

Overview of Local Government

The concept of local government is deeply rooted in our national heritage. Small communities were the beginnings of the United States. Throughout history Americans have maintained strong support for local self-government, while remaining largely uninformed about what local government is, how it is funded, and how it impacts their lives. Local governments can be more responsive to citizens than state and federal government, but the limitations are that local units need the cooperation of other entities to deal effectively with bigger issues such as transportation and pollution.

There are four main types of local government- **counties, municipalities (cities and town), special districts, and school districts**. **Counties** are the largest units of local government, numbering about 8,000 nationwide. They provide many of the same services provided by cities.

Municipalities include cities, villages, and boroughs and they number about 19,000 in the United States. Often called city government, municipalities provide services such as police and fire protection, parks and recreation, streets and sewers, among others.

Most of the more than 15,000 **school districts** in the U.S. operate independently of city government. New York City and a few other communities in the Northeast operate their own public school systems.

The 33,000 **special districts** nationwide are organized to provide one or more services such as water and sanitation, mosquito control, transportation, parks and recreation, flood control, etc. Special districts have the authority to levy taxes and to spend public money.

Local governments serve three primary functions- **health and safety, welfare and housekeeping**. In the area of **health and safety**, local governments are responsible for police and fire protection, immunizations for contagious diseases, hospital services, local roads, garbage collection, and safe drinking water. Sanitation, housing, and air and water pollution are also under local jurisdiction.

In the area of **welfare**, education is the largest expense. However, libraries, museums, parks, recreational facilities and mass transit also fall under local control. In some communities public housing and economic development may also be a function of one of the local governments.

Housekeeping functions include keeping records of births, deaths, marriages, and property transfers. Collecting taxes and administering elections are also local government responsibilities.

CITIES/TOWNS

1. **What is a city/town?**

A city is a unit of government that has certain rights and responsibilities to its citizens. Cities collect taxes, make contracts, provide services, and make laws of ordinances for the health, safety, and well-being of its residents.

2. **Who are the leaders?**

The elected leaders of a city are the mayor and city council members. In some cities people elect the mayor. In other cities a council member is elected by his/her fellow city council members to be mayor. Only in large cities is the mayor a full-time job. The mayor and city council members make policy decisions about the way the city is run.

The people who carry out the policy decisions of the city council are not elected. They are hired employees of the city. The city council hires a city manager or city administrator to manage the daily operations of the city. He/she in turn appoints department heads who are responsible for activities within their departments. Public works, Finance, Planning and Building, Parks and Recreation, and Public Safety (fire and police) are examples of city departments.

The City must also have a City Attorney for handling legal issues, a Municipal Judge who presides over the court, and a City Clerk who handles records and documents of the city.

3. **How are cities/towns funded?**

Cities depend heavily on sales tax revenue. That means the city collects a percent of every item or service purchased within its boundaries. Cities also receive revenue from fees such as water service to your home, and licenses such as dog or bike licenses. Other sources of revenue for municipalities are the motor fuel tax, vehicle registration fees, cigarette tax, lottery, police and fire pension funds, mineral lease, and funds from the state.

4. **What is the history of cities/towns in Colorado?**

Cities in the United States can trace their beginnings back to the ancient Greece “city-states” where people lived in groups and created a governing body to settle disputes and provide services. In Colorado cities grew up around forts such as Bent’s Fort near La Junta, Fort Lupton, and Pueblo, which were established in the middle 1800’s.

Colorado grew in the late 1800’s when gold was discovered near Denver, Pikes Peak, and in Gilpin and Clear Creek counties. Irrigation and the railroad in Colorado encouraged people to come live here.

Today there are about 271 municipalities in Colorado. This represents about 76% of the total population of people who live in cities. Cities have the power to tax

citizens to collect revenue or money to pay for services. Cities are responsible for providing police protection, water, sewers, streets, and in some cases airports, zoos, sports stadiums, and libraries. Cities must also have a judicial or court system for cases involving municipal laws.

5. How are cities/towns formed?

Inhabitants (people who live in a certain area) who wish to become a city may file a petition for incorporation with the district court of the county where they live. Incorporation gives a city all the legal rights and responsibilities granted to cities by the Colorado State Constitution.

Next, an election is held where voters decide on becoming a city. If passed, then the city elects a mayor and six or more council members. One of their first items of business is to pass a resolution or law allowing the city to collect property tax for the purpose of funding city services.

