

**CITY OF THORNTON  
CITY MANAGER'S OFFICE**

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**COUNCIL UPDATE**

**December 20, 2011  
5:45 p.m.**

**Training Room**

**I. DISCUSSION ITEMS**

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|---|------|
| A. City of Thornton Draft 2012 Legislative Agenda   | 5:45 |
| B. A Resolution regarding the use of the Adams<br>County Detention Facility for municipal inmates | 6:15 |

**II. COUNCIL MEETING AGENDA ITEMS**

**III. COUNCIL INFORMATION SHARING**

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## UPDATE COMMUNICATION

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|---|--------------------------|--------------------------------|---|-----------------------------|--|
| <b>Meeting Date:</b><br>December 20, 2011   | <b>Agenda Item:</b><br>A | <b>Agenda Location:</b><br>N/A | <b>Work Plan #</b>  | <b>Legal Review:</b><br>N/A | <input type="checkbox"/> 1 <sup>st</sup> Reading<br><input type="checkbox"/> 2 <sup>nd</sup> Reading |
| <b>Subject:</b> City of Thornton draft 2012 Legislative Agenda.   |                          |                                |   |                             |  |
| <b>Recommended by:</b> Joyce Hunt    |                          |                                | <b>Approved by:</b> Jack Ethredge  |                             |  |
| <b>Presenter(s):</b> Joyce Hunt, Assistant City Manager<br>Jeff Coder, Deputy City Manager for City Development<br>Bud Elliot, Deputy City Manager for Infrastructure<br>Mike Masciola, Economic Development Director<br>Mark Koleber, Water Supply Director<br>Emily Hunt, Water Resources Manager |                          |                                |   |                             | <b>Ordinance previously introduced by:</b><br><br><hr/>  |

**SYNOPSIS:**

Staff will review the draft 2012 Legislative Agenda which lays out the City Council's policy position in broad public policy areas in order to provide guidance to staff and the City's lobbyist, Ruben and Amber Valdez, in reviewing and analyzing bills that have an impact on the City's interests.

**RECOMMENDATION:**

Staff recommends that the 2012 Legislative Agenda be brought forward for formal action at the January 10, 2012 City Council meeting.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

1. That Council direct staff to bring forward the 2012 Legislative Agenda as presented.
2. That Council direct staff to modify the 2012 Legislative Agenda.
3. Do not adopt a Legislative Agenda.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

The City has prepared and adopted a legislative agenda since 1988. The City retained Ruben Valdez as its City lobbyist when the City acquired water rights and developed the Northern Project in Weld and Larimer counties. The City Council meets with the Ruben and Amber Valdez on a regular basis to discuss pending legislation and provide input regarding the City's position on specific legislative proposals. The City Council may provide direction through staff as proposals arise that require a timely response. The City also works through the Colorado Municipal League on these matters of concern to municipalities.

**CITY OF THORNTON  
DRAFT  
2012 LEGISLATIVE AGENDA**

**Transportation**

The City recognizes and applauds recent statewide efforts to secure funding for transportation, including the passage in 2009 of the FASTER bill. Thornton also recognizes that in this climate of economic hardship and budget shortfalls, it is essential to protect the transportation system on which we all rely. A comprehensive system of roads and bridges, FasTracks commuter rail, a connection to the Front Range rail line, buses, and call-and-ride programs provide the critical connections that allow residents to access employment, health, recreation, and other elements that enrich the quality of life in the region.

