

***AD-HOC Weld County Home Rule Charter
Amendment Study Committee
Meeting Minutes June 27, 2018***

I. CALL TO ORDER – ROLL CALL:

Al Dominguez, Chair Pro-Tem, called the meeting to order at 6:30 p.m. The following Committee members were present: Sam Gluck, Mark Lawley, Dave Kisker, Justus Pettit, Garrett Varra, and James Welch; and Jackie Johnson and Ray Patch were excused. Also present were Bruce Barker - County Attorney, and Esther Gesick - Clerk to the Board.

II. APPROVAL OF MINUTES – JUNE 20, 2018: Mr. Varra moved to approve the Minutes of June 27, 2018. The motion was seconded by Mr. Pettit, and it carried unanimously.

III. NEW BUSINESS:

A. REVIEW OF RECOMMENDED REVISIONS: Chair Pro-Tem Dominguez reviewed the summary of recommended revisions which have been voted on by the HRCC members, to date, a copy of which is attached as Exhibit A.

Jane Patterson, Johnstown resident and League of Women Voters representative, referenced the proposed Recodification provision and inquired concerning the criteria or standards of “substantially” when applied to Charter revisions. Chair Pro-Tem Dominguez and Mr. Barker agreed the terminology is somewhat subjective. Mr. Kisker explained there are many obsolete provisions and antiquated language which should be updated, and he expressed his belief that what is deemed “substantial” would have public oversight through the three-reading ordinance process. He stated, in theory, if members of the public are diligent they would have the ability to provide input if they feel a recommended change for recodification exceeds the scope of a minor recodification. Ms. Patterson urged the HRCC members to seek and craft concise language to eliminate concerns of misuse. In response to Mr. Pettit, Ms. Patterson stated she is in support of the idea, as long as the intent is to make the Charter clear and relevant through a transparent process. Responding to Ms. Patterson, Mr. Barker stated the handout summary is currently a draft of what the HRCC members have compiled so far for purposes of discussion, and the recommended revisions will become part of a legal document to be presented to the Board of Weld County Commissioners for consideration and placement on the November ballot.

Mr. Varra suggested recodification could be constrained to formatting of articles and sections, and use of modern language. Mr. Barker agreed it is typically limited to making items easier to find or understand without changing the intent or context of the existing language. Following discussion concerning the use of a formal definition and placement of the recommended language, the HRCC members tasked Mr. Barker with crafting language for consideration at the next General Meeting on July 11th.

The HRCC members invited any additional input that wasn't previously presented in the community and public input meetings. In response to Ms. Patterson concerning advertisement and promotion of the Charter Review process, Mr. Gluck stated initially the HRCC members requested funding which was not granted; however, it was posted on the County website, the public calendar, and the County's Facebook page. Mr. Dominguez acknowledged attendance has been sparse, in general. Ms. Patterson requested an additional public meeting. Mr. Varra commented the next meeting is open to the public and the HRCC members need to have adequate time to finish crafting the formal language prior to the presentation to the Commissioners on July 23rd. Mr. Barker agreed the proposed revisions (Exhibit A) can be posted on the County website for public inspection and review. Chair Pro-Tem Dominguez agreed to reserve the first 30 minutes of the July 11th meeting for any additional public input concerning what is detailed in Exhibit A. Mr. Gluck also noted the HRCC members have conducted 16 weekly meetings since March 13, 2018, and there were members of the public in attendance at 13 of the meetings. Ms. Patterson agreed to share the information with her distribution list of approximately 25 Johnstown residents, as well as the League of Women Voters leadership who may be able to further distribute.

- IV. **ADJOURNMENT:** The next meeting will be held on July 11th, at 6:30 p.m., in the Weld County Administration Building – Pawnee Conference Room, to take public input and discuss the draft of the introductory summary document being crafted by Mr. Kisker and Chair Johnson. There being no further discussion, Mr. Kisker moved to adjourn the meeting, which was seconded by Mr. Varra, and carried unanimously. Chair Pro-Tem Dominguez adjourned the meeting at 7:07 p.m.

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



PROPOSED CHANGES TO THE WELD COUNTY HOME RULE CHARTER BY THE HOME RULE CHARTER STUDY COMMITTEE – 6/27/18

ARTICLE II - COUNTY POWERS

Section 2-2. - Exercise of Power.

All executive, administrative, and legislative powers, functions, duties and prerogatives now or hereafter possessed by Weld County shall be vested in a Board of County Commissioners in the ~~Elective~~ Elected Officers provided for by this Charter. Executive and administrative powers, hereby vested in the Board may, to the extent provided in this Charter, be exercised by the departments herein established as agents of the Board. The legislative powers of the County shall be exercised only by the Board.

ARTICLE III - BOARD OF COUNTY COMMISSIONERS

Section 3-6. - Commissioner - Departments.

