E) A general list of corrective action needed.
- (II) Within ten days after the date of issuance of an administrative entry and seizure warrant pursuant to the provisions of this paragraph (b), the executing authority

¹³⁷ Health; 25-8-501 to 25-8-509 – Permit System

shall:

- (A) Execute such warrant in accordance with directions by the issuing court;
- (B) Provide or mail a copy of such warrant to the property owner; and
- (C) Submit proof of the execution of such warrant, including a written inventory of any property impounded by the executing authority, to the court.

30-15-401.5. Fire safety standards.

- (1) In addition to any other powers granted by the general assembly, the **board of county commissioners** of each county has the power to adopt ordinances to provide for minimum fire safety standards which shall be modeled upon those contained in the uniform fire code, including the table of contents, indices, appendices, and tables, as promulgated by the international conference of building officials, the international fire code institute, and the western fire chiefs association.
- (2) A **board of county commissioners** may adopt such ordinances only after it has been approved the formation of and received the recommendations of a permanent commission, to be known as the fire code adoption and revision commission. The commission shall consist of the **board** or its designees, the fire chiefs whose departments or districts lie partially or wholly within the portion of the affected county encompassed by the proposed fire code, and such other members as the **board** may appoint. Members of the commission shall receive no compensation or reimbursement of expenses for their services on the commission.
- (3) Such ordinances shall apply to all or a portion of the unincorporated area of the county and any incorporated town or city which elects by ordinance or resolution to have the provisions thereof apply.
- (4) A fire protection district or county improvement district providing fire protection services may propose fire code provisions for its district that may be different from the minimum fire safety standards adopted by the county. Such provisions shall be effective within the petitioning fire protection district or county improvement district providing fire protection services only upon the approval of the **board**.
- (5) No fire code provisions adopted pursuant to this section shall apply within any municipality unless the governing body of the municipality adopts a resolution stating that such provisions shall be applicable within its boundaries.
- (6) The provisions of subsection (3) of this section shall not apply to farms or ranches.
- (7) Fire protection districts organized pursuant to article [1](#)¹³⁸ of title [32](#), C.R.S., and county improvement districts providing fire protection services organized pursuant to part 5 of article [20](#)¹³⁹ of this title shall enforce the fire safety standards adopted by county ordinances with the fire district's jurisdiction. The **county commissioners** may contract with an enforcement agency for areas of the county not receiving fire protection.
- (8) Nothing in this section shall be construed to affect the validity of any ordinance adopted by a **board of county commissioners** before July 1, 1985.
- (9) Nothing in this section shall be construed to require a **board of county commissioner** to provide fire protection services to any area of the county or to require a **board of county commissioners**

¹³⁸ Special Districts; 32-1-101 to 32-1-1807 – Special District Provisions

¹³⁹ Government – County; 30-20-501 to 30-20-534 – County Public Improvement District Act

to adopt fire safety standards.

- (10) Notwithstanding any other provision of this section, no fire protection district shall prohibit the sale of permissible fireworks, as defined in section [12-28-101](#)¹⁴⁰ (8), C.R.S., within its jurisdiction.

The board SHALL (statutorily required), no later than January 1, 2011, determine whether there are fire hazards within the county; and if it is determined that there are, the county SHALL (statutorily required) prepare a community wildfire protection plan.

C.R.S. 30-15-401.7 (3) (b)

30-15-401.7. Determination of fire hazard area – community wildfire protection plans – adoption – legislative declaration – definitions.

(1)(a)The general assembly hereby finds, determines, and declares that:

- (I) *Community wildfire protection plans*, or CWPPs, are authorized and defined in section 101 of Title I of the federal “Healthy Forests Restoration Act of 2003”, Pub.L. 108-148, referred to in this section as “HFRA”. Title I of HFRA authorized the secretaries of agriculture and the interior to expedite the development and implementation of hazardous fuel reduction projects on federal lands managed by the United States forest service and the bureau of land management when these agencies meet certain conditions. HFRA emphasizes the need for federal agencies to work collaboratively with local communities in developing hazardous fuel reduction projects, placing priority on treatment areas identified by the local communities themselves in a CWPP. The wild land-urban interface area is one of the identified property area that qualify under HFRA for the use of this expedited environmental review process.
- (II) The development of a CWPP can assist a local community in clarifying and refining its priorities for the protection of life, property, and critical infrastructure in its wild land-urban interface area. The CWPP brings together diverse federal, state, and local interests to discuss their mutual concerns for public safety, community sustainability, and natural resources. The CWPP process offers a positive, solution-oriented environment in which to address challenges such as local fire-fighting capability, the need for defensible space around homes and housing developments, and where and how to prioritize land management on both federal and nonfederal lands. CWPPs can be as simple or complex as a local community desires.
- (III) The adoption of a CWPP brings many benefits to the state and adopting local community, including:
 - (A) The opportunity to establish a locally appropriated definition and boundary for the wild land-urban interface area;
 - (B) The opportunity to study the effect of fire ratings and combustibility standards for building materials used in wild land-urban interface areas;
 - (C) The establishment of relations with other state and local government officials, local fire chiefs, state and national fire organizations, federal land management agencies, private homeowners, electric, gas, and water

¹⁴⁰ Professions and Occupations; 12-28-101 – Fireworks - Definitions

utility providers in the subject area, and community groups, thereby ensuring collaboration among these groups in initiating a planning dialogue and facilitating the implementation of priority actions across ownership boundaries;

- (D) Specialized natural resource knowledge and technical expertise relative to the planning process, particularly in the areas of global positioning systems and mapping, vegetation management, assessment of values and risks, and funding strategies; and
- (E) Statewide leadership in developing and maintaining a list or map of communities at risk within the state and facilitating work among federal and local partners to establish priorities for action.

- (IV) CWPPs give priority to projects that provide for the protection of at-risk communities or watersheds or that implement recommendations in the CWPP.
- (V) CWPPs assist local communities in influencing where and how federal agencies implement fuel reduction projects on federal lands, how additional federal funds may be distributed for projects on nonfederal lands, and in determining the types and methods of treatment that, if completed, would reduce the risk to the community.
- (VI) The development of CWPPs promotes economic opportunities in rural communities.

- (b) By enacting this section, the general assembly intends to facilitate and encourage the development of CWPPs in counties with fire hazard areas in their territorial boundaries and to provide more statewide uniformity and consistency with respect to the content of CWPPs in counties needing protection against wildfires.

(2) As used in this section, unless the context otherwise requires:

- (a) “CWPP” means a community wildfire protection plan as authorized and defined in section 101 of Title I of the federal “Healthy Forests Restoration Act of 2003”, Pub.L. 108-148.
- (b) “Fire hazard area” means an area mapped by the Colorado state forest service, identified in section [23-31-302](#)¹⁴¹, C.R.S., as facing a substantial and recurring risk of exposure to severe fire hazards.

- (3) (a) *Not later than January 1, 2011, the **board of county commissioners** of each county, with the assistance of the state forester, shall determine whether there are fire hazard areas within the unincorporated portion of the county.*
- (b) *Not later than one hundred eighty days after determining there are fire hazard areas within the unincorporated portion of a county, the **board of county commissioners**, in collaboration with the representatives of the organizations or entities enumerated in section [23-31-312](#)¹⁴²_(3), C.R.S., that established the guidelines and criteria, shall prepare a CWPP for the purpose of addressing wildfires in fire hazard areas within the unincorporated portion of the county. In preparing the CWPP, the **board** shall consider the guidelines and criteria*

¹⁴¹ Higher Education and Vocational Training; 23-31-302 – Forestry function named

¹⁴² Higher Education and Vocational Training; 23-31-312 – Community wildfire protection plans – county governments – guidelines and criteria – legislative declaration - definitions

established by the state forester and such representatives pursuant to section [23-31-312](#) (3),
C.R.S.

- (c) Notwithstanding any other provisions of this section, a county that has already prepared a CWPP or an equivalent plan as of August 5, 2009, and, in connection with such preparation, considered the guidelines and criteria established by the state forester and designated representatives pursuant to section [23-31-312](#) (3), C.R.S., shall not be required to prepare a new CWPP to satisfy the requirements of this section.

