

RESOLUTION (Draft 8-21-17)

RE: SUBMITTING AMENDMENTS TO THE WELD COUNTY HOME RULE CHARTER TO THE ELECTORS OF THE ELECTION ON NOVEMBER 7, 2017

WHEREAS, the Board of County Commissioners of Weld County, Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, Article XVII, Section 17-1(1)(b) of the Weld County Home Rule Charter provides for the submittal to the qualified electors proposed Home Rule Charter amendments by Resolution of this Board, and

WHEREAS, the Board determines that the following proposed amendments to repeal Article XIII in its entirety and Sections 14-7(2)(b), 16-10(11), and 16-10(12) of the Weld County Home Rule Charter, and to repeal and reenact Sections 3-8(4)(p), 3-9(1), 3-15(1), 6-1, 6-3, 6-5(4), 6-6(1), and 14-7(2)(a) of the Weld County Home Rule Charter, eliminating the Weld County Council and all references thereto, shall be referred to the ballot for the November 7, 2017, Election (highlight and/or strikeout show changes):

Section 3-8. - Powers and Duties.

- (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:
 - (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.

Section 3-9. - Compensation.

- (1) Compensation of members of the Board shall be fixed by ~~the County Council~~ **the laws of the State of Colorado**.

Section 3-15. - Vacancies.

- (1) A vacancy in the office of County Commissioner shall be filled ~~by appointment by County Council~~ **in accordance with the laws of the State of Colorado**.

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; 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 offices, except County Commissioners and County Councilmen, shall be filled by the Board as provided by this Charter.

Section 6-5. - Qualifications.

- (4) ~~Except for County Councilmen, e~~ Each county office shall be the primary employment of the officer during the term for which he is elected or appointed.

Section 6-6. - Compensation.

- (1) Compensation of all elected officers, ~~except County Councilmen,~~ shall be fixed by the County Council **the laws of the State of Colorado.**

ARTICLE XIII - COUNTY COUNCIL. **Repealed in its entirety.**

Section 14-7. - Limitation on Annual Tax Levy.

(2) Increased levy; procedure.

- (a) If the Board be of the opinion, the amount of tax limited by the preceding Section will be insufficient for the County needs for the current year, it may submit the question of an increased levy to the County Council, ~~and the County Council shall examine the needs of the County and ascertain from such examination the financial condition thereof, and if in the opinion of a majority of the County Council that the County is in need of additional funds, the Council may grant an increased levy for the County in such amount as it deems appropriate, and the County is authorized to make such increased levy to the qualified electors of the County at a general or special election called for that purpose.~~ However, no such excess levy shall be granted which will allow a greater revenue than would be produced by applying the previous year mill levy to the current year's assessed valuation.
- (b) ~~In case the County Council refuses or fails within fifteen (15) days after submission to it of an adopted budget to grant such increased levy, or all of it, or in the event an increase beyond that which the Council is authorized to grant is sought, the question may be submitted to the qualified electors of the County at a general or special election called for that purpose.~~ **Repealed.**

Section 16-10. - Definitions.

Unless the context otherwise requires, the words or phrases defined herein shall be given the meaning set forth in this Section.

- (11) Council — The County Council. **Repealed.**

(12) Councilman—A member of the Council: **Repealed.**

, and

WHEREAS, the Board determines that the following proposed amendment to repeal and reenact Section 16-9 of the Weld County Home Rule Charter, to require all Elective Officers and employees of the County of Weld, Colorado, to comply with the ethics rules, standards, and penalty provisions set forth in the laws of the State of Colorado, including, but not limited to, Article XXIX “Ethics in Government” of the Colorado Constitution, shall be referred to the ballot for the November 7, 2017, Election (highlight and/or strikeout show changes):

Section 16-9. - Conflict of Interest **Ethics Rules and Standards.**

~~(1) General: No county officer, member of an appointed board, or employee shall have any interest in any enterprise or organization doing business with Weld County which might interfere with the unbiased discharge of his duty to the public and the best interest of the County. This restriction shall not apply where the officer, member of an appointed board, or employee's department has no direct contact nor business transaction with any such enterprise or organization.~~

~~(2) Specific:~~

~~(a) No employee of the Central Purchasing Division shall have any interest in any enterprise or organization doing business with Weld County.~~

~~(b) Neither the Treasurer nor employees of the Treasurer's Office shall have any proprietary interest in any financial institution in which the County maintains deposits.~~

~~(3) Question referred to Council:~~

~~In the event a question arises as to possible conflict of interest between any county officer, member of an appointed board, or employee, and any enterprise or organization doing business with Weld County, the question will be presented to the County Council for review, investigation, decision and resolution. The judgment and decision of the Council shall be considered final and shall be made a matter of public record.~~

All Elective 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 Officers and employees of the County of Weld, Colorado, from the provisions of Article XXIX “Ethics in Government” of the Colorado Constitution.

, and

WHEREAS, the Board further determines that the Clerk to the Board shall publish the full text of the proposed amendments within 30 days of this Resolution, along with notice that the issues of such proposed amendments shall be determined at the Election on November 7, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Weld County, Colorado, that the proposed amendments to the Weld County Home Rule Charter which

are set forth above, be referred to the ballot for the November 7, 2017, Election, and that the questions regarding such amendments be presented in the forms shown in the attached Exhibits "A" and "B."

BE IT FURTHER RESOLVED by the Board that the Clerk to the Board publish notice of the election, along with the full text of the proposed amendments, within 30 days of this Resolution in the legal newspaper for Weld County.

BE IT FURTHER RESOLVED by the Board that each elector voting at the election and desirous of voting for or against said amendment shall cast his or her ballots as provided by law either "Yes" or "No" on the propositions shown as "REFERRED BALLOT QUESTION" in Exhibits "A" and "B."

BE IT FURTHER RESOLVED by the Board that the proposition shown as "REFERRED BALLOT QUESTION 1A" in Exhibit "A" shall be deemed "passed" and effective on November 7, 2017, upon the affirmative vote of more than fifty percent (50%) of the qualified electors of Weld County who vote on the proposition at the election on November 7, 2017.

BE IT FURTHER RESOLVED by the Board that the propositions shown as "REFERRED BALLOT QUESTION 1B" in Exhibit "B" shall be deemed "passed" and effective on November 7, 2017, upon the affirmative vote of more than fifty percent (50%) of the qualified electors of Weld County who vote on the proposition at the election on November 7, 2017.

The above and foregoing Resolution was, on motion duly made and seconded, adopted by the following vote on the 28th day of August, A.D., 2017.

BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO

ATTEST:

Weld County Clerk to the Board

Julie A. Cozad, Chair

BY: _____
Deputy Clerk to the Board

Steve Moreno, Pro-Tem

Sean P. Conway

APPROVED AS TO FORM:

County Attorney

Mike Freeman

Barbara Kirkmeyer

Date of signature: _____