

SUMMARY OF THE WELD COUNTY HOME RULE CHARTER

Article I: Name, Nature, Boundaries County Seat

Article I of the Weld County Home Rule Charter (“the Charter”) retains the name “Weld County,” establishes the legal status of the County as an agency of the State of Colorado and a body politic and corporate, sets the physical boundaries of the County to be as prescribed by State law, and continues the county seat as Greeley, Colorado, although County buildings and facilities may be located elsewhere in Weld County.

Article II: County Powers

Article II authorizes Weld County to exercise and provide all mandatory and permissive powers and functions provided by law for statutory *and* home rule counties. The intent and purpose for the adoption of the Charter is to ensure Weld County government has all the prerogatives and powers of local government that are now or in the future available to it. All executive, administrative, and legislative powers, functions, duties and prerogatives are vested in the Board of County Commissioners of Weld County (“the Board of County Commissioners” or “the Board”) and the County’s elected officers. The executive and administrative powers of the Board may be exercised by the County’s departments, but legislative powers are reserved in the Board. The Board is authorized to enter into cooperative contracts or agreements with other governments.

The Charter is to be liberally construed. No powers mentioned in the Charter limit the powers of the County. Instead, the County has all powers necessary to conduct its affairs as afforded by the laws of the State of Colorado and of the United States.

Article III: Board of County Commissioners

The Board of County Commissioners consists of five members. Three Commissioners are elected from geographic districts. Boundaries of the districts may be altered not more than once every two years to make them nearly equal in population. Commissioners elected from districts must reside within their districts when nominated, elected or appointed and during their terms in office. The remaining two Commissioners are elected from the County at-large. No person may serve more than three full consecutive terms as Commissioner.

At their first meeting in January each year, the Commissioners select a Chair and Vice-Chair. The Chair or Vice-Chair presides over meetings of the Board. The Chair coordinates the Department of Finance and Administration. The other three County departments are coordinated by one Commissioner with assistance from another Commissioner.

The Board appoints a Clerk to the Board who is custodian of the County seal and the Board’s records and documents. The Clerk to the Board performs the administrative work associated with the Board’s official meetings.

The Board is the governing body of the County. As such, it exercises all powers and performs all duties required or permitted by State law for County Commissioners of statutory *and* home rule counties. Article III enumerates Board's powers and duties. They include:

1. Determining County policy and enact legislation by ordinance, including the adoption of an administrative code;
2. Being responsible for the proper exercise of executive and administrative powers and duties by the County's departments;
3. Appointing, removing and establishing qualifications for department heads, and appoint or remove the County Attorney;
4. Developing a system of employment for Weld County employees, complete with policies, rules, job classification and compensation plans;
5. Initiating lawsuits or legal actions on behalf of Weld County;
6. Appropriating funds;
7. Establishing and levying taxes, charges, fees and licenses;
8. Purchasing, owning, or selling real and personal property;
9. Approving and executing all contracts on behalf of the County;
10. Hearing complaints or appeals of actions taken by County boards, commissions and departments;
11. Providing for reimbursement of expenses of food, travel and lodging incurred by elected officials, employees and members of appointed boards or commissions; and
12. Performing or providing for the performance of all permissive functions, services, facilities and powers that may now or in the future be assigned by the Charter, and those mandatory duties, responsibilities or functions required of the County by State law.

Compensation of the Commissioners is set by the Weld County Council.

Official meetings of the Board are open to the public and a record of the proceedings is taken and preserved. No action may be taken by the Board except at an official meeting. Official meetings consist of regular and special meetings. Regular meetings occur twice a week. A quorum of three Commissioners is required to transact business. The adoption, amendment or repeal of any resolution or ordinance requires the concurring vote of three Commissioners.

Article III provides a procedure for the approval of ordinances by the Board. All ordinances must go through a three-reading process, unless they are emergency ordinances which require only one reading but a four-fifths vote of the Board.

Vacancies in the office of Commissioner are filled by appointment of the County Council. Vacancies in the elected offices of Assessor, County Clerk, and Sheriff are filled by appointment by the Board of County Commissioners. An appointee must be of the same political party as that the previous officer.

Article IV: Departments of County Government

Article IV establishes four County departments: Finance and Administration, Health Services, Planning Services, and Public Works. Each department is administered by a director or directors appointed by the Board of County Commissioners. Departments may include various divisions. Each department director is responsible for the appointment, promotion, discipline and discharge of department employees.