6. Additional Information

In Colorado there are about 271 cities and towns, of which about 192 are statutory municipalities. Towns are incorporated areas generally 2,000 and under in population, and cities are incorporated areas generally above 2,000 in population. Some differences in organizational structure and legal powers exist between cities and towns. Based upon current state population data, about 71% of Colorado's citizens reside within municipalities.

7. Home Rule, Statutory, and Territorial Charter Municipalities

Home rule for municipalities has a rich legal history in Colorado, both in the state Constitution and statutes. This legal framework has been in effect since the turn of the century, first in Denver (when it was consolidated as a city and county in 1902) and with the option at the same time for other municipalities over 2,000 in population to adopt home rule. Powers of home rule cities were expanded with the adoption of another constitutional amendment in 1912. In 1970, the Colorado Constitution was amended again to grant to the citizens of any municipality, regardless of population size, the power to become a home rule municipality. Home rule cities include about 64% of the state's population.

Essentially home rule status means that the citizens of a city or town in Colorado have the right to decide how their local government should be organized and how local problems should be solved. Article XX of the Colorado Constitution grants home rule municipalities, "the full right of self-government in local and municipal matters."

The home rule process is initiated with an election establishing a study commission made up of the municipality's residents, who meet to write a charter governing the affairs of the city. Then an election is held to adopt or reject the charter. Home rule gives local control to cities and towns, providing them important policy and legal flexibility.

There are about 192 other cities and towns in Colorado that are statutory municipalities. These are under greater legal control of the General Assembly of the state with respect to their creation, organization, and powers than are home rule municipalities. In general, a home rule municipality looks first to its charter and ordinances (or laws) to see what it can and cannot do. Whereas, a statutory municipality looks first to state law, Title 31 of the Colorado Revised Statutes, to see what it can and cannot do.

Two municipalities in Colorado, Black Hawk and Georgetown, operate under charters originally granted to them by the territorial state government. These two municipalities are known as territorial charter cities. Their charters are amended from time to time by the General Assembly.

8. What powers do cities have?

The Colorado Revised Statutes grants certain powers to cities. Among them are the powers to sue and be sued, to enter contracts, to acquire land, to hold a common seal, to accept federal land for public use, and to levy taxes.

SPECIAL DISTRICTS

1. What is a Special District?

Have you ever been to the zoo, taken the RTD, or gone to a Rockies game at Coors Field? Then you have benefited from the services of a Special District. When was the last time you turned on the water in your house, or rode your bike on a major street in your town without falling into a pothole? It is likely that a Special District made that possible for you.

Special Districts are a unique form of local government because they are almost “invisible.” You don’t hear a lot about them, but there are over 800 Special Districts in Colorado.

Special Districts are governments whose boundaries cross over city and county lines. Special Districts are forms to provide one or more specific services to citizens. For example, in Colorado there are metropolitan (city) park and recreation, fire, hospital, sanitation, water, and water and sanitation districts.

However, Special Districts also provide services such as mosquito control, television relay, and museums.

2. How are they funded?

Special Districts are funded (get their money from) property taxes. That means if you own property, every year you are taxed by the county. The amount of tax is based on how much your property is worth. A part of that tax goes to the Special Districts in the county.

3. Who are the leaders?

Most Special Districts are run by a board of five elected members who meet regularly and who are paid a small amount of money each year for their efforts. Some larger Special Districts such as Urban Drainage have members who are appointed, either by a County Commissioner or by the Governor.

4. What is the history of special districts in Colorado?

Special Districts were created out of need. Settlers came to Colorado in the mid-1800’s to mine for gold and other minerals. They realized the need for some form of government that would protect their claims. “Mining districts” in the mountains had laws and leaders that protected miners and helped settle disputes.

Water has been a critical part of Colorado’s story in the past, present, and into the future. In southern Colorado early settlers adopted the Mexican tradition of a communal (or common) water supply. This water supply was managed by a mayor domo and was called an *acequias*. These *acequias* are very similar to a modern special district.

5. How are special districts formed?

Voters decide on the formation of a special district, except for those set up by the Colorado State Statutes- Regional Transportation District (RTD), Moffat Tunnel Improvement District, 3 Lakes Water and Sanitation District, and Urban Drainage and Flood Control District.

The process may be initiated through a citizens' petition or by the State Legislature. In either case, voters make the final decision on the creation of a special district.

6. What powers do Special Districts have?

The Colorado Revised Statutes grants special districts the same powers as the other local governments. They are the power to sue and be sued, enter contracts, hold property, and collect taxes.

