

TUESDAY STAFF BRIEFINGS July 19, 2016

****Please Note Briefings Will Begin Immediately Following Hearings****

All items on this agenda are scheduled for immediately following Hearings and will normally be considered in the order the item appears on the agenda. The Board, at their discretion, may choose to alter the order in which items are considered, may break, or may continue any item to be considered on a future date.

Convene immediately following Hearings; BCC Conference Room, 5th Floor

Briefing Items

- | | |
|---|------------------------------------|
| 1. Potential Business Personal Property Tax Rebate Application
(15 minutes) | Comm. Rosier |
| 2. Raise the Bar: Protect Our Constitution
(5 minutes) | Comm. Szabo |
| 3. Amend the Retirement Benefit Plan Offerings for all Participants
(15 minutes) | Jennifer Fairweather,
Tina Wise |

County Commissioners' Report

County Manager's Report

County Attorney's Report

Executive Session

- Litigation Update - Legal Advice C.R.S. 24-6-402(4)(b) (15 minutes)

Jefferson County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. Disabled persons requiring reasonable accommodation to attend or participate in a County service, program or activity should call 271-5000 or TDD 271-8071. We appreciate a minimum of 24 hours advance notice so arrangements can be made to provide the requested auxiliary aid.

BOARD OF COUNTY COMMISSIONERS' (BCC) SCHEDULE

Time*

Topic*

Monday, July 18, 2016

NO TOPICS SCHEDULED TO DATE

Tuesday, July 19, 2016

8:00 a.m.

Public Comment and Public Hearings
Jefferson County Courts & Administration Building
100 Jefferson County Parkway, Hearing Room One

Immediately following
Public Hearings

Staff Briefings
Jefferson County Courts & Administration Building
100 Jefferson County Parkway, BCC Board Room

Immediately following
Staff Briefings

Ralph Schell
Jefferson County Courts & Administration Building
100 Jefferson County Parkway, BCC Board Room

2:00 p.m.

Squire Patton Boggs
Jefferson County Courts & Administration Building
100 Jefferson County Parkway, BCC Board Room

Wednesday, July 20, 2016

NO TOPICS SCHEDULED TO DATE

Thursday, July 21, 2016

NO TOPICS SCHEDULED TO DATE

Friday, July 22, 2016

NO TOPICS SCHEDULED TO DATE

***Emergency Items Or Other County Business For Which Prior Notice Was Not Possible May Be Considered.**

TUESDAY STAFF BRIEFINGS

July 19, 2016

Briefing Items			Total Estimated Time: 35 minutes
Begin	End	Agenda No.	Title
8:20	8:35	1.	Potential Business Personal Property Tax Rebate Application
8:35	8:40	2.	Raise the Bar: Protect Our Constitution
8:40	8:55	3.	Amend the Retirement Benefit Plan Offerings for all Participants
		4.	
		5.	
Commissioners Report			Total Estimated Time: 5 minutes
Begin	End	Agenda No.	Title
8:55	9:00	6.	
County Manager Report			Total Estimated Time: 5 minutes
Begin	End		Title
9:00	9:05		
County Attorney Report			Total Estimated Time: 5 minutes
Begin	End	Agenda No.	Title
9:05	9:10		
Executive Session			Total Estimated Time: 15 minutes
Begin	End		
9:10	9:25	Litigation Update - Legal Advice C.R.S. 24-6-402(4)(b)	

BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**Potential Business Personal Property Tax Rebate Application
July 19, 2016** For Information For Discussion/Approval
Prior to Future Hearing For Action

ISSUE: In this briefing, a potential business personal property tax rebate application will be reviewed for Denver West Health & Rehab LLC.

BACKGROUND: Denver West Health & Rehab LLC would provide specifically designed recovery care, following surgeries, various accidents, disease states, strokes, heart attacks, immune disorders, and other illnesses. This transitionally level of care is designed for patients between hospital care and home recovery.

The 64-patient modern facility will be two stories and provide private patient rooms each with a large private full bathroom. There will be four patient care units, each containing 16 resident rooms, living activities, laundry, kitchen and dining areas. A large therapy gym will be convenient to both inpatients and outpatients.