The Department of Finance and Administration, under the direction of a Finance Officer, prepares an annual draft budget, monthly financial statements, and budget and appropriation reports and ordinances. Finance and Administration maintains and operates a Central Purchasing Office for the County.

The Finance Officer is the County's Chief Accounting Officer. He or she is required to exercise control over purchases and expenditures, and must keep the Board of County Commissioners advised of the financial condition and future needs of the County. The Finance Officer is responsible to the Board for the proper execution, administration and functioning of the affairs of the County departments and divisions, and must ensure that the activities of those departments are consistent with the policies determined and set by the Board.

The Department of Finance and Administration includes the Division of Human Resources and such other divisions the Board may establish.

Human Resources is required prepare for the Board a personnel system, which includes employment policies, rules job classification and employment plans "in accordance with generally accepted personnel principles." All employees of the County are included in the personnel system, except the Undersheriff, the chief deputy of each elected official, the County Attorney and Assistant County Attorneys, temporary employees, advisors, consultant retained by contract, and those divisions exempted by the Board of County Commissioners. Elected officials have direct authority over the employees in their respective offices. No employee may engage in any political activity during working hours. No director or supervisor may employ or request the employment of a spouse, parent, child, brother, sister or in-law.

The Department of Health Services is led by the Director of Public Health. The Director has all powers and duties provided by State law, and has direct supervision of Environmental Health Services.

Article IV requires the Board of County Commissioners to appoint a nine-member Board of Public Health. The Board of Public Health is tasked with studying County health programs and directing their implementation in cooperation with the Health Director and the Board of County Commissioners.

Article IV also requires the Board of County Commissioners to appoint members to a Hospital Board of Trustees.

The Department of Planning Services includes the Division of Planning, Zoning and Inspection, and such other divisions the Board may establish. Planning Services provides support to the Planning Commission, the Board of Adjustment, and the Board of County Commissioners on all land use matters. A Planning Director is appointed by the Board of County Commissioners to administer and coordinate the activities of the Department of Planning Services, including the issuance of building permits and the performance of building, electrical and plumbing inspections.

The Planning Commission is composed of nine members appointed by the Board of County Commissioners. It acts and decides on all petitions and applications submitted to it pursuant to State law or regulation, and performs such functions and duties as provided by law and as directed by the Board of County Commissioners.

The Board of Adjustment is comprised of five members appointed by the Board of County Commissioners. It considers appeals of an order, requirement, decision, or determination of the Planning Director, and variances from the strict application of the County's zoning regulations.

The Department of Public Works may include such divisions as established by the Board of County Commissioners, and performs such functions and duties as the Board directs. The Board of County Commissioners is required to appoint a Director of the Department of Public Works who may be the County Engineer. The County Engineer performs functions and duties as directed by the Board of County Commissioners and the duties required by State law to be exercised or performed by a county surveyor.

Article V: Department of Law

The Board of County Commissioners appoints the County Attorney. The County Attorney must be a resident of Weld County and have been licensed and practiced as an attorney in the State of Colorado for at least five years prior to appointment. The Board may also appoint as many Assistant County Attorneys as it deems necessary. The County Attorney exercises all legal and administrative functions of County government as required by State law or directed by the Board, and acts as the Board's legal advisor and legal advisor for all departments. The Board may direct the County Attorney to provide written opinions on questions of law which are part of the public record, or to represent County officers, employees or appointed County boards and commissions and their members in suits, actions and other legal proceedings.

The Board of County Commissioners may appoint special council to make investigations and represent the County in suits by and against the County, its officers or agencies.

Article VI: Elective Officers

Weld County has elected and appointed officers. The five County Commissioners, Assessor, Clerk and Recorder, Sheriff and five County Councilmen are elected. The Coroner and Treasurer are appointed by the Board of County Commissioners and are within the County's personnel system. The compensation of the Coroner and Treasurer are set by the Board.

Elected officers must be qualified electors of the County, have resided in Weld County for at least one-year preceding election, be at least 21 years of age, and take an oath of office. Each elected term is four years. Compensation of the Commissioners, Assessor, Clerk and Recorder, and Sheriff is set by the County Council. They must execute a surety bond in an amount approved by the Board of County Commissioners.

Article VII: Assessor

The Assessor exercises the powers and performs the acts and duties required of or may be performed by county assessors pursuant to State law. The Assessor must appoint a Chief Deputy to act in the Assessor's absence or disability, or in the case of a vacancy in the office of the Assessor until the vacancy is filled. The Assessor may appoint other deputies as necessary to carry out the duties of the office. No person may serve more than three full consecutive terms as Assessor.

