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The Honorable Gail Schwartz, Chair  
Senate Local Government Committee  
State Capitol

The Honorable Cherylin Peniston, Chair  
House Local Government Committee  
State Capitol

RE: 2010 Report of County Elected Officials' Salary Commission

Dear Representative Peniston and Senator Schwartz,

This appointed Commission has more than fulfilled the charge set before us. The goal of the Commission, from 30-3-101, is the salaries for county elected officials should be based upon equitable and proper standards in order that such salaries accurately reflect the duties and responsibilities assumed by such officials and that citizens of the highest quality may be attracted to public service. Briefly, the ACT, Senate Bill 05-188, required the Commission to study salaries, responsibilities, scope of authority, level of difficulty, time related to performance of duties, and salary levels of comparable public and private sectors.

This Commission held vibrant discussions on each category of our charge. We gained consensus on many issues, but were not in agreement with all. We offer both a report of the Commission with a minority opinion attached.

The Commission members look forward to discussing our report with the Joint Local Government Committee. The Commission members not only bring the report forward as charged, but want to bring the concerns of the process forward for discussion.

As you can see in the recommendation summary, we ask for two separate bills. First, the Commission recommends the salary adjustment bill. Second, the Commission recommends changes in the authorizing legislation. Within our report is the supporting data. We do ask for time to discuss with you the hurdles in the current act and the Commission's recommendations for legislative change to improve the process.

It has been a pleasure to serve as members of this Commission. We thank the Senate President and Speaker of the House for our appointments. All members are committed to continuing the needed discussion for the improvement of the Act.

It is worthy to note that Teak Simonton, Eagle County Clerk and Recorder, has provided the Commission with exemplary notes of our meetings and has been a force in the drafting of our report.

Sincerely,

Linda Romer Todd  
General Public Member  
2010 Committee Chair

**REPORT OF  
COUNTY ELECTED OFFICIALS' SALARY COMMISSION**

**January 13, 2010**

**RECOMMENDATIONS SUMMARY**

- County elected officials salaries are well below municipal and private positions of comparable responsibility, but the current economic climate makes it impractical to recommend the appropriate equity adjustments at this time.
- Two pieces of legislation should be introduced; the first for the salary adjustment, and the second for the change in timing of the recommendations for the future.
- All County Elected Official salaries should be increased by 5% for terms beginning in 2011.
- The authorizing legislation for the salary commission should be changed such that the commission would be required to meet and complete its charge during even years and present any recommendations to the legislature in the following odd year, with related legislative changes to salary levels to take effect for elected official's terms beginning two years later.
- Surveyors wish to revise the additional compensation language in 30-10-905(1) so that it reads: "In counties of every class, the board of county commissioners may provide for additional compensation to be paid to a THEIR COUNTY surveyor who performs services for the county in addition to the duties specified in section [30-10-903](#), which compensation shall be paid out of the county treasury."
- Benefit determinations, such as health or retirement, should continue to be made at the local level in accordance with county policies and the provisions of applicable agreements.

**Introduction**

Pursuant to article 3 of title 30, Colorado Revised Statutes, the County Elected Officials' Salary Commission (hereafter the "Commission") was duly formed and has met monthly, commencing in August, 2009, to consider the salaries of county elected officials and to make recommendations "in order that such salaries accurately reflect the duties and responsibilities assumed by such officials and that citizens of the highest quality may be attracted to public service." (Sec. 30-3-101, C.R.S.)

In arriving at the recommendations made in this report, the Commission has considered various factors in furtherance of the statutory purpose quoted above. These include the factors expressly denoted in section 30-3-105 (1):

The salaries currently paid to county elected officials;

The responsibilities of county elected officials and the scope of their authority;  
The relative level of difficulty in performing their duties;  
The amount of time related to the performance of their duties; and  
The current levels of salaries for comparable employment in other public and private markets.

Article XIV, section 15 of the Colorado Constitution requires that the General Assembly take county variations into consideration as well. The factors enumerated in the constitution include: population, the number of persons residing in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, military installations, and any other factors “necessary to prepare compensation schedules that reflect variations in the workloads and responsibilities of county officers and in the tax resources of the several counties.” The Commission is mindful of these criteria as it makes its recommendations and notes that they were applicable and considered when the current salary schedule set forth in section 30-2-102, C.R.S., was adopted.

In addition, the Commission is directed to consider “any additional facts and information in the judgment of the Commission that are relevant to this determination.” (Section 30-3-105 (4), C.R.S.) Pursuant to this charge, the Commission has also taken into account the number of years that have elapsed and changes in the cost of living since salary adjustments were last adopted by the General Assembly. The Commission also examined the salaries paid to the deputies of such officials as not only indicators of salary levels for comparable employment, but also as they affect the integrity of county salary schedules overall.

### **Commission Resources**

Recognizing the limited time available for this initial review, the Commission began its work by identifying the variety of resources that might be available to assist in its review. The resources made available to the Commission included some information compiled by other entities and some compiled by members of the Commission themselves. These included:

- *Mountain States Employee Council: Public Employers Compensation Survey*, which provides compensation ranges for several municipal and county positions including the assessor, coroner, clerk and recorder, sheriff, and treasurer.
  
- *County Elected Official Job Summaries*, the 2005 Commission members created a job descriptions summary report which included duties, job responsibilities, controlling rules, along with assessments of the relative level of difficulty and time commitments required. Where applicable, these included consideration of the variations in the job duties among the county categories delineated in the statutes. This evaluation also included consideration of positions for which certain training or licensure is required (sheriff, coroner, surveyor). The 2009 Commission made adjustments to these summaries as needed.

- The Commission analyzed compensation comparisons in similar sized counties as well as at the municipal government level.
- The Commission also looked at inflation, as a measure of cost of living increases, since the last time compensation levels were legislatively changed.
- As enumerated in the constitutional requirements, the Commission also requested and considered a report on changes in population, assessed valuation, and revenue since 2000.

### **Commission Deliberations**

The Commission's deliberations covered a number of subject areas and the ultimate recommendations reflect the discussion and debate that took place in each of these areas.

The statutory responsibilities of the Commission include studying county elected official's salaries, responsibilities, level of difficulty of these responsibilities and the levels of comparable salaries in comparable public and private positions. In light of the Commission's recognition of the current economic conditions reality in Colorado, the salaries study proved to be a difficult task. The Commission recognized that even in light of the significant differences that have been discovered between county elected officials and positions of comparable scope and responsibility, the timing for any salary adjustment is problematic. The situation is further complicated by significant variances that exist with each county's economic and financial health, the fact that the legislative body that sets these salaries is not intimately aware of the unique situations that exist with individual county operations and budgets and the fact that setting salary levels every four years necessitates considerable speculation regarding future conditions, and is not conducive to good financial planning at the county level.

As part of the initial strategy data was collected from 52 counties related to actual and projected increases provided to other county staff and directors over the period 2007 through 2010. This research showed that 46% of the counties reporting were able to provide more than 10.5% wage increases, 60% more than 7.9% and 82% more than 5% for the period 2007 through 2010. This information was highly valuable and important in considering the recommended increases for county elected officials.

Data was also collected on salaries of county department directors and salaries of municipal positions with comparative levels of scope and responsibility. This data was collected for each salary category level. This data showed clearly that currently county elected official salaries in large and medium counties are as much as 40% less than comparable positions and in the smallest counties there were discrepancies of up to 15%. In many instances the Chief Deputies and Under Sheriffs are currently being compensated at a higher level than their elected officials, who as a result of job responsibilities work just as many or more hours.

The Commission is cognizant of the fact that adjusting county elected official's salaries every four years is preferable to delaying adjustments for eight years due to the fact that smaller adjustments are easier for counties to handle. Delaying adjustments for eight years inevitably leads to much larger adjustments being required to keep these salaries competitive. The eight year or longer approach is not as politically palatable which means that affected elected positions continue to lose ground when it comes to salary considerations.

Based on all of this information and specifically in light of the significant differences between the economic drivers, economic strengths, property values, tax revenues and populations between the state's many counties, the Commission felt it would be helpful to further evaluate the current county salary categories and related criteria to determine whether expanding the categories to better reflect these differences would allow greater flexibility to the legislature and counties in the future. There was substantive discussion about the wisdom of the legislature setting minimum salary levels for each category, with one possible alternative being an allowance for some county level adjustment in financially healthy counties wherein the elected official's salaries are not in line with comparable salaries.

It was additionally noted that all County Treasurers in Category 2 through Category 6 counties also serve as the Public Trustee, and as such receive supplementary compensation as high as \$12,500 per year. The Commission wishes to evaluate the overall Treasurer / Public Trustee scope and responsibilities in comparison to those of the Clerk and Records, Assessors and Commissioners to determine if this disparity is warranted or if adjustments to equalize these salaries for some or all of the positions mentioned in the future should be considered.

Finally there was much discussion about the need for changing the method with which county elected official salaries are set. The Commission felt that it would be much better for county budgets, public perception and comparative analyses if the constitution were changed to allow for annual adjustments to these salaries. To this end, the Commission felt that supporting the question of a constitutional amendment to affect this change would be prudent in the future.

#### *Surveyor Discussion*

Elected county officers/surveyors compensation is provided for under 30-10-905. Remuneration – expenses. Two new laws have affected this statute: in 2005, legislation was passed adopting the Salary commission report, and in 2006, under a separate effort by the Professional Land Surveyors of Colorado, the “duties and powers” of the county surveyor was expanded to include 30-10-903 (e) (f) and (g). These acts, for the first time in the state, “organized” all county surveyors into a class with base pay plus optional payment for additional duties.

30-10-905 (1) currently reads: In counties of every class, the board of county commissioners may provide for additional compensation to be paid to a surveyor who performs services for the county in addition to the duties specified in section 30-10-

903... The problem is that this paragraph has now been interpreted to be “a surveyor” meaning “some other surveyor than the county surveyor”, which is the inadvertent problem we are trying to correct. The general statement outlines that the intent is to allow commissioners the option to pay additional fees to THEIR COUNTY SURVEYOR, not “some other surveyor than the county surveyor”. The specific correction in the statutes in the next Salary Commission Bill would read as follows:  
30-10-905. Remuneration – expenses  
(1) In counties of every class, the board of county commissioners may provide for additional compensation to be paid to THEIR COUNTY surveyor (strike “a”)...

### **Commission Recommendations**

Based on the review and analysis of the resources available to the Commission and the discussion and debate among the Commission members, the Commission makes the following recommendations concerning the compensation of county elected officials:

- Legislation should be introduced during the 2010 legislative session to make adjustments to compensation levels effective for terms that commence on or after January 1, 2011. The Commission’s recommendation is that this should be proposed in a single piece of legislation.
- The Commission recommends increasing the statutory compensation amounts for county elected officials by 5% for terms beginning in 2011. This modest suggested increase is less than the four year Denver-Boulder Consumer Price Index (CPI) total percentage change of 5.9% (see Salary Table). The recommended increase will not help address the pay discrepancy where deputies are paid more than the elected official, but it will help keep the pay structure gap from widening further.
- The authorizing legislation for the salary commission should be changed such that the commission would be required to meet and complete its charge during even years and present any recommendations to the legislature in the following odd year, with related legislative changes to salary levels to take effect for elected official’s terms beginning two years later.
- Surveyors wish to revise the additional compensation language in CRS 30-10-905(1). The language should be modified as follows:  
“In counties of every class, the board of county commissioners may provide for additional compensation to be paid to a surveyor who performs services for the county in addition to the duties specified in section [30-10-903](#), which compensation shall be paid out of the county treasury.”

