

RESOLUTION NO. _____, SERIES OF 2023

A RESOLUTION FOR THE FREMONT COUNTY BOARD OF COUNTY COMMISSIONERS, FREMONT COUNTY, COLORADO, CONCERNING LITIGATION AGAINST THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT BY EL PASO COUNTY REGARDING THE IMPLEMENTATION OF THE COLLECTIVE BARGAINING FOR COUNTIES ACT

WHEREAS, on May 27, 2022, Governor Jared Polis signed Colorado Senate Bill 22-230, the Collective Bargaining for Counties Act (“CBCA”) which enables county employees to be represented by unions and to bargain collectively; and

WHEREAS, the Colorado General Assembly appropriated \$362,092 to the Colorado Department of Labor and Employment (“CDLE”) and the Colorado Department of Law, but appropriated no funding to counties that are impacted by the CBCA; and

WHEREAS, the CDLE is tasked with implementation of the CBCA and has the authority to promulgate rules concerning union election and the collective bargaining process for the CBCA; and

WHEREAS, CDLE’s rulemaking, which is in process at the time of this Resolution, is incapable of curing the CBCA’s unfunded mandate upon affected counties, including Fremont County; and

WHEREAS, CDLE’s rulemaking is incapable of modifying constitutional and statutory county structures, leaving statutory counties, including Fremont, in an uncertain position as to duties and obligations of the Board of County Commissioners vis-à-vis Fremont County’s non-Board Elected Officials and supported entities; and

WHEREAS, as stewards of taxpayer money, the Board is uncertain of its obligations to implement the CBCA as mandatory versus optional; and

WHEREAS, the Board is uncertain as to how it can enact its obligations under the CBCA without violating separation of powers between itself and Fremont County’s non-Board elected officials; and

WHEREAS, on May 16, 2023, the El Paso County Board of County Commissioners passed a resolution authorizing litigation against the Colorado Department of Labor and Employment regarding implementation of the Collective Bargaining for Counties Act to remedy an unfunded mandate against El Paso County and to afford relief from uncertainty and insecurity with respect to legal relations between El Paso County’s Board of County Commissioners, non-board elected officials, and supported entities; and

WHEREAS, Fremont County also seeks clarification of these matters through a remedial declaration.

NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, COLORADO, fully supports the efforts of El Paso County in their lawsuit against the CDLE to seek a remedial declaration on these matters that clarifies the Board’s rights and obligations under the CBCA.

Commissioner _____ moved the adoption of the foregoing Resolution with a second by Commissioner _____. The roll call vote of the Board was as follows:

Debbie Bell	AYE	NAY	ABSTAIN	ABSENT
Kevin Grantham	AYE	NAY	ABSTAIN	ABSENT
Dwayne McFall	AYE	NAY	ABSTAIN	ABSENT

The Resolution was declared to be duly adopted.

Date: _____

Chairman

Attest: _____
Clerk to the Board