

***AD-HOC Weld County Home Rule Charter
Amendment Study Committee
Meeting Minutes – April 11, 2018***

I. CALL TO ORDER – ROLL CALL:

Al Dominguez, Vice-Chair, called the meeting to order at 6:00 p.m. The following Home Rule Charter Committee (HRCC) members were present: Sam Gluck, Dave Kisker, Mark Lawley, Ray Patch, Justus Pettit, Garrett Varra, and James Welch, with Jackie Johnson being excused. Also present were Bruce Barker - County Attorney, and Esther Gesick - Clerk to the Board.

II. APPROVAL OF MINUTES – April 4, 2018: Ray Patch moved to approve the Minutes of April 4, 2018. The motion was seconded by Sam Gluck, and it carried unanimously.

III. INTRODUCTION AND PRESENTATION:

- A. GUIDELINES AND SUMMARY INFORMATION: Mr. Barker reviewed the two-page handout explaining the intent, protocol and expectations for the Home Rule Charter Study Committee (HRCC) meetings. He stated it also explains the difference between Structural Home Rule government, versus Functional Municipal Home Rule government, as well as the difference between the County Charter, versus the Weld County Code.

- B. COUNTY CORONER – CARL BLESCH: Mr. Blesch explained the role of Coroner is a state constitutional officer who is charged with determining the manner and cause of death when not attended by a physician. He reported, in 2018, he estimates the office will have jurisdiction in approximately 800 cases and complete 300 autopsies, and they are already ahead of last year due, in part, to population growth. The Weld County office is staffed by the Coroner, a Chief Deputy, and six (6) Deputies who are all full-time, and they will be adding staff due to the increased case load. He stated he and the deputies are trained and nationally credentialed through the American Board of Medical Legal Death Investigators (ABMLDI).

Mr. Blesch explained of the 64 Colorado Counties, almost all of the Coroners are elected, with Weld and Pitkin Counties being the exception as Home Rule Counties which appoint the position. He stated, in 2001, he was appointed to complete the term of an elected Coroner for Jefferson County, and also served as the Chief Deputy Coroner. He also described the education and training necessary for Forensic Pathologists, who must conduct autopsies in accordance with the standards of the National Association of Medical Examiners (NAME) which were adopted into State law. As Coroner, Mr. Blesch explained he views his primary responsibilities as taking care of families, being able to serve, taking tough questions, and providing comfort. In response to Mr. Kisker, Mr. Blesch explained the historical background of an inquest and stated they are very rare in Colorado due to the presence of forensic pathologists. He related he came close to one when working in

Jefferson County following the Columbine shooting; however, he declined based on the findings of the criminal investigation.

He reported he has been the Weld County Coroner for 15 months and has never once been contacted by the Commissioners concerning any of his investigations or decisions, whereas, when working in Jefferson County there were occasions when certain individuals would question or perhaps try to influence his decision. He stated the advantage to being appointed is he has no political aspirations or affiliations; however, he works closely with the Sheriff's Office and District Attorney and they all have a very good working relationship, with candid and open communication.

Mr. Blesch addressed various questions from the HRCC members stating, the Coroner must meet the qualifications and fulfill the statutory responsibilities, regardless of whether the position is elected or appointed, noting the checks and balances and written processes are for everyone's protection. He stated the office has two (2) primary and two (2) backup forensic pathologists and they are accountable to each other and work to prevent possible mistakes. His actions are guided by State statute, the Charter and the families he serves, who he considers his patients; he reiterated that it's about the people. Mr. Blesch confirmed his belief that the role is more controlled and accountable when appointed, which results in better outcomes even if it takes longer. He discussed the possible benefits of a forensic administrator to oversee each judicial district.

In response to further questions, Mr. Blesch described the difference between an inquest versus an autopsy, reviewed the criteria he considers when making the decision of whether or not to perform an autopsy, and explained the handling of a crime scene is a collaborative effort with law enforcement and the District Attorney. He commented that the average citizen typically does not care whether the Coroner position is elected or appointed, as long as the individual is competent and effective in their responsibilities. He referenced other individuals in some of the smaller counties who have regular lay jobs but are also very well trained and fulfill the role of Coroner with excellence. Mr. Blesch described the difference between a Pathologist and a Forensic Pathologist. He also confirmed a Coroner may fill the role of Sheriff and/or Undersheriff if they are unable to serve, but it is very unlikely that course would be pursued long term due to the demands in both roles. He discussed Weld County's process of referring pathologist work, versus a contractual arrangement, and he also explained the process for obtaining medical records and striving to complete autopsies within 24-48 hours. He noted the County does have Cooperative Agreements with other coroners for mutual aid in the event of a mass fatality incident, and they can also call upon federal resources with a disaster designation. Lastly, Mr. Blesch reiterated he has received no political pressure from the Commissioners up to this point. He agreed to submit some written qualifications for consideration by the HRCC members, noting there are two sides to a Coroner: administrator and medical training. He stated the responsibilities are defined in State statute; however, the Board of Commissioners also had certain expectations of his qualifications through the interview process.