#### **Is revised to read:**

“In counties of every class, the board of county commissioners may provide for additional compensation to be paid to a THEIR COUNTY surveyor who performs

services for the county in addition to the duties specified in section [30-10-903](#), which compensation shall be paid out of the county treasury.”

**ATTACHMENTS:**

Minority Report

Salary Comparison Chart

Legal – SB 05-188, as enrolled

Colorado Revised Statutes – title 30, article 2

Colorado Constitution, Article XIV, sections 8, 8.5, 8.7, and 15

Commission Membership List

Population/AV/Revenue Growth Tables

Sheriff/Clerk & Recorder Salary Comparison Charts

How Other States Set Salaries

Subcommittee Report with Job Descriptions

## County Elected Officials Salary Commission Minority Report

Dear Senator Schwartz and Representative Peniston:

We have included in this Report the following thoughts that express the views of Commission members opposed to recommendations forwarded by the Commission. We do so with hopes that this minority report will assist you in assessing the complexity of the discussions over the last four months.

While recognizing the hard work and the contributions of elected leaders in the counties, we would be remiss in not detailing the concerns we have with the Salary Commission's recommendation of increasing salaries, across the board for all counties and all offices, by 5%.

We agree that many elected county officials are not receiving salaries that are on par with peer comparisons. It is clear that some municipal elected officials earn salaries above the elected county officials' salary, yet the county officials' duties and requirements exceed that of the municipal officials'. Additionally, many county elected officials' deputies and assistants earn more and receive salary adjustments while elected officials in the county do not. The Salary Commission Report contains data showing the discrepancy that has led to elected officials' facing an eight year compensation gap. Even increasing the salaries, as recommended, would only incrementally reduce this gap. Yet, the justification of increasing salaries does not mean that the salary should be increased at this time.

As you are aware, the counties are political subdivisions of the state and as the state slowly emerges from a fiscal crisis of historic proportions, the minority members of the Commission believe now is not the time for elected officials to ask the taxpayers of Colorado for a raise. Sales tax revenues continue to decrease in West Slope counties, and new property assessments next year will result in decreased property tax revenues. Industries and small businesses have reduced their workforces and citizens are faced with reduced earnings, hard times and unemployment.

Some counties have moved to four day work weeks, others have reduced staffs and services, and all have been forced to do more with less. The same sacrifices are evident on the state level as well, as Colorado continues to face budget shortfalls for preceding and future fiscal years.

While County Commissioners would be the first to defend their counties' departments and their leaders, in good conscience we cannot justify an increase at this time when the citizens of the state continue to face economic uncertainty. To provide an increase would be fiscally and politically irresponsible.

We respectfully submit this minority report to you and stand willing and able to answer any concerns or questions you may have as a result of this report.

Sincerely,

Thomas Davidson  
Summit County Commissioner  
Commission Member, Category II-V County Member

Joelle Riddle  
La Plata County Commissioner  
Commission Member, Commissioner Representative

Rich Seymour  
Richard Seymour Insurance Agency, Inc.  
Commission Member, General Public

## SALARY TABLE

County Category	Office	Current Salary	Salary Adjusted by 5% increase	Difference
One	Commissioners	\$87,300	\$91,665	\$4,365
	Sheriffs	\$111,100	\$116,655	\$5,555
	Assessors, Clerks, and Treasurers	\$87,300	\$91,665	\$4,365
	Coroners	\$87,300	\$91,665	\$4,365
	Land Surveyors	\$5,500	\$5,775	\$275
Two	Commissioners	\$72,500	\$76,125	\$3,625
	Sheriffs	\$87,700	\$92,085	\$4,385
	Assessors, Clerks, and Treasurers	\$72,500	\$76,125	\$3,625
	Coroners	\$44,200	\$46,410	\$2,210
	Land Surveyors	\$4,400	\$4,620	\$220
Three	Commissioners	\$58,500	\$61,425	\$2,925
	Sheriffs	\$76,000	\$79,800	\$3,800
	Assessors, Clerks, and Treasurers	\$58,500	\$61,425	\$2,925
	Coroners	\$33,100	\$34,755	\$1,655
	Land Surveyors	\$3,300	\$3,465	\$165
Four	Commissioners	\$49,700	\$52,185	\$2,485
	Sheriffs	\$66,600	\$69,930	\$3,330
	Assessors, Clerks, and Treasurers	\$49,700	\$52,185	\$2,485
	Coroners	\$22,100	\$23,205	\$1,105
	Land Surveyors	\$2,200	\$2,310	\$110
Five	Commissioners	\$43,800	\$45,990	\$2,190
	Sheriffs	\$49,100	\$51,555	\$2,455
	Assessors, Clerks, and Treasurers	\$43,800	\$45,990	\$2,190
	Coroners	\$9,900	\$10,395	\$495
	Land Surveyors	\$1,100	\$1,155	\$55
Six	Commissioners	\$39,700	\$41,685	\$1,985
	Sheriffs	\$46,500	\$48,825	\$2,325
	Assessors, Clerks, and Treasurers	\$39,700	\$41,685	\$1,985
	Coroners	\$9,000	\$9,450	\$450
	Land Surveyors	\$1,000	\$1,050	\$50

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**



SENATE BILL 05-188

BY SENATOR(S) Kester, Entz, Evans, Hillman, Jones, Tapia, Teck, and Taylor;  
also REPRESENTATIVE(S) Jahn, Berens, Boyd, Coleman, Hall, Kerr, Lindstrom, and Sullivan.

CONCERNING THE ESTABLISHMENT OF A COUNTY ELECTED OFFICIALS' SALARY COMMISSION.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Title 30, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 3**  
**County Elected Officials' Salary Commission**

**30-3-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE SALARIES FOR COUNTY ELECTED OFFICIALS SHOULD BE BASED UPON EQUITABLE AND PROPER STANDARDS IN ORDER THAT SUCH SALARIES ACCURATELY REFLECT THE DUTIES AND RESPONSIBILITIES ASSUMED BY SUCH OFFICIALS AND THAT CITIZENS OF THE HIGHEST QUALITY

MAY BE ATTRACTED TO PUBLIC SERVICE.

(b) ACHIEVEMENT OF THE GOALS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1) REQUIRES THE ESTABLISHMENT OF AN INDEPENDENT COMMISSION THAT IS EMPOWERED TO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON THE EQUITABLE AND PROPER SALARIES TO BE PAID TO SUCH OFFICIALS.

(c) THE WORK PRODUCT OF THE INDEPENDENT COMMISSION WILL MATERIALLY ASSIST THE GENERAL ASSEMBLY IN SETTING THE SALARIES FOR SUCH OFFICIALS.

**30-3-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ASSOCIATIONS OF COUNTY ELECTED OFFICIALS" SHALL BE LIMITED TO THE FOLLOWING ASSOCIATIONS OR THEIR SUCCESSOR ORGANIZATIONS:

- (a) COLORADO COUNTIES, INC.;
- (b) COUNTY SHERIFFS OF COLORADO, INC.;
- (c) COLORADO COUNTY CLERKS ASSOCIATION;
- (d) COLORADO COUNTY TREASURERS' ASSOCIATION;
- (e) COLORADO CORONERS ASSOCIATION;
- (f) COLORADO ASSESSORS' ASSOCIATION; AND
- (g) PROFESSIONAL LAND SURVEYORS OF COLORADO, INC.

(2) "COMMISSION" MEANS THE COUNTY ELECTED OFFICIALS' SALARY COMMISSION CREATED IN SECTION 30-3-103.

(3) "COUNTY ELECTED OFFICIAL" MEANS A MEMBER OF A BOARD OF COUNTY COMMISSIONERS, A COUNTY SHERIFF, A COUNTY TREASURER, A COUNTY ASSESSOR, AN ELECTED COUNTY SURVEYOR, A COUNTY CLERK AND RECORDER, OR A COUNTY CORONER.

(4) "MEMBER OF THE GENERAL PUBLIC" MEANS A PERSON WHO IS NOT AN ELECTED OFFICIAL.

**30-3-103. County elected officials' salary commission - creation - membership - qualifications.** (1) THERE IS HEREBY ESTABLISHED A COMMISSION TO BE KNOWN AS THE COUNTY ELECTED OFFICIALS' SALARY COMMISSION CONSISTING OF THIRTEEN MEMBERS WHO SHALL BE APPOINTED AS FOLLOWS:

(a) TWELVE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AS FOLLOWS:

(I) SEVEN MEMBERS SHALL BE APPOINTED TO REPRESENT EACH OF THE FOLLOWING COUNTY ELECTED OFFICIAL POSITIONS:

- (A) COUNTY COMMISSIONER;
- (B) COUNTY SHERIFF;
- (C) COUNTY CLERK AND RECORDER;
- (D) COUNTY ASSESSOR;
- (E) COUNTY TREASURER;
- (F) COUNTY CORONER; AND
- (G) COUNTY SURVEYOR.

(II) TWO MEMBERS SHALL BE EMPLOYEES OF COUNTY DEPARTMENTS OF PERSONNEL OR HUMAN RESOURCES AS FOLLOWS:

(A) ONE APPOINTEE FROM A CATEGORY I COUNTY AS DESIGNATED IN SECTION 30-2-102 (1) (a); AND

(B) ONE APPOINTEE FROM A CATEGORY II, III, IV, OR V COUNTY AS DESIGNATED IN SECTION 30-2-102 (1) (b) TO (1) (e).

(III) THREE MEMBERS SHALL BE MEMBERS OF THE GENERAL PUBLIC.

(b) ONE MEMBER SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

(2)(a) IN APPOINTING MEMBERS PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL TAKE INTO CONSIDERATION THE RECOMMENDATIONS PROVIDED BY THE ASSOCIATIONS OF COUNTY ELECTED OFFICIALS.

(b) IN APPOINTING MEMBERS PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION, IF THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES ARE UNABLE TO AGREE ON APPOINTMENTS, EACH LEADER SHALL APPOINT THE FOLLOWING POSITIONS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT:

(A) A MEMBER TO REPRESENT COUNTY COMMISSIONERS;

(B) A MEMBER TO REPRESENT COUNTY SHERIFFS;

(C) A MEMBER TO REPRESENT COUNTY CLERK AND RECORDERS;

(D) A MEMBER TO REPRESENT COUNTY ASSESSORS;

(E) ONE MEMBER PURSUANT TO SUB-SUBPARAGRAPH (B) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION; AND

(F) ONE MEMBER OF THE GENERAL PUBLIC.

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT:

(A) A MEMBER TO REPRESENT COUNTY TREASURERS;

(B) A MEMBER TO REPRESENT COUNTY CORONERS;

(C) A MEMBER TO REPRESENT COUNTY SURVEYORS;

(D) ONE MEMBER PURSUANT TO SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION;

AND

(E) TWO MEMBERS OF THE GENERAL PUBLIC.

(3) INITIAL APPOINTMENTS TO THE COMMISSION IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION SHALL BE MADE ON OR BEFORE JULY 15, 2005.

(4) FOUR OF THE COMMISSION MEMBERS INITIALLY APPOINTED BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SERVE FOR A TERM OF TWO YEARS, AND THE REMAINDER OF THE MEMBERS SHALL SERVE TERMS OF FOUR YEARS. SUBSEQUENT APPOINTMENTS SHALL BE FOR TERMS OF FOUR YEARS, EXCEPT IN THE CASE OF VACANCIES, WHICH SHALL BE FILLED BY APPOINTMENT FOR THE UNEXPIRED TERM IN ACCORDANCE WITH SUBSECTION (6) OF THIS SECTION.

