Performance Review of the Weld County Board of County Commissioners

Submitted to the Weld County Council by

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Executive Summary: Performance Review of the Weld Board of County Commissioners

Harvey M. Rose Associates, LLC was retained by the Weld County Council to conduct a Performance Review of the Board of County Commissioners. The County Council requested that this performance review be conducted in conjunction with a performance review of the Clerk and Recorders' Office. Our findings, conclusions, and recommendations resulting from our Performance Review of the Clerk and Recorder's Office are included in a separate report to the County Council.

The performance review, although technically not a performance audit, was conducted in accordance with Generally Accepted Government Auditing Standards, 2011 Revision, issued by the Comptroller General of the United States, U.S. Government Accountability Office as modified by directives from the County Council to ensure investigative integrity. The scope of the performance review included activities and business conducted from January 1, 2014 to the present.

The project team submitted a draft report, with findings and recommendations, to the County Council in order to solicit feedback from the Board of County Commissioners on the accuracy of findings and conclusions on August 14, 2017. The final report, incorporating comments and information provided solely from the Finance Director, was provided to the County Council on August 18, 2017. We received no feedback on the draft report from any commissioners either directly or through the County Council.

This report is structured in two sections: (1) organizational structure and division functions and (2) administrative and executive decision making. Our findings and recommendations are summarized below.

Section 1: Organizational Structure and Division Functions

The Weld Board of County Commissioners (Board) has a unique structure under the County's Home Rule Charter in which commissioners are each responsible for coordinating one of the County's five major departments. This structure carries many benefits, but also the risk that a commissioner may improperly intrude on the administrative decision making of department heads, particularly in regards to personnel actions. The Board typically holds two work sessions each week as a forum for discussing administrative matters with department heads and for providing administrative direction. Although we received generally positive feedback on the usefulness of these meetings, the work sessions could be better documented by audio recordings and/or with formal minutes recorded by the Clerk to the Board.

Other issues pertaining to the governance role of the Board of County Commissioners include the use of retirees as part of the County's workforce and succession planning. The number of part-time retirees (who are scheduled to work less than 40 hours per week, but consistently work at least 20 hours per week) and hourly retirees (who are regularly scheduled to work less than 20 hours per week) declined between 2014 and 2016 from 27 to 18. Although the Board approved a succession plan as recently as April 2017 following a high level resignation, the Director of Human Resources indicated that the County generally conducts succession planning as time permits.

There is no countywide formal whistle blower program for County staff to anonymously report misconduct. Although such a program is not standard for large Colorado counties, two peer counties have such programs and it is prudent government practice to provide a venue for staff to anonymously report misconduct for further investigation.

Recommendations

The Board of County Commissioners should:

1.1. Consider an ordinance that further defines the Board of County Commissioners coordinator role, including actions that would be considered improper intrusion in to department operations without consultation with the full Board.

1.2. Direct the Clerk to the Board to: (1) record all Board of County Commissioners work sessions with an audio device and make such audio recordings available upon request by the public and/or (2) record and publicly post minutes of all work sessions to ensure consistency with the state's Open Meetings Law.

1.3. Direct the Director of Human Resources to propose a schedule to review and update succession plans on a regular basis with the Board such as annually or biennially to ensure that the County is effectively managing its talent and keeps pace with director-level turnover.

The County Council should:

1.4. Further study the whistle blower programs in place in Arapahoe and Douglas counties to determine if Weld County would benefit from implementing those programs.

Section 2: Administrative and Executive Decision Making

Decades of prudent budgeting that continues to the present as well as large amounts of mineral wealth have contributed to a strong financial position for Weld County. The County has low taxes, with property taxes 20 percent below the Big 10 County average, and does not have a sales tax. Further, the County has no debt, its pension is 97 percent funded, and it has unrestricted reserves of nearly $92 million. A recently developed financial dashboard system has improved commissioners' ability to access up to date high level and detailed financial information on County finances.

An area where administrative and executive decision making could be improved includes a recent emergency operations training seminar, which has raised questions about its planning and costs. The Whole Community Immersion Course, which took place in August 2016 in Breckenridge, cost the County $43,083.54; about $28,000 more than originally budgeted. Of this unplanned expenditure, $9,000 was paid for by donations made by five private organizations; approximately $12,700 was paid for from departmental training budgets, potentially precluding other planned trainings; and approximately $6,300 was covered by the General Fund.

Despite only one vendor (Dominion) certified to provide new voting machines in the state, the Board proceeded with a competitive purchasing process and ultimately issued a request for proposals for voting equipment vendors in April 2017. Dominion was the only vendor to respond to the bid and the pricing schedule for equipment and services was the same as the schedule previously negotiated with the State. While generally a beneficial approach, competitive bidding in this case incurred unnecessary County costs as the results were predictable based on the absence of other qualified vendors certified by the State.