Article VIII: County Clerk

The County Clerk exercises the powers and performs the acts and duties required of or may be performed by county clerks pursuant to State law, except for the functions and powers assigned to the Clerk to the Board in Article III. The County Clerk must appoint a Chief Deputy to act in the County Clerk's absence or disability, or in the case of a vacancy in the office of the County Clerk until the vacancy is filled. The County Clerk may appoint other deputies as necessary to carry out the duties of the office. No person may serve more than three full consecutive terms as County Clerk.

Article IX: Coroner

The Coroner exercises the powers and performs the acts and duties required of or may be performed by coroners pursuant to State law. The Coroner must appoint a Chief Deputy to act in the Coroner's absence or disability, or in the case of a vacancy in the office of the Coroner until the vacancy is filled. The Coroner may appoint other deputies as necessary to carry out the duties of the office.

Article X: Sheriff

The Sheriff must be a graduate of a certified law enforcement academy or institution requiring at least 90 quarter (60 semester) credit hours for graduation; or have a minimum of five years' as an administrator in law enforcement at a role of sergeant or above. The Sheriff exercises the powers and performs the acts and duties required of or may be performed by

sheriffs pursuant to State law. The Sheriff must appoint an Undersheriff, to act in the Sheriff's absence or disability, or in the case of a vacancy in the office of the Sheriff until the vacancy is filled. The Undersheriff must have an associate of arts degree, or its equivalent, in police science, police administration, or some related field. The Undersheriff must have at least five years' law enforcement experience, including substantial administrative and personnel experience. No person may serve more than three full consecutive terms as Sheriff.

Article XI: Treasurer

The Treasurer exercises the powers and performs the acts and duties required of or may be performed by county treasurers pursuant to State law. The Treasurer must appoint a Chief Deputy to act in the Treasurer's absence or disability, or in the case of a vacancy in the office of the Treasurer until the vacancy is filled. The Chief Deputy must have a minimum of five years' experience in handling the type of investments handled by the Treasurer. The Treasurer may appoint other deputies as necessary to carry out the duties of the office.

The Treasurer is required to deposit funds in appropriate accounts in accordance with State law, giving preference to Weld County financial institutions. Interest collected from County funds received should go in the county's general fund, unless by resolution, the Board of County Commissioners directs the money to a different fund.

Article XII: Office of County Surveyor Abolished

Article XII abolishes the Office of the County Surveyor. The County Engineer is required to exercise the powers and perform the acts and duties required of or may be performed by county engineers pursuant to State law.

Article XIII: County Council

The County Council consists of five members; one elected from each of the three geographic districts and two at-large. Councilmen representing districts must reside within such districts when nominated, elected or appointed, and during their terms of office. Councilmen may not hold other County elected offices during their terms of office as Councilmen, nor may they be County employees. No person may serve more than three full consecutive terms as a Councilman. Councilmen are not compensated for their services, but may be reimbursed for actual and necessary expenses incurred in the performance of their official duties. Vacancies in the office of Councilman occur when a Councilman dies, resigns, is removed from office, moves from the district from which he or she is elected, is incapacitated, recalled or becomes a candidate for a County elected office or an employee of the County, or when no person has been elected to the position of Councilman.

The County Council is required to meet at least monthly. A quorum of three Councilmen is required to transact business. The adoption, amendment or repeal of any resolution requires the concurring vote of three Councilmen.

Article XIII enumerates County Council's powers and duties. They include the following:

1. Setting salaries of County elected officials.
2. Employing a secretary and other employees, as necessary, pursuant to the County personnel system.
3. Filling by appointment vacancies in the office of County Commissioner, and in the office of Councilman.
4. Considering the suspension with pay of a County elected officer who is the subject of a petition for recall.
5. Considering the suspension with or without pay of a County elected officer who is charged or indicted for the commission of a felony or a class 1 or 2 misdemeanor pending prosecution and disposition of the case.
6. Reviewing all aspects of County government and make periodic reports to the people of Weld County regarding expenditures, efficiency, responsiveness, and adherence to statutes, laws, and regulations. To assist in preparing reports for the people, the County Council may appoint an independent performance auditor.

