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Douglas County to vote on home rule

Voters in conservative bastion will decide in June 24 special election whether to form commission to draft charter



A “Yes on Local Control” sign stands next to the northbound side of Interstate 25 near the Happy Canyon Parkway exit in Castle Pines on Thursday. HYOUNG CHANG — THE DENVER POST

BY JOHN AGUILAR

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Douglas County is trying to do something no other Colorado county has done in nearly 50 years — adopt home-rule authority that would give the conservative bastion south of Denver more autonomy and powers of self-governance.

But the road to that reality has been anything but smooth, with a rally last week in Castle Rock decrying the move, a tense town hall meeting at county headquarters that ended in shouts and jeers — and a lawsuit attempting to shut the whole thing down.

Meanwhile, ballots started hitting mailboxes less than a week ago for the June 24 special election. If voters back the idea, the vote would kick-start the drafting of a home-rule charter by a 21-member commission.

A second vote in November would then seek final approval for the charter itself.

Local control has become a mantra of sorts across Colorado in recent years, with cities and counties lashing out — even taking legal action — against a state government they accuse of overreach in matters of local concern. The resistance ranges from the “Second Amendment sanctuary county” movement of six years ago, which conservative counties launched in response to new gun control laws, to last month’s lawsuit against the state and Gov. Jared Polis by Aurora and five suburban cities. They were attempting to block two recent land-use laws aimed at increasing housing density.

Commissioner George Teal, one of the chief proponents of home-rule authority for the county of nearly 400,000, said the time has come for Douglas County to assert its independence from a legislature that has shifted decidedly to the left over the past decade.

Home-rule authority, Teal said, will give Douglas County greater legal standing to take on state laws that its leaders believe go too far. It will represent a “shifting of the burden” onto the state, requiring officials to come after the county if the state believes its authority is being usurped — rather than the other way around. Douglas County has sued Colorado twice recently over disagreements involving property tax valuations and the level of cooperation local law enforcement can give federal immigration authorities. The county lost both cases.

“We will be an independent legal entity under state law — and we are not that as a statutory county,” Teal said. “Home rule is the very mechanism of local control.”

Opponents, operating under the Stop the Power Grab banner, say the run-up to this month’s election has been anything but transparent and open. They accuse the commissioners of quietly concocting the home-rule plan over a series of more than a dozen meetings starting late last year — and rubber-stamping the decision at a public hearing in late March. That meeting lasted mere minutes.

“What this has brought out in us is the question of — why now?” said Kelly Mayr, a nearly three-decade resident of Highlands Ranch and a member of Stop the Power Grab. “Why are they rushing it? If this is a good idea for the county, why would we not take our time?”

Three Douglas County residents, including state Rep. Bob Marshall and former Commissioner Lora Thomas, sued the county commissioners in April, alleging multiple violations of Colorado’s open meetings laws. They asked the court to stop the June 24 election from going forward.

But a judge sided with Douglas County last month, saying he didn’t see evidence that the board violated open meetings laws and ruling that a preliminary injunction to stop the election would “sacrifice the public’s right to vote.”

Marshall, a Democrat who represents Highlands Ranch, says the fight is not over, and he expects to prevail in the court case at the appellate level.

In the meantime, he is in the running as one of 49 candidates vying to fill the 21 seats on the commission that would be tasked with drafting Douglas County’s home-rule charter — assuming voters give the OK to the idea on the same June 24 ballot. All three Douglas County commissioners are also running for the charter commission.

“If elected, my main goal will be to ensure transparency,” Marshall told The Denver Post. “There has been none in this process as yet.”

The June election is projected to cost Douglas County about \$500,000.

The state first approved home-rule powers for municipalities in 1902, and it extended the same authority to counties in 1970. Until then, counties were considered a statutory creation of the legislature and had to follow state law without exception.

Sixty Colorado counties still do.

Weld, Pitkin first to adopt home rule

Just two — at the opposite ends of the ideological spectrum — took advantage of the new designation in the decade after the law passed: Weld and Pitkin. Denver and Broomfield, though, have de facto home-rule status because of their combined city-and-county structure.

First to take up the home-rule mantle in Colorado was Weld County in 1976. County Attorney Bruce Barker said its three districts had essentially balkanized around that time, each running its own public works department and making its own purchasing decisions.

"The goal was to make things more efficient," Barker said about the effort behind the switch.

The new charter included a one-of-a-kind five-member Weld County Council, separate from the Board of County Commissioners. The body sets salaries of elected county officials and fills commissioner vacancies. It also can suspend an elected official who has been charged criminally or indicted and it reviews conflicts of interest between county officers, appointees and employees.

"Remember, there was a complete distrust of government after Watergate," Barker said of the era. "They wanted to have this County Council as a watchdog group."