Weld County public officials' conflicts of interest are principally managed through self-reporting and guidance provided by the County Attorney. During the course of this performance review, questions were brought to our attention regarding whether one commissioner had a conflict of interest when she participated in a Board of County Commissioners hearing for the consideration of a mineral resource development facility (asphalt and concrete plants) to be operated by Martin Marietta. We found no evidence of a conflict of interest in this case.

Recommendations

The Director of Information Technology should:

2.1. Work with the Finance Director, the Controller, the Director of Human Resources, and the Board of County Commissioners throughout the upgrade of the County's financial system to ensure that the financial dashboards continue to improve the financial and other data available to commissioners.

The Board of County Commissioners should:

2.2. Consider and pass an ordinance defining and requiring documentation for significant changes in appropriations from the original proposed budget.

2.3. Pass an ordinance amending Section 5-4-90 of the County Code to clarify when to pursue sole source purchases. Rather than stating that purchases "may" be sole sourced if there is only one appropriate vendor, the Code should be amended to provide additional criteria on when Commissioners *should* undertake sole source purchasing processes.

2.4. Draft and pass a resolution defining and requiring or encouraging elected officials to publicly disclose facts related to the appearance of a conflict of interest in order to dispel a reasonable person from concluding a conflict of interest exists when in fact the elected official does not have a conflict of interest under the relevant state and local laws.

Introduction

Harvey M. Rose Associates, LLC was retained by the Weld County Council to conduct a *Performance Review of the Board of County Commissioners*. The County Council requested that this performance review be conducted in conjunction with a performance review of the Clerk and Recorder. However, our findings, conclusions, and recommendations resulting from our performance review of the Clerk and Recorder are included in a separate report to the County Council. The Board of County Commissioners (Board) is the governing body of the County and exercises legislative as well as executive and administrative powers and duties, which are typically carried out by a chief operating official, such as a County Manager, County Administrator, or County Executive.

The Board has five members, three of which are elected by districts from which they reside and two of which are elected at-large. Article III of the County Charter outlines the structure, powers and duties, and exercise of duties by the Board, including that certain departments are coordinated by the Chair of the Board or one of the other Commissioners.

Chapter 2 of the County Code includes administrative rules covering how the Board is to carry out its responsibilities, including conducting meetings and hearings, oversight over planning and land use, emergency management, and other administrative matters.

Scope

The basic components of the performance review, as defined by the County Council, were to:

1. Review existing organizational structure, which includes Administration, and outline benefits and challenges of the current division of labor, span of control, chain of command, authority, responsibility, delegation, and accountability.
2. Review division functions in terms of work flow and alignment.
3. Assess whether staffing levels are appropriate to meet workloads based on current and future level of service agreements and provide comparisons to similar jurisdictions.
4. Review administrative and executive decision making structures to identify opportunities for improvement.
5. Identify strengths and weaknesses of the current organizational structure including root causes behind current strengths or weaknesses that could influence capacity to achieve future innovation.

6. Provide assessment and report on findings of personal and professional integrity in complying with the County Mission Statement and Colorado Revised Statutes for governance, conflicts of interest, legal compliance, responsible stewardship of resources and financial oversight, openness and disclosure, and integrity in fundraising.

7. Report on findings and make recommendations with a goal to assist the County in becoming more operationally effective and efficient to its customer base.

8. Provide implementation plan for improvement for the immediate, short, medium, and long term.

The scope of the performance review included activities and business conducted from January 1, 2014 to the present.

Methodology

The performance review, although technically not a performance audit, was conducted in accordance with Government Auditing Standards, 2011 Revision, issued by the Comptroller General of the United States, U.S. Government Accountability Office as modified by directives of the County Council to ensure investigative integrity. In accordance with these requirements and standard audit practices, we performed the following procedures:

- Conducted an entrance conference with the Chair and Pro-Tem of the Board of County Commissioners.
- Conducted interviews with all members of the Board of County Commissioners.
- Conducted interviews with several department heads and other County officials, including the Clerk to the Board, Director of Human Resources, Clerk and Recorder, Director of Environmental Health and General Services, Director of Finance and Administration, Chief Information Officer, Director of Planning and Building, Director of Human Services, Director of Public Works, and County Attorney.
- Obtained and reviewed initial data and documentation submitted by Board's Office Manager including strategic plans and budgets; financial data; organizational charts; job descriptions for all positions directly under the Board's oversight; financial statements; relevant statutes, rules and regulations; information on grievances and other complaints filed by employees against member(s) of the Board of County Commissioners; and a list of all outside commissions and boards that members of the Board of County Commissioners sit on in an official capacity.

