

***AD-HOC Weld County Home Rule Charter
Amendment Study Committee
Meeting Minutes - March 28, 2018***

I. CALL TO ORDER – ROLL CALL:

Jackie Johnson, Chair, called the meeting to order at 6:28 p.m. The following Committee members were present: Sam Gluck, Mark Lawley, Dave Kisker, Justus Pettit, Garrett Varra, James Welch and Ray Patch, with Al Dominguez being excused. Also present were Bruce Barker - County Attorney, Jennifer Finch – Public Information Officer (PIO), and Esther Gesick - Clerk to the Board.

II. APPROVAL OF MINUTES – MARCH 21, 2018: Ray Patch moved to approve the Minutes of March 21, 2018. The motion was seconded by James Welch, and it carried unanimously.

III. OLD BUSINESS:

- A. Report Concerning Communications Plan: Jennifer Finch reported the web page has been updated to include the prior meeting Minutes and audio recordings, as well as the informational flier about the scheduled regular and public meeting dates/times/locations. She stated Press Releases have been sent out announcing the meetings, and reminder announcements will be sent in advance of the future meetings. A central E-mail address is available on the web site for the public to submit comments to the Home Rule Charter Study Committee (HRCC). She referenced the Summary of the Charter which will also be posted for educational purposes. Lastly, she reviewed statistics concerning usage of the various social media venues, and confirmed that testing of downloads for the large audio files went very well.
- B. Discussion of Report by County Attorney Concerning Suggested Amendments to Charter: The HRCC members had no additional comments concerning Mr. Barker's recommendations from last week. Following discussion with the Sheriff (see Section III.C below), Mr. Barker referenced the nine (9)-page Charter Summary document, and the one (1)-page explanation of the difference between the Charter and the Weld County Code, attached to these minutes as Exhibits A and B. He stated Section 4-2(A)(6)(a) addresses the "Division" of Finance and Administration within the "Department" of Finance and Administration, which may cause some confusion and could be considered for clarification. He reported that Don Warden, as the current Director of Finance and Administration, interprets his role to be responsible to the Board of County Commissioners for the affairs of the Department, and he can address this section further if the HRCC members have specific questions. There was a general consensus that the references in the section are somewhat confusing and in need of clarification of terms and roles.

C. Report from Sheriff Reams Concerning Need for Changes to Article X: Steve Reams, Weld County Sheriff, explained Sections 10-1 through 10-7 deal with Qualifications of the County Sheriff. He stated the qualifications are also covered in State statute; however, the Charter contains stronger requirements, such as five (5) years of experience as an administrator in law enforcement at the rank of Sergeant, or above, as well as POST (Peace Officer Standards and Training) Certification. He stated Section 10-2 can be deleted, since the positions are covered by the County's insurance. With respect to Sections 10-3 through 10-5, Sheriff Reams stated the duties of the Sheriff and Undersheriff are all still very relevant. In response to Mr. Patch, he explained the Board of Commissioners has the right to enter into Intergovernmental Agreements for law enforcement services, which he is then bound to uphold, and he is committed to help and serve the citizens of Weld County, regardless of formal agreements. He stated Section 10-6 is antiquated concerning the provision of living quarters, and it is not supported by statute, therefore, it can be deleted. Lastly, he supported retaining Section 10-7 and elected terms of office, which serves as a check and balance to keep the Sheriff accountable to the citizens.

Mr. Barker agreed Section 10-6 can be deleted, and that the bonding referenced in Section 10-2 could be changed to add: "or requisite insurance as required in C.R.S." or be removed entirely and just deal with it for all elected offices in Article VI. In response to Mr. Welch, who noted the distinction between "and" versus "or" for qualifications of the Sheriff and Undersheriff, Chair Johnson commented the HRCC members will need to be mindful of making too many minor changes which may cause voters to overlook the major ballot issues. The HRCC members thanked Sheriff Reams for attending.