30-15-402. Violations – penalty – surcharges – victim and witness assistance – traumatic brain injury trust fund.

- (1) Any person who violates any county ordinance adopted pursuant to this part 4 commits a class 2 petty offense or, in the case of traffic offenses, commits a traffic infraction, and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars for each separate violation. If authorized by the county ordinance, the penalty assessment procedure provided in section [16-2-201](#)¹⁴³, C.R.S., may be followed by any arresting law enforcement officer of any such violation. As part of said county ordinance authorizing the penalty assessment procedure, the **board of county commissioners** may adopt a graduated fine schedule for such violations. Such graduated fine schedule may provide for increased penalty assessments for repeat offenses by the same individual. In the case of county traffic ordinance violations, the provisions of sections [42-4-1701](#)¹⁴⁴ and [42-4-1703](#), C.R.S., and section [42-4-1708](#) to [42-4-1718](#), C.R.S., shall apply; except that the fine or penalty for a violation charged and the surcharge thereon if authorized by county ordinance shall be paid to the county.
- (2) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of a violation of any ordinance adopted pursuant to this part 4 are subject to:
- (a) A surcharge of ten dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the court administrator of the judicial district in which the offense occurred for credit to the victims and witnesses assistance and law enforcement fund established in that judicial district pursuant to section [24-4.2-103](#)¹⁴⁵, C.R.S.
- (3) In addition to the penalties prescribed in subsection (1) of this section, persons convicted of operating a vehicle in excess of the speed limit in violation of an ordinance adopted pursuant to section [30-15-401](#)¹⁴⁶ (1) (h) are subject to a surcharge of fifteen dollars that shall be paid to the clerk of the court by the defendant. Each clerk shall transmit the moneys to the state treasurer, who shall credit the same to the Colorado traumatic brain injury trust fund created pursuant to section [26-1-309](#)¹⁴⁷, C.R.S.

30-15-402.5. Enforcement personnel – peace officer designation.

- (1) Personnel designated by ordinance duly adopted to enforce county ordinances adopted pursuant

¹⁴³ Criminal Proceedings; 16-2-201 – Sunrise Review of Peace Officer Status

¹⁴⁴ Vehicle and Traffic; 42-4-1701 to 42-4-1718 – Penalties and Procedure

¹⁴⁵ Government – State; 24-4.2-103 – Victims and witnesses assistance and law enforcement fund – control of funds

¹⁴⁶ Government – County; 30-15-401 – Regulation under Police Power

¹⁴⁷ Human Service Code; 26-1-309- Public Assistance – Trust fund

to this part 4, however titled or administratively assigned, may issue citations or summonses and complaints enforcing county ordinances without regard to the certification requirements of part 3 of article [31](#)¹⁴⁸ of title [24](#),
C.R.S.

- (2) Nothing in this section is intended to vest authority in any person so engaged to enforce any resolution or ordinance through execution of an administrative entry and seizure warrant issued pursuant to section [30-15-401](#),
C.R.S., or through exercise of any power other than the power to issue a citation or summons and complaint as described in subsection (1) of this section.

30-15-403. Style of ordinances.

The style of the ordinances in counties shall be: “Be it ordained by the board of county commissioners of _____ county.”

30-15-404. Majority must vote for ordinances – proving ordinances.

All ordinances shall require for their passage or adoption the concurrence of a majority of the **board of county commissioners**. All ordinances may be proven by the seal of the county, and, when printed in book or pamphlet form and purporting to be printed and published by authority of the county, the same shall be received in evidence in all courts and places without further proof.

30-15-405. Record and publication of ordinances.

All ordinances, as soon as may be after their adoption, shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the **chairman of the board of county commissioners** and the county clerk and recorder. All ordinances of a general or permanent nature and those imposing any fine, penalty, or forfeiture, following adoption, shall be published by title only and shall contain the date of the initial publication and shall reprint in full any section, subsection, or paragraph of the ordinance which was amended following the initial publication. Publication following adoption may be in full at the discretion of the **board of county commissioners**. It is a sufficient defense to any suit or prosecution for such fine, penalty, or forfeiture to show that no publication was made. If there is no newspaper published or having a general circulation within the limits of the county, then, upon a resolution being passed by the **board of county commissioners** to that effect, ordinances may be published by posting copies thereof in three public places within the limits of the county, to be designated by the **board of county commissioners**. Except for ordinances calling for special elections or necessary to the immediate preservation of the public health or safety and containing the reasons making the same necessary in a separate section, such ordinances shall not take effect and be in force before thirty days after they have been so published. The excepted ordinances shall take effect upon adoption. A copy of an appropriate section or sections of the book of ordinances provided for in this section, certified as correct by the county clerk and recorder, shall be taken and considered in all courts of this state as prima facie evidence that such ordinances have been published as provided by law.

30-15-406. Reading before board of county commissioners – publication.

No ordinance *shall* be adopted by any **board of county commissioners** of any county in this state unless the same has been previously introduced and read at a preceding regular or special meeting of such **board** and published in full in one newspaper of general circulation published in such county at least ten days before its adoption. If there is no such newspaper published in the county, copies of the proposed ordinance shall be posted in at least six public places in such county at least ten days prior to its adoption. Such previous introduction of such ordinance at such preceding meeting of the **board of county commissioners** and the fact of its publication in such newspapers or by posting shall appear in

¹⁴⁸ Government – State; 24-31-301 to 24-31-311 – Peace Officers Standards and Training

the certificate and the attestation of the county clerk and recorder on such ordinance after its adoption.

30-15-407. Reading – adoption of code.

Whenever the reading of an ordinance or of a code, which is to be adopted by reference, is required by statute, any such requirement shall be deemed to be satisfied if the title of the proposed ordinance or code is read and the entire text of the proposed ordinance or of any code which is to be adopted by reference is submitted in writing to the **board of county commissioners** county before adoption.

30-15-408. Disposition of fines and forfeitures.

All fines and forfeitures for the violation of ordinances and, except as otherwise provided for surcharges levied pursuant to section [30-15-402](#) (3) and (3),

C.R.S., all moneys collect for licenses or otherwise shall be paid into the treasury of the county as such times and in such manner as may be prescribed by ordinance, or, if there is no ordinance referring to the case, it shall be paid to the treasurer at once.

30-15-409. One-year limitation of suits.

All suits for the recovery of any fine and prosecutions for the commission of any offense made punishable under any ordinance of any county shall be barred one year after the commission of the offense for which the fine is sought to be recovered.

30-15-410. County courts – jurisdiction.

County courts, in their respective counties, have jurisdiction in prosecutions of violations of county ordinances. The simplified county court procedures set forth in part 1 of article [2](#)¹⁴⁹ of title [16](#), C.R.S., and the penalty assessment procedures set forth in part 2 of said article shall be applicable to the prosecution of violations of county ordinances. Any summons and complaint brought in any county court shall be filed in the name of the county by and on behalf of the people of the state of Colorado. Any process issued from a county court shall be likewise denominated. It is the duty of the sheriff and undersheriff and deputies, in their respective counties, to enforce the provisions of county ordinances.

30-15-411. Conflicts with state statutes.

No county shall adopt an ordinance that is in conflict with any state statute.

General Assistance

30-17-102. Counties may provide temporary general assistance to the poor.

Each county may provide temporary general assistance to the poor who reside in the county or to transients. If such provision is made, each county may provide eligible

Recipients with such relief as, in the judgment of the **board of county commissioners**, is needed.

30-17-103. Standards and guidelines.