- Obtained and reviewed additional data and documentation including monthly revenue reports; supplemental appropriations; the County's 2016 final budget; the capital planning budget; and a copy of the draft dashboard report template.
- Received and considered confidential input provided by current and former County staff.
- Conducted a benchmarking survey to compare the Weld County Board of Commissioners with other large Colorado counties.
- Submitted a draft report, with findings and recommendations, to the County Council in order to solicit feedback from members of the Board of County Commissioners on the accuracy of findings and conclusions on August 14, 2017. However, we only received feedback from the Finance Director.

Home Rule

Weld County is one of only two counties in Colorado[1] to adopt a home rule charter. As opposed to a Dillon Rule county, Home Rule counties have the governing authority to make a wide range of legislative decisions that have not been addressed by the state. County voters approved the charter in 1975, making several changes to local governance including:

- Enlargement of the Board of County Commissioners from three to five;
- Establishment of a five-member, non-partisan, unpaid County Council;
- Abolition of the post of county surveyor;
- Consolidation of the existing 12 departments into five, each to be the responsibility of an elected commissioner;
- Provision for a full-time county attorney and staff, rather than hiring an attorney on an hourly basis;
- Expansion of the number of members on citizens' boards to bring better representation in the fields of planning, health, and zoning adjustment;
- Establishment of a county personnel division to provide standards for employment qualifications and pay;
- Provision for enactment of ordinances to establish policy and giving preference to local bidders if price and quality are competitive.

[1] Pitkin County is the only other county in Colorado to have established a home rule charter.

Acknowledgements

Harvey M. Rose Associates, LLC (HMR) would like to acknowledge the Board of County Commissioner's Office Manager as well as the Director of Information Services, Director of Finance and Administration, Clerk to the Board, County Attorney, and Director of Human Resources. Requests for information, records and data were met promptly and thoroughly by these individuals throughout the performance review process.

1. Organizational Structure and Division Functions

The Weld Board of County Commissioners (Board) has a unique structure under the County's Home Rule Charter in which commissioners are each responsible for coordinating one of the County's five major departments. This structure carries many benefits, but also the risk that a commissioner may improperly intrude on the administrative decision making of department heads, particularly in regards to personnel actions. The Board typically holds two work sessions each week as a forum for discussing administrative matters with department heads and for providing administrative direction. Although we received generally positive feedback on the usefulness of these meetings, the work sessions could be better documented by audio recordings and/or with formal minutes recorded by the Clerk to the Board.

Other issues pertaining to the governance role of the Board of County Commissioners include the use of retirees as part of the County's workforce and succession planning. The number of part-time retirees (who are scheduled to work less than 40 hours per week, but consistently work at least 20 hours per week) and hourly retirees (who are regularly scheduled to work less than 20 hours per week) declined between 2014 and 2016 from 27 to 18. Although the Board approved a succession plan as recently as April 2017 following a high level resignation, the Director of Human Resources indicated that the County generally conducts succession planning as time permits.

There is no countywide formal whistle blower program for County staff to anonymously report misconduct. Although such a program is not standard for large Colorado counties, two peer counties have such programs and it is prudent government practice to provide a venue for staff to anonymously report misconduct for further investigation.

Organizational Structure of the Board of County Commissioners

The Weld Board of County Commissioners (Board) has a unique structure under the County's Home Rule Charter. The commissioners are each responsible for coordinating one of the County's five major departments: (1) Finance and Administration; (2) Public Health and Environment; (3) Public Works; (4) Planning Services; and, (5) Human Services. Further, each commissioner is assisted in their coordination role by another commissioner. The coordinator and assistant coordinator roles are appointed by the Board at its first meeting in January each year.

Benefits and Risks of the Commissioner Coordinator Structure

We found fairly widespread satisfaction in our interviews with commissioners and County managers with the current commissioner coordinator structure of governance. There are several benefits that are realized by the unique coordinating role played by members of the Board. These benefits include:

(1) A more in-depth understanding (working knowledge) by coordinators, of the major responsibilities, resources, and challenges of their assigned departments;

(2) A quick awareness of urgent matters that require the attention and/or action of the Board;

(3) A broader understanding of County functions due to the rotation of coordinator assignments each year and the use of assistant coordinators.