**Position: Oppose any legislative attempt to repeal FASTER.**

**Support state maintenance of state roads and highways; don't shift the burden of maintaining the roads to local governments without an appropriate level of compensation; when the state replaces bridges, don't shift the burden to construct additional capacity in compliance with the MPO's (DRCOG) Regional Transportation Plan to local governments.**

**As individuals, support the concept that all residents and businesses currently shouldering taxation for FasTracks receive the full, promised benefit of completion of the entire system by 2020, as provided in RTD's 2010 Annual Report to DRCOG on FasTracks dated May 2011 and RTD's Financial Plan Update dated April 2011.**

**As individuals, support the concept that if adequate funds are not secured to build-out the remaining corridors by 2020, that the remaining corridors be extended in phases out to logical stations to provide ridership access in each of the corridors.**

**Encourage the Executive Branch and CDOT to join with RTD and local governments to lobby Congress to support funding of a Transportation Bill; to support modifying New Starts funding language so more corridors can be eligible to apply for funding; and to modify requirements in the various loan programs, such as the Transportation, Infrastructure, Finance, and Innovation Act ("TIFIA") loan program, to provide more flexibility in the loan agreements.**

**Support any highway jobs stimulus package to provide for transit and transportation projects in the North Metro corridor.**

### **Water Supply**

Thornton has been responsible and proactive in developing its water supply over many decades, including the investment of over \$100 million in the Cache la Poudre Basin. The City has carefully followed and met all the State-mandated requirements to date to transfer water rights and protect the rights of existing water rights holders. The City faces significant costs to use the water it has acquired. The City opposes additional requirements that would limit its ability to develop and use the water it already owns, or make development of the water rights more expensive. To do so would penalize the customers we serve and would be grossly unfair. The region faces significant water supply challenges now and in the future, and water suppliers need more tools, not more hurdles, to help meet those challenges.

**Position: Oppose changing the established rules or adding new restrictions pertaining to the development and transfer of water supplies, including the transfer of water between basins.**

**Support providing tools that allow water providers, including agricultural interests, to share water supplies.**

### **Water Quality**

The City's water services provide drinking water for more than 130,000 people from the South Platte River and Clear Creek drainages. In order to continue to provide safe, high quality water to our customers, we need to protect the quality of our water supplies.

**Position: Support measures that ensure water quality by requiring those who discharge into rivers and streams have the burden of keeping them clean.**

### **Urban Renewal**

Following the sunseting of the Original Thornton Urban Renewal Area (URA) in 2008, the City currently oversees one active urban renewal project area north of 144<sup>th</sup> Avenue. However, the City's work in original Thornton is not yet complete and the requisite studies are being undertaken to create a new URA in original Thornton. This is important because URAs provide many tools that aid in the redevelopment of properties that are in distress and/or disrepair. These tools currently include property acquisition and assembly, assistance in financing infrastructure and utility improvements needed to adequately serve the property, preparing property for redevelopment, and providing relocation assistance within areas that meet specific criteria. The responsible use of these tools is essential for Thornton to maximize quality redevelopment throughout the City.

**Position: Support efforts that create successful partnerships that utilize tax increment financing for the overall benefit of the community. As an example, the City entered into Intergovernmental Agreements with both Adams County and Adams 12 Five Star Schools establishing this partnership.**

**Oppose anything that reduces our ability to successfully redevelop Thornton.**

### **Home Rule -- Local Control**

The citizens of the City of Thornton adopted the Home Rule Charter in 1967 which establishes the power of local self-government to the City pursuant to the Constitution of the State of Colorado. As such, Thornton has the responsibility and authority to adopt rules and regulations that govern the operation of this community in the interest of its citizens.

**Position:    Oppose efforts to diminish municipal Home Rule powers.**

**Oppose unfunded mandates to the local level.**

## UPDATE COMMUNICATION

|  |                          |                                |  |                             |  |
|--|--------------------------|--------------------------------|--|-----------------------------|--|
| <b>Meeting Date:</b><br>December 20, 2011  | <b>Agenda Item:</b><br>B | <b>Agenda Location:</b><br>N/A | <b>Work Plan #</b>                                 | <b>Legal Review:</b><br>N/A | <input type="checkbox"/> 1 <sup>st</sup> Reading<br><input type="checkbox"/> 2 <sup>nd</sup> Reading |
| <b>Subject:</b> A Resolution regarding the use of the Adams County Detention Facility for municipal inmates. |                          |                                |  |                             |  |
| <b>Recommended by:</b> City Council  |                          |                                | <b>Approved by:</b> Jack Ethredge,<br>City Manager |                             | <b>Ordinance previously introduced by:</b><br><br>_____  |
| <b>Presenter(s):</b> Charles W. Long, Deputy City Manager  |                          |                                |  |                             |  |