- (1) If a temporary general assistance program is undertaken, the **board of county commissioners** of each county, by ordinance, shall establish standards and guidelines for determining who is eligible to receive temporary general assistance, what types of assistance shall be offered, what amounts of assistance shall be paid, and for what periods of time such assistance shall be offered.
- (2) In adopting and promulgating such standards and guidelines, the **board of county commissioners** may establish requirements of residency for a specified minimum period, not to exceed six months, and may also set different residency requirements for different types of relief.
- (3) The **board of county commissioners**, in the standards and guidelines adopted pursuant to this

¹⁴⁹ Criminal Proceedings; 16-2-101 to 16-2-201 – County Court Provisions

article, may require that any applicant for temporary general assistance shall search for employment and accept employment that is offered and shall also enroll with the division of employment and training in order to be eligible to receive temporary general assistance. Such requirements, however, shall not apply to an applicant who is unable to work due to a temporary disability. The **board** may require that such disability be verified by a medical examination. Such requirements for search for employment shall not apply to persons who are sixty-five years of age or older.

The county SHALL (statutorily required) provide for the burial of any person who dies within the county and does not leave sufficient funds for such burial.

C.R.S. 30-17-104

30-17-104. Burial expenses.

Each county shall also provide for the decent burial of any person who dies within the county who does not leave sufficient funds for such burial and whose family is either financially unable to provide for such burial or cannot be contacted within a reasonable time.

If the board determines to undertake a temporary general assistance program, it SHALL (statutorily required) establish a temporary general assistance account for such purpose.

C.R.S. 30-17-105

30-17-105. Temporary general assistance account.

Each **board of county commissioners**, upon its determination to undertake a temporary general assistance program, shall establish a temporary general assistance account for the purpose of providing money for the temporary general assistance program in the county; and *each board shall appropriate money for such account for such purpose.*

30-17-107. Reimbursement to county.

If at any time the recipient of temporary general assistance acquires funds or other property, he shall be answerable to the county for the expense of the relief furnished. If the recipient fails to reimburse the county upon demand, the county may assert its claim for reimbursement in any court of competent jurisdiction.

30-17-108. Temporary general assistance payments limited to appropriation.

In no event shall payment of temporary general assistance benefits exceed, in the aggregate, the appropriation made by **the board of county commissioners** for the temporary general assistance account.

County Agricultural Research

30-24-102. Authority of county commissioners.

- (1) For the purposes set forth in this article, the **boards of county commissioners of the several counties of the state are** authorized to:
 - (a) Purchase or rent for use in county agricultural research work;
 - (b) Purchase or rent laboratory facilities for use in county agricultural research work;
 - (c) Purchase or rent laboratory equipment and supplies for use in county agricultural research work;
 - (d) Employ such management and common labor as they consider necessary to provide for

- the proper efficiency of the county agricultural research work;
- (e) Make provision for a county agricultural research advisory committee, to serve without compensation, composed of members representing the different agricultural groups in the county and elected by such agricultural groups under such procedure and policy as the **board of county commissioners** may determine;
 - (f) Enter into cooperative agreements with the **boards of county commissioners** of other counties to economically carry out the purposes of this article;
 - (g) Enter into cooperative agreements with the board of governors of the Colorado state university system for the assistance of Colorado state university, including all of its agencies, in the developing and financing of the projects to be included in the operations of the county agricultural research work each year;
 - (h) Enter into cooperative agreements through Colorado state university with the proper federal research agencies.

30-24-103. Appropriation.

The **boards of county commissioners** of the several counties are authorized to appropriate from the county general fund such money as may be necessary to pay the obligations for county agricultural extension and research work as may be authorized.

30-24-104. County agricultural fund.

The **boards of county commissioners** of the several counties are authorized to establish a county agricultural fund. This fund may be created out of the county general fund, and repayment of this fund may be made through a county agricultural research tax levy.

Fiscal Procedures

30-25-103. No liability against county beyond appropriation.

No contract shall be made by the **board of county commissioners** of any county, and no liability against the county shall be created by any officer of the county, whether the object of the expenditure has been ordered by the **board of county commissioners** or not, unless an appropriation shall have been previously made concerning such expense. Each member of the **board of county commissioners** and other officers of the county who undertake to create any liability against the county, except such as they are by statute required to do, shall *be personally liable* and, together with the sureties upon their official bond, shall be held for such indebtedness.

30-25-104. Judgment against a county, how paid – tax levy.

- (1) When a judgment is given and rendered against a county of this state in the name of its **board of county commissioners** or against any county officer in an action prosecuted by or against him *in his official capacity* or name of office, when the judgment is for money and is a lawful county charge, no execution shall issue thereon, but the same may be paid by the levy of a tax upon the taxable property of said county. When the tax is collected by the county treasurer, it shall be paid over, as fast as collected by him, to the judgment creditor, or his assigns, upon the execution and delivery of proper vouchers therefore; but nothing in this section shall operate to prevent the **board of county commissioners** from paying any such judgment by a warrant drawn by them upon the ordinary county fund in the county treasury. The power conferred to pay such judgment by a special levy of such tax shall be held to be in addition to the taxing power given and granted to such **board** to levy taxes for other county purposes. The **board of county commissioners** shall levy under this law such taxes as shall be sufficient to discharge such judgment in the next fiscal year; but in no event shall such annual levy exceed a total of ten mills for one or more

judgments exclusive of mill levies for other county purposes. The **board of county commissioners** shall continue to levy such taxes, not to exceed a total of ten mills annually, exclusive of mill levies for other county purposes, but in no event less than ten mills if such judgment will not be discharged by a lesser levy until such judgment is discharged.

- (2) Any and all taxes levied to pay the last payment upon or to pay any such judgment shall be valid, whether the sum sought to be raised thereby exceeds the sum due on such judgment, principal and interest or not; but such excess of the sum required shall not exceed a sum equal to ten percent of such required sum, and no sale of real estate made to make such taxes shall be invalid by reason of such excess, if the same is within the above specified limit. All levies to pay judgments shall be made as near as possible to raise a sum equal to that due of the judgment, for which payment the tax is levied; but, nevertheless, any excess levied, if such does not exceed the said ten percent of the sum due and desired to be paid, shall not invalidate any tax levy upon or tax sale of real or personal estate made to raise, make, or collect the said sum due and excess.

The board SHALL (statutorily required) establish a fund known as the county general fund.

C.R.S. 30-25-105

30-25-105. County general fund.

A fund to be known as the county general fund is hereby created and established in each of the counties of the state of Colorado. The county general fund shall consist of all county revenue except that specifically allocated by law for other purposes.

30-25-106. Fund – purposes.

- (1) The **board of county commissioners** is authorized to appropriate money from the county general fund for all or ordinary county expenses, including the administrative expenditures of elective and appointive offices, library, agricultural extension services, fire protection, fairs, advertising, airports, health, rodent control, water conservation, weed control, pest control, predatory animal control, land all other general county purposes authorized by law, **except expenditures** for public welfare, roads and bridges, debt services, public hospitals, public works, contingencies, and purposes voted by the electors.
- (2) The **board of county commissioners** is authorized to appropriate money from the general fund derived from federal payment in lieu of taxes to public school districts containing lands from which the payment is derived.

30-25-107. Contingent fund.

The **board of county commissioners** is authorized to establish a contingent fund to provide for expenditures caused by an act of God, or the public enemy, or some contingency that could not have been reasonably foreseen at the time of adoption of the budget, to redeem outstanding warrant lawfully issued, and shall fix rate of levy annually for such fund.

The board SHALL (statutorily required) carefully examine the county orders returned by the treasurer with the record of orders at a minimum of twice each year, in January and July.

C.R.S. 30-25-108

30-25-108. Board to examine county orders.

The **board of county commissioners**, at its January and July sessions of each year, or oftener if necessary, *shall carefully examine the county orders returned by the county treasurer by comparing each order with the record of orders in the clerk's office. It shall cause to be entered on said record,*

opposite to the entry of each order issued, the date when the same was canceled.

30-25-109. Allowance of accounts.

No account shall be allowed by the **board of county commissioners** unless the same is made out in separate items, and the nature of each item stated, and where no specified fees are allowed by law the time actually and necessarily devoted to the performance of any service charged in such account shall be specified. Nothing in this section shall be construed to prevent any such **board** from disallowing any account, in whole or in part, when so rendered nor from requiring any other or further evidence of the truth and propriety thereof as it may think proper.

The board SHALL (statutorily required) audit and allow, or disallow, all claims or demands against the county.