Despite these benefits, the County's use of the commissioner coordinator structure also carries the risk that a commissioner may improperly intrude on the administrative decision making of department heads, particularly in regards to personnel actions. Although the County has several controls in place that would limit the risk of improper intrusion, the charter doesn't provide much guidance on what the coordinator role entails. The controls that help mitigate the risk of coordinator intrusion into administrative matters include that:

(1) All policy decisions and all contracts must be approved by a motion, resolution, or ordinance of the Board at a public meeting, including at work sessions;

(2) All departments are also assigned an assistant coordinator; and,

(3) Employees may file grievances through a formal process set up in Chapter Three of the Weld County Code (Section 3-4-60), which can include a formal hearing with the Grievance Board and an appeal of the Grievance Board decision to the Board of County Commissioners.

However, there is still a risk of improper intrusion by members of the Board, particularly regarding personnel decisions (e.g. promotions, demotions, terminations). To help further mitigate this risk, the Board of County Commissioners should consider an ordinance that further defines the coordinator role, including actions that would be considered improper without consultation with the full Board.

Recommendation 1.1: The Board of County Commissioners should consider an ordinance that further defines the coordinator role, including actions that would be considered improper intrusion in to department operations without consultation with the full Board.

Work Sessions Provide Important Forum for Administrative Matters, but Could be Better Documented

In addition to two regular weekly Board meetings on Monday and Wednesday of each week, the Board also holds work sessions so that County staff may obtain specific Board administrative direction and to brief the Board on items which are soon to be scheduled for regular Board meetings.[1] Work sessions can be held any day of the week, but are often held on Mondays and Wednesdays in the Pawnee Conference Room after regular Board meetings.

We received generally positive feedback from commissioners and department heads on the usefulness and efficiency of work sessions as they provide a forum for discussing administrative matters with department heads and for providing administrative direction.

Unlike regular Board meetings, work sessions are not attended by staff from the office of the Clerk to the Board; are not audio recorded; are not always attended by the County Attorney; and, no formal minutes are taken or recorded with such records open to public inspection.

The Colorado Open Meetings Law (C.R.S. 24-6-402) requires that:

> *Minutes of any meeting of a local public body at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur shall be taken and promptly recorded, and such records shall be open to public inspection.*

Although work sessions are primarily a venue for administrative staff to receive and provide input to the Board on administrative matters, the Board does form consensus and provide direction to staff at work sessions. If formal action by the Board on these matters is necessary, it is taken by ordinance, resolution, or motion at a regular meeting.

In order to improve the documentation and transparency of Board work sessions and ensure consistency with the Open Meetings Law, the Board should direct the Clerk to the Board to: (1) record all work sessions with an audio device and make such audio recordings available upon request by the public and/or (2) record and publicly post minutes of all work sessions.

Recommendation 1.2: The Board of County Commissioners should direct the Clerk to the Board to: (1) record all work sessions with an audio device and make such audio recordings available upon request by the public and/or (2) record and publicly post minutes of all work sessions to ensure consistency with the state's Open Meetings Law.

[1] The purpose and review process for work sessions are defined in Chapter 2 of the Weld County Code (Section 2-1-80).