**SYNOPSIS:**

This resolution urges the Adams County Board of County Commissioners (“BOCC”) to suspend the provisions of their October 31, 2011 resolution which establishes a municipal prisoner cap of 30 effective January 1, 2012 and a charge of \$45 per day for each municipal prisoner exceeding that municipality’s cap and to take the following actions:

- 1) Convene a working group with the municipalities tasked with developing recommendations to manage the jail population in a manner that meets both the County’s and the Cities’ public safety goals and the County’s budget constraints
- 2) Establish the Criminal Justice Coordinating Committee as recommended by the National Institute of Corrections whose first task shall be to conduct an in-depth analysis of the County criminal justice system and develop recommendations on how to address these issues
- 3) Pursue evaluation of the alternatives included in the October 25, 2011 letter submitted by the City of Thornton as well as suggestions submitted by other entities to address the budgetary issues as it relates to the Adams County Detention Facility (“Jail”).

The municipalities would continue to work with the Adams County Sheriff to maintain municipal inmates to below 40 while these efforts are occurring.

**RECOMMENDATION:**

Staff recommends approval of this resolution at tonight’s Council Meeting to clearly articulate the position of the City of Thornton with regard to policies on municipal prisoners scheduled to be implemented by Adams County at the Jail effective January 1, 2012 and to urge the BOCC to pursue the above actions in order to provide the level of analysis and consideration this issue deserves given its potential impact on the citizens of Thornton and overall public safety of the community.

**BUDGET/STAFF IMPLICATIONS:**

Based on discussions with the Adams County Sheriff, there are different interpretations of the BOCC’s October 31 Resolution regarding whether cities would be charged as soon as they exceeded their individual inmate cap or only if the individual cap was exceeded AND the Jail was housing more than 30 municipal inmates overall. Thornton staff believes no city should be charged until the overall municipal inmate population in the Jail exceeds 30. The cities will receive a daily count of their municipal inmates taken shortly after midnight. The monthly billing would not provide detail as to the specifics of the count, but rather the cities would have to match the billing with the daily reports for the

month. If the City is required to pay \$45 per day for each inmate over 8, based on the average daily population over the last year of 18 Thornton inmates, the total annual amount would be approximately \$164,000 excluding extraordinary medical costs. This cost is not budgeted in the 2012 Budget. The Sheriff also indicated that municipalities may be responsible for the costs of extraordinary medical care after January 1, 2012.

**ALTERNATIVES:**

1. Approve the resolution as presented.
2. Approve the resolution as it may be amended.
3. Do not approve the resolution.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)The BOCC approved a resolution on February 4, 1991 which exempted all municipalities within Adams County from paying any per diem charge for the cost of housing, clothing, food, medicines on hand, and services of the official jail physician, for prisoners held in the Adams County Detention Facility on the authority of the municipality.

**Historical Background**

December 15, 2010 - the BOCC notified all municipalities in Adams County that the BOCC had requested the Adams County Sheriff to calculate and bill municipalities for medical expenses incurred on or after January 1, 2011. In addition, the Sheriff was asked to close housing units within the detention facility by working with judges, the district attorney and police chiefs to find alternatives to incarceration for those who do not pose a significant threat to the community. The BOCC advised that the effort to reduce the number of prisoners in the jail would likely include charging municipalities a daily rate for each municipal inmate, currently estimated to cost \$88 per day.

July 29, 2011 - the Adams County Sheriff notified the municipal Police Chiefs of his intent to implement a municipal prisoner restriction effective August 15, 2011. The cap for municipalities was set at 30, down from the 2010 average daily population of 138, with each municipality allocated a specific number. Thornton was allocated 8 beds.