(5) ANY MEMBER OF THE COMMISSION SHALL BE ELIGIBLE FOR REAPPOINTMENT TO NOT MORE THAN ONE ADDITIONAL TERM OF FOUR YEARS.

(6) INDIVIDUALS SHALL BE APPOINTED TO FILL VACANCIES FOR THE REMAINDER OF ANY UNEXPIRED TERM OF MEMBERS OF THE COMMISSION. ANY VACANCY SHALL BE FILLED BY THE ORIGINAL APPOINTING AUTHORITY.

**30-3-104. Commission officers - meetings.** (1) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE COMMISSION FOR THE PURPOSE OF ORGANIZATION NO LATER THAN AUGUST 1, 2005. AT THIS MEETING, THE COMMISSION SHALL SELECT FROM ITS MEMBERSHIP A CHAIR, A VICE-CHAIR, AND A SECRETARY TO SERVE FOR TERMS OF TWO YEARS. THE COMMISSION SHALL PRESCRIBE ITS OWN RULES OF PROCEDURE.

(2) THE COMMISSION MAY MEET AS OFTEN AS NECESSARY TO PERFORM ITS FUNCTIONS.

(3) COMMISSION MEMBERS SHALL SERVE WITHOUT COMPENSATION AND SHALL NOT BE ENTITLED TO REIMBURSEMENT FOR EXPENSES.

**30-3-105. Commission duties and responsibilities.** (1) THE COMMISSION SHALL STUDY:

(a) THE SALARIES PAID TO COUNTY ELECTED OFFICIALS;

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(b) THE RESPONSIBILITIES OF EACH COUNTY ELECTED OFFICIAL AND THE SCOPE OF AUTHORITY OF THE ENTITY IN WHICH THE OFFICIAL SERVES;

(c) THE RELATIVE LEVEL OF DIFFICULTY IN PERFORMING THE DUTIES OF EACH COUNTY ELECTED OFFICIAL;

(d) THE AMOUNT OF TIME DIRECTLY OR INDIRECTLY RELATED TO THE PERFORMANCE OF THE DUTIES, FUNCTIONS, AND SERVICES OF EACH COUNTY ELECTED OFFICIAL; AND

(e) THE CURRENT LEVELS OF SALARIES FOR COMPARABLE EMPLOYMENT IN OTHER PLACES OF PUBLIC AND PRIVATE EMPLOYMENT IN COMPETITIVE LABOR MARKETS.

(2) IN CARRYING OUT ITS DUTIES UNDER THIS ARTICLE, THE COMMISSION MAY TAKE TESTIMONY AND GATHER INFORMATION AS THE COMMISSION DEEMS APPROPRIATE.

(3) NO LATER THAN THE FIRST DAY OF CONVENING OF THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY AND ON THE FIRST DAY OF CONVENING OF THE GENERAL ASSEMBLY EVERY FOUR YEARS THEREAFTER, THE COMMISSION SHALL SUBMIT TO THE LOCAL GOVERNMENT COMMITTEES OF THE GENERAL ASSEMBLY A REPORT THAT SATISFIES THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION. THE COMMISSION MAY ALSO SUBMIT ANY INTERIM REPORTS AS IT DEEMS NECESSARY. SUCH INTERIM REPORT MAY INCLUDE SALARY RECOMMENDATIONS.

(4) THE REPORT REQUIRED TO BE SUBMITTED PURSUANT TO SUBSECTION (3) OF THIS SECTION SHALL CONTAIN RECOMMENDATIONS OF THE COMMISSION AS TO THE APPROPRIATE LEVELS OF SALARIES TO BE PAID TO COUNTY ELECTED OFFICIALS IN EACH CATEGORY OF COUNTY AS SET FORTH IN SECTION 30-2-102 FOR THE QUADRENNIAL PERIOD FOLLOWING THE SUBMISSION OF THE REPORT AND ANY ADDITIONAL FACTS AND INFORMATION IN THE JUDGMENT OF THE COMMISSION THAT ARE RELEVANT TO THIS DETERMINATION. THE RECOMMENDATIONS CONTAINED IN THE REPORT SHALL BE BASED ON SOUND AND SYSTEMATIC OCCUPATIONAL ANALYSIS AND JOB EVALUATION METHODS AND SHALL CONSIDER THE INFORMATION STUDIED IN SUBSECTION (1) OF THIS SECTION.

(5) THE GENERAL ASSEMBLY, IN CONSIDERING AND ENACTING LEGISLATION CONCERNING THE SALARIES TO BE PAID TO COUNTY ELECTED

OFFICIALS, SHALL GIVE CONSIDERATION TO THE RECOMMENDATIONS CONTAINED IN THE MOST RECENT REPORT SUBMITTED BY THE COMMISSION.

**30-3-106. Assistance to the commission.** IN CARRYING OUT ITS DUTIES UNDER THIS ARTICLE, THE COMMISSION MAY REQUEST INFORMATION OR ASSISTANCE FROM THE DEPARTMENT OF LOCAL AFFAIRS.

**SECTION 2. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Joan Fitz-Gerald  
PRESIDENT OF  
THE SENATE

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Andrew Romanoff  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

---

Karen Goldman  
SECRETARY OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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Bill Owens  
GOVERNOR OF THE STATE OF COLORADO

**30-2-102. Categorization of counties for fixing salaries of county officers.**

(1) For the purpose of establishing the salaries of county officers:

- (a) Category I counties shall consist of the counties of Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Pueblo, and Weld;
- (b) Category II counties shall consist of the counties of Eagle, Fremont, Garfield, La Plata, Mesa, Pitkin, and Summit;
- (c) Category III counties shall consist of the counties of Alamosa, Archuleta, Chaffee, Clear Creek, Delta, Gilpin, Grand, Gunnison, Las Animas, Moffat, Montezuma, Montrose, Morgan, Otero, Park, Rio Blanco, San Miguel, Routt, Logan, and Teller;
- (d) Category IV counties shall consist of the counties of Custer, Elbert, Huerfano, Kit Carson, Lake, Ouray, Prowers, Rio Grande, Washington, and Yuma;
- (e) Category V counties shall consist of the counties of Baca, Bent, Cheyenne, Conejos, Costilla, Crowley, Hinsdale, Lincoln, Phillips, Saguache, and San Juan;
- (f) Category VI counties shall consist of the counties of Dolores, Jackson, Kiowa, Mineral, and Sedgwick.

(2) The annual salaries of county officers whose term of office begins prior to January 1, 2002, shall be as follows:

	County Commissioners	County Sheriffs	County Treasurers, Assessors, and Clerks
(a) Category I	63,203	71,293	63,203
(b) Category II	51,827	57,768	51,827
(c) Category III	41,714	53,091	41,714
(d) Category IV	35,394	47,782	35,394
(e) Category V	32,613	36,405	32,613

(2.1) On and after January 1, 2002, but prior to January 1, 2007, the annual salaries of county officers whose term of office begins on or after January 1, 2002, but prior to January 1, 2007, shall be as follows:

	County Commissioners	County Sheriffs	County Treasurers, Assessors, and Clerks
(a) Category I	63,203	95,000	75,500
(b) Category II	51,827	75,000	62,000
(c) Category III	41,714	65,000	50,000
(d) Category IV	35,394	57,000	42,500
(e) Category V	32,613	42,000	37,500

(2.2) On and after January 1, 2007, the annual salary of a county officer whose term of office begins on or after such date shall be as follows:

	County Commissioners	County Sheriffs	County Treasurers, Assessors, and Clerks	County Coroners	County Surveyors
(a) Category I	87,300	111,100	87,300	87,300	5,500
(b) Category II	72,500	87,700	72,500	44,200	4,400
(c) Category III	58,500	76,000	58,500	33,100	3,300
(d) Category IV	49,700	66,600	49,700	22,100	2,200
(e) Category V	43,800	49,100	43,800	9,900	1,100
(f) Category VI	39,700	46,500	39,700	9,000	1,000

(2.3) and (2.5) Repealed.

(2.7) (Deleted by amendment, L. 97, p. 308, § 1, effective August 6, 1997.)

(2.8) The general assembly hereby finds and declares that:

(a) The rate of compensation of elected county officers shall be provided in accordance with the provisions set forth in section 15 of article XIV of the state constitution;

(b) The salaries of county commissioners, sheriffs, treasurers, assessors, clerk and recorders, coroners, and surveyors have been fixed by law through the enactment of this section.

(c) (Deleted by amendment, L. 98, p. 409, § 1, effective April 21, 1998.)

(3) (a) to (d) Repealed.

(e) No elected officer shall have his compensation increased or decreased during the term of office to which he has been elected or appointed. All actual and necessary expenses of an elected officer incurred while engaged in business on behalf of the county may be allowed by the board of county commissioners and paid out of the county treasury.

(4) The board of county commissioners may adjust the salaries established in this section pro rata for county officers working part-time.

(5) The salaries established pursuant to this section shall remain in effect until such time that section 15 of article XIV of the constitution of the state of Colorado is amended to authorize or direct the board of county commissioners in each county to fix the compensation of county officers.

(6) If any provision of this section is found to be unconstitutional by a court of competent jurisdiction, the remaining provisions of this section are valid, unless the court determines that the valid provisions, standing alone, are incomplete and are incapable of being executed.

**Source:** **L. 52:** p. 111, § 3. **CSA:** C. 66, § 58(7f). **L. 53:** p. 297, § 3. **CRS 53:** § 56-2-4. **L. 57:** p. 372, § 1. **L. 58:** p. 233, § 1. **L. 61:** p. 379, §§1, 2. **L. 62:** p. 163, § 3. **L. 70:** R&RE, p. 192, § 1. **C.R.S. 1963:** § [30-2-102](#). **L. 73:** p. 624, § 1. **L. 77:** Entire section amended, p. 1432, § 1, effective July 1. **L. 81:** Entire section R&RE, p. 1423, § 1, effective June 6. **L. 86:** (1)(a) to (1)(c), (1)(e), and (1)(f) amended, (2.5) added, and (3)(a) to (3)(d) repealed, pp. 1032, 1033, §§ 1, 2, effective May 5. **L. 87:** (2.5)(b) repealed, p. 1582, § 40, effective July 10. **L. 88:** (3)(e) amended, p. 917, § 3, effective April 14. **L. 89:** (2) R&RE, (2.3) added, and (2.5)(a) amended, p. 1272, §§ 1, 2, effective May 17. **L. 90:** (1) and (2) R&RE and (2.3) and (2.5)(a) repealed, pp. 1442, 1443, §§ 1, 2, effective April 17. **L. 91:** (1)(a) and (1)(b) amended, p. 714, § 1, effective March 28. **L. 92:** (2.7) added, p. 965, § 3, effective June 1. **L. 97:** (1), (2), and (2.7) amended and (2.8) added, p. 308, § 1, effective August 6. **L. 98:** (1) and (2.8)(c) amended, p. 409, § 1, effective April 21. **L. 2000:** (2) amended and (2.1) added, p. 295, § 1, effective July 1. **L. 2001:** (1)(d), (1)(e), (2), and (2.1) amended, p. 449, § 1, effective August 8. **L. 2002:** (1)(d) and (1)(e) amended, p. 7, § 1, effective August 7; (2.1) amended, p. 365, § 1, effective August 7. **L. 2003:** (1)(c) and (1)(d) amended, p. 808, § 1, effective March 28. **L. 2005:** (1)(c) and (1)(d) amended, p. 374, § 1, effective August 8. **L. 2006:** (1)(e), IP(2.1), and (2.8)(b) amended and (1)(f) and (2.2) added, p. 448, §§ 1, 2, effective August 7. **L. 2009:** (1)(c) and (1)(d) amended, (HB 09-1203), ch. 102, p. 377, § 2, effective August 5.