Support Staff Highly Regarded

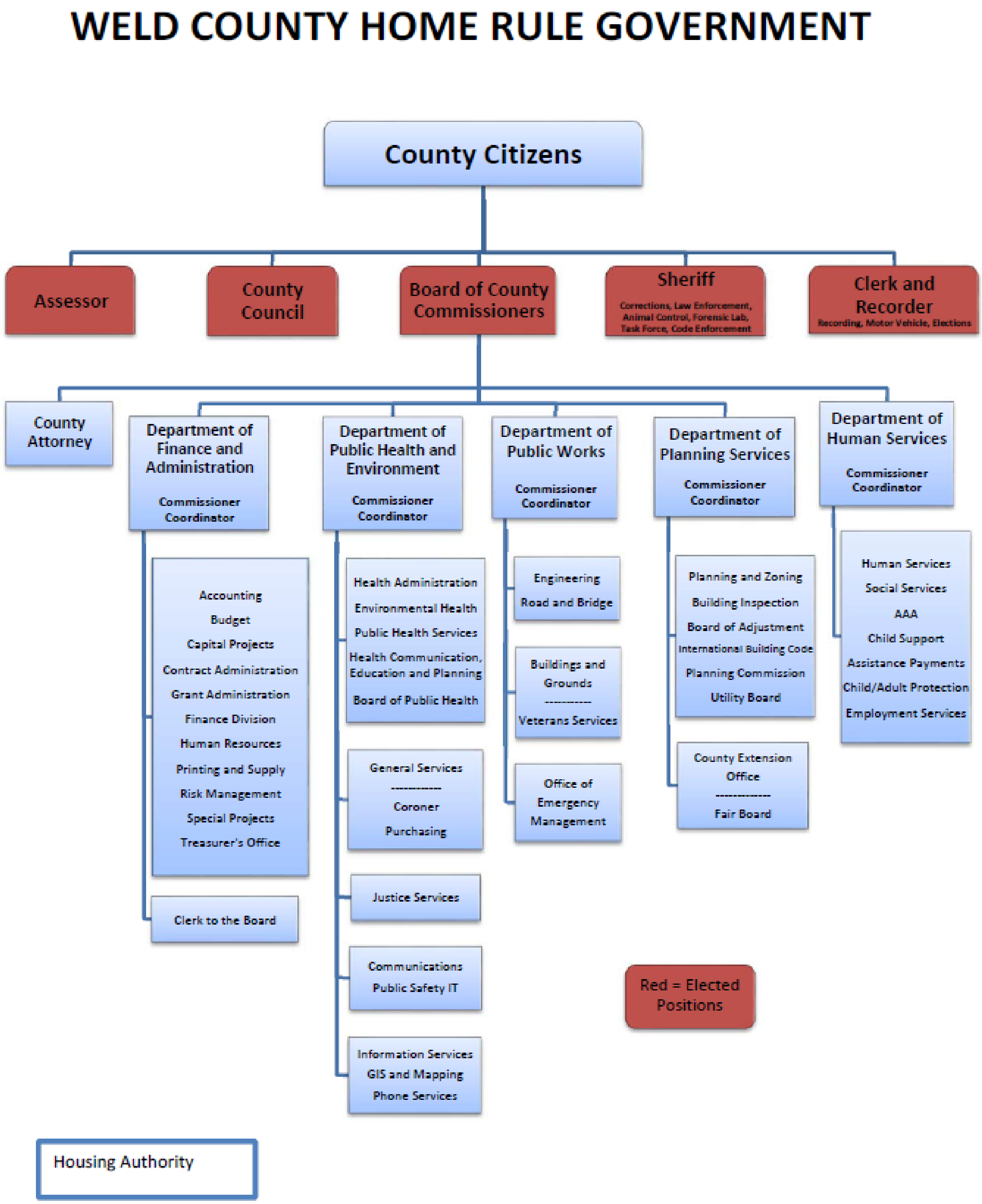
The Board has only one staff member, an Office Manager, assigned to provide direct support. We received universally positive feedback on the competence and professionalism of this staff from commissioners.

We received universally positive feedback on the competence and professionalism of the Clerk to the Board and her staff from commissioners. Although the Clerk to the Board is part of the Department of Finance and Administration, the Clerk to the Board is appointed by, and serves under the direction of, the Board. Further, the Clerk to the Board primarily provides clerk and recording services to the Board. This work includes preparing agendas and maintaining a record of Board proceedings, inclusive of all scheduled or special Board meetings, land use hearings, liquor hearings, and County Board of Equalization hearings. The Clerk to the Board also records all motions, ordinances, resolutions, actions of and votes by the Board, maintains a list of all Weld County Ordinances, publishes all required legal notices, arranges the electronic scanning of all records of the Board and supplementation of the Weld County Code.

Organizational Structure of the Weld County Government

The government of Weld County is staffed by approximately 1,500 full time equivalent positions across five Board coordinated departments (Finance and Administration; Public Health and Environment; Public Works; Planning Services; and, Human Services) as well as five elected departments (Assessor; County Council; Board of County Commissioners; Sheriff; and, Clerk and Recorder) and the County Attorney. The organizational structure of the County government, as depicted in the 2017 final budget, is shown below in Exhibit 1.1.

Exhibit 1.1: Weld County Government Structure



Source: Weld County 2017 Final Budget

Working Retirees and Succession Planning

One of the tools that the County uses to ensure continuity of services and institutional knowledge is the use of working retirees. Working retirees can provide a safeguard for the County for functions or services that lack sufficient qualified staff, particularly for highly specialized work. However, overreliance on working retirees may constrain the development and recruitment of talent that would otherwise provide these services.

Section 3-2-100 of the Weld County Code contains the requirements and restrictions for the use of working retirees, including a two-year cap for each working retiree and an annual cap of no more than 1,976 hours annually in a calendar year, among other requirements. Weld County Code Section 3-2-100 provides that the Board may grant waivers to this requirement for employees who are Grade 55 or above or possess specialized skills, experience, or education. Exhibit 1.2 below summarizes the use of working retirees from 2014 through 2016. As shown in the exhibit, the number of part-time retirees (who are scheduled to work less than 40 hours per week, but consistently work at least 20 hours per week) and hourly retirees (who are regularly scheduled to work less than 20 hours per week) declined between 2014 and 2016.