August 8, 2011 - the Adams County Sheriff notified the municipalities that the implementation timeline was extended to September 1, 2011 to provide additional time for the municipalities to address implementation of the municipal prisoner restriction.

August 19, 2011 – the Adams County Council of Governments Executive Committee decided to formally request the Adams County Sheriff implement a sixty day delay of the municipal prisoner restriction (to November 1, 2011) and to bring together the Police Chiefs, Prosecutors, Municipal Judges and Court Administrators (“Subcommittee”) from each jurisdiction to discuss the jail issues and develop a problem solving approach to lower the Jail population through sentencing alternatives. The recommendations were to be provided to the elected officials within 60 days.

September 1, 2011 - the Adams County Sheriff notified the municipalities that they were unable to extend the timeframe until November 1, 2011, but would extend the time to October 1, 2011.

## UPDATE COMMUNICATION

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September 21, 2011 - the District Attorney Don Quick submitted a letter to Jim Robinson, Adams County Administrator, providing recommendations developed by the Subcommittee. The Subcommittee recommended that they continue to work with the Adams County Sheriff in the short term with regard to sentencing inmates to the Jail, but that this is only a temporary solution. In order to meet the community's expectations for public safety and assure the integrity of the Courts, the Subcommittee recommended that the Jail be adequately staffed with certified deputies. The letter requested the County Administrator advise the BOCC of the Subcommittee's request to fill vacancies at the Jail as soon as possible in order to avoid the drastic remedy of releasing offenders to assure the Jail operates in a safe manner for staff and inmates.

September 30, 2011 - the Adams County Sheriff notified the municipalities that the municipal prisoner restriction implementation would be extended to November 1, 2011 to provide additional time for the committee working on these issues to finalize their discussions.

October 14, 2011 - the BOCC hosted a meeting with the municipalities and presented a handout outlining two Adams County Municipal Prisoner Policy Concepts. Option A – Soft Cap: would implement the municipal prisoner restriction to 30, with some exceptions allowed; municipalities would be charged a daily rate for prisoners exceeding the restriction. Option B – No Cap/Daily Fee Applies: established no daily cap but imposed a daily rate for municipal prisoners. The communities were asked to reconvene at a later date and indicate which option they chose.

October 25, 2011 - the BOCC hosted a meeting with the municipalities as a follow-up to the October 14, 2011 meeting. The City of Thornton submitted a letter to the BOCC stating that implementing either of the two options did not serve the public interest; would not provide the budgetary savings the County was seeking; and provided an Option C. Option C provided a number of alternatives that could aid Adams County in saving over \$3 million annually which could be used to deal with the budgetary issues impacting the operation of the jail.

October 31, 2011 - the BOCC adopted a resolution establishing an interim policy which imposed a soft cap of 30 municipal inmates beginning January 1, 2012 and when the overall municipal inmate population at the jail exceeds 30, imposing a \$45 per day charge for each inmate that exceeds the cap established for that municipality (Thornton's cap is 8). The resolution includes that municipalities would not be charged for medical expenses incurred on behalf of their inmates and that all of these policies would be reviewed by the BOCC no later than July 2012. In addition, the resolution provided that the BOCC would establish a working group with municipalities to address alternative funding solutions at the jail and establish and provide necessary funds for a Criminal Justice Coordinating Committee.

December 15, 2011 – the Adams County Sheriff sent a letter to all municipalities advising of the administrative procedures the Sheriff will follow relating to charging municipalities a \$45 daily per diem for each municipal inmate exceeding their bed space allocation. All municipalities will continue to receive a daily report to identify who is in the Sheriff's custody on their behalf. Only inmates with charges at the municipal level will be counted against the bed space allocation. If an inmate has a hold by more than one municipality, each municipality involved will be assessed one bed for this same inmate. If the involved municipalities exceed their allocations with this one inmate, the \$45 per diem fee would be split equally by each municipality. The Sheriff will not accept municipal prisoners charged with what equates to a class 2 petty offense in the Jail.