DISCUSSION: Jeffco EDC, in partnership with the City of Lakewood, is working with Physicians Development Group on its potential \$15.9 million development project in the City of Lakewood. Denver West Health & Rehab LLC would occupy the newly constructed 58,000 square-foot facility and invest \$1.1 million in personal property. The company has plans to create 130 high-paying jobs with an average salary of \$65,383.

FISCAL IMPACT: If all requirements for receiving the Personal Property Tax Incentive are met, the financial impact to Jefferson County is estimated to be a portion of the company's personal property taxes for an approved period of time.

RECOMMENDATIONS: It is recommended that the Board of County Commissioners consider this request for a potential business personal property tax rebate application.

ORIGINATOR: Commissioner Rosier, County Commissioner

CONTACTS FOR ADDITIONAL INFORMATION:

Commissioner Rosier, ext. 8525

Leigh Seeger, lseeger@jeffcoedc.org

Deborah Churchill, ext. 8502

BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER

Raise the Bar: Protect our Constitution

July 19, 2016

AGENDA ITEM

2

For Information

For Discussion/Approval
Prior to Future Hearing

For Action

ISSUE: The Raise the Bar effort intends to protect the Colorado Constitution from future frivolous and expensive proposed changes in the following four ways:

- Specify that the required signatures be gathered statewide (in all 35 Colorado senatorial districts) rather than simply from the urban area or a handful of shopping centers;
- Require that all future changes to the Colorado Constitution will require a 55% plurality for adoption (rather than the current simple majority);
- Allow all future deletions of pre-existing constitutional amendments to still be made with the current simple majority; and
- Preserve the same access for current or future statutory initiatives.

BACKGROUND: Our state constitution should serve as our foundation similar to the U.S. Constitution. Yet our state requires the same initiative process to amend our Constitution as our state laws. This framework has made Colorado's ballot and Constitution, among the most easily changed in the country. The result has led to an obscene number of amendments that, at times, conflict with one another.

- The Colorado Constitution has over 150 amendments; in comparison, the United States Constitution has only 27 amendments
- Out of all 50 states, only California and Oregon have seen more proposed citizen initiatives than Colorado.
- Since 2005 Colorado voters have been presented with over two dozen constitutional amendments, and just two initiated statutes.

Additionally, the current framework has made the Colorado Constitution a special interest playground of sorts; a direct result of the low bar to amending the Constitution

DISCUSSION: Discuss and review attached information and draft resolution language.

FISCAL IMPACT: n/a

RECOMMENDATION: Approve resolution in support of the Raise the Bar initiative and direct staff to create resolution and schedule for upcoming hearing.

ORIGINATOR: Commissioner Szabo

CONTACTS FOR ADDITIONAL INFORMATION: Deborah Churchill (ext. 8502)

FREQUENTLY ASKED QUESTIONS

**RAISE
THE BAR**
PROTECT OUR CONSTITUTION

WHAT'S THE PROBLEM?

Our state currently has one of the most easily-amended state Constitutions in the nation, practically begging for out-of-state special interest groups to use Colorado as their political playground. These groups don't have our families' best interests in mind – and they won't hesitate to push reckless political agendas that fail us every time.

BACKGROUND ON OUR STATE CONSTITUTION

Colorado's Constitution has been amended over 150 times, creating a conflicted and confusing framework that makes it difficult for our state to serve its people. The United States Constitution has endured a century longer, but has only been amended 27 times.