Gerald Kilpatrick, La Salle resident, asked why 62 of the 64 counties have elected coroners, to which Mr. Blesch explained some counties are so small that it is sometimes difficult to find qualified individuals, and 2/3 of the counties do not have term limits in an effort to retain those who do qualify. He further stated there is a lot of work involved to become a Home Rule county, so the majority are subject to the statutory provision of an elected position. The HRCC members thanked Mr. Blesch for attending and for his service to Weld County.

IV. PUBLIC INPUT:

- A. Bob Grand, Keenesburg resident and local newspaper owner/editor, referenced Amendment 1B which made Weld County elected positions and employees subject to the Independent Ethics Commission (IEC). He expressed concern with the 12-month statute of limitations on complaints, but noted 1B does not preclude the County Council from looking at older complaints, which he suggested may be worth clarifying in the Charter. Mr. Barker explained Article 29 of the Colorado Constitution states every government employee is subject to those provisions and obligated to comply; however, if local procedures and/or regulations are enacted to address Article 29, then those control and Article 29 does not. He stated that is the basis of the case concerning Commissioner Cozad, which is currently before the IEC, and other Home Rule municipalities are going to take up similar arguments in other cases. He further stated in accordance with Section 13-8(6) of the Home Rule Charter, the County Council already has the authority to look into issues. Mr. Grand recommended provisions which are clearly defined and protect any citizens who file a complaint. In response to Mr. Lawley, Mr. Barker stated the Charter grants very little enforcement authority to the County Council. Vice-Chair Dominguez confirmed the HRCC members will review this matter further when considering its recommendation to the Commissioners.

- B. Karen Grillos, Hudson resident, requested the HRCC meeting minutes be posted sooner for easier review of the discussions, versus listening to the entire audio. She stated she does not support making the Clerk and Recorder or Assessor positions appointed because that puts too much concentrated power in the hands of the Board of Commissioners. She stated the Charter will continue to guide the future of Weld County, and even under good circumstances it is not wise to structure government that can control the collection of taxes and also authorize the spending, therefore, she supports making the Treasurer position elected as well. Ms. Grillos submitted her written recommendation for Charter revisions (attached as Exhibit A), which she reviewed in detail with the HRCC members. When asked to prioritize her top recommendations she reiterated elected offices should be limited to three (3) terms, with enhanced qualifications.

- C. Gerald Kilpatrick endorsed returning to the original Charter limit of two (2), four-year terms. He stated the positions should be well qualified and well paid, but agreed they should return to the private sector after their terms of public service, although going from one elected office to a different office may be allowed, but he expressed opposition to career politicians. Mr. Kilpatrick encouraged the HRCC members to clean up the

terminology and grammatical errors in the Charter, and to utilize the Election Blue Book to inform and educate the voters. He also supported strengthening the role of the County Council, including compensation (mileage reimbursement, benefits, etc.), providing a designated budget for an annual audit and independent legal counsel when needed in extenuating circumstances, and creating the authority to hear appeals of decisions by the Board of Commissioners without the cost of an attorney through the courts. Vice-Chair Dominguez commented that being too inclusive may be less effective without proper limitations. Mr. Kisker agreed there must be a limit because ultimately appeals are the purpose and role of the legal system. Regarding ethics complaints, Mr. Kilpatrick stated the County Council should be empowered to review, censor, and/or impose fines for unbecoming conduct by an elected official. Mr. Kisker commented all those powers would increase the workload of five (5) volunteers; however, Ms. Grillos and Mr. Kilpatrick did not support paid County Council positions in an effort to keep them free from influence. Mr. Kilpatrick agreed to submit his input and recommendations in writing to the HRCC members for future consideration.

