

***AD-HOC Weld County Home Rule Charter
Amendment Study Committee
Meeting Minutes March 21, 2018***

I. CALL TO ORDER – ROLL CALL:

Jackie Johnson, Chair, called the meeting to order at 6:29 p.m. The following Committee members were present: Sam Gluck, Al Dominguez, Mark Lawley, Dave Kisker, Justus Pettit, Garrett Varra, James Welch and Ray Patch. Also present were Bruce Barker - County Attorney, Jennifer Finch – Public Information Office (PIO), Karla Ford - Board of County Commissioners’ Office Manager, and Esther Gesick - Clerk to the Board.

II. APPROVAL OF MINUTES – MARCH 13, 2018: Ray Patch moved to approve the Minutes of March 13, 2018. The motion was seconded by James Welch, and it carried unanimously.

III. OLD BUSINESS:

- A. Review and revise public outreach meeting schedule: Karla Ford submitted the confirmed schedule and public meeting locations. After review, Mark Lawley moved to accept and confirm the regular and public meeting schedule. The motion was seconded by Al Dominguez and carried unanimously. Ms. Johnson stated she was contacted by County Council member, Gene Stille, who told her the County Council wanted the Study Committee to attend a Council meeting to provide a progress report. Instead, she recommended the Council members review the information and minutes provided on the website, to listen to audio recordings, and to feel free to make a presentation to the Charter Committee with any comments they may wish to submit for consideration. Following discussion, the Study Committee agreed to extend an invitation to the County Council to present their comments at the public meeting scheduled for April 25th to be held in the Weld County Administration Events Center, in Greeley.

- B. Communications Plan: Jennifer Finch displayed and provided a brief overview of the current version of the 2018 Home Rule Charter (HRC) web page. She also provided a copy of the Press Release with meeting dates/locations to be posted on Facebook and forwarded to media outlets which may generate some news stories and further publicize the website. She will also provide Facebook posts as reminders inviting public participation. Ms. Finch stated a group Email has been set up so that any messages received from the public will be forwarded directly to the Study Committee members, with an automatic reply sent to the submitter. Lastly, she reported there will not be funds designated for advertisement; however, she plans to provide information to the municipal PIO network and various social media outlets to spread the information. She is also working to finish the HRC summary notes for use in public education, and Minutes will be posted on the website the day after they are approved by the Study Committee. She noted Ms. Ford will remain the point of distribution and minutes will be provided to the Chair for comment prior to being sent to the entire group. Mr. Kisker inquired whether the minutes can be distributed and approved

electronically to expedite availability for public comment. Following discussion, it was agreed to maintain the current process for interim review and approval at the following meeting.

- C. Colorado Open Records Act (CORA): Bruce Barker gave a brief overview of CORA and stated it includes any communications and/or documentation of all public records, including emails amongst the group. He explained it is up to the members as to how they maintain their personal emails; however, if there is a CORA request and records are accessible, then they are subject to CORA. He reminded the members to be mindful of decorum and professionalism in their communications.
- D. Responding to emails: Through discussion it was agreed that none of the Study Committee members should respond to emails individually; however, they can be subject to group discussion if it is relevant to the topic.
- E. Decision regarding audio recordings of meetings: The Study Committee agreed to provide copies of the audio recordings on the web page, which will be done following a 3/22/18 meeting among County staff and IT concerning the technical aspects of posting large audio files.

IV. NEW BUSINESS:

- A. Report of County Attorney regarding possible Charter Amendments: Bruce Barker referenced a Memorandum handout, dated March 19, 2018, a copy of which is attached hereto as Exhibit A. Following Mr. Barker's presentation of the sections summarized below, the Study Committee agreed to review the proposed changes for further consideration and possible action in the future. Specifically, Mr. Barker addressed the following portions of the Home Rule Charter:

Section 2-3: The existing language is acceptable; however, the highlighted text within Section 29-1-203, C.R.S., is more expansive. Any recommended revisions to the Charter will require approval by a vote of the public for formal enactment.

