

***AD-HOC Weld County Home Rule Charter
Amendment Study Committee
Meeting Minutes – April 4, 2018***

I. CALL TO ORDER – ROLL CALL:

Jackie Johnson, Chair, called the meeting to order at 6:00 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 Officer (PIO), and Esther Gesick - Clerk to the Board.

II. APPROVAL OF MINUTES – MARCH 28, 2018: Mr. Varra moved to approve the Minutes of March 28, 2018. The motion was seconded by Mr. Welch, and it carried unanimously.

III. INTRODUCTION:

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. PUBLIC INPUT:

- 1) Ms. Chris [last name protected under the Colorado Address Confidentiality Program], County resident, requested the HRCC members consider including the confidentiality issue in the Charter. She stated she has struggled with the elected County officials and various Department Heads not understanding how to work with people with disabilities. For this reason, she stated she is opposed to the current elected positions becoming appointed by the Board of Commissioners. She also expressed concern with the limitation of time on speakers at public meetings, and proposed a minimum of ten (10) minutes for public speakers. Ms. Chris also spoke concerning the position of the County Attorney and suggested it should be considered as an elected position to better serve the needs of the public. Chair Johnson summarized the issues and opinions presented: inconsiderate treatment of people with disabilities, lack of attentiveness of officials, an ombudsman available to assist the public, the County Attorney should be elected, and the Assessor position should remain elected. In response to Mr. Varra, Ms. Chris explained the situation concerning the right-of-way near her parents' home and her issues with the Assessor's Office and the difficulty in obtaining a legal description for the property.
- 2) Jeff Harbert, Pierce resident, referenced the Minutes of the March 28, 2018, meeting and noted his mother, prior Commissioner Connie Harbert, was in office when the Treasurer and Coroner positions were changed to be appointed. He questioned how a

County-appointed Coroner can fill the role of Sheriff, Undersheriff, as well as service of process, etc., in the event those officials are unavailable. Mr. Barker explained the position of Coroner can be elected or appointed, and the vote of the public was to make them appointed; however, the Coroner still has the same statutory obligations to fulfill. Mr. Kisker commented this is something he would like to give further consideration. Chair Johnson commented the positions need to be reviewed based on qualifications and responsibilities; not salaries. In response to Mr. Lawley, Mr. Barker agreed if an appointed Coroner were removed from their position by the Commissioners, the Board would have to refill the position to meet the requirements of State statute. He further stated the issue of whether the Commissioners have any power or influence over the appointed positions of Coroner and Treasurer in fulfilling their statutory responsibilities was not raised at the time this was previously on the ballot. He explained they serve at the pleasure of the BOCC, but they are subject to, and offered certain protections under, the Personnel system. He further stated there is nothing in Charter or State statute defining the chain of command as to directing the responsibilities and duties. Chair Johnson commented the Board of Commissioners does have the power to control their salary. Mr. Harbert commented the change to Article VI was voted on in an off-election year and, perhaps, if there had been more information and a larger turnout, there may have been a different outcome. He advocated for making the positions elected again. In response to Mr. Patch, Mr. Barker stated the rationale for the change was primarily dissatisfaction with the performance of the officials holding the positions at the time. Mr. Lawley stated if the positions remain appointed, he would like to explore the options for addressing protection of appointed positions for fulfilling statutory duties. Mr. Dominguez commented those two positions must have very high qualifications. Mr. Kisker agreed protection is important and suggested the option of a termed contract. Mr. Barker recommended hearing from the current appointees.

- 3) Tyler Silvy, Greeley Tribune, inquired whether the Charter can set qualifications for an elected office, and Mr. Barker confirmed the Home Rule Charter can be more restrictive or stronger than State statutes. In response to Mr. Lawley, Mr. Barker stated if no one is elected, then the position would need to be appointed by the Commissioners for the remainder of the term.
- 4) Jeannine Freeman, Ault resident, stated without adequate qualifications an elected official may not be proper for the position. Ms. Johnson stated, currently, there are no specific qualifications for the Treasurer, above and beyond the responsibilities of the Deputy Treasurer; whereas, when hiring the position, the Commissioners can select a candidate based on higher qualifications.
- 5) Sherrie Peif, Complete Colorado, commented if the positions were returned to an elected status and there was a vacancy that needed to be filled by the Commissioners, then the appointee would be filling the balance of an elected office and stand as a separate elected position which could not be removed by the Commissioners.

Mr. Barker reiterated currently these positions are protected by the Personnel system. Mr. Gluck commented there may be very qualified individuals who have earned a high salary in the private sector who may opt to serve purely for the purpose of public service. Mr. Pettit commented a contract can have adverse impacts; if a contracted person is not performing well, it could make it very difficult to resolve the situation. Mr. Kisker also referenced Amendment 1B and how it requires County elected officials and employees to comply with ethics rules.

- 6) Mr. Pettit recognized high school students, Launn Frink - FFA Secretary, and Colby White - FFA Sentinel, and thanked them for coming.

IV. Adjournment

Chair Johnson adjourned the meeting at 7:11 p.m.

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