**Editor's note:** Subsections (1)(c) and (1)(d) were amended in a 2009 act that was passed without a safety clause. The act, or portions thereof, may not take effect if the people exercise their right to petition under article V, section 1 (3) of the state constitution. For further explanation concerning the effective date, see page ix of this volume.

#### ANNOTATION

**Am. Jur.2d.** See 56 Am. Jur.2d, Municipal Corporations, Etc., § 225.

**C.J.S.** See 20 C.J.S., Counties, §§ 107, 108.

**This section calls for payment of salaries in fixed dollar amounts** and cost of living increases should not be implied. *Hayden v. State*, 43 Colo. App. 148, 599 P.2d 979 (1979).

**Compensation for county sheriffs is expressly provided for in this section.** *Van Cleave v. Bd. of County Comm'rs*, 33 Colo. App. 227, 518 P.2d 1371 (1973).

**But this section does not authorize a county to compensate the sheriff through provision of living quarters or a housing allowance.** *Van Cleave v. Bd. of County Comm'rs*, 33 Colo. App. 227, 518 P.2d 1371 (1973).

**Thus elimination of housing allowance not violation of constitution.** Because housing allowance paid to sheriff-jailer was unauthorized and illegal, its elimination did not violate constitutional prohibitions against salary or compensation reduction during the term of office of a public official. *Van Cleave v. Bd. of County Comm'rs*, 33 Colo. App. 227, 518 P.2d 1371 (1973).

## Document 1 of 4

### Source:

Colorado Constitution/CONSTITUTION OF THE STATE OF COLORADO /ARTICLE XIV COUNTIES /Section 8. County officers - election - term - salary.

### Section 8. County officers - election - term - salary.

There shall be elected in each county, at the same time at which members of the general assembly are elected, commencing in the year nineteen hundred and fifty-four, and every four years thereafter, one county clerk, who shall be ex officio recorder of deeds and clerk of the board of county commissioners; one sheriff; one coroner; one treasurer who shall be collector of taxes; one county surveyor; one county assessor; and one county attorney who may be elected or appointed, as shall be provided by law; and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials shall be four years, and they shall take office on the second Tuesday in January next following their election, or at such other time as may be provided by law.

**Source:** Entire article added, effective August 1, 1876, see **L. 1877**, p. 67. **L. 01:** Entire section amended, p. 113. **Initiated 55:** Entire section amended, p. 247. **L. 2000:** Entire section amended, p. 2776, effective upon proclamation of the Governor, **L. 2001**, p. 2391, December 28, 2000.

**Cross references:** For county officers, see article 10 of title 30; for the county attorney, see § 30-11-118.

### ANNOTATIONS

**Am. Jur.2d.** See 56 Am. Jur.2d, Municipal Corporations, Counties, and Other Political Subdivisions, §§ 218, 221, 225.

**C.J.S.** See 20 C.J.S., Counties, §§ 64, 68.

**Courts may not confer or limit powers of county officers.** In general, the powers and duties of county officers such as the treasurer, are prescribed by the constitution or by statute, or both, and they are measured by the terms and necessary implication of the grant, and must be executed in the manner directed and by the officers specified. If broader powers are desirable, they must be conferred by the proper authority. They cannot be merely assumed by administrative officers; nor can they be created by the courts in the proper exercise of their judicial functions. *Skidmore v. O'Rourke*, 152 Colo. 470, 383 P.2d 473 (1963).

No consideration of public policy can properly induce a court to reject the statutory definition of the powers of a county officer. *Skidmore v. O'Rourke*, 152 Colo. 470, 383 P.2d 473 (1963).

It is not a proper function of the judiciary to add to, detract from, or impose other conditions governing actions of treasurers. *Skidmore v. O'Rourke*, 152 Colo. 470, 383 P.2d 473 (1963).

**County treasurers are constitutional officers.** *Skidmore v. O'Rourke*, 152 Colo. 470, 383 P.2d 473 (1963).

**But they have no constitutional duties to perform** or constitutional authority to do any particular act such as commencing a suit. *Skidmore v. O'Rourke*, 152 Colo. 470, 383 P.2d 473 (1963).

**Their authority is limited to that expressly delegated by general assembly.** County treasurers being only administrative agents of the state, their authority is limited to that expressly delegated by the general assembly. *Skidmore v. O'Rourke*, 152 Colo. 470, 383 P.2d 473 (1963).

**County treasurers do not have inherent power to sue taxpayers.** Enactments of the general assembly relating to taxation negate any suggestion that county treasurers have inherent, implied or general powers to sue taxpayers for delinquent real estate taxes. *Skidmore v. O'Rourke*, 152 Colo. 470, 383 P.2d 473 (1963).

**County treasurer is collector of taxes.** The election of a county assessor and a county treasurer in each county is provided for by this section, and the treasurer is thereby expressly made the collector of taxes. *Chase v. Bd. of Comm'rs*, 37 Colo. 268, 86 P. 1011 (1906).

**The general assembly is without authority to specify qualifications for the office of county assessor in addition to those specified in section 10 of this article.** Thus, §§ 12-61-706 and 12-61-714, C.R.S., requiring county assessors to obtain a real estate appraisers license, are unconstitutional. *Reale v. Bd. of Real Estate Appraisers*, 880 P.2d 1205 (Colo. 1994).

**This section does not prescribe duties of county assessors.** The constitution creates many offices, the duties of which it does not prescribe, but places no limitation upon the creation of others. Among the former is that of county assessor. *State Bd. of Equalization v. Bimetallic Inv. Co.*, 56 Colo. 512, 138 P. 1010 (1914), *aff'd*, 239 U.S. 441, 36 S. Ct. 141, 60 L. Ed. 372 (1915).

Under this section, a county assessor is a constitutional officer, and though his duties are left unprescribed, the essential duties of an assessor must be presumed to have been contemplated. *People v. Lothrop*, 3 Colo. 428 (1877).

**Such duties are prescribed by legislative acts.** The office of county assessor in each county is created by the constitution, but the duties thereof are prescribed by legislative acts. *Weidenhaft v. Bd. of County Comm'rs*, 131 Colo. 432, 283 P.2d 164 (1955); *Bartlett & Co. v. Bd. of County Comm'rs*, 152 Colo. 388, 382 P.2d 193 (1963).

The general assembly may adopt a plan whereby the work of assessors may be corrected, supplemented, added to or changed. *Weidenhaft v. Bd. of County Comm'rs*, 131 Colo. 432, 283 P.2d 164 (1955).

**Duties of county assessors.** It not only is the duty of the assessor to see to it that all property within his county is returned for tax assessment, and to finally fix the valuation upon each item for that purpose, but he further is obligated to undertake, so far as within his power and judgment, to see to it that taxes shall be uniformly assessed within his county. *Bartlett & Co. v. Bd. of County Comm'rs*, 152 Colo. 388, 382 P.2d 193 (1963).

**No authority is conferred by the constitution upon assessors to perform duties other than the duties of county assessors.** These duties he must perform within his county, and must assess all of the taxable property in his county, unless that power is taken away and lodged elsewhere by virtue of some legislation enacted under express authority of the constitution. The only power so conferred is that which authorizes the state and county boards of equalization to perform such other duties as may be prescribed by law. No authority whatever is found in the constitution empowering an assessor to perform the duties of his office outside of the county for which he was elected. The general assembly was wholly without power or authority to clothe the assessors of the state as a body with the right to select and appoint 13 of their number to do an act which they could not do by virtue of their office as county assessors under the provisions of the constitution. *Union P. R. R. v. Alexander*, 113 F. 347 (D. Colo. 1901).

**Control of property valuation may not be taken from assessors.** In view of this provision and of other constitutional limitations it may be gravely doubted whether it is competent for the legislative authority to take from county assessors the substantial control of valuations of property for state taxation, and vest it in a central authority. *People v. Lothrop*, 3 Colo. 428 (1877).

The duty of listing and valuing all taxable property devolves upon the assessor, and him alone. *Bartlett & Co. v. Bd. of County Comm'rs*, 152 Colo. 388, 382 P.2d 193 (1963).

**But railroad property may be assessed by board other than county assessor.** This section in merely providing for the election of county assessors in each county does not inhibit the general assembly from passing a law authorizing the assessment of railroad property by some other tribunal or board if, in its wisdom, it determines that thereby a just valuation of this class of property may best be secured, and if the act on its face is not palpably ineffectual to accomplish that object. *Ames v. People ex rel. Temple*, 26 Colo. 83, 56 P. 656 (1899); *Chase v. Bd. of Comm'rs*, 37 Colo. 268, 86 P. 1011 (1906).

**And tax commission may assess certain classes of property.** The tax commission has authority to make original assessment of certain classes of property and can require the proper officials to make like assessments of all other property. *Weidenhaft v. Bd. of County Comm'rs*, 131 Colo. 432, 283 P.2d 164 (1955).

The constitutionality of the statutes pursuant to which the tax commission functions have been established with respect to this section. *Weidenhaft v. Bd. of County Comm'rs*, 131 Colo. 432, 283 P.2d 164 (1955).

**Because assessor does not have sole authority to assess property.** While the office of assessor is stipulated by the constitution, the general assembly is not inhibited from passing a law placing the fixing of valuation for assessment of certain properties under another authority. Generally, control of matters of taxation is plenary to the legislative branch of the government, unless restricted by some constitutional provision; this section is not such a limitation, and the assessor is not thereby clothed with the sole authority of assessing property. *Weidenhaft v. Bd. of County Comm'rs*, 131 Colo. 432, 283 P.2d 164 (1955).

**Section does not make office of county attorney either elective or appointive.** This section created the office of county attorney, but it did not determine whether it was to be an elective or an appointive office, the purpose being simply to provide for the time of the election, if the general assembly made it an elective office. There is no act of the general assembly upon the subject, and, in the absence of legislation, there is no means provided for filling the office. Therefore, there is, until the general assembly determines whether the office is elective or appointive, in effect no such office as that of county attorney proper, and the statute which authorizes county commissioners to employ counsel has not been superseded by this section. *People v. Lindsley*, 37 Colo. 476, 86 P. 352 (1906).

**Issuance of permits for concealed weapons not within police chief's inherent powers.** The issuance of permits for concealed weapons does not fall within the category of inherent powers of a police chief or a sheriff, who can fully perform his functions without this power. *Douglass v. Kelton*, 199 Colo. 446, 610 P.2d 1067 (1980).

**Deputy sheriff is not a county officer** but a county employee serving under the sheriff. *Soeley v. Bd. of Co. Comm's*, 654 F. Supp. 1309 (D. Colo. 1987).

**When the general assembly enacted the original sheriff training statute in 1990, § 30-10-101.5, it lacked authority to impose any qualifications on the constitutionally created office of county sheriff.** *Jackson v. State*, 966 P.2d 1046 (Colo. 1998).

**Because the original sheriff training statute sought to impose qualifications for the job of sheriff in the form of certification requirements, it was unconstitutional.** *Jackson v. State*, 966 P.2d 1046 (Colo. 1998).

