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No burying this headline:

Ruling opens barn door for comprehensive TABOR reform vote in 2020. For a state policy it would be akin to cleaning the Augean Stables (see below).

From the Director's Desk: Spring Cleaning

Four unrelated events (a retirement, a court ruling, a drop-in to Grand County BOCC and a Vail Symposium speaker) have me thinking about tending-to what we often don't. As the headline says, voters of Colorado look to have a golden opportunity next year. Addressing some matters which we would rather not, can better prepare us for life's inevitables - death, taxes, entropy of public assets and the accretion of policy.



At least three of us at NWCCOG in the past 9 months took significant time away from work to clean out an aging parents' home. Cora Winters who just retired from the NWCCOG as elevator program administrator was one of them. At her retirement party, she was both ebullient and reflective stating that since retiring, she "had feelings she hadn't felt since childhood." She also spoke of the family project of moving her mother out of the family home in Ohio this past year. We have been doing the same for my mother-in-law in installments for the past year. It takes an emotional toll cleaning up alongside a parent. By each staffers account, separating a loved one from a lifetime of accumulated things while preparing to leave a place with so many layered memories can be heartbreaking as well as emotionally exhausting for everyone involved. It can feel like a kind of death. It should be a prompt that other conversations need to happen.



It may seem unrelated that most jurisdictions at NWCCOG are undertaking one ambitious re-write or another, striving to untangle that large sticky ball of "red tape." In the public realm where we also have policies and laws that have accumulated that can feel like death by a thousand cuts - these also require regular

tending. This is no small task. Most were written over decades. It is easy to expound about "outdated this or that," and indeed our codes, comp plans, zoning, and processes

need to be revisited. Easier said than done. Those who embark on untangling them come to find how time-consuming and mind-numbing the work may be. Citizens of Colorado may have the opportunity to revisit fiscal policy written into the state constitution.

In the public realm and personally, it may "easier" to just stuff things in the proverbial closet. I see examples of not taking the easy way. It does pay off. This month, it seemed everywhere I looked I was reminded that we could do more unpacking if we expect to live well or to "die well."

Colorado Appears Poised to clean up a policy mess from 1992

A "clean up" of TABOR, which was adopted a generation ago, is finally clearing the horizon. June 17th, The Colorado Sun reported Colorado Supreme Court ruled that TABOR repeal can move forward in a major victory for critics. The ruling states that an omnibus reform of TABOR would not violate the single subject clause of the state constitution. This opens the door for the comprehensive reform to go before voters in 2020. TABOR itself was passed before the single subject amendment and would not qualify as a single ballot measure today.



"Colorado's TABOR Amendment is the most restrictive government spending limitation of any state in the nation."

One group, [Building a Better Colorado](#) has been on the road systematically peeling back layers of the state's fiscal onion in order to instruct and get feedback from citizens. The results of their work will inform Governor Polis and the legislature which are carefully considering putting a much-needed fiscal reform before the voters.

BABC held information gathering sessions last month across the state that were attended by many of our local partners. I joined the Eagle County session on May 13th and was impressed with how **Reeves Brown** facilitated the large group through a complex, touchy set of topics, exemplifying BABC's mission statement which reads "to address our common challenges in a way that brings people together." Their [website](#) boldly states, ***"Its not about Politics, it's about shared solutions."***

The session explained the mechanics of [TABOR](#), [Gallagher](#) and [Amendment 23](#) and then polled those present on various options for reform. BABC has positioned itself as the go-to resource on these topics (see links). Brown took the time to explain how each measure "seemed like a good idea then," and what each had wrought over time. The BABC website is a wealth of information, for those wanting a quick refresher in a variety of narrative, graphic and video formats and a whole lot more for those desiring a "deep dive."

Even with the ruling, there are two other constitutional amendments which will require their own reform via the ballot. So brush up on your Colorado State constitution and state budget knowledge. This is your closet cleaning to do before the ads paid for by billionaires reduce the conversation to a shrill muddle. I suggest starting with the links above. By starting now, the task of cleaning the "Augean Stables" will be much reduced.