Councilmen must be nominated to the ballot without regard to political affiliation by a petition containing at least 100 signatures of qualified electors who reside within the candidate's district, or reside in the County for at-large candidates. Councilmen must be elected by a majority vote of the qualified electors voting on such position. Terms for Councilmen are four years, with each Councilman being allowed to serve three full consecutive terms.

Article XIV: Finance and Budget

The County's fiscal year is from January 1 to December 31. The Director of the Department of Finance and Administration is responsible for preparing a recommended budget for the next fiscal year, including recommended operating expenses, capital expenditures, and revenue sources. The Board of County Commissioners must hold at least one public hearing regarding the budget after ten days' notice to the public of such hearing. The Board must adopt the budget, adopt an ordinance appropriating funds for the next fiscal year, and certify the taxes to be levied. The Board has the authority to adopt emergency appropriations at any time during the fiscal year upon a declaration that an unforeseen disaster or emergency exists. The Board may request the Director of Finance and Administration to create a five-year capital improvements plan and budget.

The Board of County Commissioners must provide for an independent annual audit of all County accounts and funds, and more frequent audits as deemed necessary.

The incurring of debt, the issuance of evidence of such debt, and the pledging of revenues is authorized in accordance with State law.

Article XIV institutes an annual tax revenue growth limitation of five-percent. Article XIV provides a procedure whereby the County Council may grant an increased levy for the County in such amount as it deems appropriate.

Article XIV provides that any one project requiring a capital expenditure out of funds procured by ad valorem taxation equal to a three-mill levy for three years must first be approved by a majority vote of the County's qualified electors at special or general election.

Article XIV requires the Board of County Commissioners to adopt bidding procedures which assure open and competitive bidding on all County purchases. The Board is to give preference to resident Weld County bidders in all cases where bids are competitive in price and quality.

Article XV: Elections

Elected officers of Weld County are nominated and elected pursuant to State law at general elections. Special elections may be called by the Board of County Commissioners and are conducted in accordance with State law.

Article XV sets forth procedures for recall of elected officers. A recall petition may be submitted to the County Clerk at any time; however, once an election on recall has been held, no other election on recall of the same officer may be held for at least one year. The petition must contain signatures of qualified electors representing fifteen-percent of the total number of votes cast for that office in the last preceding election within the district from which the officer was elected, or within the County in the case of an officer elected at-large. Once a valid recall petition has been submitted to the Board, the recall election must be held at either a general election or a special election, depending upon if the submission to the Board was within 120 days of the general election date.

Article XV sets forth procedures for initiative and referendum. An ordinance or resolution may be initiated by petition. A referendum on an enacted ordinance or resolution may be had by petition, or the Board of County Commissioners may provide for a referendum on its own motion in enacting the ordinance or resolution.

Article XV contains a provision requiring that before a certificate of occupancy is issued for a correctional facility, pre-parole facility, jail, prison or other place of incarceration, the location and siting of such building must be approved by a majority of the registered electors of Weld County voting at a regular or special election held on such question.

Article XVI: General Provisions

Article XVI is comprised of various requirements, grants of authority, and rules, including the following:

1. Requiring the Board of County Commissioners to provide for continuity of government in the event of disaster;

2. Authorizing the Board to exercise the powers of eminent domain, as provided for in State law;
3. Establishing rules regarding severability of Charter provisions, the meaning and importance of article and section titles in the Charter, what is included in the term “public notice,” and the composition of, member term limits, and effect of the recommendations of appointive boards and commissions;
4. Listing when elected offices become vacant;
5. Establishing ethics rules and standards; and
6. Providing definitions of various words and terms set forth in the Charter.

Article XVI authorizes the imposition of a solid waste surcharge, sets forth the procedures for its collection, and lists what the money, once collected by Weld County, may be spent on.

Article XVII: Amendments to Charter

Article XVII sets forth the procedures to amend or repeal the Charter. Charter amendments are initiated by either a petition signed by at least five-percent of the total number of registered electors of the County, or by resolution adopted by the Board of County Commissioners submitting the proposed amendment(s) to the qualified electors of the County. Any proceeding to contest the adoption of a Charter amendment must be initiated within one-hundred eighty days after the election adopting the measure. Action to repeal the Charter or to form a new Charter commission may be initiated by a petition signed by at least fifteen-percent of the qualified electors of the County. No proposal for a Charter commission, Charter amendment, or repeal of the Charter may be initiated within twelve months after rejection of a substantially similar proposal.

Article XVIII: Transitional Provisions

Article XVIII addresses various issues regarding transition from statutory to home rule government. The transition occurred on January 1, 1976.