



Executive Order 5 Training

Enhancing Partnership Through Communication

Colorado Department of Local Affairs

Division of Local Government



Executive Order 5 (EO5)

Goal: To enhance the relationship between state and local government.

- Executive Order 5 (EO5) requires state rule making agencies to consult with and engage local governments prior to the promulgation of any rules containing mandates
- An online process with significant input from Colorado local government associations to enhance communication between state agencies and local governments as rules are being conceived, developed and promulgated



EO5 Process Summary

- The EO5 effort utilizes a phased process to communicate with local governments.
 1. Rule making state agencies communicate with local government(s) on a conceptual idea of a potential rule to solve or prevent a problem
 2. State agencies request input from local governments to determine:
 - Their perception of how to solve the problem identified which could include alternative means rather than a regulation.
 - If alternative methods are not possible to solve the problem, partner with local government in the development a regulation.
 - Associated costs including identification and documentation if the proposed rule will create a cost to local governments.
 3. Agencies request involves one official position from each local government; it is important for each local government to solicit input from appropriate departments and staff to develop one position.



EO5 Process Summary continued...

4. Determine if the rule being considered is an unfunded mandate
5. Agency to document communication with the local government and the agency' proposed rule is and if a mandate what type
6. Agency forwards documentation of agency communication with local government to the Office of Planning and Budgeting who reports to the Governor's office. This report will validate if appropriate communication occurred and the type of mandate
7. Agency proposing regulation works with Governor's office for next steps



E05 Participating Agencies


- Department of Agriculture
- Department of Corrections
- Department of Education
- Department of Health Care Policy & Finance
- Department of Human Services
- Department of Labor and Employment
- Department of Local Affairs
- Department of Natural Resources
- Office of Information Technology
- Department of Personnel and Administration
- Department of Public Health & Environment
- Department of Public Safety
- Department of Regulatory Agencies
- Department of Revenue
- Department of Transportation

Initial E-mail Notice of Rule Making

The screenshot shows an email client window with the following details:

- From:** "Tony Hernandez" <tony.hernandez@state.co.us>
- To:** Tony Hernandez
- Subject:** Are you interested in providing feedback on a proposed rule?
- Date:** 12/1/2011 3:52:45 PM

The email body contains the following text:


Enhancing partnership through communication


Tony Hernandez,

Are you interested in providing feedback to this state agency on a conceptual rule that may impact your local government? Please click on the link below to indicate whether you would like to provide feedback.

Thank you.

Rule Name: *Local Government Economic Develop Plan requirement*
Implementing Department: *Dept of Local Affairs*
Implementing Division: *Local Government*


To provide feedback, [click here](#).

This message was sent to tony.hernandez@state.co.us from: 

Initial User Interface

http://stateofco.force.com/surveys/localgovernmen force.com

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Local Government Input

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Rule Information

Rule Name	Local Government Economic Develop Plan requirement
Rule Description	All Colorado local governments (counties, municipalities, and Title 32, Article I special districts) shall develop comprehensive economic development plans according to criteria dev Office of Economic Development and International Trade. Such plans shall be filed with the Division of Local Government by December 31, 2012. Annually, by December 31, any u
Implementing Department	Dept of Local Affairs
Implementing Division	Local Government
Conceptual Summary of Proposed Rule	To require that each local government has a current economic development plan which will enhance and leverage the partnership opportunity and efforts with the Office of Econom
Type of Mandate	<input checked="" type="checkbox"/> Requirement of federal law, a final state or federal court order, or any requirement of state law. <input type="checkbox"/> Requirement resulting from an "optional" federal program that the state has chosen to participate in. <input type="checkbox"/> Requirement which is at the discretion of a state rulemaking department. <input type="checkbox"/> Requirement to implement a new program or standard that state department has discretion in establishing