Mr. Barker explained the Undersheriff is an At-Will employee, similar to the Chief Deputies and Assistant County Attorneys, and they are not under the protection of certain provisions and protections of the Personnel system. He also explained the Clerk to the Board (CTB) position is called out to distinguish the role from the Office of the Clerk and Recorder as referenced in State statute. Additionally, the CTB is appointed by Resolution and falls under the direction of the Board of Commissioners and is subject to the provisions of the personnel system, as are the Treasurer and Coroner.

There was additional discussion concerning a better definition of the duties and responsibilities for the Department/Division of Finance and Administration. Mr. Barker gave examples of divisions within the Departments of Planning and Public Health and Environment. It was decided to leave this broader topic for future consideration.

In response to Garrett Varra, Mr. Barker recommended the ballot provide the exact language to be adopted and if the vote is no, then there is no change. He cautioned against summarizing ballot measures to eliminate future uncertainty as to the intent. He also recommended prioritizing the ballot measures and listing the major items first. Chair Johnson agreed with prioritizing "large" issues, which remains to be seen following public input.

D. Report concerning Communication from Gene Stille: Chair Johnson reported she sent an e-mail response to Councilman Stille and explained the various sources of information are available on the web site and he was satisfied; therefore, nothing further was needed.

E. Other: N/A

IV. NEW BUSINESS:

A. Reports of Study Committee members regarding their review of Home Rule Charter:

Mr. Varra stated in his experience the Charter seems to work very well; however, it is easy to get caught up in the details and want to fix everything, so he is still sifting through what is priority in an effort to seek an effective balance for the voters. He stated he is looking forward to hearing from other departmental and elected offices and members of the public.

Mr. Pettit inquired about Article VI and why only the Treasurer and Coroner positions were removed from being elected offices. Mr. Barker explained all of the positions were discussed; however, the Clerk and Recorder, Assessor and Sheriff positions all have a certain amount of discretion within their statutory responsibilities and it was decided the voters should be able vote for change; however, the duties of the Treasurer and Coroner were determined to be more ministerial and have less discretion. Mr. Barker advised the HRCC members to focus on the professional qualifications and consider whether that should be the responsibility and selection of the voting public, or the Commissioners.

Mr. Kisker commented he believes it is important to have diversity and it should be the responsibility of the people, rather than stacking too much power under the Board of Commissioners.

Mr. Lawley commented a couple of his questions have already been addressed by the County Attorney's memo, and he desires to hear from the public and consider their views prior to making any personal viewpoints.

Mr. Gluck stated he supports a system of checks and balances and generally term limits serve to keep corruption at bay and bring in new philosophies; however, there is the potential downside of losing a very qualified person.

Mr. Patch agreed there are housekeeping items that should be addressed; however, he plans to wait and see what issues the public may raise.

In response to Mr. Lawley, Mr. Barker stated the Commissioners did pass a Resolution concerning Section 16-8 to allow County employees to serve on appointed boards. He noted two exceptions: a school board member and a councilman who were appointed to serve on the Planning Commission.

Responding to Mr. Patch, Mr. Barker confirmed that currently there is no provision prohibiting an elected position from having a prior felony. Mr. Patch commented that may be an issue for consideration.

B. Suggestions regarding educational component of public outreach meetings: The HRCC members agreed to post the summary documents online for public review. Chair Johnson asked the County Attorney to draft a brief explanation of what Home Rule status authorizes

the County to do. It was agreed to provide the one-page summary as handouts at public meetings. Chair Johnson stated she previously emailed Mr. Barker with her thoughts on various issues within the Charter, specifically the apparent conflict of elected County Council members openly endorsing and supporting the campaigns of candidates when they may potentially set their salaries in the future. She agreed to provide a copy of the correspondence for the other HRCC members to review. At the suggestion of Mr. Kisker, it was agreed to include the Charter references in the summary documents to make it easier for the public to compare for themselves. It was also agreed to have several copies of the printed Charter available at the hearings for the public to review.