**The training and certification requirements contained in the reenacted sheriff training statute passed by the general assembly in 1996 could not be applied to county sheriff during a term of office that began before the effective date of the new requirements.** *Jackson v. State*, 966 P.2d 1046 (Colo. 1998).

**Applied** in *Mannix v. Selbach*, 31 Colo. 502, 74 P. 460 (1903); *People ex rel. Stidger v. Horan*, 34 Colo. 304, 86 P. 252 (1905); *People ex rel. Smith v. Crissman*, 41 Colo. 450, 92 P. 949 (1907); *City & County of Denver v.*

Pitcher, 54 Colo. 203, 129 P. 1015 (1913); People ex rel. State Bd. of Equalization v. Pitcher, 56 Colo. 343, 138 P. 509 (1914); Goldsmith v. Standard Chem. Co., 23 F.2d 313 (8th Cir. 1927); Allardice v. Adams County, 173 Colo. 133, 476 P.2d 982 (1970).

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## Document 2 of 4

### Source:

Colorado Constitution/CONSTITUTION OF THE STATE OF COLORADO /ARTICLE XIV COUNTIES /Section 8.5. Sheriff - qualifications.

### Section 8.5. Sheriff - qualifications.

The general assembly shall have the authority to establish by law qualifications for the office of county sheriff, including but not limited to training and certification requirements.

**Source: L. 96:** Entire section added, p. 1889, effective upon proclamation of the Governor, **L. 97**, p. 2392, December 26, 1996.

## ANNOTATIONS

**When the general assembly enacted the original sheriff training statute in 1990, § 30-10-101.5, it lacked authority to impose any qualifications on the constitutionally created office of county sheriff.** Jackson v. State, 966 P.2d 1046 (Colo. 1998).

**Because the original sheriff training statute sought to impose qualifications for the job of sheriff in the form of certification requirements, it was unconstitutional.** Jackson v. State, 966 P.2d 1046 (Colo. 1998).

**The training and certification requirements contained in the reenacted sheriff training statute passed by the general assembly in 1996 could not be applied to county sheriff during a term of office that began before the effective date of the new requirements.** Jackson v. State, 966 P.2d 1046 (Colo. 1998).

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## Document 3 of 4

### Source:

Colorado Constitution/CONSTITUTION OF THE STATE OF COLORADO /ARTICLE XIV COUNTIES /Section 8.7. Coroner - qualifications.

### Section 8.7. Coroner - qualifications.

The general assembly shall have the authority to establish by law qualifications for the office of county coroner, including but not limited to training and certification requirements.

**Source: L. 2002:** Entire section added, p. 3093, § 1, effective upon proclamation of the Governor, December 20, 2002.

**Editor's note:** For the vote count on the 2002 referred measure enacting this section, see L. 2003, p. 3628.

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#### Document 4 of 4

**Source:**

Colorado Constitution/CONSTITUTION OF THE STATE OF COLORADO /ARTICLE XIV COUNTIES /Section 15. Compensation and fees of county officers.

#### Section 15. Compensation and fees of county officers.

The general assembly shall fix the compensation of county officers in this state by law, and shall establish scales of fees to be charged and collected by such county officers. All such fees shall be paid into the county general fund.

When fixing the compensation of county officers, the general assembly shall give due consideration to county variations, including population; the number of persons residing in unincorporated areas; assessed valuation; motor vehicle registrations; building permits; military installations; and such other factors as may be necessary to prepare compensation schedules that reflect variations in the workloads and responsibilities of county officers and in the tax resources of the several counties.

The compensation of any county officer shall be increased or decreased only when the compensation of all county officers within the same county, or when the compensation for the same county officer within the several counties of the state, is increased or decreased.

County officers shall not have their compensation increased or decreased during the terms of office to which they have been elected or appointed.

**Source:** Entire article added, effective August 1, 1876, see **L. 1877**, p. 68. **L. 68:** Entire section R&RE, p. 260. **L. 2000:** Entire section amended, p. 2777, effective upon proclamation of the Governor, **L. 2001**, p. 2391, December 28, 2000.

**Cross references:** For compensation of county and other officers, see article 2 of title 30.

#### ANNOTATIONS

**Am. Jur.2d.** See 56 Am. Jur.2d, Municipal Corporations, Counties, and Other Political Subdivisions, § 225; 63C Am. Jur.2d, Public Officers and Employees, §§ 271, 272, 275, 276, 278, 279, 291-295.

**C.J.S.** See 20 C.J.S., Counties, §§ 107, 108.

**Law reviews.** For article, "Colorado Constitutional Amendments: An Analysis", see 3 Den. B. Ass'n Rec. 4 (Nov. 1926).

**Annotator's note.** Cases relevant to § 15 of art. XIV, Colo. Const., decided prior to its amendment in 1968 have been included in the annotations to § 15 of art. XIV, Colo. Const.

**"Law".** The word "law", as used in this section, is not synonymous with "act". The "law" means here law in a general sense -- whatever has been enacted by the general assembly, whether it is embodied in one act or in any number of acts; and so far as the use of the term "law" in this section is concerned, it cannot be construed as compelling the general assembly to embody in one act provisions for fees and salaries. *Airy v. People*, 21 Colo. 144, 40 P. 362 (1895).

**Authority to fix compensation for county officers is vested exclusively in general assembly.** *Van Cleave v. Bd. of County Comm'rs*, 33 Colo. App. 227, 518 P.2d 1371 (1973).

**Any attempt to alter a sheriff's salary during his or her term of office** contravenes the mandate of the Colorado Constitution. *Jackson v. State*, 966 P.2d 1046 (Colo. 1998).

**This section is not self-executing.** Legislation was required to give it effect. *Glaister v. Bd. of County Comm'rs*, 22 Colo. App. 326, 123 P. 955 (1912).

**Elimination of illegal housing allowance not violative of section.** Because housing allowance paid to sheriff-jailer was unauthorized and illegal, its elimination did not violate constitutional prohibitions against salary or compensation reduction during the term of office of a public official. *Van Cleave v. Bd. of County Comm'rs*, 33 Colo. App. 227, 518 P.2d 1371 (1973).

**Judge of county court is liable to account to county for fees received** by him under the authority of the acts of congress, for oaths administered, affidavits taken, and proofs made before him, in his official capacity, relating to the entry of public lands, even though such services could not have been compelled, nor the officer required to exact or collect the fee. That the fee prescribed by the act of congress is less than that prescribed by the statute of the state is not material. *Glaister v. Bd. of County Comm'rs*, 22 Colo. App. 326, 123 P. 955 (1912).

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## **SALARY COMMISSION MEMBERSHIP LIST 2009:**

### Members Appointed by the House:

Robert Fowler	Coroner
Warren Ward	Surveyor
Dee Ann Stults	Treasurer
Rich Seymour	General Public member 1
Linda Romer Todd	General Public Member 2
Susan Good	Category I County Member

### Members Appointed by the Senate:

Joelle Riddle	Commissioner
Gil Reyes	Assessor
Joseph Pelle	Sheriff
Teak Simonton	Clerk / Recorder
Thomas Davidson	Category II-V County member

### Member Appointed by Executive Director – DOLA:

Bruce Eisenhower	DOLA
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County Category I	Population Estimates			Assessed Valuation			County Property Tax Revenue		
	July 2007	July 2010	% Change	2004	2008	% Change	2004	2008	% Change
Adams	424,379	455,134	7.25	3,764,849,770	4,663,107,410	23.86	101,285,753	125,013,247	23.43
Arapahoe	551,732	583,854	5.82	6,630,189,550	7,737,071,230	16.69	102,443,059	120,767,945	17.89
Boulder	294,654	303,277	2.93	4,755,238,426	5,620,401,630	18.19	101,129,656	129,645,804	28.20
Douglas	275,120	304,234	10.58	3,421,062,410	4,678,184,640	36.75	67,648,088	92,506,423	36.75
El Paso	587,590	622,858	6.00	5,015,973,940	6,578,146,500	31.14	40,187,983	49,882,085	24.12
Jefferson	538,323	551,617	2.47	6,330,307,080	7,356,400,430	16.21	154,117,656	179,098,925	16.20
Larimer	288,245	306,176	6.22	3,185,729,027	4,121,837,079	29.38	71,733,061	92,308,541	28.68
Pueblo	155,724	164,783	5.82	971,499,280	1,256,800,490	29.37	28,357,092	39,205,891	38.26
Weld	244,513	267,938	9.58	2,993,418,390	4,565,823,440	52.53	59,739,651	76,724,097	28.43

County Category II	Population Estimates			Assessed Valuation			County Property Tax Revenue		
	July 2007	July 2010	% Change	2004	2008	% Change	2004	2008	% Change
Eagle	52,531	57,942	10.30	2,008,920,160	3,187,469,090	58.67	17,073,812	27,090,300	58.67
Fremont	48,009	50,168	4.50	329,802,690	433,619,100	31.47	4,200,367	5,393,354	28.40
Garfield	55,064	67,321	22.26	1,255,772,410	3,270,585,030	160.44	17,147,572	44,659,839	160.44
La Plata	49,754	51,517	3.54	2,134,482,160	3,017,991,395	53.23	18,143,098	25,846,078	42.45
Mesa	140,414	153,457	9.29	1,053,280,450	1,880,987,220	78.58	22,865,665	28,007,900	22.48
Pitkin	16,609	17,149	3.25	1,781,447,430	2,777,168,530	55.89	13,387,577	18,762,551	40.15
Summit	28,615	30,937	8.11	1,198,308,790	1,583,254,970	32.12	14,552,262	18,125,103	24.55

County Category III	Population Estimates			Assessed Valuation			County Property Tax Revenue		
	July 2007	July 2010	% Change	2004	2008	% Change	2004	2008	% Change
Alamosa	15,764	16,392	3.98	105,696,400	131,935,340	24.82	2,667,566	3,329,784	24.82
Archuleta	12,633	14,107	11.66	199,958,860	362,456,800	81.26	3,949,387	6,635,859	68.02
Chaffee	16,941	17,525	3.44	261,261,290	336,715,811	28.88	2,117,000	2,775,212	31.09
Clear Creek	9,408	9,769	3.83	175,249,670	435,303,310	148.39	5,909,945	16,565,903	180.30
Delta	31,277	33,372	6.69	209,571,170	318,049,330	51.76	3,802,040	5,768,461	51.72
Gilpin	5,144	5,332	3.65	268,422,680	352,492,340	31.31	2,754,285	3,469,935	25.98
Grand	14,391	15,336	6.65	493,177,530	857,090,230	73.79	7,474,105	12,989,202	73.79
Gunnison	15,048	15,506	3.04	406,204,020	780,639,940	92.12	5,579,212	7,589,381	36.03
Las Animas	16,560	17,353	4.78	416,765,440	691,068,530	65.82	3,899,674	6,466,328	65.82
Logan	21,883	22,923	4.75	165,818,170	242,402,790	46.19	4,964,430	7,242,268	45.88
Moffat	13,927	17,650	26.73	341,605,400	443,165,070	29.73	7,221,538	10,658,120	47.59
Montezuma	25,561	26,645	4.24	260,551,170	437,366,540	67.86	3,713,896	6,234,223	67.86
Montrose	40,260	44,675	10.96	330,769,761	578,622,313	74.93	7,802,197	10,437,768	33.78
Morgan	28,577	28,990	1.44	351,554,420	382,848,100	8.90	10,176,799	11,082,687	8.90
Otero	19,119	18,991	- 0.66	104,805,470	116,770,834	11.42	2,300,270	2,562,886	11.42
Park	17,006	18,748	10.24	315,266,811	417,184,635	32.33	5,796,180	7,260,264	25.26
Rio Blanco	6,433	9,792	52.21	339,784,980	821,281,380	141.71	3,186,164	7,432,596	133.28
Routt	23,059	24,728	7.23	692,849,420	1,120,440,200	61.71	9,789,269	14,748,354	50.66
San Miguel	7,683	8,471	10.25	576,621,670	893,064,930	54.88	5,835,411	9,037,817	54.88
Teller	22,877	24,096	5.32	360,153,910	470,899,780	30.75	5,270,132	6,975,438	32.36