C.R.S. 30-25-110 (1)

30-25-110. Claims presented to board – when – how paid.

- (1) Any claim or demand held by any person against a county shall be presented for audit and allowance to the **board of county commissioners** of the proper county, in due form of law, before an action in any court shall be maintainable thereon, and all claims, when allowed, shall be paid by a county warrant or order, drawn by said **board** on the county treasury, upon the proper fund in the treasury, for the amount of such claim. *It is the duty of the board of county commissioners to ensure that all warrants and orders issued on or after April 2, 1998, are drawn upon the proper fund in the treasury and that there are sufficient moneys in said fund.* Such warrant or order shall be signed by the chairperson of the **board**, permanent or temporary, and attested by the county clerk and recorder, and said warrant or order shall specify the amount and value of the claim or service for which it is issued and be numbered and dated in the order in which it is issued.
- (2) The general county fund shall be known and designated on the books of the county treasury as the “county general fund”, and the general road fund shall be known and carried on the books of said county treasury as the “county road and bridge fund”. Such warrants and orders, payable on demand, shall be drawn and issued upon the county treasurer, or against any funds in his hands, only when at the time of drawing and issuing the same there shall be sufficient moneys in the appropriate fund in the treasury to pay such warrants and orders. Whenever there are no moneys in the county treasury of a county, it is lawful for the board of county commissioners of such county to provide that county warrants and orders of such county may be drawn and issued against and in anticipation of the collection of taxes already levied for the payment of such expenses to the extent of eighty percent of the total amount of the taxes levied. Warrants and orders so drawn and issued under the provisions of this section shall show upon their faces that they are payable solely from the fund upon which the same are drawn and the taxes levied to form the same when collected and not otherwise.
- (3) County warrants and orders may be in such form as the **board of county commissioners** may provide and may be made payable to the order of the payee or to the bearer. The **board of county commissioners** may direct the treasurer to pay by electronic transfer any written authorization issued by the **board** for electronic payment of claims against the county. For purposes of this section, “order” means all orders and authorizations issued by the **board of county commissioners** for the payment of claims against the county. “Order” includes any check issued by the **board of county commissioners** and any written authorization issued by the **board of county commissioners** directing the treasurer to make payment of claims against the county by electronic transfer.
- (4) The person to whom such last-named warrants and orders are allowed and delivered shall be

hold to have accepted the same in full payment and satisfaction of the claim for which the same were issued; and the obligations of said warrants are limited as stated; and said warrants shall be paid only from the fund drawn upon and the taxes levied, appropriated, collected, or paid into the county treasury to create, constitute, and form said fund. The taxes provided by law therefore shall be credited to said fund until all warrants drawn shall be fully paid, satisfied, and discharged, both principal and interest. Said limited and last-named warrants and orders shall not operate as a debt of said county and shall not be held to add to or increase the debt or indebtedness of said county.

The board SHALL (statutorily required) publish a report of each claim not less than monthly, and within 30 days following the end of the period for which the claim is made. The board SHALL (statutorily required) also publish a semiannual financial statement furnished by the treasurer within 60 days following June 30 and December 31.

C.R.S. 30-25-111 (1) &
C.R.S. 30-25-111 (2)

The board SHALL (statutorily required) publish a report in August and February showing salary information for all county employees and officials

C.R.S. 30-25-111 (1.5)

30-25-111. Proceedings published – failure – penalty.

- (1) It is the *duty of the **board of county commissioners** of each county to publish* in at least one legal newspaper in the county a report of each claim, except salary warrants, and expenditure by it allowed and paid and taxes rebated, disclosing the name of and the amount paid to each individual or firm, a description of the services or material furnished to the county, and, as to other items, the nature of the claim and disclosing the fund charged with each expenditure. Such report shall contain a statement of any contracts for the expenditure of money not paid immediately made by the **board of county commissioners**, disclosing the nature and purpose of the contract, the parties thereto, and the amounts involved therein. Such reports shall be published at least monthly within thirty days following the end of the period for which made. If no legal newspaper is located in the county, either such reports shall be published in a newspaper of an adjacent county which has general circulation in the county for which the report is made, or the board shall cause such statements to be posted in three conspicuous places in said county, one of which shall be the courthouse door. The county accounting office, if there is one, and otherwise the county clerk and recorder, if he is acting as the accounting agency for the county, shall provide to the **board of county commissioners** all information necessary for the publication. The published report shall state that it is published under the direction of the **board of county commissioners**. Nothing in this section shall be construed as requiring the **board of county commissioners** to publish or make public the names of or individual public welfare payments to, or in behalf of, indigent persons receiving assistance from public welfare programs financed, in whole or in part, by federal or state funds, or any combination thereof, when such publication is specifically forbidden by law.
- (1.5) *Salary information for all county employees and officials shall be published twice annually in the manner provided in subsection (1) of this section.* The first publication shall be in August and shall include each employee's title and gross monthly salary for the prior June. The second publication shall be in February and shall list each employee by title, along with the total amount of gross salary paid to such employee during the prior calendar year. Each publication of salary information shall be accompanied by the countywide average percentage of salary that is paid in addition to regular wages as fringe benefits, including, but not limited to, insurance, medical

care, retirement plans, housing, transportation, or other subsidized employee expenses.

- (2) It is the duty of the **board of county commissioners** of each county to publish in some legal newspaper published in the county the semiannual financial statement furnished to the **board of county commissioners** by the county treasurer which shall include in separate columns the balance at the beginning of the period in each fund kept by the treasurer, the collections to each fund from current taxes, delinquent taxes, miscellaneous collection and transfers, withdrawals from each fund showing cash disbursements, transfers and treasurer's fees, and the balance at the end of the period in each fund. The statement shall be published within sixty days following June thirtieth and December thirty-first each year. If no legal newspaper is located in the county, either such reports shall be published in a newspaper of an adjacent county which has general circulation in the county for which the report is made or the **board of county commissioners** shall cause such statements to be posted in three conspicuous places in said county, one of which shall be the courthouse door. The county clerk and recorder shall furnish a copy of such proceedings for such publication.
- (3) Any willful violation of any provision of this section by any **county commissioner** or by any person acting as clerk or otherwise for the **board of county commissioners** in connection with such published reports and the statements contained therein is a misdemeanor, and any person convicted of any violation shall be punished by a fine not exceeding one hundred dollars.
- (4) Failure to publish salary information as provided in subsection (1.5) of this section shall be punishable by a civil penalty of not less than five hundred nor more than one thousand five hundred dollars.

30-25-112. Appeal on disallowance of claim.

When any claim of any person against a county is disallowed, in whole or in part, by the **board of county commissioners**, such person may appeal from the decision of such board to the district court for the same county by causing a written notice of such appeal to be served on the clerk of such **board** within thirty days after the making of such decision and executing a bond to such county, with sufficient security, to be approved by the clerk of said **board**, conditioned for the faithful prosecution of such appeal and the payment of all costs that are adjudged against the appellant.

30-25-113. Proceedings upon appeal – pleadings.

The clerk of the board, upon such appeal being taken, shall immediately give notice thereof to the chairman of the **board of county commissioners**, and shall make out a brief return of the proceedings in the case before the **board** with its decision thereon, and shall file the same, together with the bond and all papers in the case in his possession, with the clerk of the district court. The appeal shall be docketed and tried in a summary manner, and costs shall be awarded as in appeals from county courts to district courts. If the amount involved exceeds the sum of three hundred dollars, the applicant, within ten days after taking such appeal, shall file a complaint as in other cases in the district court, a copy of which shall also be served upon the clerk of the **board**, and answer shall be made thereto as in other cases. If the county clerk and recorder is an interested party in such claim, the giving of notice shall be made on the chairman of the **board of county commissioners**, and the bond provided for in section [30-25-112](#)¹⁵⁰, C.R.S., shall be approved by the chairman of the **board of county commissioners**.

30-25-114. Special taxes not levied – when.

In all cases where a special district tax is levied against all property in the county, the **board of county commissioners** is authorized to make an appropriation from the general fund as provided in section [30-](#)

¹⁵⁰ Government – County; 30-25-112 – Appeal on disallowance of claim

[25-106](#)¹⁵¹,

C.R.S., and no special tax shall be levied for such purpose.