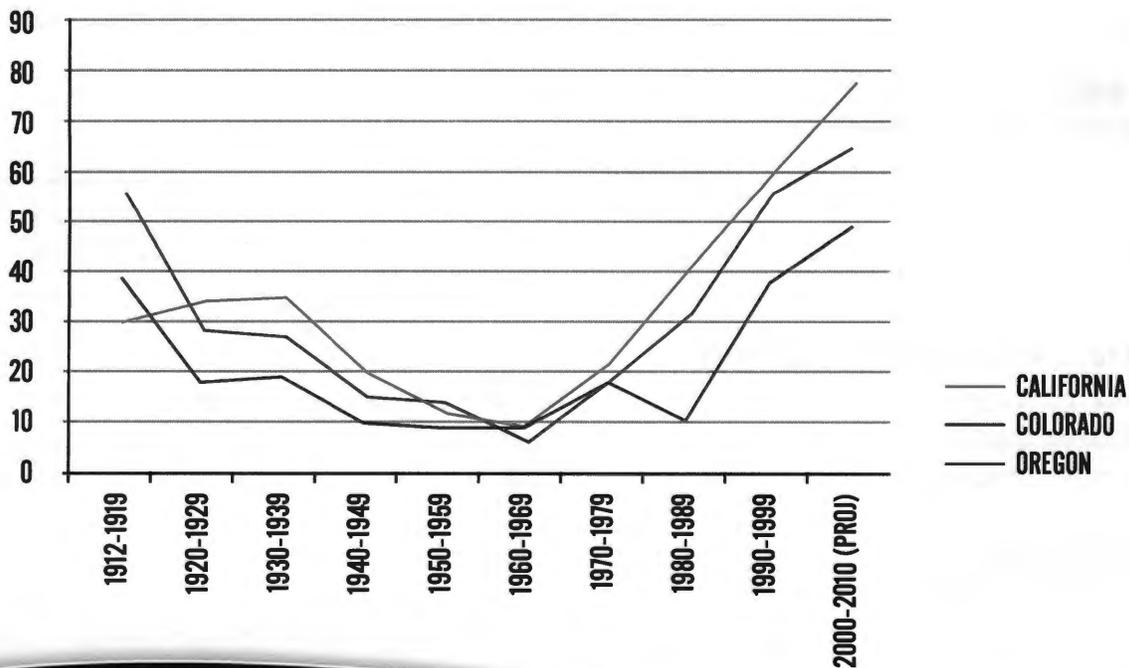
WHY IS THE STATE CONSTITUTION SO EASY TO AMEND?

Constitutional amendment is simple because:

- We require fewer petition signatures than other states for citizen-initiated measures.
- We don't require that petition signatures be gathered from different areas of the state.
- Unlike the U.S. Constitution, which requires a 2/3 majority to amend, we only require a simple-majority.

WHAT DO STATE BALLOT INITIATIVE TRENDS SHOW?

Because Colorado's Constitution is so easy to amend, we've seen more citizen initiatives than any other state besides California and Oregon.



WWW.RAISETHEBARCO.COM

720-326-8612 · 5910 S. UNIVERSITY BLVD. #C18-254 GREENWOOD VILLAGE, CO 80121

FREQUENTLY ASKED QUESTIONS

**RAISE
THE BAR**
PROTECT OUR CONSTITUTION

WHAT'S THE SOLUTION?

To protect our Constitution, the initiative proposes the following:

- To qualify for the ballot, we propose that proponents of potential constitutional amendments collect signatures from across the whole state, rather than just along the populous I-25 corridor – giving all Coloradoans a voice. Specifically, proponents must gather petition signatures from at least 2% of the registered electors in each of our 35 State Senate Districts.
- To pass constitutional amendments, they must be supported by at least 55% of the voters, rather than the current simple-majority of 50%.

We are not proposing to increase the number of signatures currently required to place a constitutional question on the ballot. We are not proposing to change the current process for how citizens pursue amendments to the state law.

WHO'S LEADING THIS EFFORT?

We're a non-partisan group of civic leaders who are deeply invested in our state's future. This grassroots proposal grew out of the "Building a Better Colorado" project in the fall of 2015, engaging over 10,000 Coloradoans. It also earned strong support in over 30 community meetings and sparked a parallel online discussion.

CONTINUING THE CONVERSATION

TO LEARN MORE, PLEASE VISIT US ON THE WEB AT WWW.RAISETHEBARCO.COM
OR TO CONTACT US, EMAIL INFO@RAISETHEBARCO.COM OR CALL 720-326-8612

✂ CUT ALONG DOTTED LINE ✂

GETTING INVOLVED

PLEASE HELP US PROTECT OUR CONSTITUTION!

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

HOW WILL YOU HELP? (PLEASE CHECK ALL THAT APPLY)

- I'll make a donation. (see below) I'll ask my organization for an endorsement.
 I'll host a presentation from the campaign. Organization: _____
 I'll help get petition signatures. Other: _____

MAKE A DONATION TODAY!