Exhibit 1.2: Weld County Working Retirees

Year	Number of Part-Time Retirees (Up to 38 hours/week)	Number of Hourly Retirees (Up to 19 hours/week)	Total Number of Working Retirees
2014	14	13	27
2015	10	9	19
2016	9	9	18

Source: Weld County Department of Human Resources records

Amongst the nine part-time retirees, three were above Grade 75 and were director-level staff responsible for managing a department. These three staff included: (1) the County Attorney; (2) the Director of Finance and Administration; and, (3) the Director of Human Services. The Board approved a succession plan as recently as April 2017 following a high level resignation, but the Director of Human Resources indicated that the County generally conducts succession planning as time permits.

The project team conducted a benchmarking survey of nine other counties in Colorado. Of the nine counties we surveyed, five (Arapahoe, Boulder, Douglas, Jefferson, and Mesa) provided a response to our question: “Does your County have a formal or informal succession plan or policy for executive or director-level staff?” Of these five responses, only two responded saying they had formal succession plans or policies. Arapahoe County responded that it has two formal programs for leadership development, but did not note that it had a formal succession plan. In addition, Douglas County responded that it has an Immediate Succession Policy, which requires the County Manager and the County Attorney to have no fewer than two individuals prepared to step in to those roles. The Douglas County response further stated that the County's succession planning for director-level positions is more informal. Full results from our benchmarking survey may be found in Appendix A to this report. Although developing a formal succession plan is not a standard benchmark for counties in Colorado, the Director of Human Resources should work with the Board to determine a schedule to review and update succession plans on a regular basis such as annually or biennially to ensure that the County is effectively managing its talent and keeps pace with director-level turnover.

Recommendation 1.3: The Board of County Commissioners should direct the Director of Human Resources to propose a schedule to review and update succession plans on a regular basis with the Board such as annually or biennially to ensure that the County is effectively managing its talent and keeps pace with director-level turnover.

Weld Lacks Formal Whistle Blower Program

Article III of Chapter three of the Weld County Code outlines the County's standards of conduct, including expectations of proper conduct, workplace violence, harassment, conflict of interest and other related standards. Further, Article III (Section 3-3-20) also outlines how County staff can report misconduct and how department heads and elected officials should handle reports of misconduct. Section 3-3-20 states that:

> An employee observing misconduct should report the incident immediately to the department head or elected official. Employees may report misconduct of a department head or elected official to the Department of Human Resources.

Despite this policy, there is no formal whistle blower program for County staff to anonymously report misconduct. Of the six responses that we received from our benchmarking survey, two counties (Arapahoe and Douglas) indicated that they have formal, independent whistleblower programs in place. Arapahoe's County Attorney's Office is responsible for administering their whistle blower program while Douglas County's Finance and Human Resources Departments oversee its anonymous reporting hotline, EthicsPoint, administered by an independent third party. Pueblo County indicated that it has a process for employees to submit complaints to Human Resources, but complaints are not anonymous, which is similar to Weld County's process for submitting complaints. Boulder, Jefferson, and Mesa counties indicated that they do not have whistleblower programs in place. The County Council should further study the whistle blower programs in its role as an oversight body for the County.

Recommendation 1.4: The County Council should further study the whistle blower programs in place in Arapahoe and Douglas counties to determine if Weld County would benefit from implementing those programs.

Conclusions

The Weld Board of County Commissioners (Board) has a unique structure under the County's Home Rule Charter in which Commissioners are each responsible for coordinating one of the County's five major departments. This structure carries many benefits, but also the risk that a commissioner may improperly intrude on the administrative decision making of department heads, particularly in regards to personnel actions. The Board typically holds two work sessions each week as a forum for discussing administrative matters with department heads and for providing administrative direction. Although we received generally positive feedback on the usefulness of these meetings, the work sessions could be better documented by audio recordings and/or with formal minutes recorded by the Clerk to the Board.

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Recommendations

The Board of County Commissioners should:

1.1. Consider an ordinance that further defines the Board of County Commissioners coordinator role, including actions that would be considered improper intrusion in to department operations without consultation with the full Board.

1.2. Direct the Clerk to the Board to: (1) record all Board of County Commissioners work sessions with an audio device and make such audio recordings available upon request by the public and/or (2) record and publicly post minutes of all work sessions to ensure consistency with the state's Open Meetings Law.

1.3. Direct the Director of Human Resources to propose a schedule to review and update succession plans on a regular basis with the Board such as annually or biennially to ensure that the County is effectively managing its talent and keeps pace with director-level turnover.