- D. HRCC discussion: In response to Mr. Pettit, Mr. Barker stated the Board of Commissioners hires a consultant to conduct a financial audit, which is done annually pursuant to the Charter and state statute, and looks at financials from January to May leading into the Budget process. Mr. Kisker clarified the County Council audit would be performance driven, and Mr. Barker noted the Commissioners have the authority to request performance audits as well, and they have been hired consultants as the need arises, versus having an employed performance auditor. He further stated every Department Head is subject to scrutiny by the elected officials. Lastly, Mr. Barker explained the original Charter established two (2) consecutive terms for the Commissioner positions, however, none of the other offices were term limited until 1994 in compliance with a State Constitutional amendment.

V. ADJOURNMENT

There being no further discussion, Vice-Chair Dominguez adjourned the meeting at 8:11 p.m.

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



Thank you for your willingness to contribute your time and effort to this much needed project.

I would like to see the Minutes up much sooner, even if marked DRAFT copy. It's more do-able to read than download and listen to an entire meeting. But, to you nine volunteers, thank you.

I believe that we should NOT even consider making the CCR and Assessor appointed positions. I see there has been discussion about it. Making those positions appointed would concentrate more power into the hands of the Commissioners. Even under the best circumstances, that's a bad idea. We cannot have the elections being controlled by those behind the scenes placing props in these positions, extending their grasp even further. And, we can't have taxes being collected by those spending the money. It would be rotten business in WC, and ill logic.

For me, the last thing WC needs is more appointees. It would be unfair to the citizens, eliminating our vote, and would not be in our best interest.

I strongly believe three full terms as opposed to three full consecutive terms is more than enough for any elected. (apply retroactively)

This will allow citizens who desire to SERVE in Weld County, a welcome environment to do so. Good old boys and girls and cronies, career politicians do not allow for fresh eyes and vibrant decisions, but instead, lead to dangerous loyalties where the best interest of the county is forgotten. I believe citizens should do a public service and then return to the private sector to truly know the difficulties faced by thousands of citizens facing daily the challenges of life in the private sector. So, I strongly advocate for a maximum of three terms for every elected, not consecutive and not more appointees but fewer.

Article III BOCC

Section 3-3. - Qualifications of Members.

Commissioners from districts shall reside within their geographic districts **for at least six months prior to announcing candidacy** ~~when nominated, elected or~~ **being** appointed, and during their terms of office.

Section 3-4. - Terms of Office.

3. No person shall serve more than three full ~~consecutive~~ terms as a County Commissioner.

I think this is best for the County.

Section 3-8. - Powers and Duties.

4 (b) Enact legislation including such means of enforcement thereof as shall be authorized by law, and otherwise formally promulgate county policy. Unless otherwise required by statute, the Board shall act only by ordinance in matters of legislation, contracts **over \$150,000**, appropriations, and disposition of real property, and by ordinance, resolution or motion, as may be appropriate, in other matters. **Such amounts should have the scrutiny of the ordinance process.**

4 (c) Appoint, remove and establish qualifications of department heads. ~~— and through them, direct the functions of county offices, departments, divisions and agencies.~~

WE MUST ASSUME THE COMMISSIONERS WOULD APPOINT CAPABLE DEPT HEADS TO RUN DEPTS.

4 (d) Appoint and remove the County Attorney, pursuant to [Section 5-1](#) of this Charter, and retain such other professional advisors as the Board may deem necessary. **CONSIDER ELECTING FOR TWO or FOUR YEARS AND TERM LIMIT TO THREE. (NOT THREE CONSECUTIVE)** (strength of long term career is also the weakness. Know the charter and codes intricately.....and know the charter and codes intricately with long term loyalties) Blind loyalties are dangerous to the citizens. Additionally, salary is determined by commissioners, and that is a conflict. So, ELECT. Council would set salary, and there would not be the monetary conflict. **Another good reason for Council to have independent counsel.**

Section 3-9. - Compensation.

(3) Until otherwise set, the salary of the members of the Board shall be: Commissioners of districts 1 and 3, \$10,000.00; and Commissioner of district 2 and Commissioners at large, \$15,000.00 per year. **DELETE OR ENFORCE. ☺**

Questions/talking points

ARTICLE III - BOARD OF COUNTY COMMISSIONERS

Section 3-11. - Meetings.

(2) Special meetings shall be called by the Clerk to the Board upon the written request of the Chairman or of any three (3) members of the Board. Each member of the Board shall be provided at least twenty-four hours written notice of such meeting, served personally or left at each members usual place of residence. However, a special meeting called as herein provided may be held on shorter notice if all members of the Board are present or have waived notice thereof in writing. A copy of the notice of a special meeting shall be posted in a conspicuous place in the offices of the Board at the time such notice is given to members of the Board. No business shall be transacted at a special meeting unless the same has been stated in the notice of such meeting.