**Grand County Commissioners are cleaning closets
and they are not alone**

I watched for two hours, and it was interesting. Grand County BOCC held a hearing on June 11th to review "Zoning Regulations, Indoor Storage, Outdoor Storage, Site Plan Review and their Definitions." Yep, the conversation was as broad as the title. During the two-hour session, Harvard educated County Planner **Joan Lyons** explained proposed revisions to the regulations. She listened to the BOCC and the public wrestle with the reasoning behind each clause and then collaborated to generously wordsmith the language on the spot during the hearing. I don't think in a quarter century of public meetings I have seen editing done live during a hearing.



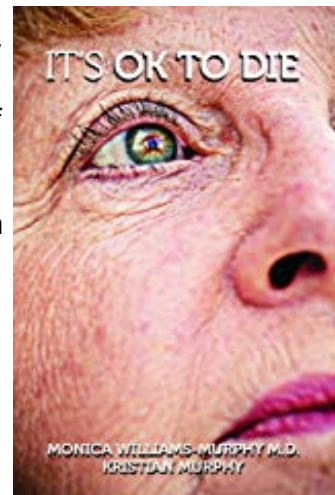
Just about every one of the 28 jurisdictions in NWCCOG, beyond tending to the regular business of governance, is undertaking ambitious revisions of foundational regulations, codes and laws, often revisiting many at once. Each is unique. This is the downside of our value for local control. There is no template for default.

Watching Grand County from the pews did have me wondering if in the age of Wikipedia, Google Docs and "there is an app for that" if there was a better way to take in such granular input on massive tomes of public interest. Track Changes in WORD doesn't work for a thousand staff, elected and citizens. Is there a way to take input on a very large document at a community level? I have not seen it. If you have, please share.

What I really liked about what I observed in Grand County was the underlying message to anyone in the room. Policy is not written in stone. There was no air of defensiveness. The conversation was narrow at times as most public input is (let me tell you how this affects me) , then broad and philosophical from a community perspective stepping back to contemplate, "what are we trying to solve with this and what are the implications?" I also liked the underlying message, which is that leadership in Grand County will take the time to listen and do it in a public hearing. Note that closet cleaning can be more complicated by committee.

Dying Well: "It can be a beautiful gift"

On June 6th, four of us from NWCCOG Agency on Aging attended an evening session of the Vail Symposium by **Dr. Monica Williams** author of *It's OK to Die*™... *when you are prepared*, and **Dr. Christopher Kerr** of the Center for Hospice and Palliative Care who shared his study of the importance of validating the dreams and visions of the dying. Kerr highlighted through interviews with hospice patients that the subconscious works tirelessly to circle back and tie up loose ends for us that we don't often work through in our consciousness. If only nations had a conscious and a subconscious. In other words, the mind will attempt to do housecleaning at the end of life if you don't. (Wouldn't it be great if public policy worked that way?) Though each were doctors, they spoke of the limitations of a doctor's scope of work and training having limits as a patient approaches the end of life. Doctors are trained to save, not to be poetic or philosophical.



Williams urged proactivity. She said that she had seen how "dying can be a graceful, uplifting experience." Only if it is contemplated and openly discussed. Williams spoke of the 80-80 dilemma, how 80 % of us wish to die in our home, while 80% of us die in an institution, all too often in an ICU with a doctor helping them cling to life.

Only about 20% of those entering this stage have discussed their wishes or shared a plan with loved ones. Williams acknowledged there are cultural barriers to this: it is taboo, we are disconnected in space, time and emotionally from each other, we have infinite faith in medical technology, and doctors are trained to keep us alive no matter what. She suggested 5 steps:

1. Make your wishes known. An advanced directive is an act of love to your family.
2. Understand the role of palliative and hospice as a step back from medical care before death; it is part of the rounding out of life, letting go, tending to emotional closet cleaning rather than fighting it out until the last gasp
3. Leave the legacy of your story--it is sacred and holy to your loved ones, and they will feel less lonely for knowing you. This can be done many ways but takes time.
4. Start conversations with your loved ones beginning with these 6 prompts:
 1. Please forgive me for...
 2. I forgive you for...
 3. Thank You for...
 4. I Love You
 5. It is OK for you to die (permission)
 6. Say Goodbye
5. Celebrate life even in the end

Williams also suggested that since 20% of people will die unexpectedly, perhaps we each ought to have those 6 conversations more regularly. After listening to the two speakers, I am quite sure that in sudden death what the mind is doing is trying to reconcile by having our life "flash before our eyes."