The County Council should:

1.4. Further study the whistle blower programs in place in Arapahoe and Douglas counties to determine if Weld County would benefit from implementing those programs.

Costs and Benefits

The costs for further defining the coordinator role would include minimal additional staff time to draft and finalize a Board ordinance. Such an ordinance would help further define the roles of commissioners and reduce the risk of future improper intrusion.

The costs for implementing the recommendation for enhanced documentation of working sessions would include $2,500 for a portable audio kit for recording working sessions, but minimal additional staff time would be required if the recording is limited to the audio device. If the County decides to record working sessions with written minutes, additional staff time of an Agenda and Minutes Clerk for approximately eight to 16 hours per week would be required. Assuming this could be accommodated with existing staff or with the hire of a part-time clerk, the additional costs could range from approximately $8,590 to $17,180 per year based on the County’s 2017 Salary Model with pay data as of February 15, 2016. Implementing this recommendation would ensure that the Board of County Commissioners operates consistently with the Colorado Open Meetings Law and would improve transparency and public trust with Board operations.

The costs for implementing the recommendation to regularly update the County’s succession plans would require minimal additional staff time for the Department of Human Resources, but would improve the County’s ability to ensure that critical positions are filled by well-qualified personnel.

The costs for implementing the recommendation to study whistle blower programs in place in Arapahoe and Douglas counties would require a modest amount of staff time to learn more about these programs and report back to the County Council and Board of County Commissioners as to their efficacy. However, the County may be able to improve its current process for employee complaints by further study of the programs in these two counties.

2. Administrative and Executive Decision Making

Decades of prudent budgeting that continues to the present as well as large amounts of mineral wealth have contributed to a strong financial position for Weld County. The County has low taxes, with property taxes 20 percent below the Big 10 County average, and does not have a sales tax. Further, the County has no debt, its pension is 97 percent funded, and it has unrestricted reserves of nearly $92 million. A recently developed financial dashboard system has improved commissioners' ability to access up to date high level and detailed financial information on County finances.

An area where administrative and executive decision making could be improved includes a recent emergency operations training seminar, which has raised questions about its planning and costs. The Whole Community Immersion Course, which took place in August 2016 in Breckenridge, cost the County $43,083.54; about $28,000 more than originally budgeted. Of this unplanned expenditure, $9,000 was paid for by donations made by five private organizations; approximately $12,700 was paid for from departmental training budgets, potentially precluding other planned trainings; and approximately $6,300 was covered by the General Fund.

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Weld has Strong Finances According to Key Indicators

Weld has Low Taxes Relative to Other Colorado Counties

The Weld Board of County Commissioners has, over the last several decades and continuing to the present, maintained a commitment to prudent budgeting. This governing approach, in addition to large amounts of mineral wealth, has contributed to the County's strong financial position. In 2016 Weld County's mill levy[1] was 15.80 mills, which is about 3.9 mills, or 20 percent, lower than the average mill levy of the 10 counties that responded to the Big 10 Counties survey[2] as shown in Exhibit 2.1 below.

Exhibit 2.1: 2016 Weld Mill Levy vs. Other Big 10 Counties

County	Total County Mill Levy
Pueblo	30.71
Adams	26.82
Jefferson	24.21
Boulder	22.62
Larimer	21.88
Douglas	19.77
Big 10 Average	**19.68**
Weld	**15.80**
Arapahoe	14.86
Mesa	12.30
El Paso	7.87

Source: 2016 Big 10 Survey

As of 2016, Weld County was the only Big 10 county that did not have a sales and use tax. As shown in Exhibit 2.2 below, the average sales tax rate for Big 10 counties in 2016 was 0.93 percent with Mesa County charging the highest sales tax rate at two percent and Arapahoe charging the lowest (other than Weld, which does not charge any sales tax) at 0.25 percent.

[1] A mill levy is a tax rate that is applied to the assessed value of a property. The term is used in expressing tax rates on a per-dollar basis. For example, a tax rate of 60 mills means that taxes are six cents per dollar of assessed valuation.

[2] The Big 10 counties survey is a collection of data produced by ten large counties in Colorado including: Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Mesa, Pueblo, and Weld.

Exhibit 2.2: 2016 Big 10 Sales Tax Rates

County	Sales Tax Rate
Mesa	2.00%
El Paso	1.23%
Douglas	1.00%
Pueblo	1.00%
Boulder	0.99%
Big 10 Average	**0.93%**
Adams	0.75%
Larimer	0.65%
Jefferson	0.50%
Arapahoe	0.25%
Weld	**No Sales Tax**

Source: 2016 Big 10 Survey

Weld has No Debt and Large Reserves

Weld County has no outstanding debt, a sign of unusually strong and frugal finances. As shown in Exhibit 2.3 below, Weld is the only Big 10 county that did not have any outstanding debt in 2016. The average Big 10 county amount of outstanding debt in 2016 was approximately $107 million. Further, as of December 31, 2016, the County was able to fund 97 percent of its pension plan, which is an additional sign of very strong finances.