Section 3-6 and 4-1: The reference in subsection (1) to the "Department of Finance, Central Purchasing and Personnel" was missed in a prior revision and should have been updated to reflect the "Department of Finance and Administration". Additionally, subparagraph (2) should be reduced from four (4) to three (3) other major departments. Mr. Barker explained the Department of Human Services is a department and function of the State; however, it is a mandate of the State that certain responsibilities must be carried out by the County, and thus, the Department has been coordinated by a Commissioner, with the entire Board of County Commissioners sitting as the ex-officio Board of Social Services.

Section 3-8: The references to "contracts" and "disposition of real property" are proposed for deletion so that those actions are not subject to the formal ordinance process. There was discussion exploring the original intent of the Charter.

Section 3-9: This provision concerning the compensation of the Commissioners may be eliminated because those amounts have been set and can be adjusted by the County Council. Following discussion, Mr. Barker stated another option would be to address compensation of elected officials in one centralized place, rather than throughout the Charter.

Section 3-11: Clarifying language to recognize the “official” meetings of the Commissioners.

Section 6-1: Concerning the issue of Elective Offices, Mr. Barker explained that the County Treasurer and County Coroner are appointed, therefore, deleting them in the first sentence would remove confusion as to the change from January 1, 2003, making those two positions appointed. That change would require similar changes in other sections to make the Charter consistent. The Study Committee also discussed the extent to which related subject changes could be combined into one ballot question. Lastly, it was agreed all references to “elective” should be changed to “elected”.

Section 10-1: The current statutory language concerning the qualifications of the Weld County Sheriff can best be discussed by Sheriff Reams, and he will be invited to present information on this matter.

Section 4-3(B): Concerning the current land ownership, financing and operations structure of NCMC Inc., Banner Health, and Weld County, Mr. Barker and Don Warden agree it needs to remain part of the Charter. Mr. Dominguez added that the primary purpose is to ensure the citizens of Weld County do not incur debt by running a hospital.

Section 14-7: The Charter places a 5% limitation on annual tax levy revenue; however, in 1992, TABOR was voted into place which also includes limitations on revenue, so many question why the Charter provision is needed. The Charter is more restrictive than TABOR, which is 5.5%. Since 2004, any revenue above the limit has been credited back to the taxpayers, to offset the TABOR limit. Although de-Brucing eliminates the TABOR limits, has never been done in Weld County, and retaining the language is advisable in the event it is needed in the future.

- B. Reports of Study Committee members regarding their review of Home Rule Charter:
- C. Suggestions regarding educational component of public outreach meetings: Chair Johnson recommended tabling Agenda items B and C until next week. Mr. Dominguez stated he will not be present next week.

- D. Suggestions regarding agenda and protocol for public outreach meetings: Following discussion, it was agreed the purpose of the public meetings is to gather information from the public. Study Committee members engaging questions and interaction without being argumentative is appropriate, but the Chair may use her prerogative to keep the conversation moving forward and time limits should be within reason (3-4 minutes), unless

there is constructive dialogue taking place. At the request of the Committee, Mr. Barker agreed staff can compile a one-page informational handout concerning the agreed upon meeting protocol. If no one is present after 30 minutes, the meeting will be adjourned. Chair Johnson stated she will not be present on April 11th, and Mr. Dominguez will Chair the meeting.

- E. Other: Jerry Kilpatrick, LaSalle resident, thanked the Committee for their willingness to serve. He requested consideration of allowing distribution of Draft Minutes for informational purposes for those who may not have been able to attend previous meetings. Lynette Kilpatrick, Chairwoman of the American Constitution Party for Weld County, stated she attended the County Council meeting, and she did not get the sense that they desired to give any sort of direction or oversight to the Charter Committee. Rather, they wished to give input and share experience. Chair Johnson confirmed the Council members will be invited to make a presentation to share their comments.

V. Adjournment

Chair Johnson adjourned the meeting at 8:40 p.m.

*Minutes submitted by Esther E. Gesick, Clerk to the Board