Planning And Zoning

The board SHALL (statutorily required) create a county planning commission or serve as the county planning commission in counties of less than 15,000 in population.

C.R.S. 30-28-103 & 30-28-133 (1)

30-28-103. County planning commission.

- (1) Except as otherwise provided in this subsection (1), the **board of county commissioners** of any county within the state is authorized to appoint a commission of not less than three and not more than nine members, to be known as the county planning commission; except that, in counties of the state having a population of fifteen thousand or less desiring to establish a commission, the **board of county commissioners may constitute the commission, or the board of county commissioners may appoint a separate body to serve as the commission.** In counties of the state having a population of one hundred thousand or more, the **board of county commissioners** is authorized to appoint a commission of not less than three and not more than fifteen members.
- (2) Each of such members of the commission shall be a resident of the county. The term of appointed members of the commission shall be three years and until their respective successors have been appointed, but the terms of office shall be staggered by making the appointments so that approximately one-third of the members' terms expire each year. Members of the commission on July 1, 1977, shall serve the remainder of the terms for which they were appointed. Thereafter, members shall be appointed pursuant to this subsection (2).
- (3) The members of the commission shall receive such compensation as may be fixed by the **board of county commissioners**, and the **board of county commissioners** shall provide for reimbursement of the members of the commission for actual expenses incurred. The **board of county commissioners** shall provide for the filling of vacancies in the membership of the commission and for the removal of a member for nonperformance of duty or misconduct. The **board of county commissioners** may appoint associate members of such commission, each of whom shall be a resident of the county, and, in the event any regular member is temporarily unable to act owing to absence from the county, illness, interest in any matter before the commission, or any other cause, his place may be taken during such temporary disability by an associate member designated for that purpose.

30-28-117. Board of adjustment.

- (1) The **board of county commissioners** of any county which enacts zoning regulations under the authority of this part 1 shall provide for a board of adjustment of three to five members and for the manner of the appointment of such members. Not more than half of the members of such board may at any time be members of the planning commission. The **board of county commissioners** shall fix per diem compensation and terms for the members of such board of adjustment, which terms shall be of such length and so adjustment may be removed for cause by the **board of county commissioners** upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The **board of county commissioners** may appoint associate members of such board, and, in the event that any regular member is temporarily unable to act owing to absence for the county, illness, interest in a case before the board, or any other cause, his place may be taken during such

¹⁵¹ Government – County; 30-25-106 – Fund - purposes

temporary disability by an associate member designated for that purpose.

- (2) The **board of county commissioners** shall provide and specify in its zoning or other resolutions general rules to govern the organization, procedure, and jurisdiction of said board of adjustment, which rules shall not be inconsistent with the provisions of this part 1. The board of adjustment may adopt supplemental rules of procedure not inconsistent with this part 1 or such general rules.
- (3) Any zoning resolution of the **board of county commissioners** may provide that the board of adjustment, in appropriate cases and subject to appropriate principles, standards, rules, conditions, and safeguards set forth in the zoning resolution, may make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. Where feasible, special exception may be made for the purpose of providing access to sunlight for solar energy devices. The **board of county commissioners** may also authorize the board of adjustment to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions, as they may arise in the administration of the zoning regulations.
- (4) Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedures may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by application to the district court. The court, upon proper showing, may issue subpoenas and enforce obedience by contempt proceedings. All meetings of the board of adjustment **shall** be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (5) The **governing body of a county** that has entered into an intergovernmental agreement with a municipality located or partially located within that county for the purposes of joint participation in land use planning, subdivision procedures, and zoning pursuant to the authority granted in section [31-23-227](#)¹⁵² (2), C.R.S., may enter into an intergovernmental agreement with that municipality for the purpose of establishing a joint zoning board of adjustment for a specific area designated in the intergovernmental agreement.

The board SHALL (statutorily required) adopt and enforce subdivision regulations.

C.R.S. 30-28-133 (1)

30-28-133. Subdivision regulations.

- (1) *Every county in the state* that does not have a county planning commission on July 1, 1971, *shall create a county planning commission* in accordance with the provisions of section [30-28-103](#)¹⁵³, C.R.S. Every county planning commission in the state shall develop, propose and recommend subdivision regulations, and the **board of county commissioners shall adopt and enforce subdivision regulations**, and the **board of county commissioners** shall adopt and enforce subdivision regulations for all land with the unincorporated areas of the county in accordance with this section not later than September 1, 1972. Before finally adopting any subdivision regulations, the **board of county commissioners** shall hold public hearings thereon, and at least fourteen days' notice of the time and place of such hearings shall be given by at least one publication in a newspaper of general circulation in the county. Before adopting any such

¹⁵² Government – Municipal; 31-23-227 – Allocation of powers or duties

¹⁵³ Government – County; 30-28-103 – County planning commission

subdivision regulations, the **board of county commissioners** may revise, alter, or amend any such subdivision regulations developed, proposed, or recommended by the county planning commission. Such subdivision regulations shall be in full force and effect and enforced by the **board of county commissioners**.

- (2) Prior to the adoption of the regulations referred to in this section, a public hearing shall be held thereupon in the county in which said territory or any part thereof is situated. A copy of such regulations shall be filed with the county clerk and recorder of the county in which said territory is situated.
- (3) Subdivision regulations adopted by a **board of county commissioners** pursuant to this section shall require subdividers to submit to the **board of county commissioners** data, surveys, analyses, studies, plans, and designs, in the form prescribed by the **board of county commissioners**, of the following items:
 - (a) Property survey and ownership of the surface and mineral estates including mineral lessees, if any;
 - (b) Relevant site characteristics and analyses applicable to the proposed subdivision including the following, which shall be submitted by the subdivider with the sketch plan:
 - (I) Reports concerning streams, lakes, topography, and vegetation;
 - (II) Reports concerning geologic characteristics of the area significantly affecting the land use and determining the impact of such characteristics of the proposed subdivision;
 - (III) In areas of potential radiation hazard to the proposed future land use, evaluation of these potential radiation hazards;
 - (IV) Maps and tables concerning suitability of types of soil in the proposed subdivision, in accordance with any standard soil classifications and procedures therefore, for the proposed use;
 - (c) A plat and other documentation showing the layout or plan of development, including where applicable, the following information:
 - (I) Total development area;
 - (II) Total number of proposed dwelling units;
 - (III) Total number of square feet of proposed nonresidential floor space;
 - (IV) Total number of proposed off-street parking spaces, excluding those associated with single-family residential development;
 - (V) Estimated total number of gallons per day of water system requirements where a distribution system is proposed;
 - (VI) Estimated total number of gallons per day of sewage to be treated where a central sewage treatment facility is proposed or sewage disposal means and suitability where no central sewage treatment facility is proposed;
 - (VII) Estimated construction cost and proposed method of financing of the streets and related facilities, water distribution systems, sewage collection system, storm drainage facilities, and such other utilities as may be required of the developer by the county;
 - (VIII) Maps and plans for facilities to prevent storm waters in excess of historic runoff,

caused by the proposed subdivision, from entering, damaging, or being carried by conduits, water supply ditches and appurtenant structures, and other storm drainage facilities.

(d) Adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:

- (I) Evidence of ownership or right of acquisition of or use of existing and proposed water rights;
- (II) Historic use and estimated yield of claimed water rights;
- (III) Amenability of existing rights to a change in use;
- (IV) Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area;
- (V) Evidence concerning the potability of the proposed water supply for the subdivision.

(e) Evidence that provision has been made for facility sites, easements, and rights of access for electrical and natural gas utility service sufficient to ensure reliable and adequate electric or, if applicable, natural gas service for the proposed subdivision. Submission of a letter of agreement between the subdivider and utility serving the site shall be deemed sufficient to establish that adequate provision for electric or, if applicable, natural gas service to a proposed subdivision has been made.

