

***AD-HOC Weld County Home Rule Charter
Amendment Study Committee
Meeting Minutes – June 13, 2018***

(Corrected on 7/18/2018 as to motion on New Business item #1)

- I. CALL TO ORDER – ROLL CALL:** Jackie Johnson, Chair, called the meeting to order at 6:30 p.m., in the Weld County Administration Building, Pawnee Conference Room. The following Home Rule Charter Committee (HRCC) members were present: Al Dominguez, Sam Gluck, Dave Kisker, Mark Lawley, Ray Patch, Justus Pettit, and James Welch, and Garrett Varra was 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 – JUNE 6, 2018:** Ray Patch moved to approve the Minutes of June 6, 2018. The motion was seconded by Al Dominguez, and it carried unanimously.
- III. OLD BUSINESS**
- A. Additional Report to County Commissioners: Chair Johnson opened the matter for discussion. Mr. Welch proposed itemizing the topics into categories such as items eligible for recodification, and items suggested for future consideration due to economic or population changes. Mr. Kisker stated a summary would demonstrate the HRCC members reviewed a whole range of topics suggested by the public and could document input and viewpoints provided by elected officials and department heads. Mr. Lawley commented a summary would serve to bring awareness of concerns raised, such as the need for improved transparency and navigation of the website. Mr. Gluck agreed it is important to demonstrate the HRCC members made a good faith effort to explore all the topics raised and outline potential future revisions if the County’s demographics change. Mr. Kisker added it could also document those items which were discussed and determined to be unconstitutional or outside the scope of the HRCC and Charter revision. Mr. Dominguez and Chair Johnson agreed all those things could be accomplished through an introductory paragraph leading into the formal recommendation, or perhaps added as an appendix or just attach the minutes. Chair Johnson commented the summary also needs to be phrased to reflect that the topics were raised by 10-12 interested citizens. She tasked the HRCC members with submitting their recollections and suggestions to her, and she agreed to compile them in preparation for the formal presentation.
- IV. NEW BUSINESS**
- A. FINANCE and ADMINISTRATION
1. Commissioner Coordination/County Administrator Section 3-6: In response to Chair Johnson, Mr. Barker stated the Assistant Coordinator position has always been included in the Charter, and the responsibilities are generally minimal unless there are circumstances that prevent the primary coordinator from performing their duties (i.e., prolonged illness). There was discussion concerning a county manager and whether or not each commissioner should have a coordinator role because they are all independently elected. Based on previous discussion, Mr. Barker reiterated

the Department of Human Services is not a County department that is acknowledged in the Charter, rather, it is a State mandated function. Mr. Barker recommended not including a Coordinator or assistant role for the Department of Human Services in the Charter, although he confirmed a Commissioner is appointed by Resolution each year to coordinate the Department of Human Services. There was also discussion concerning the potential for prejudicial elimination of coordination responsibilities (i.e., prohibiting a Commissioner from coordinating based on political party affiliation, or trust issues, or, in the contrary, overloading a commissioner with multiple departments).

For purposes of discussion, Mr. Welch made a motion to change the language to read: *“Each of the other Commissioners shall serve as coordinator or assistant coordinator of at least one of the other three major departments as established by Article IV, with appointments being made by the Board at its first meeting in January each year.”* The motion was seconded by Mr. Kisker. Mr. Barker stated the matter is complicated by the fact that the coordinator roles are still required to be appointed by the Board, which may choose to not appoint based on some point of discretion. Mr. Dominguez commented the departments are not run by the coordinators, rather, the department heads provide reports of current or ongoing activities for the Board’s awareness. Mr. Pettit expressed appreciation for the current language which allows some flexibility to work within the various circumstances that may be encountered. Mr. Kisker commented the coordinator involvement depends on the nature of the department. Upon a call for the vote, the motion failed on a vote of 6-2 with Mr. Kisker, Mr. Welch and Mr. Gluck voting in the minority, and no change was made, with comments from Mr. Lawley and Mr. Gluck.