Local Government Input

Please enter the name of the local government you represent

Your name

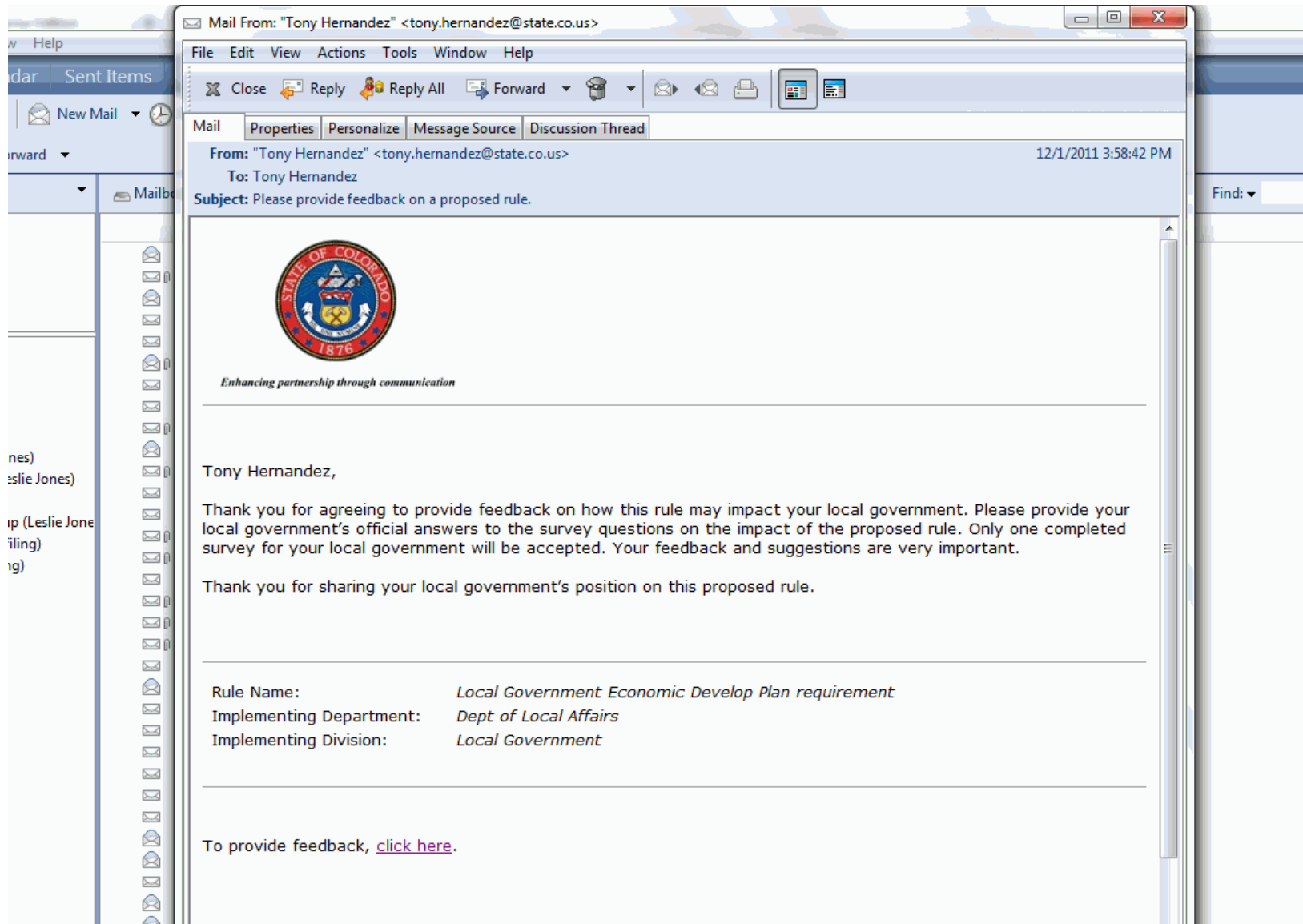
Is your local government interested in providing feedback throughout this rulemaking process?

Do you agree with how the state department has classified the type of mandate this rule would create?

If no, how would your local government classify the type of mandate?

- New mandate or increase in the level of service for an existing mandate, which is the result of (1) any requirement of federal law, (2) any requirement of a final state or federal court order, or (3) any requirement of state law.
- New mandate or increase in the level of service required as a result of an "optional" federal program that the state has chosen to participate in.
- New mandate or increase in the level of service required which is upon the discretion of the rulemaking agency.
- Other new mandate or increase in the level of service required, such as rules in which an agency is mandated to establish a program or standard but has discretion in establishing that standard.

E-mail Followup for Input




Contact Information

http://stateofco.force.com/surveys/localgovernment

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Local Government Questionnaire

Enhancing partnership through communication

Rule Information

Rule Name	Local Government Economic Develop Plan requirement
Rule Description	
Implementing Department	Dept of Local Affairs
Implementing Division	Local Government
Conceptual Summary of Proposed Rule	
Type of Mandate	<input type="checkbox"/> Requirement of federal law, a final state or federal court order, or any requirement of state law. <input type="checkbox"/> Requirement resulting from an "optional" federal program that the state has chosen to participate in. <input type="checkbox"/> Requirement which is at the discretion of a state rulemaking department. <input type="checkbox"/> Requirement to implement a new program or standard that state department has discretion in establishing.

Contact Information Local Government Position Cost to Local Government Personnel Impact to Local Government Rule Classification

Please enter the name of the local government you represent

Your name

Rule Information

http://stateofco.force.com/surveys/localgovernment force.com

Enhancing partnership through communication

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Contact Information Local Government Position Cost to Local Government Personnel Impact to Local Government

Rule Classification

Please enter the name of the local government you represent

10:37 AM 12/2/2011

Local Government Position

The screenshot shows a web browser window with the URL <http://stateofco.force.com/surveys/localgovernment>. The page title is "Conceptual Summary of Proposed Rule".