Mr. Barker reiterated that throughout the Charter many of the departmental duties are pretty general, and he recommended keeping the discussion at public meetings focused on the Charter structure, versus policy details that live in the Weld County Code. Chair Johnson agreed the intent of the HRCC is to gather information, not debate philosophies. Ms. Finch recommended providing general guidelines of what citizens should expect from the public meetings, including an option to submit their comments or questions in writing if they are not comfortable with public speaking.

C. Other – Public Comment:

Jerry Kilpatrick, LaSalle resident, agreed it would be very helpful to have copies of the Charter and the rules of engagement available for the public at future meetings.

Wolfgang Dirks, Johnstown resident, stated he served on the Trucking Community Advisory Team and, based on his experience, he suggested outreach through the local Homeowners' Associations (HOA) which can further disburse information to area residents. Additionally, he stated an Agenda was provided, the attendees were very engaging, and he encouraged the HRCC to be very open, listen, and communicate.

Skip Carlson, Greeley resident, commended the HRCC members for approaching this process with thought and no major intent for drastic changes without a strong basis to do so. He stated he was present for the vote to adopt the Charter, he fully understands its value and he believes the work of this group will produce positive results.

Mr. Barker introduced his three Assistant County Attorneys, Bob Choate, Frank Haug, and Karin McDougal.

V. ADJOURN

Chair Johnson adjourned the meeting at 8:35 p.m.

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

THE DIFFERENCE BETWEEN THE WELD COUNTY HOME RULE CHARTER AND THE WELD COUNTY ADMINISTRATIVE CODE

What is the Weld County Home Rule Charter?

The Weld County Home Rule Charter (“the Charter”) became effective January 1, 1976. The Charter’s Preamble sets forth the reasons why the People of Weld County voted in 1975 for its adoption: to avail the citizens of Weld County self-determination in county affairs as permitted by the Colorado Constitution and the laws of the State of Colorado; to provide uncomplicated, un-burdensome government responsive to the people; and to provide for the most efficient and effective county government possible.

The Charter attains the goals listed in the Preamble by establishing a structure and organization of county government in Weld County that:

1. Broadly accepts the grants of powers and authority provided statutory *and* home rule counties in State law;
2. Vests administrative, executive and legislative powers granted by State law in a five-member Board of County Commissioners, including the authority to adopt an Administrative Code by ordinance; and vests powers granted and duties required by State law in an elected Assessor, Clerk and Recorder, and Sheriff, and in an appointed Coroner and Treasurer;
3. Creates four departments of Weld County government;
4. Establishes a County Council to set annual salaries of County elected officials, fill vacancies in offices of the Board of County Commissioners, consider the suspension of elected officials who are subject to recall petition or have been charged or indicted for the commission of a crime, and review all aspects of county governments and make periodic reports to the people relating to expenditures, efficiency, responsiveness, adherence to law, and other matters the Council deems advisable;
5. Sets a 5% annual tax levy growth limitation and limits certain capital expenditures; and
6. Reserves unto the people of Weld County the right of initiative and referendum.

Amendments to the Charter must be approved by a majority vote of the registered electors who vote upon such amendments at either a general or special election.

What is the Weld County Administrative Code?

The Weld County Administrative Code (“the Code”) is approved by ordinances of the Board of County Commissioners. The Code addresses policies and procedures for County officers and employees to follow in their work, and establishes various rules and regulations governing activities of Weld County citizens. Policies and procedures for County officers and employees address, for example, general administration of county offices, human resources, social media, purchasing and accounting, and emergency management. The rules and regulations governing activities of Weld County citizens address, for example, traffic, operation of marijuana facilities, installation of culverts and cattle guards, which land uses may occur in various zones of the County, and the subdivision of real properties located in the County.



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.



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.

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

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.

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.