COUNTIES

1. What is a County?

A county is the one form of local government in Colorado that is not created by citizens. The state Constitution created counties. There are 64 counties in Colorado that perform some of the same functions as cities, but often they provide services that smaller cities cannot. Counties have court systems and jails, libraries and museums, health departments, airports, and animal control facilities. Counties also help to provide social services such as Aid to Families with Dependent Children, social security, and food stamps- programs that are funded also by the state and federal government. Counties generally cover more territory than cities, and may in fact have several cities within their boundaries.

2. Who are the leaders?

There are ten officers in county governments, nine of whom are elected. In counties of populations of 70,000 or less there are three elected **commissioners** who manage the affairs of the county. In counties larger than 70,000, five commissioners are elected. The county officers are elected for four-year terms.

Other elected positions include a **clerk**, who keeps records and documents of the county, a **sheriff** who is the head law enforcement offices, a **coroner** who determines the cause of death, a **treasurer** who receives and pays out all county money, an **assessor** who determines the value of property in the county, and a **surveyor** who measures county boundaries. In addition, a county **attorney** may be elected or appointed by the commissioners to handle legal issues.

3. How are Counties funded?

Counties collect revenue from property and sales taxes, and fees. Property tax is money collected on the value of property within the county. The rate of tax or mill levy changes every year. The mill levy is the rate of tax paid by a property owner for every \$1,000 of assessed value of his/her property.

4. What is the history of counties in Colorado?

Counties in Colorado follow the model that began in Pennsylvania when the U.S. was first established. In that state, counties were the primary unit of local government. Commissioners who were elected by citizens in the county ran them.

When the Colorado Territory was created in 1871, seventeen counties were formed. Counties were added as Colorado grew and people required additional services. County seats, or the building that held county offices, could be no more than a day's ride by horseback from any place in the county. Today the rule-of-thumb is that the county seat can be no more than an hour's ride.

Conflict between cities and counties sometimes occurs because the total amount of territory in counties decreases as cities grow and annex, or include new areas in

their boundaries. Colorado has 64 counties with an average area of between 400 and 599 square miles and an average population of between 10,000 and 25,000 residents.

5. How are counties formed?

Counties are the one form of local government set up by the Colorado Revised State Statutes. The boundaries of each county are specified in the Statutes.

6. What powers do counties have?

Counties are granted certain powers by the Colorado Revised Statutes. They include the power to sue and be sued, to buy and sell property, to make contracts, maintain mass transportation, and to establish special taxing districts.

SCHOOL BOARDS

1. What is a School Board?

School boards are set up by the Colorado legislature as a body of elected officials who are responsible for making policy decisions for the school district in their jurisdiction. School boards have the authority to own property, sue and be sued, and to enter into contracts. School boards determine educational programs, adopt textbooks and discipline codes, create a yearly budget, and establish a school calendar, among other responsibilities.

2. Who are the leaders?

There are no fewer than five and no more than seven board members from each district. Some members are elected within “director districts” - part of the overall district- while in other school districts members are elected “at large,” - ie: they do not need to live in a specific area of the district.

The board elects a president, vice president, secretary, and treasurer. The president and vice president are elected for two-year terms.

3. How are School Boards funded?

Public schools in Colorado are funded approximately 45% through property taxes collected by individual counties. Additional funding (55%) comes from the state general fund, although the percentages may vary from district to district.

4. What is the history of School Boards?

The history of public education in the United States is deeply rooted in our heritage. The Puritans came from England to the New World with an appreciation of education. Initially children were schooled at home, but as towns grew so did the need for a town school. As early as 1642 the colony of Massachusetts appealed to the colonial legislature to enact a law requiring parents and schoolmasters educate children and teach them to read.

Town selectmen were responsible for enforcing the education laws as the details of education had become too burdensome and time consuming for individuals to administer directly.

In the 1700’s the practice of collecting taxes to pay for schools was well established. By the end of the century the “central town” distributed tax money to each parish, or district, that surrounded it so it could maintain its own school.

5. How are School Boards formed?

The Colorado Revised Statutes grants both the power and the responsibility to school boards to provide free quality public education to citizens of Colorado. Voters decide whether or not to form or reorganize school boards.

6. What powers do School Boards have?

The Colorado Revised Statutes grants school boards certain powers as a local government. These include the power to hold property, sue and be sued, and engage in contracts. School boards are granted the authority to collect a portion of property taxes from the counties in which they reside.