Be Prepared for a "First Amendment Audit"



At the CIRSA general membership meeting this past week, **General Counsel Sam Light** provided an update on a trend that all NWCCOG member staff and elected should be aware is afoot. "Citizens" descend on town hall to attempt to provoke staff, often police or elected officials to "violate" their first amendment right of free speech, usually filming video from their phones in public places.

These visits are unannounced planned visits to make public officials uncomfortable, create stress, and act rashly in a way that can open the door to a lawsuit. These people are often from organized groups that know exactly how to walk up to the line. Colorado is a single-party consent state so consent of the person being taped is not required. Light notes that "you cannot record here" is not an appropriate approach.

For most areas chosen for the confrontation, usually public buildings or spaces, there is no legal basis for trespassing and no requirement for the visitor to demonstrate that they are there on public business. The key is training staff to secure and label "non-public places" in advance and to be prepared to shield non-public information from view when necessary. CIRSA has resources to assist in training and planning for this including these [articles](#).

At a CIRSA law enforcement roundtable I attended the following day, **Thomas S. Rice** of Senter, Goldfarb & Rice LLC doubled down on First Amendment Audits to law enforcement. He noted that police who are "baited" must be prepared to focus on conduct rather than content in responding. Police have much greater ability to regulate conduct, that is, real threats, physically threatening actions, blocking traffic or access to a public building than they do to address vulgarity or profanity. Speech is protected under the first amendment which as he noted "has nearly absolute protection as any law." Very narrow exceptions allow constraint of free speech in time, place and manner. He noted that public comment is not required by law, and some entities have done away with it. If

you do allow comments on items not on the agenda, have very clear rules and apply them evenly. Those using the forum to bait officials then can be constrained by time and place. "Thank you sir, your three minutes is up." Just don't allow "friends" of the municipality to have more time during citizen comments periods.

More on Law Enforcement

At the CIRSA law enforcement round table, Rice also explained the intricacies of a number of evolving topics of interest with little developed law. It can take 5 to 7 years for a civil rights case to wind through appeals or to supreme courts. Examples include right to privacy regarding search of RVs or other makeshift structures (homeless tents/ camps), dealing with the mentally ill and the rights of the homeless and use of drug sniffing dogs. Your no camping or laws to prevent homelessness are very likely illegal, and pot sniffing dogs just became obsolete. He cited a 2019 case, **People v Mc Knight** in which because of Amendment 64 legalizing possession of Marijuana that use of a dog for probable cause outside a vehicle may now be an unreasonable search. Bottom line, it is a challenging time to be a peace officer. As managers and elected officials, please be sure your police department has the resources to stay current with their evolving role in mental illness. Far too few officers have Crisis Intervention Training for the mentally ill.

Not staying current with training as our culture and the law shifts, is another form of not cleaning our closets.

Speaking of de-cluttering -- it works for your mind too...

In keeping with the theme of spring cleaning and cleaning out closets - the NWCCOG Wellness article this month is all about the mental health one gets from having a clean work-space. In her book *The Life-Changing Magic of Tidying Up*, Marie Kondo asserts that clearing out mental and physical clutter opens up enormous space and clarity." She adds, "At its heart, cleaning up is about prioritization and efficiency, about stopping to take stock of what's truly essential to fulfilling your mission and then doing the hard work to eliminate all the other noise."



The vision behind her approach makes Kondo different from other organizing experts. According to her book, the goal is not just neatness but a restart in life. "The act of cluttering is really an instinctive reflex that draws our attention away from the heart of an issue," she wrote. "When your office is clean and uncluttered, you have no choice but to examine your inner state.... You will be compelled to reset your life. As a result, your life will start to change."

At work, similar benefits can be gained with a tidy space. "A cluttered desk is a time suck. It forces our brain to constantly re-assess what we need to do. Clutter in paper form is usually just delayed decision-making."

If you want to be most efficient and effective at work, you'll take the time to de-clutter your space. To find out more read *The Wharton School of Business* newsletter [here](#).

NEXT 2019 NWCCOG COUNCIL MEETING

Thursday, July 11, 2019

Full Council Meeting

Location: Colorado Mountain College, 1402 Blake Ave., Rm 301 Glenwood Springs, CO

Time: 10:00 a.m. - 1:00 p.m.

Northwest Colorado Council of Governments

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