County Category IV	Population Estimates			Assessed Valuation			County Property Tax Revenue		
	July 2007	July 2010	% Change	2004	2008	% Change	2004	2008	% Change
Custer	4,101	4,550	10.94	68,232,570	87,846,930	28.74	1,040,206	1,778,461	70.97
Elbert	23,093	23,606	2.22	221,630,179	284,691,190	28.45	6,238,225	8,016,335	28.50
Huerfano	7,960	8,299	4.25	106,194,690	113,230,890	6.62	2,215,646	2,603,065	17.48
Kit Carson	8,141	8,156	0.18	92,288,668	115,718,463	25.38	3,414,035	4,280,773	25.38
Lake	8,187	10,296	25.76	77,869,217	94,093,301	20.83	2,820,812	3,436,046	21.84
Ouray	4,505	4,864	7.96	106,859,550	196,889,200	84.25	1,404,241	2,618,233	86.45
Prowers	13,410	13,191	- 1.63	124,634,066	120,442,280	- 3.36	3,386,308	3,272,417	- 3.36
Rio Grande	12,594	12,492	- 0.80	121,794,390	173,323,350	42.30	1,895,973	2,698,125	42.30
Washington	4,842	4,758	- 1.73	85,870,650	113,226, 075	31.85	2,597,673	3,425,542	31.86
Yuma	9,965	10,066	1.01	197,077,970	326,902,670	65.87	3,949,245	6,448,109	63.29

County Category V	Population Estimates			Assessed Valuation			County Property Tax Revenue		
	July 2007	July 2010	% Change	2004	2008	% Change	2004	2008	% Change
Baca	4,193	4,067	- 3.00	60,680,629	73,315,713	20.82	1,180,724	1,511,037	27.97
Bent	5,921	5,693	- 3.85	50,973,775	64,823,088	27.16	1,572,796	1,983,327	26.10
Cheyenne	2,002	1,911	- 4.54	105,818,220	149,021,170	40.82	1,604,204	2,259,161	40.82
Conejos	8,385	8,411	0.31	42,299,803	48,827,180	15.43	1,054,872	1,207,984	14.51
Costilla	3,544	3,529	- 0.42	64,730,434	111,152,646	71.71	1,204,828	2,102,230	74.48
Crowley	7,203	8,524	18.33	26,601,469	34,796,904	30.80	1,082,893	1,454,476	34.31
Hinsdale	867	903	4.15	36,373,957	49,996,800	37.45	390,911	884,293	126.21
Lincoln	5,718	5,712	- 0.10	64,007,860	71,583,233	11.83	2,528,310	2,827,538	11.83
Phillips	4,595	4,589	- 0.13	42,200,630	48,975,466	16.05	1,193,434	1,385,026	16.05
Saguache	6,917	7,174	3.71	45,908,698	62,008,408	35.06	1,034,782	1,402,506	35.53
San Juan	557	557	0.00	28,277,930	55,547,330	96.43	555,407	1,091,005	96.43

County Category VI	Population Estimates			Assessed Valuation			County Property Tax Revenue		
	July 2007	July 2010	% Change	2004	2008	% Change	2004	2008	% Change
Dolores	1,932	1,998	3.41	31,671,089	54,135,179	70.92	872,634	1,516,489	73.78
Jackson	1,475	1,472	- 0.20	27,219,090	30,766,370	13.03	439,588	496,877	13.03
Kiowa	1,467	1,426	- 2.79	29,203,600	33,136,560	13.43	1,246,088	1,416,025	13.63
Mineral	989	1,043	5.46	21,921,020	30,386,390	38.61	576,326	766,679	33.02
Sedgwick	2,514	2,468	- 1.82	31,965,501	57,766,970	80.71	1,057,387	1,910,874	80.71

### 2009 Sheriff Salary Comparisons

Random Police Chiefs and Sheriff's in Similar Sized Departments, or in the Same County

(\*NOTE: In many cases the police departments are smaller in size and scope of responsibility. In many cases the Undersheriff earns more than the elected sheriff of the county).

Aurora Police Chief	145,219
Undersheriff, Arap. County	143,124
Arapahoe County Sheriff	111,100
Brighton Police Chief	117,272
Commerce City Police Chief	136,500
Westminster Police Chief	135,236
Undersheriff, Adams County	112,428
Adams County Sheriff	111,100
Boulder Police Chief	145,100
Broomfield Police Chief	150,800
Undersheriff, Boulder County	125,484
Louisville Police Chief	122,533
Boulder County Sheriff	111,100
Castle Rock Police Chief	118,163
Douglas County Sheriff	111,100
Colorado Springs Police Chief	154,688
El Paso County Sheriff	111,100
Delta Police Chief	95,971
Delta County Sheriff	76,000
Durango Police Chief	105,061
LaPlata County Sheriff	87,700
Ft. Collins Police Chief	139,608
Loveland Police Chief	135,158
Undersheriff, Larimer County	112,911
Larimer County Sheriff	111,100
Ft. Morgan Police Chief	88,788
Morgan County Sheriff	76,000

Frisco Police Chief	101,867
Dillon Police Chief	109,000
Undersheriff, Summit County	101,708
Summit County Sheriff	87,700
Glenwood Springs Police Chief	106,139
Town of Rifle Police Chief	97,011
Garfield County Undersheriff	88,981
Garfield County Sheriff	87,700
Grand Junction Police Chief	123,740
Mesa County Sheriff	87,700
Greeley Police Chief	121,386
Weld County Sheriff	111,100
Lakewood Police Chief	131,269
Wheatridge Police Chief	136,113
Jefferson County Sheriff	111,100
Lamar Police Chief	77,065
Prowers County Sheriff	66,600
Town of Las Animas Chief	49,667
Bent County Sheriff	49,100
Montrose Police Chief	92,000
Montrose County Sheriff	76,000
Vail Police Chief	110,000
Avon Police Chief	104,450
Eagle County Sheriff	87,700
Woodland Park Chief	86,796
Teller County Sheriff	76,000

\*Source: MSEC public employers compensation survey dated 02-14-09, or direct reports from county sheriffs.

\*Compiled by Sheriff Joe Pelle on behalf of CSOC, November 2009.

**Clerk and Recorder**  
**Current Levels of Comparable Employment**  
**In Other Places of Public and Private Employment**  
**in Competitive Labor Markets**  
**as of December 2009**

**Category One Comparisons**

Current Salary = \$87,300

Type:	Name of Entity	Position:	Salary:
County	Arapahoe	Deputy Treasurer	\$ 91,152.00
	Arapahoe	Director of Finance	\$ 127,800.00
	Arapahoe	Accounting Manager	\$ 108,840.00
	Arapahoe	Communication director	\$ 104,904.00
Municipal	Boulder	City Clerk	\$ 112,693.00
	Lakewood	City Clerk	\$ 96,678.00
	Colorado Springs	City Clerk	\$ 112,486.00

**Category Two Comparisons**

Current Salary = \$72,500

Type:	Name of Entity	Position:	Salary:
County	Eagle	Treasurer / PT	\$ 82,500.00
	Eagle	Planning Manager	\$ 95,000.00
	Eagle	Deputy Finance Director	\$ 92,000.00
	Eagle	Adult Services Manager	\$ 91,000.00
	Eagle	Chief Deputy Clerk	\$ 73,000.00
	Pitkin	Clerk and Recorder	\$ 87,000.00
	Broomfield	Clerk and Recorder	\$ 99,000.00
Municipal	Eagle	Town Clerk	\$ 72,000.00
	Grand Junction	Town Clerk	\$ 84,240.00
	Aspen	Town Clerk	\$ 90,064.00

**Category Three Comparisons**

Current Salary = \$58,500

Type:	Name of Entity	Position:	Salary:
County	Alamosa	Treasurer / PT	\$ 71,000.00
	Archuleta	Treasurer / PT	\$ 71,000.00
	Clear Creek	Treasurer / PT	\$ 71,000.00
	Archuleta	Head of Planning	\$ 80,000.00
	Gilpin	Head of finance	\$ 85,436.00
	Gilpin	Chief Deputy	\$ 56,326.00
	Grand	Head of Finance	\$ 71,102.00
	Logan	Adult Family Services Mgr.	\$ 86,363.00
	San Miguel	Social Services Manager	\$ 86,173.00
Municipal	San Miguel	Town Clerk	\$ 77,536.00
	Logan	Town Clerk	\$ 61,854.00

### Category Four Comparisons

Current Salary = \$49,700

Type:	Name of Entity	Position:	Salary:
County	Lake	Treasurer / PT	\$ 60,960.00
	Ouray	Treasurer / PT	\$ 62,200.00
	Kit Carson	Treasurer / PT	\$ 62,200.00
	Ouray	Public Health Director	\$ 61,117.00
	Ouray	Planner	\$ 74,828.00
Municipal	Ridway	Town Clerk	\$ 69,763.00
	Ouray	Clerk / Treasurer	\$ 61,615.00

### Category Five Comparisons

Current Salary = \$43,800

Type:	Name of Entity	Position:	Salary:
County	Bent	Treasurer / PT	\$ 49,800.00
	Cheyenne	Treasurer / PT	\$ 45,200.00
	Conejos	Treasurer / PT	\$ 52,800.00
	Costilla	Treasurer / PT	\$ 46,800.00
	Bent	Deputy Clerk / Assessor	\$ 31,450.00
Municipal	Lamar	Town Clerk	\$ 48,000.00
	Las Animas	City Clerk	\$ 45,895.00

### Category Six Comparisons

Current Salary = \$39,700

Type:	Name of Entity	Position:	Salary:
County	Kiowa	Treasurer / PT	\$ 41,527.00
	Mineral	Treasurer / PT	\$ 41,700.00
	Sedgwick	Treasurer / PT	\$ 43,700.00



Colorado  
Legislative  
Council  
Staff

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**MEMORANDUM**

*Pursuant to section 24-72-202(6.5)(b), research memoranda and other final products of Legislative Council Staff research that are not related to proposed or pending legislation are considered public records and are subject to public inspection. If you think additional research is required and this memorandum is not a final product, please call the Legislative Council Librarian at (303) 866-4011 by December 29, 2009.*

December 22, 2009

**TO:** Senator Al White

**FROM:** Kelli Kelty, Senior Research Assistant, 303-866-3518

**SUBJECT:** How States Set Salaries for County Elected Officials

This memorandum responds to your request for information concerning how other states set salaries for county elected officials. Specifically, you asked for the following information:

- How are salaries set for county elected officials in other states?
- If they are set or adjusted within the county, who specifically determines the salaries?
- Are there states that set salaries based on the size of counties?
- If there is an appointed commission that recommends salaries, what is the configuration of the commission and who appoints its members?

This memorandum provides an overview of Colorado law concerning salaries for county officials and examines how eight other states set salaries for county elected officials.