## RESOLUTION

### A RESOLUTION REGARDING THE USE OF THE ADAMS COUNTY DETENTION FACILITY FOR MUNICIPAL INMATES.

WHEREAS, Adams County (the "County") and the cities of Arvada, Aurora, Bennett, Brighton, Commerce City, Federal Heights, Northglenn, Thornton, and Westminster (the "Cities"), have had a longstanding relationship of cooperation; and

WHEREAS, that cooperation is evidenced in the many intergovernmental agreements among the County and the Cities pertaining to planning, revenue sharing for infrastructure, parks and open space and other amenities; and

WHEREAS, that cooperation was evidenced in 1992 when the Cities supported a proposed Adams County sales tax, the proceeds of which were earmarked to pay for the construction of a much-needed Adams County Justice Center, which ballot measure was subsequently approved by the voters in 1993; and

WHEREAS, that cooperation was evidenced again in 1996 when the Cities supported extension of the Adams County sales tax, the proceeds of which were earmarked to pay for expansion of the Adams County Detention Facility (hereinafter referred to as the "Jail"), which ballot measure was subsequently approved by the voters in 1997; and

WHEREAS, the on-going operation and maintenance of the Jail is paid for from County General Fund revenues of which nearly seventy percent comes from property taxes imposed on all properties in the County; and

WHEREAS, the value of the properties located solely within Cities constitutes nearly eighty percent of the total value of all County properties, which means that the Cities contribute over one-half of the revenues in the County General Fund; and

WHEREAS, the County owns and operates the Jail through the Adams County Sheriff; and

WHEREAS, the Board of County Commissioners authorized the use of the Jail by Cities for the confinement or punishment of offenders at **no charge** for the cost of housing, clothing, food, medicines normally on hand and services of the official Jail physician by resolution in 1991; and

WHEREAS, the housing within the Jail of municipal-sentenced inmates and others lawfully detained by municipal police agencies is a matter of public concern to all citizens of the County; and

WHEREAS, the County and the Cities recognize that criminal activity knows no jurisdictional boundaries that therefore the protection of the public from such activity requires the fullest possible extent of cooperation among all levels of government; and

WHEREAS, the provision of Jail services is a basic public safety service that residents pay for through the property taxes that the County receives; and

WHEREAS, the County and the Cities have heretofore cooperated in the implementation, administration and enforcement of the State criminal justice system; and

WHEREAS, the Board of County Commissioners, faced with a budget shortfall in 2012, have decided that reducing the Jail population could significantly lower the overall costs of operating the Jail; and

WHEREAS, the Board of County Commissioners revised the 1991 Resolution on October 31, 2011 ("Resolution") to set forth the County's intent to impose a soft cap of 30 municipal inmates at the Jail and when the overall municipal inmate population exceeds 30 to charge \$45 per day for each municipal inmate that exceeds the cap established for that municipality; and

WHEREAS, historically, of the approximately 1,200 to 1,500 inmates in the Jail on a daily basis, the Cities had, on average, 130 municipal inmates, or approximately 10% of the total inmate population; and

WHEREAS, under the present soft cap the number of daily municipal prisoners has been maintained at an average considerably less than 130 inmates, and

WHEREAS, the Cities believe that the cap is arbitrary and doesn't adequately reflect the needs of the Cities to adequately protect the public; and

WHEREAS, the Cities also believe that charging municipalities a per day fee for each municipal inmate when the count exceeds the cap established for that municipality is contrary to previous agreements and is in essence, a double charge; and

WHEREAS, because imposing this charge on the Cities could result in the possibility of the Cities having to pay hundreds of thousands of dollars in new fees that were not anticipated, many cities have had to take steps to alter the method they use to file criminal cases by filing more of these cases directly into County Court because there are no inmate limits or additional fees for people sentenced to the Jail through County Court; and