MAKE YOUR CHECK PAYABLE TO: Raise the Bar – Protect Our Constitution

and mail to: Raise the Bar – Protect Our Constitution, 5910 S. University Blvd., #C18-254, Greenwood Village, CO 80121

OR

DONATE WITH A CREDIT CARD:

Name on card: _____
Card number: _____
Expiration date: _____ 3-digit CVC number: _____ Amount: _____

MAKING IT HARDER TO AMEND THE CONSTITUTION-55% APPROVAL EXCEPT 50% FOR MEASURE LIMITED TO REPEAL; COLLECT A MINIMUM NUMBER OF SIGNATURES FROM EACH SENATE DISTRICT.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF COLORADO:

Section 1(4) of article V of the constitution of the state of Colorado is amended and said section 1 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

Section 1. General assembly - initiative and referendum

(2.5) IN ORDER TO MAKE IT MORE DIFFICULT TO AMEND THIS CONSTITUTION, THE SIGNATURES REQUIRED BY SUBSECTION (2) OF THIS SECTION TO PROPOSE AN INITIATED CONSTITUTIONAL AMENDMENT SHALL INCLUDE THE SIGNATURES OF REGISTERED ELECTORS WHO RESIDE IN EACH STATE SENATE DISTRICT IN COLORADO EQUAL TO AT LEAST TWO PERCENT OF THE TOTAL REGISTERED ELECTORS IN SUCH SENATE DISTRICT. FOR PURPOSES OF THIS SUBSECTION (2.5), THE NUMBER AND BOUNDARIES OF THE SENATE DISTRICTS AND THE NUMBER OF REGISTERED ELECTORS IN SUCH DISTRICTS SHALL BE THOSE IN EFFECT AT THE TIME THE FORM OF THE PETITION HAS BEEN APPROVED FOR CIRCULATION AS PROVIDED BY LAW.

(4) (a) The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures initiated by or referred to the people of the state shall be held at the biennial regular general election, and all such measures shall become the law or a part of the constitution, when approved by a majority of the votes cast thereon OR, IF APPLICABLE THE NUMBER OF VOTES REQUIRED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (4), and not otherwise, and shall take effect from and after the date of the official declaration of the vote thereon by proclamation of the governor, but not later than thirty days after the vote has been canvassed. This section shall not be construed to deprive the general assembly of the power to enact any measure.

(b) IN ORDER TO MAKE IT MORE DIFFICULT TO AMEND THIS CONSTITUTION, AN INITIATED CONSTITUTIONAL AMENDMENT SHALL NOT BECOME PART OF THIS CONSTITUTION UNLESS THE AMENDMENT IS APPROVED BY AT LEAST FIFTY-FIVE PERCENT OF THE VOTES CAST THEREON; PROVIDED THAT THIS PARAGRAPH (b) SHALL NOT APPLY TO AN INITIATED CONSTITUTIONAL AMENDMENT THAT IS LIMITED TO REPEALING, IN WHOLE OR IN PART, ANY PROVISION OF THIS CONSTITUTION.

Section 2(1) of article XIX of the constitution of the state of Colorado is amended to read:

Section 2. Amendments to constitution - how adopted

(1) (a) Any amendment or amendments to this constitution may be proposed in either house of the general assembly, and, if the same shall be voted for by two-thirds of all the members elected to each house, such proposed amendment or amendments, together with the ayes and noes of each house thereon, shall be entered in full on their respective journals. The proposed amendment or amendments shall be published with the laws of that session of the general assembly. At the next general election for members of the general assembly, the said amendment or amendments shall be submitted to the registered electors of the state for their approval or rejection, and such as are approved by a majority of those voting thereon OR, IF APPLICABLE THE NUMBER OF VOTES REQUIRED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1), shall become part of this constitution.

(b) IN ORDER TO MAKE IT MORE DIFFICULT TO AMEND THIS CONSTITUTION, A CONSTITUTIONAL AMENDMENT SHALL NOT BECOME PART OF THIS CONSTITUTION UNLESS THE AMENDMENT IS APPROVED BY AT LEAST FIFTY-FIVE PERCENT OF THE VOTES CAST THEREON; PROVIDED THAT THIS PARAGRAPH (b) SHALL NOT APPLY TO A CONSTITUTIONAL AMENDMENT THAT IS LIMITED TO REPEALING, IN WHOLE OR IN PART, ANY PROVISION OF THIS CONSTITUTION.