**Summary**

Colorado law established the County Elected Officials' Salary Commission to study and make recommendations on salaries of county elected officials in the state. Of the eight other states — Arizona, Kansas, Minnesota, New Mexico, Oregon, Texas, Wisconsin, and Wyoming — examined in this memorandum, six set salaries at the county level, while two set salaries in statute. Three states provide for a tax capacity or levy related to county

## Summary (cont.)

salaries and three set salaries based on the population of the county. Finally, only one state has an appointed commission that provides recommendations concerning salaries of county elected officials.

### Colorado Law

**Background.** The Colorado Constitution directs the General Assembly to fix the compensation of county officers and to consider variations in the state's counties that influence the workload and responsibilities of county elected officials when determining salary levels. These variations include: county population; the number of persons residing in unincorporated areas of a county; assessed valuation; motor vehicle registrations; building permits; and military installations in a county. The constitution provides that the compensation of a county officer may only be increased or decreased when the compensation of all other officers within the same county are adjusted, or when the compensation for that particular county is adjusted statewide. Finally, the constitution prohibits the adjustment of the compensation of a county officer during the term to which the officer has been appointed or elected.<sup>1</sup>

**County Elected Officials' Salary Commission.** Salaries of county government elected officials are periodically examined by the County Elected Officials' Salary Commission.<sup>2</sup> The commission is comprised of 13 members appointed by the President of the Senate, the Speaker of the House, and the executive director of the Department of Local Affairs. The 13 members include:

- one county commissioner;
- one county sheriff;
- one county clerk and recorder;
- one county assessor;
- one county treasurer;
- one county coroner;
- one county surveyor;
- one member appointed by the executive director of the Department of Local Affairs;
- two employees of county departments of personnel or human resources; and
- three members of the general public.

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<sup>1</sup> Article XIV, Section 15, Colorado Constitution

<sup>2</sup> Section 30-3-103, C.R.S.

The commission is charged to study:

- salaries paid to county elected officials;
- the responsibilities of each county elected official and the scope of authority of the entity in which the official serves;
- the relative level of difficulty in performing the duties of each county elected official;
- the amount of time directly or indirectly related to the performance of the duties, functions, and services of each county elected official; and
- current levels of salaries for comparable positions in other places of public and private employment in current labor markets.

The commission is required to submit a report every four years to the local government committees of the General Assembly. Additionally, the commission may also submit interim reports addressing salary recommendations to the General Assembly as it deems necessary. The commission's report must:

- address the equitable and proper salaries to be paid to county elected officials;
- provide appropriate levels of salaries to be paid to county elected officials for each statutory category of county; and
- be based on sound and systematic occupational analysis and job evaluation methods.

The commission is required to submit a report no later than the first day of the convening of 2010 General Assembly. The commission's salary recommendations will be considered by the General Assembly during the 2010 legislative session, and are expected to take effect in January 2011.

### **Other State Laws Addressing Salaries of County Elected Officials**

You specifically requested a comparison of how states set salaries for county elected officials. Staff researched the four states you specified in your request as well as four additional states within the region. Below is information on how eight states — Arizona, Kansas, Minnesota, New Mexico, Oregon, Texas, Wisconsin, and Wyoming — address this issue in statute. Of the eight states, six set salaries at the county level, while two set salaries in statute. The following descriptions provide additional detail about state laws concerning salaries of county elected officials. Table 1 provides an overview of the eight state laws concerning salaries of county elected officials.

**Table 1**  
**State Laws Addressing Salaries of County Elected Officials**

State	Tax Capacity or Levy Related to Salaries	Salaries are Set by the County	Salaries are Set in Statute	Salaries are Classified by the Population of the County
Arizona			✓	✓
Kansas	✓	✓		✓
Minnesota	✓	✓		
New Mexico	✓		✓	✓
Oregon		✓		
Texas		✓		
Wisconsin		✓		
Wyoming		✓		

**Arizona**

*Statutes concerning salaries of county elected officials.* In Arizona, salaries of county elected officials are set forth in statute.<sup>3</sup> State law provides salaries for the following positions:

- county attorney;
- county assessor;
- county recorder;
- county sheriff;
- superintendent of schools;
- county supervisor; and
- county treasurer.

Arizona law specifies the salaries for these positions based upon the population of the county — those counties with less than 500,000 persons and those with more than 500,000 persons. Table 2 shows the salaries for county elected officials based on position and size of the county.

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<sup>3</sup> A.R.S. § 11-419

**Table 2**  
**Arizona County Elected Official Salaries**

Position	Counties With a Population Under 500,000	Counties With a Population of 500,000 or More
County Attorney	\$123,678	\$123,678
County Assessor	\$63,800	\$76,600
County Recorder	\$63,800	\$76,600
County Sheriff	\$100,824	\$100,824
County Superintendent of Schools	\$63,800	\$76,600
County Supervisor	\$63,800	\$76,600
Treasurer	\$63,800	\$76,600

Source: A.R.S. § 11-419

Arizona law stipulates that the salary for the Office of Public Defender be determined by the board of supervisors (the board), provided that it is not less than 70 percent of that paid to the county attorney.<sup>4</sup> In addition, the board appoints and sets the salary for the county engineer and the clerk of the board.<sup>56</sup>

## Kansas

According to a representative of the Kansas Office of Revisor of Statutes, unless otherwise set forth in state law, the authority of the board of county commissioners to set salaries of county elected officials is implied. The following descriptions provide information about salaries of county elected officials that are addressed in statute.

***Counties with a population of 100,000 or less.*** Kansas law provides that all officers and employees in all counties having a population of 100,000 or less receive compensation as set by the board of county commissioners.<sup>7</sup> The salaries must be determined by the enumeration of population by the Kansas Department of Agriculture and changes must be effective beginning with the salaries for the month of January of the year succeeding the year in which the enumeration is made.<sup>8</sup> In

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<sup>4</sup> A.R.S. § 11-582

<sup>5</sup> A.R.S. § 11-561

<sup>6</sup> A.R.S. § 11-422

<sup>7</sup> K.S.A. § 28-824

<sup>8</sup> K.S.A. § 28-813

addition, Kansas law authorizes the board of county commissioners of all counties that have a population of 100,000 or less to determine and establish by resolution the salaries of all appointive county officers.<sup>9</sup>

***Counties with a population of 130,000 to 185,000.*** Kansas law provides that all officers and employees in all counties having a population of 130,000 to 185,000 receive compensation as set by the board of county commissioners.<sup>10</sup>

***Counties with a population of 300,000 or more.*** In counties that have a population of 300,000 persons or more, Kansas law provides that the county auditor receives a salary in an amount to be determined by the district court of the judicial district in which the county is located.<sup>11</sup> County engineers in counties of 300,000 or more receive a salary to be fixed by the board of county commissioners.<sup>12</sup> In addition, the board is authorized to provide, by resolution between August 1 and September 1 of any year in which a general election falls, an increase not to exceed 5 percent annually in the compensation and salary of any county official.<sup>13</sup>

***Tax levy.*** In Kansas, the board of commissioners in counties that have 185,000 to 250,000 persons are authorized to levy an additional tax to provide for the salaries of county elected officials and employees.<sup>14</sup>

## **Minnesota**

***County board.*** Minnesota law requires the county board of commissioners to fix the compensation of county surveyors or their deputies.

***Counties with a population of 75,000 or less.*** Minnesota law addresses salaries for certain county elected officials in statute. Current law provides that salaries for the following positions must be set by the county board of commissioners in each of the counties that have a population of 75,000 persons or less annually:

- county auditor;
- county recorder;

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<sup>9</sup> K.S.A. § 28-825

<sup>10</sup> K.S.A. § 28-208

<sup>11</sup> K.S.A. § 28-613

<sup>12</sup> K.S.A. § 28-615

<sup>13</sup> K.S.A. § 28-622

<sup>14</sup> K.S.A. § 28-716

- county sheriff; and
- county treasurer.<sup>15</sup>

The salaries of county attorney and county surveyor are set by the county board of commissioners of each of the counties regardless of county population.<sup>16</sup>

**Tax capacity.** Minnesota law provides that salaries of county elected officials may not be affected by a net tax capacity reduction. Under the law, when the salary or clerk hire of any county office is decreased during the term for which he or she was elected due to a reduction in the net tax capacity of the county, the county board of commissioners is authorized to fix his or her salary in an amount equal to that received prior to the reduction in the net tax capacity.<sup>17</sup>

## New Mexico

**Classification of counties.** New Mexico law provides classifications of counties for the purpose of fixing salaries of county elected officials based upon each county's final assessed valuation and its population.<sup>18</sup> Table 3 sets forth the classification of counties based on assessed valuation and population.

**Table 3**  
**Classification of Counties in New Mexico**

Class	County Description
Class A	<ul style="list-style-type: none"> <li>• final, full assessed valuation over \$75 million</li> <li>• population of 100,000 or more</li> </ul>
Class B	<ul style="list-style-type: none"> <li>• final, full assessed valuation in excess of \$75 million</li> <li>• population of less than 100,000</li> </ul>
Class C	<ul style="list-style-type: none"> <li>• final, full assessed valuation in excess of \$45 million</li> <li>• population of less than 100,000</li> </ul>
Counties of the First Class	<ul style="list-style-type: none"> <li>• final, full assessed valuation of over \$14 million</li> </ul>
Class H	<ul style="list-style-type: none"> <li>• covers an area of less than 200 square miles</li> </ul>

Sources: N.M.S.A. § 4-44-1 and 4-44-3

<sup>15</sup> M.S.A. §§ 384.151, 386.015, 387.20, 385.373

<sup>16</sup> M.S.A. §§ 388.18, 389.03

<sup>17</sup> M.S.A. § 382.20

<sup>18</sup> N.M.S.A. § 4-44-1. Note: The population of each county is determined by the most current annual population data or estimate available from the United States Census Bureau.

**Statutes concerning salaries of county elected officials.** In New Mexico, the salaries of county elected officials, which are based upon classification of the county, are set forth in statute. Under the law, salaries are provided for the following positions: county commissioner, county treasurer, county assessor, county sheriff, county clerk, and county probate judge.<sup>19</sup> Salaries for the position of county surveyor in Class A and H counties are set forth in statute, while salaries for such positions in the remainder of the counties are set at a reasonable rate as determined by the board of county commissioners.<sup>20</sup>

**Tax levy.** New Mexico law authorizes the boards of county commissioners to levy a tax on all taxable property in the county for general county purposes, including salaries and expenses of county officers, deputies and employees, subject to maximum rates provided by law.<sup>21</sup>

## Oregon

**County compensation board.** Oregon law requires each county governing body to appoint a county compensation board.<sup>22</sup> The commission, which consists of three to five members who are knowledgeable in personnel and compensation management, is required to annually recommend and submit a compensation schedule to the county governing body for the following positions: county sheriff, county clerk, county assessor, county treasurer, county surveyor, and county commissioner. The law requires the commission to take into account factors such as the number of employees supervised and the size of the budget administered by each elective officer, the duties and responsibilities of each elective officer, and the compensation paid to subordinates and other appointed employees who serve in positions of comparable management responsibility. Finally, the law provides that the sheriff's salary must be fixed in an amount which is not less than that for any member of the sheriff's department.