WHEREAS, filing more cases directly into County Court will result in additional costs to the County for the District Attorney's Office, the County Courts, and the Jail since many of the same people will still be sentenced to the Jail only now they will be considered County inmates and not city (municipal) inmates; and

WHEREAS, State law authorizes the formation of Municipal Courts with concurrent jurisdiction in County as well as Municipal Courts in order to, in part, alleviate the financial burden of the County to prosecute similar state violations in County Court; and

WHEREAS, the Cities have established Municipal Courts to enforce state and local laws; and

WHEREAS, the Cities recognize the budgetary impact that the economic conditions have had on the County and its need to develop a financially prudent budget plan for 2012 and beyond, as they have all faced this same issue, but believe there are alternatives to the proposed cuts in public safety services at the Jail and the imposition of a fee; and

WHEREAS, at the end of 2010, the County had nearly \$91 million in undesignated fund balance cash reserves and \$2.4 million in cash reserves designated by the Board of County Commissioners to allow the County flexibility during a serious economic downturn, in the General Fund, which budget was approximately \$165 million in 2011; and

WHEREAS, a number of the Cities are utilizing a portion of their cash reserves to fund needed services as an interim strategy until the economy recovers; and

WHEREAS, the County has the ability to utilize a portion of its fund balance to fund needed services and restore funding for the Jail; and

WHEREAS, the City of Thornton submitted a letter to the Board of County Commissioners dated October 25, 2011 outlining a number of alternatives that could result in budget savings sufficient enough to lower costs in the General Fund which would negate the need to implement a municipal inmate cap and fee; and

WHEREAS, in the Resolution the Board of County Commissioners also committed to establishing a working group with the municipalities to address alternative funding solutions at the Adams County Jail and to establish and provide the necessary funds for a Criminal Justice Coordinating Committee as recommended by the National Institute of Corrections (the "NIC"); and

WHEREAS, the Cities have worked diligently over the past six months to reduce the number of municipal inmates and are committed to working with the County and the Adams County Sheriff to continue with these efforts; and

WHEREAS, the Cities wish to express their disagreement with the restrictions and conditions contained in the Resolution, and to encourage the County to join with the Cities in a cooperative process to address the issue of housing municipal inmates in the Jail in a manner that is acceptable to both the County and the Cities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. The Cities urge the Board of County Commissioners to immediately suspend the Resolution as it relates to establishing a hard cap and charging the Cities a per day fee for municipal inmates exceeding the cap.
2. The Cities urge the Board of County Commissioners to pursue evaluation of the alternatives included in the October 25, 2011 letter submitted by the City of Thornton as well as suggestions submitted by other entities.
3. The Cities urge the Board of County Commissioners to utilize a portion of the County General Fund undesignated fund balance cash reserves and/or economic downturn reserves to restore funding to operate the Jail and accommodate municipal inmates, as an interim strategy, until the economy recovers.
4. The Cities urge the County to convene a working group with the Cities (the "Working Group") who shall be tasked with developing recommendations/strategies to manage the Jail population in a manner that meets both the County's and the Cities' public safety goals and the County's budget constraints.

5. The Cities urge the County to establish the Criminal Justice Coordinating Committee as recommended by the NIC (the "CJCC") whose first task shall be to conduct an in-depth analysis of the County criminal justice system and develop recommendations/strategies that can be undertaken to reduce the overall Jail population.

6. The Cities urge the Board of County Commissioners to continue with the current soft cap numbers and procedures while the Cities agree to commit to continue to work diligently with the County to maintain the number of municipal inmates below 40 while the Working Group and the CJCC are developing their recommendations/strategies.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on \_\_\_\_\_, 2011.

CITY OF THORNTON, COLORADO

\_\_\_\_\_  
Heidi K. Williams, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Vincent, City Clerk