Why is a special meeting called?

Transparency is critically important, and was an audit issue.

Why not post special meeting on website?

24 BUSINESS hours notice?

Section 3-6. - Commissioner - Departments.

2. Each **ONE** of the other four major departments, as established by Article IV, shall be coordinated by **EACH AND EVERY ONE** of the other Commissioners together with assistance from another Commissioner, both of whom shall be appointed by the Board at its first meeting in January each year. **OR, taken from the WC website one year ago: "EACH commissioner (SHALL) has primary responsibility for one of the county's five departments and (SHALL) serves as an (THE?) assistant in another." TAXPAYERS AREN'T GETTING OUR MONEY'S WORTH.**

ARTICLE IV - DEPARTMENTS OF COUNTY GOVERNMENT

Section 4-2. - Department of Finance and Administration.

(A) The Division of Finance and Administration shall:

(6) The Division of Finance and Administration shall be under the direction of a Finance Officer whose duties shall include the following:

- (a) The County Finance Officer shall on behalf of the Board of County Commissioners act as Chief Accounting Officer of the County and manage, supervise, coordinate and direct the activities of the Division of Finance and Administration. He shall **reside in Weld County and** be responsible to the Board of Commissioners for the proper execution, administration and functioning of the affairs of the above described divisions of Weld County, including the performance by the respective divisions and officers of those functions, duties and services permitted or required by this Charter.

(B) The Division of Human Resources shall:

(8) The Board of County Commissioners shall appoint an appeals board to which an employee may appeal his dismissal, suspension, demotion, or other grievance. **The decision of the appeals board shall be final. (BOCC MAY NOT OVERRIDE DECISIONS.). IF A CAPABLE HR DEPT EXISTS, AND AN APPEALS BOARD, ANYTHING FURTHER IS INTRUSIVE. AUDIT ISSUE.**

Section 4-4. - Department of Planning Services.

3. (d) The term of office shall be for three years, said terms to be staggered so that two members from each geographic area and one member at large are appointed each year. The Board of County Commissioners shall make the initial appointments for one, two and three years, in order to initiate the staggered term. No person shall serve more than two consecutive terms as a member.

- **ARTICLE V - DEPARTMENT OF LAW**

- **Section 5-1. - County Attorney — Appointment.**

(1) There shall be a Department of Law, the director of which shall be known as the County Attorney. He shall be appointed by the Board for an indefinite term and his employment may be terminated by majority vote of the Board.

CONSIDER ELECTING FOR TWO or FOUR YEARS AND TERM LIMIT TO THREE. (NOT THREE CONSECUTIVE)

Section 5-3. - Duties.

(2) The County Attorney shall act as legal advisor for the Board and all departments and divisions of county government. **Except the County Council which shall have its own independent counsel.**

(4) When directed by the Board, the County Attorney shall represent the County, county officers **excepting the County Council and its members**, county employees, and appointed boards and commissions and their members in suits, actions and other legal proceedings.

(5) In the event of conflict between the Board and any other county officer, such county officer shall be represented by the Weld County District Attorney, **excepting the County Council and its members which shall have its own independent counsel.**

- **ARTICLE VI - ELECTIVE ELECTED OFFICERS**

- **Section 6-1. - Elective Officers.**

The Elective Officers of the County of Weld, Colorado, shall be five County Commissioners; five County Councilmen; one County Clerk, one County Sheriff, **one County Coroner (yes, elected)**; one County Treasurer, **one County Attorney**, and one County Assessor. The salary or compensation, term of office and qualifications of such officers shall be as provided in this Charter. Notwithstanding the foregoing or any other provision of this Charter to the contrary, effective January 1, 2003, the Coroner shall be appointed and the office operated in accordance with the terms of Article IV §4.1(4) of this Charter. Such appointment shall be subject to the rules established in the personnel system described in Article IV §4-2B(2) of this Charter. Notwithstanding the foregoing or any other provision of this Charter to the contrary, effective January 1, 2003, the Treasurer shall be appointed and the office operated in accordance with the terms of Article IV §4.1(4) of this Charter. Such appointment shall be subject to the rules established in the personnel system described in Article IV §4-2B(2) of this Charter.

Section 6-4. - Term of Office.

(3) A person appointed to complete a term for a vacant elected office shall not be required to run for election during such term. A term completed by an appointee **shall** not be considered a "full term" for the purposes of determining limitation on the number of ~~consecutive~~ terms of office the appointee is able to serve.