**Governing body of each county.** Oregon law requires the governing body of each county to fix the compensation of its own members and of every other county officer, deputy, and employee when the compensation of such individuals is paid from county funds.<sup>23</sup> In addition, the compensation of any elective county officer must remain in effect unless changed with the approval of the county budget committee or tax supervising and conservation commission. The law further stipulates that any change in the compensation of an elective county officer be submitted to and

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<sup>19</sup> N.M.S.A §§ 4-44-4 thru 4-44-14

<sup>20</sup> N.M.S.A. §§ 4-44-4, 4-44-14

<sup>21</sup> N.M.S.A § 4-38-17

<sup>22</sup> O.R.S. § 204.112

<sup>23</sup> O.R.S. § 204.116

approved by the county budget committee or tax supervising and conservation commission at a regular meeting or at a special meeting called for that purpose.<sup>24</sup>

## Texas

**Commissioners court.** Texas law requires the commissioners court of a county to set the salary, expenses, and other allowances of most elected county or precinct officers. Under the law, the commissioners court is required to set the items at a regular meeting of the court during the regular budget hearing and adoption proceedings.<sup>25</sup>

In addition, Texas law provides for a salary grievance committee in each county.<sup>26</sup> An elected officer who is aggrieved by the setting of the officer's salary or personal expenses may request a hearing before the committee before the approval of the county's annual budget. After the hearing, the committee, which consists of ten members, can recommend by a majority vote an increase in the officer's salary or personal expenses. The committee is required to submit its recommendations in writing to the commissioners court.<sup>27</sup>

The salary setting process for a county auditor is an exception. Texas law requires the district judges appointing a county auditor to set, by a majority vote, the auditor's annual salary as compensation for services and the auditor's travel expenses and other allowances.<sup>28</sup> The law sets certain parameters for the auditor's salary, including the fact that, generally, the salary may not exceed that of the highest paid elected county officer unless approved by the commissioner's court.<sup>29</sup>

## Wisconsin

**County board of supervisors.** Wisconsin law provides that the county board of supervisors establishes the total annual compensation for services to be paid to county elected officials.<sup>30</sup> Under the law, the annual compensation may be established by resolution or ordinance and the compensation must not be increased or decreased during the officer's term and must remain for ensuing terms unless changed by the board. The county board of supervisors is authorized to

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<sup>24</sup> O.R.S. § 204.126

<sup>25</sup> V.T.C.A. Local Government Code § 152.013

<sup>26</sup> V.T.C.A. Local Government Code § 152.014

<sup>27</sup> V.T.C.A. Local Government Code § 152.016

<sup>28</sup> V.T.C.A. Local Government Code § 152.031

<sup>29</sup> V.T.C.A. Local Government Code § 152.032

<sup>30</sup> W.S.A. § 59.22 (1) (a) 1

provide, fix, or change the salary or compensation of any office, board, commission, committee, position, employee or deputies to elective officers without regard to the tenure of the incumbent.

## Wyoming

***Board of county commissioners.*** Wyoming law requires the board of county commissioners of each county to set salaries county elected officials.<sup>31</sup> While the board of county commissioners determines the salary for each position, current law sets forth annual salary thresholds for each position with which the board must comply. The salaries must compensate county officers for all duties prescribed by law to be performed by them, and no officer shall receive from federal, state, or county funds any additional or separate salary or compensation other than as above specified.

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<sup>31</sup> W.S. § 18-3-107

## **COUNTY ELECTED OFFICIAL JOB SUMMARIES**

### **ASSESSOR**

#### **GENERAL STATEMENT**

Plans, organizes, directs and evaluates the activities of the Assessor's Office. Ensures that established policies, procedures, and programs are implemented in accordance with laws and regulations.

The major duties of an assessor can be categorized as discovering, listing, classifying and valuing all taxable real and personal property and all property granted exemption by the Division of Property Taxation that is located within the county on the assessment date.

#### **SUMMARY OF DUTIES**

##### **General Duties:**

- Responsible for and has oversight of annual budget for Assessor's Office.
- Manage all operational and administrative matters within the Assessor's Office.
- Supervise personnel and program operations including the assignment and review of staff work, interpretation of program and policy for staff, initiation and management of disciplinary action, interviewing and selection of staff and scheduling of work time.

##### **Assessment Duties:**

- The discovery of property is accomplished by examining the records of the county clerk and recorder; physically reviewing all property; examining building permits; and reviewing those listings of business firms contained in source documents.
  - The listing phase of the assessment function includes describing and identifying the physical location of property.
  - Classification consists of determining the correct class for all property located in the county according to its use on the assessment date. The proper classification will have a bearing on both the method used to value the property and the assessment rate applied.
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### **CLERK AND RECORDER**

#### **GENERAL STATEMENT**

Provide public service within a legislative and policy framework and carry out responsibilities in accordance with federal, state and local acts, regulations, policies and procedures.

The Clerk and Recorder is principally responsible for three functional areas:

- Elections
- Recording
- Motor Vehicle

#### **SUMMARY OF DUTIES**

##### **General Duties:**

- Responsible for and has oversight of annual budget for Clerk and Recorder's Office.
- Manage all operational and administrative matters within the Clerk and Recorder's Office.
- Supervise personnel and program operations including the assignment and review of staff work, interpretation of program and policy for staff, initiation and management of disciplinary action, interviewing and selection of staff and scheduling of work time.

##### **Elections:**

- Participation in the development and implementation of new election laws.
- Conduct elections in accordance with applicable laws and rules and requests guidance from Secretary of State on specific issues as they arise.

- Register voters; prepare ballot plan and preparation and submit to/approval from Secretary of State; ensure security of all ballots, ballot processing equipment and election results.

**Recording:**

- Attend and record sessions and proceedings of the Board of County Commissioners (BOCC).
- Custodian of all documented filed within the county; i.e., deeds of trust, grantor and grantee indices, reception book, subdivision plats and common interest community maps.
- Issue and record marriage licenses, record plats, warranty deeds, quit claim deeds, powers of attorney, easements, bills of sale, military discharges, security agreements, liens,

**Motor Vehicle:**

- Collect motor vehicle sales taxes; register, title, duplicate title, bond, and perform title searches on motor vehicles and process/retain the same.
- Inventory and issue motor vehicle license plates.
- Maintain motor vehicle computer system.

Controlling Rules and Legislation:

- Secretary of State Election Rules - 186 pages  
CRS Title 1 - 445 pages  
CRS Title 31 - 77 pages  
Help America Vote Act - 65 pages  
Verifiable Voting Systems Guidelines 1.0 - 374 pages

**BOARD OF COUNTY COMMISSIONERS**

**GENERAL STATEMENT**

Chief legislative and policy-making body responsible for planning, organizing, directing and evaluating the activities of the county they represent. Ensures that established policies, procedures and programs are implemented in accordance with local, state and federal laws and regulations.

**SUMMARY OF DUTIES**

- Adoption of annual budget and filing of budget with the State Division of Local Government
- Responsible for oversight for all county budgets.
- Fill vacancies of county elected officials and administrative positions supervised by BOCC in county departments.
- Set salary of District Attorney, approve compensation for deputies, assistants and employees of the Clerk, Treasurer, Assessor, Coroner, Sheriff, Deputy District Attorneys, as well as approve compensation and pay structure for all county employees.
- BOCC to cause an annual audit of the county's financial statements.
- Levy taxes for all purposes no later than 12/22 of each year.
- BOCC to discharge the duties of the Board of Equalization/
- BOCC to hear petitions for abatement and refund of taxes.
- Responsible for annual submission to transportation commission its priorities for construction of roads and streets within the county's jurisdiction.
- Creation of county Planning Commission; adoption of subdivision regulations and adoption of zoning plans.
- Authority to call for elections.
- Charge and control of any state reservoir in the county (including financial responsibility and liability).

**COUNTY CORONER**

**GENERAL STATEMENT**

Plans, organizes, directs and evaluates the activities of the Coroner's Office. Ensures that established policies, procedures and programs are implemented in accordance with laws and regulations. Responsible for annual budget proposals.

**General Duties:**

- Responsible for and has oversight of annual budget for Coroner's Office.
- Manage all operational and administrative matters within the Coroner's Office.
- Supervise personnel and program operations including the assignment and review of staff work, interpretation of program and policy for staff, initiation and management of disciplinary action, interviewing and selection of staff and scheduling of work time.

**Coroner Duties:**

- Coroner is to view the body and make inquiry regarding cause and manner of death.
  - Cause a postmortem to be performed and issue Certificates of Death.
  - The Coroner may hire and manage deputies.
  - The Coroner acts in the stead of the Sheriff when there is no Sheriff or under certain statutory situations.
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**SHERIFF**

**GENERAL STATEMENT**

Provide public service within a legislative and policy framework and carry out responsibilities in accordance with federal, state and local acts, regulations, policies and procedures.

**SUMMARY OF DUTIES**

**General Duties:**

- Responsible for and has oversight of annual budget for Sheriff's Office.
- Manage all operational and administrative matters within the Sheriff's Office.
- Supervise personnel and program operations including the assignment and review of staff work, interpretation of program and policy for staff, initiation and management of disciplinary action, interviewing and selection of staff and scheduling of work time.

**Sheriff Duties:**

- Preserve the peace.
  - Issue weapons permits.
  - Enforce county ordinances.
  - Maintain county jail.
  - Execute subpoenas, writs and protective orders.
  - Fire warden in charge of forest and prairie fires within county.
  - Coordinate search, rescue and disaster responses.
  - Registration of sex offenders.
  - Serve the courts of record, which includes providing security for the facility, courtrooms and movement of prisoners.
  - Transportation of prisoners.
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**SURVEYOR**

**GENERAL STATEMENT**

Plans, organizes, directs and evaluates the activities of the Surveyor's Office. Ensures that established policies, procedures and programs are implemented in accordance with laws and regulations. Responsible for annual budget proposals. The Surveyor must be a professional land surveyor.

## **SUMMARY OF DUTIES**

### **General Duties:**

- Responsible for and has oversight of annual budget for Surveyor's Office.
- Manage all operational and administrative matters within the Surveyor's Office.
- Supervise personnel and program operations including the assignment and review of staff work, interpretation of program and policy for staff, initiation and management of disciplinary action, interviewing and selection of staff and scheduling of work time.

### **Surveyor Duties:**

- The Surveyor will represent the county in boundary disputes or boundary discrepancies.
  - They will notify the county attorney of any unsettled boundary disputes or boundary discrepancies.
  - The Surveyor will file all surveys, field notes, calculations, maps and any other records pertaining to work authorized and financed by the board of county commissioners with the county clerk and recorder or the county surveyor's office.
  - All surveys made shall be numbered and endorsed by the Surveyor in accordance with state statute.
  - With board of county commission authorization the Surveyor may;
    - conduct surveys to establish boundaries of county property,
    - accept for filing maps of surveys that establish monuments and keep a current record of all survey monuments within the county,
    - examine all survey maps and plats before they are recorded by the county clerk and recorder to insure proper content and form.
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## **TREASURER**

### **GENERAL STATEMENT**

Provide public service within a legislative and policy framework and carry out responsibilities in accordance with federal, state and local acts, regulations, policies and procedures.

### **SUMMARY OF DUTIES**

#### **General Duties:**

- Responsible for and has oversight of annual budget for Treasurer's Office.
- Manage all operational and administrative matters with the Treasurer's Office.
- Supervise personnel and program operations including the assignment and review of staff work, interpretation of program and policy for staff, initiation and management of disciplinary action, interviewing and selection of staff and scheduling of work time.

#### **Treasurer's Duties:**

- Receive and track all monies belonging to the county, including collecting property taxes, special assessments, and miscellaneous funds.
  - Distributes funds and reports to all taxing jurisdictions.
  - Invests, manages and tracks all county funds.
  - The Official Bank for county business.
  - Conducts yearly tax sale.
  - Issues Treasurer's Deeds
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