RAISE
THE
BAR
PROTECT OUR CONSTITUTION

RESOLUTION BY THE _____ COUNTY BOARD OF COMMISSIONERS

Support of Raise the Bar, Protect Our Constitution

WHEREAS, the _____ County Board of Commissioners, have a unique role in governance with both legislative and executive duties; and

WHEREAS, the Commissioners are the elected officials closest to the constituents in _____ County; and

WHEREAS, the Commissioners are looked to for leadership on matters of government policy; and

WHEREAS, Colorado law requires the same citizen initiative process to amend our Constitution as our state statutes creating a framework for one of the most easily amended Constitutions in the country; and

WHEREAS, under the current initiative process, there is no incentive to seek a statutory change as opposed to a constitutional amendment since the standard to change both is the same; and

WHEREAS, Since 2005, special interests have presented Colorado voters with over two dozen constitutional amendments, measures that have triggered expensive, and frequently unproductive and harmful political fights; and

WHEREAS, the Board believes that the ease of amending Colorado's constitution leaves the state vulnerable to out of state special interest groups; and

WHEREAS, the Board believes that amendments to the Constitution should be broadly and not narrowly supported; and

WHEREAS, the Board believes that broad support would be shown by including all Coloradans in the signature gathering process with signatures obtained from all 35 state senate districts before a measure qualifies for the ballot; and

WHEREAS, the Board believes that once on the ballot, broad support would be shown by achieving 55% of the vote to pass instead of the current requirement of a simple majority; and

WHEREAS, the Board believes that the Raise the Bar, Protect Our Constitution initiative preserves voters' rights to propose changes and place an initiative on the ballot; now

THEREFORE, BE IT RESOLVED THAT the Board of Commissioners of _____ County, support Raise the Bar, Protect our Constitution's measure that makes it harder to amend the Colorado Constitution.

APPROVED AND ADOPTED, by Board of Commissioners of _____ County, this _____ day of _____ (month) of 2016.

Signed this _____ day of _____ (month) of 2016.

_____ Commissioner

_____ Commissioner

_____ Commissioner

BOARD OF COUNTY COMMISSIONERS BRIEFING PAPER**Amend the Retirement Benefit Plan Offerings for all Participants
July 19, 2016**

For Information For Discussion/Approval
Prior to Future Hearing For Action

ISSUE: Amend employee retirement benefit plan offerings for 2017 to include changing the contribution offerings for the 401(a) and 457 plans and approving changes in the loan provisions with the CCOERA 401(a) and 457 plans.

BACKGROUND: Employees have requested the opportunity for flexibility in their retirement and deferred compensation elections. Additionally, there have been administrative and compliance issues resulting from the frequent refinancing of loans from the retirement accounts. Human Resources recommends the following amendments to the retirement benefits effective in 2017:

1. Open the CCOERA 401(a) retirement plan to allow employees to re-elect their 401(a) contribution and corresponding match in light of the opportunity for a county match on the 457 plans.
2. Allow participants who are sworn personnel of the Jefferson County Sheriff's Office to select a contribution between 6% and 9% on the CCOERA 401(a) and up to 3% on a 457 plan such that a total county match on all of the CCOERA and Nationwide 457 plans combined does not exceed 9%;

Allow all other participants to select a contribution between 6% and 8% on the CCOERA 401(a) and up to 2% on a 457 plan such that a total county match on all of the CCOERA and Nationwide 457 plans combined does not exceed 8%.

3. Limit loan refinances on the CCOERA 401(a) and 457 plans to once every 12 months.

FISCAL IMPACT: (estimate to be cost neutral)

RECOMMENDATIONS: Staff recommends that the Board of County Commissioners approve the retirement benefit plan offerings as outlined above and authorize the item to be placed on the consent agenda when contract documents are finalized.

ORIGINATOR: Tina Wise, Total Compensation Manager x8405

CONTACTS FOR ADDITIONAL INFORMATION:

Ralph Schell, County Administrator x8508
 Jennifer Fairweather, Human Resources Director x8402
 Tina Wise, Total Compensation Manager x8405
 Holly Bjorklund, Finance and IT Services Director x8597
 Mary O'Neil, Budget and Risk Director, x8570
 Ellen Wakeman, County Attorney, X8965