Section 6-5. - Qualifications.

(5)(add) Shall have no previous or pending felony convictions in any state of the US.

(This point could be added to any of the other qualifications points.)

Article XIII COUNTY COUNCIL

Section 13-2. - Qualifications of Members.

(1) Councilmen from districts shall reside within their geographic districts **at least 90 days prior to candidacy** ~~when nominated, elected or appointment~~ and during their terms of office.

Section 13.3 Terms of Office

(3) No person shall serve more than three full ~~consecutive~~ terms as a Councilman.

Section 13-8. - Powers and Duties.

(6) The Council shall review all aspects of county government and shall make such periodic reports to the people relating to expenditures, efficiency, responsiveness, adherence to statutes, laws and regulations, and other matters as the Council deems advisable. Such report or reports shall be in such form as the Council shall determine and shall be **provided on the County Council website.** ~~filed with the Board of County Commissioners and copies furnished to all elected officers.~~

(8) The Council shall develop and enforce a County Code of Ethics with precise, enforceable remedies available solely to the Council. Council decisions shall be final.

(County Code of ethics suitable to our home rule county.)

(9) The Council shall be responsible to obtain independent professional assistance in developing and implementing a Whistleblower program for County employees and electeds. The Council shall have sole authority over all associated costs and decisions.

Strengthen the Council. The Council's role must be clearly defined so that the Council shall be effective. Duties, responsibilities and authority must be better defined.

The Council:

Shall have independent budget to fulfill its duties.

Shall have independent Counsel, and sole authority to select said Counsel. (Because differences arise between oversight Council and elected officials, and attorney represents electeds and serves at THEIR (commissioners) pleasure. Clear conflict of interest.)

Shall have sole authority and duty to implement recommendations put forth by performance review audit results, and shall have sole authority over all associated costs.

Shall have sole authority to order investigations pertaining to any elected official.

Any professional investigations regarding any elected official shall be awarded by a competitive bid process, with Council having sole authority over process and award.

The President of the Council shall have standing authority and is authorized and directed to sign contracts or agreements on behalf of the Council, up to twenty five thousand dollars.

The County Council shall have sole authority to independently investigate any elected official, and impose discipline, including but not limited to censure and suspension with or without pay. No elected official shall have authority to discipline, investigate, or publicly attempt to implicate any other elected official.

(In the event of criminal activity, Council's independent counsel will assist to determine course.)

As oversight board, shall have authority to attend any or all meetings and work sessions of any elected official.

4/11/18

- **ARTICLE XIV - FINANCE AND BUDGET**

- **Section 14-2. - Annual Budget.**

(1) The director of the Department of Finance and Administration shall prepare a recommended budget for the next fiscal year and submit it to the Board. Such budget shall include recommended operating expenses, capital expenditures, and revenue sources for all departments and units of the County government, and any other information deemed necessary.

(2) The Board shall hold at least **TWO** ~~one~~-public hearing**S** on the proposed budget, **and additionally after any item is increased or decreased**. Public notice of such hearings shall be given **on the County website** at least ten days prior to the date thereof stating the time and place of the hearings and indicating that the proposed budget is available for inspection in the office of the Clerk to the Board during regular office hours, **and on the County website**, and that any interested person may file or register any objections thereto at any time prior to the final adoption of the budget.

ARTICLE XVI - GENERAL PROVISIONS

Section 16-6. - Public Notice.

Notice to the public of ordinances and of certain official acts, events, determinations, proceedings or meetings shall be given. Unless defined otherwise in the ordinances, rules or laws pertaining to the procedure to which the public notice relates, public notice may be by publication in a newspaper of general circulation in the County or by such other media and in such form as may be prescribed by the Board. When the notice informs the public of some event to take place in the future, it shall be published at least five **BUSINESS** days prior to such event.

Section 16-8. - Boards — Composition.

The members of all appointive boards and commissions shall be broadly representative of the community and geographic area served.

- (1) The members of all appointed boards and commissions shall be appointed for three (3) year terms.
- (2) No person shall serve more than two ~~consecutive~~ terms on any one appointive board or commission.
- (3) No person who has been an elected officer of the County shall be appointed to an appointive board or commission until ~~one~~ **TWO** year**S** after leaving office.
- (4) Policy recommendations of advisory boards shall be considered by the Board and either accepted or rejected. If rejected in whole or in part, the reasons for such rejection shall be stated and made a part of the Board's records, open to the public.