(4) Subdivision regulations adopted by the **board of county commissioners** pursuant to this section shall also include, as a minimum, provisions governing the following matters:

- (a) Sites and land areas for schools and parks when such are reasonably necessary to serve the proposed subdivision and the future residents thereof. Such provisions may include:
 - (I) Reservation of such sites and land areas, for acquisition by the county;
 - (II) Dedication of the sites and land areas to the county, to a school district, or to the public or, in lieu thereof, payment of a sum of money not exceeding the fair market value of the sites and land areas or a combination of such dedication and such payment; except that the value of the combination shall not exceed the fair market value of the sites and land areas. Any sums, when required, or moneys to be paid to the **board of county commissioners** pursuant to this paragraph (a) may, if approved by the **board of county commissioners**, be paid directly to a school district. If the sites and land areas are dedicated to the county, to a school district, or the public, the **board of county commissioners** may, at the request of the affected entity, sell the land. The subdivider shall have a right of first refusal to purchase all or a portion of any land dedicated by the subdivider to a county, school district, or other public entity pursuant to this subparagraph (II) before the land is sold, transferred, or conveyed to any party other than a school district. Prior to selling or otherwise transferring ownership of the land, the county, school district, or other public entity selling the land shall provide written notice to the subdivider of its intention to sell or transfer ownership of all or any portion of the land. The subdivider shall then have sixty days to provide written notice to the county, school district, or other public entity of the subdivider's interest in

purchasing all or a portion of the land to be sold. The purchase of the land by the subdivider shall be upon such terms and conditions and for such consideration as the parties may mutually agree; however, in no event shall the purchase price exceed the fair market value of the land at the time the subdivider dedicated the land to the county, school district, or other public entity. Any right of first refusal created pursuant to this subparagraph (II) shall expire twenty years from the date the land was dedicated by the subdivider to a county, school district, or other public entity. Except as provided in subsection (4.3) of this section, any such sums, when required, or moneys paid to the **board of county commissioners** from the sale of the dedicated sites and land areas shall be held by **the board of county commissioners**:

- (A) For the acquisition of reasonable necessary sites and land areas or for other capital outlay purposes for schools or parks;
- (B) For the development of the sites and land areas for park purposes; or
- (C) For growth-related planning functions by school districts for educational purposes;

(III) Dedication of such sites and land areas for the use and benefit of the owners and future owners in the proposed subdivision;

- (b) Standards and technical procedures applicable to storm drainage plans and related designs, in order to ensure proper drainage ways, which may require, in the opinion of the **board of county commissioners**, detention facilities which may be dedicated to the county or the public, as are deemed necessary to control, as nearly as possible, storm waters generated exclusively with a subdivision from a one hundred year storm which are in excess of the historic runoff volume of storm water from the same land area in its undeveloped and unimproved condition;
- (c) Standards and technical procedures applicable to sanitary sewer plans and designs, including soil percolation testing and required percolation rates and site design standards for on-lot sewage disposal systems when applicable;
- (d) Standards and technical procedures applicable to water systems.

(4.3) After final approval of a subdivision plan or plat and receipt of dedications of sites and land areas or payments in lieu thereof required pursuant to subparagraph (II) of paragraph (a) of subsection (4) of this section, the **board of county commissioners** shall give written notification to the appropriate school districts and local government entities. Following such notice, a school district or local government entity may request periodic transfer on no longer than an annual basis of such land or moneys to the district or entity. When a **board of county commissioners** determines that the school district or local government entity has demonstrated a need for the land or moneys based on a long-range capital plan or evidence of the impact of the subdivision on the district or entity, or both, it shall periodically transfer on no longer than an annual basis the land or moneys to the appropriate school district or local government entity. The district or entity shall use the transferred land or moneys only for a purpose authorized by sub-subparagraphs (A) to (C) of subparagraph (II) of paragraph (a) of subsection (4) of this section. Any moneys received by the **board of county commissioners** that are transferred pursuant to this subsection (4.3) are not county revenues for purposes of paragraph (d) of subsection (7) of section 20 of article X of the state constitution.

(4.5) Subdivision regulations adopted by a **board of county commissioners** may provide for the

protection an assurance of access to sunlight for solar energy devices by considering the use of restrictive covenants or solar easements, height restrictions, side yard and setback requirements, street orientation and width requirements, or other permissible forms of land use controls.

- (5) No subdivision shall be approved under section [30-28-110](#)¹⁵⁴ (3) and (4) until such data, surveys, analyses, studies, plans, and designs as may be required by this section and by the county planning commission or the **board of county commissioners** have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the county contained in its subdivision regulations.
- (6) No **board of county commissioners** shall approve any preliminary plan or final plat for any subdivision located within the county unless the subdivider has provided the following materials as part of the preliminary plan or final plat subdivision submission:
- (a) Evidence to establish that definite provision has been made for a water supply that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
 - (b) Evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system and , if other methods of sewage disposal are proposed, evidence that such systems will comply with state and local laws and regulations which are in effect at the time of submission of the preliminary plan or final plat;
 - (c) Evidence to show that all areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.
- (7) and (8) (Deleted by amendment, L. 2005, p.668, 6, effective June 1, 2005.)
- (9) The subdivision regulations adopted under this section may provide that, without a hearing or compliance with any of the submission, referral, or review requirements in this section and section [30-28-136](#)¹⁵⁵, C.R.S., the **board of county commissioners** may approve a correction plat if the sole purpose of such correction plat is to correct one or more technical errors in an approved plat and where such correction plat is consistent with an approval preliminary plan.
- (10) It is recognized that surface and mineral estates are separate and district interests in land and that one may be severed from the other and that the owners of subsurface mineral interests and their lessees, if any, are entitled to the notice specified in section [24-65.5-103](#)¹⁵⁶, C.R.S., and shall be recognized by the commission as having the same rights and privileges as surface owners.
- (11) The subdivision regulations adopted under this section may provide for the payment of a sum of money or proof of a line of credit or other fees in connection with a subdivision on a per-acre basis, to represent an equitable contribution to the total costs of the drainage facilities in the drainage basin in which the subdivision is located. The subdivision regulations shall provide for the repayment to a subdivider, from any surplus basin funds available, or any costs he incurs because of compliance with the plans for the development of drainage basins in excess of the sum of the drainage fees assessed against his acreage. When the subdivision regulations require such payment, a plan for the development of drainage basins shall be adopted pursuant to section

¹⁵⁴ Government – County; 30-28-110 – Regional planning commission approval – when required - recording

¹⁵⁵ Government – County; 30-28-136 – Referral and review requirements

¹⁵⁶ Government – State; 24-65.5-103 – Notification of surface development – notice requirements

[30-28-106](#)¹⁵⁷ (3) (d),

C.R.S. The provisions of this section shall not apply to any area which is within an existing drainage district organized or created pursuant to law without the approval of such district.

- (12) The subdivision regulations adopted under this section may provide that a subdivider is entitled to fair-share reimbursement of the cost of any streets and related facilities, water distribution systems, sewage collection systems, storm drainage facilities, and other improvements the county requires the subdivider to construct adjacent to or outside the subdivision. Any such reimbursable costs shall be paid to the subdivider, less any reimbursement by the county, by the owner or owners of property that is adjacent to or has presumed use of the improvements when that property is developed. Subdivision regulations providing for such reimbursement shall prescribe the period, not to exceed fifteen years from the date of completion of an improvement, during which a subdivider may seek reimbursement. Subdivision regulations providing for such reimbursement may entitle subdividers to interest on the amount to be reimbursed.

Noxious Weeds

The board SHALL (statutorily required) adopt and maintain a noxious weed management plan.

C.R.S. 35-5.5-105

35-5.5-105. Noxious weed management – powers of county commissioners.