Pitkin County made its transition to home-rule governance in 1978, largely in response to concerns about rapid population growth and the desire to conserve threatened natural habitat in the Roaring Fork Valley, said County Manager Jon Peacock. His very role was created by Pitkin County's new home-rule charter.

The county, home to ritzy Aspen, requires under its charter a vote of the people before it issues debt, as happened with a recent ballot measure that sought expansion of the county's landfill.

"Home rule gives authority to counties to decide how they are going to organize to carry out the powers and responsibilities that are defined in state statute," Peacock said. "We cannot exercise authority that is not given to us by state law."

According to a briefing paper from the state's nonpartisan Legislative Council Staff, home-rule authority in Colorado was designed to place several administrative functions under counties' purview. They involve "finances and property, debts and expenses, and the powers and duties of officials, including elections, terms of office and compensation."

"In general, home rule ordinances addressing local matters supersede state law," the briefing paper states. "However, in matters of statewide or mixed concern, state laws may take precedence over conflicting home rule ordinances."

Weld County learned that the hard way this year when the Colorado Supreme Court struck down a redistricting plan the county had put into play two years ago. Officials drew the boundaries of commissioners' districts without adhering to a 2021 state law that required it to follow a different protocol.

The high court concluded that redistricting "relates to the county's function, not the county's structure."

"And because the Colorado Constitution requires home rule counties to carry out statutorily mandated functions, home rule counties, like Weld, must comply with the redistricting statutes," the court ruled.

How much more power would county get?

Metropolitan State University of Denver political science professor Robert Preuhs said it's clear from the language of Colorado's home-rule statute and court cases on the issue that "you're not getting much more policy latitude" with home-rule status.

"Broader issues like gun control and immigration enforcement and police cooperation with (immigration authorities) are still going to be constrained by state law," Preuhs said. "You are still a creature of the state, but with more internal flexibility — although Douglas County seems intent on testing that."

Teal, the Douglas County commissioner, said there are bills passed in the statehouse every legislative session that explicitly exempt home-rule counties from having to comply.

"I would like that opportunity for the citizens of Douglas County to take advantage of these exemptions," he said.

And there are other laws that sit in questionable territory, Teal said. Home-rule status “gives us new tools in the tool belt. At the very least, it allows the county to challenge the state.”

Teal said he could see the county pushing back on Colorado’s mandatory retail bag fee, the way property assessments are calculated and limits that have been placed on law enforcement.

But first, voters must weigh in. As the campaign over home rule heats up with billboards and signs sprouting up along Interstate 25 and other places in Douglas County, the political temperature is rising as well.

At a May 28 town hall, Commissioner Abe Laydon laid out the stakes in front of 100 or so people in the commissioners’ hearing room in Castle Rock.

“Are we OK with how the state handled COVID-19 and the pandemic?” he asked. “Are we OK with how the state has handled illegal immigration?”

There was some sympathy from the audience, but others were skeptical. When the hour-long session ended, several people stood and demanded more of their questions on home rule be answered. Each side accused the other side of “fear-mongering.”

“What are you afraid of?” one attendant yelled as Laydon called for order.

Last week newly released campaign finance data stirred up a new angle of attack for home-rule opponents. The Yes on Local Control committee raised \$110,000 from just five donors — one of them Teal’s wife, Laura. The bulk of the total — \$100,000 — came from just two developers.

By contrast, Stop the Power Grab has raised slightly more than \$30,000 from several hundred individual donors.

That has Marshall, the state representative from Highlands Ranch, questioning just how much grassroots support the home-rule movement has in Douglas County. And layer on that a recent survey of nearly 1,800 residents conducted for the county that showed respondents opposing home rule by a 54% to 44% margin; some information, including the survey’s margin of error, wasn’t available.

“Where is the outpouring of support for home rule the commissioners claim?” Marshall said.

Amanda Budimlya, who grew up in Colorado and has lived near Sedalia for a dozen years, has been dismayed by the state’s sharp turn to the left and supports the home-rule effort. There will be two opportunities — the June and November elections — for residents to weigh in, she said, giving everyone plenty of time to air their concerns and grievances.

“It gives us standing so we can try and put things in the charter that we want to protect — like our liberty and rights,” she said of home rule.

Budimlya, 50, said it’s rich that the opposition adopted the name Stop the Power Grab for their campaign in a state where political power has only drifted in one direction in recent years.

“There’s already a power grab happening — the governor, the House and the Senate — it’s all Democrat-run,” she said of Colorado’s political makeup. “Any conservative voice is railroaded.”

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Douglas County voters defeat home-rule measure in lopsided outcome

Special election called by commissioners asked whether to form a commission to draft a county charter



A "Vote No on Home Rule" sign is seen on the northbound side of Interstate 25 near the Happy Canyon Parkway exit in Castle Pines on Thursday, June 5, 2025. (Photo by Hyoung Chang/The Denver Post)



By **JOHN AGUILAR** | jaguilar@denverpost.com | The Denver Post

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A ballot measure that would have given Douglas County a crack at assuming home-rule authority for the first time went down to resounding defeat in a special election held Tuesday night.