Type of Mandate

- Requirement of federal law, a final state or federal court order, or any requirement of state law.
- Requirement resulting from an "optional" federal program that the state has chosen to participate in.
- Requirement which is at the discretion of a state rulemaking department.
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Navigation Tabs: Contact Information, Local Government Position (selected), Cost to Local Government, Personnel Impact to Local Government

Rule Classification

What is your local government's position on the proposed rule?

Will the proposed rule create a mandate on your local government?

If yes, briefly explain why.

Dropdown Menu Options: --None-- (selected), Strongly Support, Support, Neutral, Oppose, Strongly Oppose


Buttons: Prev Page, Next Page

Taskbar: Windows 7 taskbar with icons for Internet Explorer, Firefox, Word, PowerPoint, and Excel. System tray shows the time as 10:08 AM on 12/2/2011.

Local Government Position

http://stateofco.force.com/surveys/localgovernmen force.com force.com

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Local Government Questionnaire

Enhancing partnership through communication

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Contact Information

Local Government Position


What is your local government's position on the proposed rule?	Support
Will the proposed rule create a mandate on your local government?	No
If yes, briefly explain why.	It does not create an additional burden on our local government.

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Cost to Local Government

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STATE OF COLORADO
1876

Enhancing partnership through communication

Local Government Questionnaire

Rule Information

Rule Name Local Government Economic Develop Plan requirement

Rule Description

Implementing Department Dept of Local Affairs

Implementing Division Local Government

Conceptual Summary of Proposed Rule

Type of Mandate

- Requirement of federal law, a final state or federal court order, or any requirement of state law.
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Contact Information Local Government Position **Cost to Local Government** Personnel Impact to Local Government Rule Classification

Will the proposed rule necessitate new costs for your local government? No

If yes, briefly explain these costs. As stated, it does not increase costs for us

How much would this rule cost your local government? (Please note, the values entered below should be on an annual basis only, not cumulative.)

Year 1 Year 2 Year 3 Year 4 Year 5

Prev Page

Personnel Impact to Local Government

Conceptual Summary of Proposed Rule

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Contact Information | Local Government Position | Cost to Local Government | Personnel Impact to Local Government

Rule Classification

Will the proposed rule require your local government to hire additional personnel?

--None--
--None--
Yes
No

If yes, briefly explain why additional personnel are needed.

How many additional personnel will your local government need to hire? (Please note, the values entered below should be on an annual basis only, not cumulative.)

Year 1 Year 2 Year 3 Year 4 Year 5

10:09 AM 12/2/2011


Personnel Impact to Local Government

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STATE OF COLORADO
1876

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Contact Information Local Government Position Cost to Local Government Personnel Impact to Local Government Rule Classification

Will the proposed rule require your local government to hire additional personnel? --None--

If yes, briefly explain why additional personnel are needed. It will not.

How many additional personnel will your local government need to hire? (Please note, the values entered below should be on an annual basis only, not cumulative.)

Year 1 Year 2 Year 3 Year 4 Year 5

Prev Page

Rule Classification

The screenshot shows a web browser window with the address bar displaying `http://stateofco.force.com/surveys/localgovernment` and the domain `force.com`. The page title is "Conceptual Summary of Proposed Rule".

Conceptual Summary of Proposed Rule

Type of Mandate

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Navigation Tabs:

- Contact Information
- Local Government Position
- Cost to Local Government
- Personnel Impact to Local Government
- Rule Classification**

Do you agree with how the state agency has classified the category of mandate this rule would create?

If no, how would your local government classify the type of mandate?

- Requirement of federal law, a final state or federal court order, or any requirement of state law.
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If you believe there is a more effective means of accomplishing the goals of the proposed rule,


The bottom of the page shows a Windows taskbar with various application icons and a system tray on the right displaying the time as 10:10 AM on 12/2/2011.

Rule Classification

http://stateofco.force.com/surveys/localgovernment

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Enhancing partnership through communication

Local Government Questionnaire

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Contact Information

Local Government Position

Cost to Local Government

Personnel Impact to Local Government

Rule Classification

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If you believe there is a more effective means of accomplishing the goals of the proposed rule, please provide a detailed explanation of how this would be accomplished.

Make it a report every two year.

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Takeaways

- State Agencies will use this to solicit your local government's input early in the process of developing rules.
- It is important to get the input of local governments including:
 - Characterization of the rule
 - Their support or opposition of the rule
 - Potential monetary and personnel costs to local governments
 - Ideas to improve/change the rule or process
- Each contact will have the option to participate or simply not reply if they do not want to address a specific rule change.
- For each rule each local government will have one response (so please collaborate with staff).



Contact Info.



State of Colorado

Department of Local Affairs

Division of Local Government
1313 Sherman Street, Room 521
Denver, CO 80203

Tony Hernandez
Director



DOLA

Phone: (303) 866-4988

Cell: (303) 241-6072

Fax: (303) 866-4819

tony.hernandez@state.co.us