- (1) The **board of county commissioners** of each county in the state *shall adopt a noxious weed management plan* for all of the unincorporated lands within the county. Such plan shall include all of the requirements and duties imposed by this article. Guidelines may be included that address no pesticide noxious weed management plans. In addition to and not in limitation of the powers delegated to **boards of county commissioners** in section [30-11-107](#)¹⁵⁸ and article [15](#)¹⁵⁹ of title [30](#), C.R.S., article 5 of this title, and elsewhere as provided by law, the **board of county commissioners** may adopt and provide for the enforcement of such ordinances, resolutions, rules, and other regulations as may be necessary and proper to enforce said plan and otherwise provide for the management of noxious weeds within the county, subject to the following limitation: No county ordinance, rule, resolution, other regulation, or exercise of power pursuant to this article shall apply with the corporate limits of any incorporated municipality, nor to any municipal service, function, facility, or property, whether owned by or leased to the incorporated municipality outside the municipal boundaries unless the county and municipality agree otherwise pursuant to part 2 of the article [1](#)¹⁶⁰ of title [29](#), C.R.S., or article [20](#)¹⁶¹ of title [29](#), C.R.S.
- (2) The **board of county commissioners** shall provide for the administration of the noxious weed management plan authorized by this article through the use of agents, delegates, or employees and may hire additional staff or provide for the performance of all or part of the management plan through outside contract. Any agent, delegate, employee, staff, or contractor applying or recommending the use of chemical management methods shall be certified by the department of agriculture for such application or recommendation. Cost associated with the administration of

¹⁵⁷ Government – County; 30-28-106 – Adoption of master plan – contents

¹⁵⁸ Government – County; 30-11-107 – Powers of the board

¹⁵⁹ Government – County; 30-15- 101 to 30-15-411 – Regulations under police powers

¹⁶⁰ Government – Local; 29-1-201 to 29-1-207 – Intergovernmental Relationships

¹⁶¹ Government – Local; 29-20-101 to 29-20-306 – Local Governmental Land Use Control Enable Act

the noxious weed management plan shall be paid from the noxious weed management fund of each county.

- (3) The **board of county commissioners** may cooperate with other counties and municipalities for the exercise of any or all of the powers and authorities granted by this article. Such cooperation shall take the form of an intergovernmental agreement pursuant to part 2 of article [1](#) of title [29](#), C.R.S., or article [20](#) of title [29](#), C.R.S.

Property Taxation

The board SHALL (statutorily required) certify the levies of all taxable property within and including the county, no later than December 22 of each year.

C.R.S. 39-1-111 (1)

39-1-111. Taxes levied by board of county commissioners.

- (1) No later than December 22 in each year, the **board of county commissioners** in each county of the state, or such other body in the city and county of Denver as shall be authorized by law to levy taxes, or the city council of the city and county of Broomfield, *shall, by an order to be entered in the record of its proceedings, levy against the valuation for assessment of all taxable property located in the county on the assessment date, and in the various towns, cities, school districts, and special districts within such county*, the requisite property taxes for all purposes required by law.
- (2) As soon as such levies have been made, the **board of county commissioners** or other body authorized by law to levy taxes shall forthwith certify all such levies to the assessor, upon forms prescribed by the administrator, and shall transmit a copy of such certification to the administrator, to the division of local government, and to the department of education.
- (3) If the **board of county commissioners** or other body authorized by law to levy taxes fails to certify such levies to the assessor, it is the duty of the assessor, upon direction of the division of local government, to extend the levies of the previous year, subject to the limitations prescribed in section [29-1-301](#)¹⁶², C.R.S.
- (4) If the valuation for assessment for all or any part of any body authorized to levy taxes has been divided for an urban renewal area, pursuant to section [31-25-107](#)¹⁶³ (9) (a), C.R.S., the **board of county commissioners** shall make the same levy on the portion of valuation for assessment divided under subparagraph (II) as under subparagraph (I) of said section [31-25-107](#) (9) (a), C.R.S., for payment of taxes according to the provisions of said section, so long as said division remains in effect.
- (5) If, after certification of the valuation for assessment pursuant to section [39-5-128](#)¹⁶⁴, C.R.S., and notification of total actual value pursuant to section [39-5-121](#)¹⁶⁵ (2) (b), C.R.S., but prior to December 10, changes in such valuation for assessment or total actual value are made by the assessor, the assessor shall send a single notification to the **board of county commissioners** or other body authorized by law to levy property taxes, to the division of local

¹⁶² Government – Local; 29-1-301 – Levies reduced - limitation

¹⁶³ Government – Municipality; 31-25-107 – Approval of urban renewal plans by local governing body

¹⁶⁴ Taxation; 39-5-128 – Certification of valuation for assessment

¹⁶⁵ Taxation; 39-5-121 – Notice of valuation – Legislative declaration

government, and to the department of education that includes all of such changes that have occurred during said specified period of time. Upon receipt of such notification, such **board** or body shall make adjustments in the tax levies to ensure compliance with section [29-1-301](#), C.R.S., if applicable, and may make adjustments in order that the same amount of revenue be raised. A copy of any adjustment to tax levies shall be transmitted to the administrator and assessor. Nothing in this subsection (5) shall be construed as conferring the authority to exceed statutorily imposed mill levy of revenue-raising limits.

The board SHALL (statutorily required) comprise the board of equalization of the county.

C.R.S. 39-8-101

39-8-101. County board of equalization – quorum.

The **board of county commissioners** of each county of the state, except the city and county of Denver and the city and county of Broomfield, *shall comprise the board of equalization* of such county. In the city and county of Denver, the **board of equalization** shall be comprised of such of its officers as may be provided by its charter. In the city and county of Broomfield, the **board of equalization** shall be the city council or a board or commission appointed by the city council. A majority of the board shall constitute a quorum, and no official action shall be taken at any meeting of the board unless a quorum is present.

39-8-102. Duties of county board of equalization.

(2)(a) to (h) Repealed.

- (i) The **county board of equalization** shall have the authority to appoint independent referees who are experienced in property valuation to conduct hearings pursuant to subsection (1) of this section on behalf of the county **board of equalization** and to make findings and submit recommendations to the **county board of equalization** for its final action. However, no person shall be appointed as an independent referee pursuant to the provisions of this paragraph (i) in any county during any property tax year in which such person represents or has represented any taxpayer in such county in any matter relating to the protest and appeal of property valuation or to the abatement or refund of property taxes. In addition, no person appointed as an independent referee pursuant to the provisions of this paragraph (i) shall represent any taxpayer who appeared in any hearing before such independent referee in any matter subsequent to such hearing relating to the protest and appeal of property valuation or to the abatement or refund of property taxes.

County Road System

The board SHALL (statutorily required) select the county primary system of roads.

C.R.S. 43-2-109

43-2-109. County primary systems.

The board of county commissioners of each county shall select the county primary system of roads on the basis of greatest general importance, and the system as selected shall constitute an integrated system within itself or with the state highway system as defined in this part 1.

The board SHALL (statutorily required) cause a map to be prepared showing each road in the county's primary and secondary road system.

C.R.S. 43-2-110 (1) (a)

43-2-110. Selection by county – notice – secondary system.

- (1) The initial selection of the county road system shall be done in the following manner:
 - (a) *The **board of county commissioners** of each county shall cause a map to be prepared showing each road in the county primary and secondary system and designating each primary road by appropriate number, and said **board** shall cause notice of intention to adopt said map as the official map of such system to be given, which notice shall specify the time and place at which all interested persons will be heard. Such notice of intention shall be published once a week for at least two successive weeks preceding the date of such hearing in a newspaper of general circulation in the county.*
 - (b) *After such hearing, the **board of county commissioners** shall adopt such map, with any changes or revisions deemed by it to be advisable, as the official map of the road system of the county.*
- (2) All roads not on the county primary system and for which the **board of county commissioners** assume responsibility shall be the county secondary system.
- (3) Nothing in this section shall limit the power of any **board of county commissioners** to subsequently include or exclude any road from the county primary system in the same manner provided for the selection of the initial road system as provided in this section. Where a portion of a state highway is abandoned and it appears that such abandoned portion is necessary for use as a public highway, then such abandoned portion shall become part of the county system upon the adoption of a resolution to that effect by the **board of county commissioners** or the county wherein such abandoned portion is located within ninety days after such abandonment.

The board SHALL (statutorily required) appoint a road supervisor(s) for all roads constituting the county road system.