- (1) The Department of Finance, ~~Central Purchasing, and Personnel~~ and Administration shall be coordinated by the Chairman of the Board of County Commissioners.
- (2) Each of the other ~~four~~ three major departments, as established by Article IV, shall be coordinated by 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.

Section 3-8. - Powers and Duties.

- (1) The Board of County Commissioners shall be the governing body of the County. It shall exercise all the powers and perform all the duties now required or permitted or that may hereafter be required or permitted by State law to be exercised or performed by County Commissioners in either home rule or non-home rule counties.
- (2) It shall exercise all powers of the County to determine policy and to enact legislation.
- (3) It shall be responsible for the proper exercise by the County departments and other agencies established by this Charter or by the Board for all executive and administrative powers and duties delegated thereto.
- (4) Without limiting the generality of the foregoing or diminishing the total authority and responsibility of the Board as herein provided, the powers and duties of the Board shall include duties and powers to:

- (m) Approve and execute, on behalf of the County, all contracts. Contracts shall be executed for the Board by the Chairman.
- (n) Act as a Board of Appeals to hear complaints on actions taken by county boards, commissions and departments. Procedure for appeals shall be as set forth in the administrative code, or by resolution of the Board. No person shall be denied the right to appeal, provided they comply with the administrative procedures established by the Board.
- (o) Establish salaries or other compensation for the County Attorney, Assistant County Attorneys, and all other employees, or appointees not included within the Personnel system.
- (p) Provide for reimbursement of actual expenses of food, travel, and lodging necessary for performance of the duties of a County Commissioner, County Councilman, county officer, county employee, or member of an appointed board or commission.
- (q) Authorize multi-jurisdictional performance of duties and functions with other units of government, and, under procedures provided by law, cause the County to be included within such districts consisting of two or more counties or parts thereof as may be authorized or provided by law for the joint performance of county functions or the performance of regional functions.
- (r) Establish a municipal conference to be called by the Board of County Commissioners not less than three times each year to which all municipal officials shall be invited and appropriate agendas developed in order that mutual problems be considered.
- (s) Require that all inspections of whatever type made by county officers or employees be made promptly and without unreasonable delay.
- (t) Perform or exercise, or provide for the performance or exercise of, any or all permissive functions, services, facilities and powers that may now or in the future be authorized by law and not specifically mentioned or assigned by this Charter. The Board shall perform or assign any mandatory duty, responsibility or function required of the County by the laws or Constitution of the State, which may have been omitted in this Charter.

Section 3-9. - Compensation.

- (1) Compensation of members of the Board shall be fixed by the County Council.

(4) When directed by the Board, the County Attorney shall represent the County, county officers, 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.

ARTICLE VI - ELECTIVE ELECTED OFFICERS

Section 6-1. - Elective Elected Officers.

The Elective Elected Officers of the County of Weld, Colorado, shall be five County Commissioners; five County Councilmen; one County Clerk, one County Sheriff; one County Coroner; one County Treasurer; 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 6-3. - Vacancy.

Vacancies in elective elected offices, except County Commissioners and County Councilmen, shall be filled by the Board as provided by this Charter.

Section 6-5. - Qualifications.

- (1) All elected officers shall be qualified electors of the County.
- (2) All elected officers shall have resided in the County for a consecutive period of not less than one (1) year immediately preceding election.
- (3) All elected officers shall be at least twenty-one (21) years of age before assuming office.
- (1) Except for County Councilmen, each county office shall be the primary employment of the officer during the term for which he is elected or appointed.

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; except for approval of contracts for expenditures in the amount of \$2,500,000 or greater, notice shall be by two publications ten days apart prior to approval. When the notice informs the public of some event to take place in the future, it shall be published at least five days prior to such event.

Section 16-7. - Vacancy.

Every elective elected county office shall become vacant, on the happening of any one of the following events, before the expiration of the term of office:

- (1) The death of the officer.
- (2) The resignation of the officer.
- (3) The removal of the officer, by recall or otherwise.
- (4) The officer ceasing to be a resident of Weld County, or in the case of an officer required to live in a district, ceasing to be a resident of the district from which elected.
- (5) The officer's refusal or neglect to take his oath of office, or renew his official bond, or to deposit such oath and bond within the time prescribed by law.
- (6) The final decision of a competent tribunal, declaring void an officer's election or appointment.
- (7) The final decision of a competent tribunal finding an officer guilty of a crime.

Section 16-9. - Ethics Rules and Standards.

All Elective Elected Officers and employees of the County of Weld, Colorado, shall comply with the ethics rules, standards, and penalty provisions set forth in the laws of the State, including, but not limited to, Article XXIX "Ethics in Government" of the Colorado Constitution. The Board of County Commissioners shall not have the power and authority to adopt ordinances or resolutions exempting the Elective Elected Officers and employees of the County of Weld, Colorado, from the provisions of Article XXIX "Ethics in Government" of the Colorado Constitution.