2. Residency Requirements for Department of Finance and Administration – Section 4-2: Mr. Kisker stated his belief that at some point this will take care of itself. Mr. Walsh stated he is used to working with members of his team who telecommute from all over the world. Mr. Dominguez commented this is a unique situation based on the Board’s perceived institutional value provided by Mr. Warden. Mr. Barker stated the County Attorney is the only appointed position that is required to be a County resident by the Charter. He added the State statutes do not allow residency requirements, so if this were to be added to the Charter, the Board would also have to pass an ordinance and codify the statement that it is highly important that the Director of Finance and Administration reside within the County. The HRCC members acknowledged this to be another instance of flexibility and not a major problem, noting that telecommuting is a new reality and Mr. Warden is encouraged to be present when needed. No change was made.
3. Budget Hearings – Section 14-2: Chair Johnson clarified the public input suggested the need for an additional public hearing during the budget review process. Mr. Barker explained various issues are raised during the early warning budget hearings in October and Mr. Warden is tasked with researching and addressing

them as part of the Final Budget hearing in December. Mr. Kisker shared his observation that there has not been the opportunity to offer public input during the October Budget hearings. Mr. Barker stated public comment is invited during the Final Budget hearing in December. There was discussion concerning the ability to provide written comment and the timing constraints for meeting the Final Budget submittal deadline. Mr. Dominguez commented that providing input does not mandate an accommodating action. Mr. Pettit suggested the topic of public input during the budget hearing process should be included in the informational section of the recommendation summary. No change was made.

B. ELECTED/APPOINTED OFFICIALS

1. Changes from Existing Status – Articles VI-XI: Mr. Barker stated, in 1976, the new Charter eliminated the position of Surveyor, and in 2002, the Treasurer and Coroner positions were changed to be appointed. Mr. Kisker noted that each of the current officials indicated the existing structure is working and an elected status does not preclude the opportunity for misdeeds. The HRCC members agreed there was nothing compelling enough to change any of the remaining elected positions, stating although the current group of Commissioners has been successful in their appointments of Coroner and Treasurer, it is still important to let the voters have a say in who enforces the law, collects the taxes, and runs the elections, independent from any input by the Commissioners. No change was made.
2. Felony Conviction Requirement: Mr. Barker explained the Secretary of State has determined that a person convicted of a felony may regain their status as an eligible elector after serving their sentence, and there is nothing in the Constitution or State statutes that prohibits voting based on a past felony conviction. However, he referenced Section 12-4-4, C.R.S., which states: “*No person convicted of embezzlement of public moneys, bribery, perjury, solicitation of bribery, or subornation of perjury shall be eligible to hold any office of trust or profit in the State of Colorado.*” He explained the situation in the City of Greeley where the council member was removed from office based on a felony conviction was litigated but not as to the constitutionality of the matter. The HRCC members discussed options for restricting eligibility for elected office via the Charter or relying on a felony conviction being public record and leaving the decision to the voters. Mr. Patch proposed the inclusion of language that requires a candidate to disclose a felony record. Mr. Kisker moved to table the matter, to allow the County Attorney time to draft possible language options. Mr. Patch seconded the motion, and it carried unanimously.
3. Residency Requirements for Elected Offices – Articles VI-XI: In response to Mr. Kisker, Mr. Barker stated there is a residency requirement for the Sheriff’s Office, as well as the other elected positions. No change was made.

4. Term Limits for Elected Officials – Sections 6-4 and 6-5: The issue of term limits was previously discussed in relation to the Board of Commissioners and elected offices in general. No change was made.
- V. **ADJOURNMENT**: Chair Johnson stated the next meeting will be held on June 20th, at 6:30 p.m., in the Weld County Administration Building – Pawnee Conference Room, to discuss the selected issues and continue forming a recommendation. There being no further discussion, Chair Johnson adjourned the meeting at 7:54 p.m.

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