C.R.S. 43-2-111 (1)

The board SHALL (statutorily required) approve or disapprove the presented recommendations for the road and bridge work, after receiving the monthly report of the road supervisor(s)' estimated repairs and construction costs presentation.

C.R.S. 43-2-111 (5)

43-2-111. Road supervisors – districts – duties – powers.

- (1) The county systems, both primary and secondary roads, shall be assigned to the county for construction and maintenance. *The **board of county commissioners** of each county shall, except in counties where the boundaries thereof coincide with the boundaries of a city, prior to January 1, 1954, appoint road supervisors for all roads constituting the county system. Said supervisors shall be competent to handle the road and bridge work of the county and shall be approved by the **board of county commissioners**. Nothing in this section shall preclude one such person from serving two or more counties. The county surveyor may be appointed, if found by the **board of county commissioners** to be properly qualified, or a **county commissioner** may act as such supervisor. The board of county commissioners shall determine the general policies of the county as to county highway matters, and the same shall be carried out and administered by the county*

road supervisors.

- (2) Each county shall furnish evidence to the transportation commission that it has complied with the provisions of this section.
- (3) The **board of county commissioners** of the respective counties of the state may divide their counties into such suitable road districts as, in their judgment, will best subserve the interest of the people of the whole county.
- (4) The **board of county commissioners** of the respective counties, by mutual agreement, may form road districts consisting of more than one county. Nothing in this section shall be construed to deny any county the right expend any funds for county road purposes outside the limits of said county if the interests of the people of the county will be subserved thereby. In all cases where road districts from more than **one county commissioners** of the counties so forming a road district subject to the same provisions and limitations as provided for road supervisors of single counties. Road supervisors so appointed by a county or group of counties shall receive a salary to be determined by the **board of county commissioners** in the respective county or, in cases of two or more counties combining to appoint a single supervisor, by agreement between the **boards of county commissioners** of the counties so combining. He shall hold office during satisfactory service, but he may be removed by any **board of county commissioners** at any time at the discretion of said **board**, and a successor appointed.
- (5) A road supervisor's duties shall be to take charge of and be responsible for all road personnel, road machinery, and tools owned by the county and to inspect all roads and bridges within the county and locate proper road material. He shall make such recommendations for road repair and for construction of roads as in his judgment may be required. *He shall, on the first day of each month, make written recommendations for road and bridge work together with an estimate of the cost, which shall be subject to the approval of the board of county commissioners. He shall, on or before the first Monday of each month, render a full and complete account of all expenditures and contracts for the month proceeding.* The type of report shall be prepared in conformity with rules established by the **board of county commissioners**. At least once each year the department of transportation shall hold a meeting for the express purpose of exchanging information with representatives of the counties relating to highway construction and maintenance.
- (6) He has the power now lodged with the **board of county commissioners** by general enactment for the prevention of damages to public highways from ditch overflows, insufficient or unsafe conduits, flumes, or ditches crossing the public highways, the removal or disposition of any material injurious to the public highway, unsafe railroad or tramway crossings, or any other cause which may arise and which comes under the jurisdiction of the **board of county commissioners**.

The board SHALL (statutorily required) annually prepare a tentative road budget.

C.R.S. 43-2-119

43-2-119. County road budgets.

The board of county commissioners shall each year prepare a preliminary or tentative road budget for the county in compliance with the local government budget law. The county road budget shall show in detail anticipated revenues for all sources and proposed expenditures for all purposes. The budget shall be compiled so that it will show, separately, the anticipated revenues and expenditures for the county road system.

The board SHALL (statutorily required) cause to be made and filed with the highway operations and maintenance division, a complete annual report of the expenditures of all moneys applied to the county road system.

C.R.S. 43-2-120 (1)

43-2-120. Annual county reports.

- (1) On or before the thirtieth day of June of each year, *the board of county commissioners of each county shall cause to be made and filed with the highway operations and maintenance division a complete report of the expenditures of all moneys applied to county road systems during the calendar year ending on the thirty-first day of December next preceding.* The highway operations and maintenance division shall prescribe the form and contents of such report.
- (2) The report shall contain the following:
 - (a) A detailed statement identifying the separate amounts and sources of all moneys available during the calendar year covered by the report, including moneys made available by the United States government, the state, and any other governmental agency and moneys available from bond issues, special assessments, tax levy, or any other source whatever for expenditure for street and road purposes;
 - (b) A detailed statement of all expenditures during the calendar year covered by the report for street and road purposes, including obligations incurred but not yet paid. The statement shall contain uniform categories to be prescribed by the highway operations and maintenance division, such categories to include, but not be limited to, expenditures for rights-of-way or other property, construction, maintenance, acquisition of equipment, and administration. The statement shall also set forth the amount of funds on hand at the beginning of the calendar year. The highway operations and maintenance division shall prescribe such other expenditure categories and such other information as may be deemed necessary by the division of fully disclose the nature and extent of all transactions by any county relating to streets and roads.
- (3) The highway operations and maintenance division shall prepare detailed instructions for the uniform reporting of receipts and expenditures of all moneys applied to county streets and roads.
- (4) The highway operations and maintenance division shall annually tabulate and compile all such reports and statements received from the counties and shall publish these data in accordance with the provisions of section [24-1-136](#)¹⁶⁶, C.R.S.
- (5)
 - (a) On or before March 1 of each year, the board of county commissioners of each county shall submit to the department of transportation a map which indicates any changes in the mileage or location of any road within the county system of roads, together with any changes in the surface classification of any roads within the county system which have been made during the calendar year ending on December 31 next preceding.
 - (b) Information concerning the condition of the streets, roads, and highways submitted pursuant to section [43-1-115](#)¹⁶⁷ (2), C.R.S., shall be reported in conjunction with the report required by paragraph (a) of this subsection (5).

¹⁶⁶ Government – State; 24-1-136 – “Information Coordination Act” – policy - function of the heads of principal departments

¹⁶⁷ Transportation; 43-1-115 – Transportation data collection

The board SHALL (statutorily required) submit, to the highway commission annually priorities for the construction of state highways within the county's jurisdiction.

43-2-137. Counties submit priorities – instructions.

*The **board of county commissioners** of the various counties in Colorado and the city council of the city and county of Broomfield shall annually submit to the commission priorities for the construction of roads and streets with their specific jurisdiction on the state highway system, plus all proposed projects not a part of the state highway system but utilizing federal funding. For purposes of this section and section [43-2-138](#)¹⁶⁸,*

C.R.S., the city and county of Denver and the city and county of Broomfield shall be considered counties.

The board SHALL (statutorily required) annually adopt a county road and bridge budget.

C.R.S. 43-2-203 (1)

43-2-203. County road and bridge budget – tax levy.

- (1) As a part of the total county budget and in conformity with the “Local Governmental Budget Law of Colorado”, **each county shall annually adopt a county road and bridge budget** for the ensuing fiscal year, which budget shall show: The aggregate amount estimated to be expended for county road and bridge construction, maintenance, and administration and the aggregate amount estimated to be paid from the county road and bridge fund to municipalities located within the county, either in cash or in equivalent value of materials to be furnished or work to be performed under mutual agreements with such municipalities during said fiscal year; the amount being carried over for equivalent materials to be furnished or work to be performed from any prior fiscal year for any municipality with the county pursuant to section [43-2-202](#)¹⁶⁹ (2), C.R.S.; the estimated balance in said fund at the beginning of said fiscal year; the aggregate amount estimated to be received from state, federal, or other sources during said fiscal year; and the amount necessary to be raised during said fiscal year from the levy authorized in subsection (2) of this section.
- (2) The **board of county commissioners** in each county is authorized to levy such rate of tax on all taxable property located within the county as required, when added to the estimated balance on hand at the beginning of said ensuing fiscal year and the amount of all revenues, other than property tax revenue, estimated to be received during said fiscal year, to defray all expenditures and payments estimated to be made from the county road and bridge fund during said fiscal year.

¹⁶⁸ Transportation; 43-2-138 – Municipalities submit priorities - instructions

¹⁶⁹ Transportation; 43-2-202 – County road and bridge fund – apportionment to municipalities