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The measure was put on the ballot by leaders of the conservative-led county as a way of gaining more local control — and potentially pushing back on what they characterize as overbearing legislation from Democratic state lawmakers.

The final tally from the clerk's office, posted just after 10 p.m., showed the measure getting walloped, with 71% of voters saying no and 29% saying yes. More than 66,000 votes had been counted against Question 1A, while nearly 27,000 were marked in favor — a more than 2-to-1 margin of victory.

"This was a crushing defeat for the commissioners," said state Rep. Bob Marshall, who took a lead role in pushing for the measure's downfall.

Marshall, a Democrat who admitted to being in a joyful mood Tuesday evening as he watched the first batch of results come in, said he didn't envision quite such a lopsided result. In his mind, he thought a blowout would be a 65% vote against.

"It was rushed; it was secretive," Marshall said of the process that placed the home-rule measure on the ballot. "Douglas County is a well-educated place. They are not fools. Rushing it through in secrecy rubbed everybody the wrong way."

Douglas County Commissioner George Teal, who was the chief backer of the measure, spoke to reporters after the vote and conceded defeat.

"The results right now, given what has been counted, are pretty definitive," he said in the commissioners' hearing room in Castle Rock Tuesday night. "We were moving too fast for the people of Douglas County. And the people of Douglas County are going to need more information."

In Tuesday's election, voters were asked to authorize the creation of a county charter — essentially a constitution for Douglas County — along with selecting a 21-member commission to draw up the document. Had it passed, voters would have taken a second vote in November to approve the charter, a necessary step before home-rule authority could have gone into effect.

For now, Denver, Broomfield, Pitkin and Weld counties are the only Colorado counties — out of 64 — with home-rule authority.

The campaign surrounding Douglas County's quest for home-rule authority has been anything but quiet. Three county residents, including Marshall and former Commissioner Lora Thomas, sued the Board of County Commissioners in April, alleging violations of Colorado's open-meetings law during the run-up to the special election.

They asked the court to stop Tuesday's election, which was estimated to cost \$500,000, from going forward.

But a judge sided with the county in May, saying he didn't see evidence that the board violated the open-meetings law and ruling that a preliminary injunction to stop the election would "sacrifice the public's right to vote."

The Colorado Court of Appeals also ruled against the plaintiffs' request for a preliminary injunction last week.

Signs and billboards sprouted along highways and byways in Douglas County, in favor and against, as the special election drew nearer and mail voting began. In late May, about 100 people crowded into county chambers to ask questions about the process, with the meeting devolving into a shouting match between commissioners and several audience members.

Forty-nine candidates vied for the 21 charter commission seats Tuesday, but as voters rejected the measure, the commission will not form.

Opponents, operating under the "Stop the Power Grab" banner, accused the commissioners of quietly concocting the home-rule plan over a series of more than a dozen meetings starting late last year — and then rubber-stamping the decision at a public hearing in late March. That meeting lasted mere minutes.

"What this has brought out in us is the question of — why now?" Kelly Mayr, a nearly three-decade resident of Highlands Ranch and a member of Stop the Power Grab, told The Denver Post this month. "Why are they rushing it? If this is a good idea for the county, why would we not take our time?"

Local control has factored heavily in Colorado politics in recent years, with cities and counties lashing out — even taking legal action — against a state government they accuse of overreach in municipal matters. Just last month, six Denver-area cities — Aurora, Arvada, Glendale, Greenwood Village, Lafayette and Westminster — sued Gov. Jared Polis in an attempt to block two 2024 land-use laws that aim to encourage the building of more housing.

The cities, all of which are home-rule municipalities, argue that the laws, which seek to increase density and eliminate parking requirements near transit stops, violate the provision of the Colorado Constitution that gives local governments the authority to establish their own land-use rules.

Teal sold the effort as a way to give Douglas County the ability to assert its independence from a legislature that has shifted decidedly to the left over the past decade.

Home-rule authority, Teal and other supporters of the measure have said, would give Douglas County greater legal standing to take on state laws that they believe go too far. Douglas County has sued Colorado twice recently over disagreements involving property tax valuations and the level of cooperation local law enforcement can give federal immigration authorities. The county lost both cases.

The legislature designed home-rule authority to have a more pedestrian purpose when it created the designation 55 years ago, allowing counties to decide their governance structure and set salaries for public officials. To what extent counties can use home-rule powers to challenge state law is still a question for the courts.

Teal, on Tuesday, said the idea of home-rule authority in Douglas County is not dead and buried, although he didn't offer a timeline for when the issue might be pitched again.

"I stand a little humbled that I did not make my case, and yet, at the same time I know there were people out there who heard the message, who did cast a vote. And so I look forward to continuing to work on it," he said.

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