Exhibit 2.3: 2016 Big 10 Counties Outstanding Debt

County	Outstanding Debt
Boulder	$257,617,097
Adams	$190,390,109
Arapahoe	$184,452,542
El Paso	$149,218,059
Jefferson	$129,380,000
Big 10 Average	**$107,302,191**
Pueblo	$97,951,455
Larimer	$26,500,000
Douglas	$22,622,647
Mesa	$14,890,000
Weld	**None**

Source: 2016 Certified Annual Financial Statements (CARFs); 2015 CAFR was used for Pueblo County as the 2016 CAFR was not available online

The County's operating funds are also in a strong position. As of December 31, 2016, Weld County had approximately $91.9 million in unrestricted funds. Further, the County's General Fund had a surplus of $18.4 million in 2016 and a fund balance of $38.9 million as of December 31, 2016.

Dashboard Reports Improve Monitoring of County Finances

In July 2017 the Board of County Commissioners began using a recently developed financial information system, known as the "Weld County Financials Dashboard." This financial dashboard system is web-based, provides the commissioners with highly customizable information on the County's finances, and is refreshed every evening from the County's finance system known as "Banner." Commissioners may explore the current year status as well as previous year historical amounts of each fund and/or department or function within the County. Users may quickly customize their dashboard by selecting the department(s), fund(s), and/or time frame of finances they wish to review. For example, a user may review the budgeted vs. actual amounts for the General Fund for the previous two years as well as the current year to date. For a more detailed review, a user may choose a specific department and review its General Fund expenditures and, for further detail, may review payments made to specific vendors from that department and/or within that fund.

The financial dashboard system represents a significant improvement of access to financial information for commissioners, as well as department heads, some of whom have also recently been provided access to the system. Previous to the financial dashboard system, commissioners received detailed hard copy quarterly budget status reports from the Finance Director, detailed hard copy monthly revenue and expenditure reports, and were able to request other hard copy financial information reports on an ad hoc basis depending on their level of interest. The Finance Director noted that the County is planning on upgrading its financial system over the next two years from Banner to ERP, which will allow for integration with PeopleSoft, the County's human resource management system. Throughout that process the Director of Information Technology should work with the Finance Director, the Controller, the Director of Human Resources, and the Board of County Commissioners to ensure that the financial dashboards continue to improve the financial and other data provided to commissioners.

Recommendation 2.1: The Director of Information Technology should work with the Finance Director, the Controller, the Director of Human Resources, and the Board of County Commissioners throughout the upgrade of the County's financial system to ensure that the financial dashboards continue to improve the financial and other data available to commissioners.

Use of County Funds

Out of County Travel for an Emergency Operations Training

The County's travel policies are defined in Charter Section 3-8 and Section 2-12-160 of the County Code. These policies allow for County employees or members of an appointed board or commission to travel within or outside the County and be reimbursed or receive prepayments for reasonable and necessary travel expenses incurred in connection with approved travel on behalf of the County.

During the course of this performance evaluation, questions were brought to our attention regarding an emergency operations training ("Whole Community Immersion Course") that occurred over four days at Beaver Run Resort in Breckenridge in August 2016. Specifically, questions were raised as to: (1) why the training was held at a resort outside the County; (2) why the actual cost was higher than what had been budgeted; and, (3) how planning decisions were made. We interviewed the Director of the Office of Emergency Management as well as the County Finance Director and obtained related documents in order to answer these questions. The Board of County Commissioners approved all related contracts for the training as all contracts must be approved by the full Board per Section 3-8 of the County Charter.

According to the Director of the Office of Emergency Management, the purpose of the seminar was to provide an advanced training and exercise for Emergency Operations Center personnel to practice simulated but realistic crisis situations within a structured learning environment. The seminar was modeled after a training provided for County staff in 2012 at the U.S. Emergency Management Institute operated by the Federal Emergency Management Agency (FEMA) in Emmitsburg, Maryland. According to the Office of the Emergency Management Director and the County's Finance Director, the seminar was held outside the County in order to ensure that participants were fully immersed in the training and exercise. The Finance Director noted that he and other County staff were familiar with the facilities available in Breckenridge as it is home to the venues that host the annual 10 County Budget Conferences. Further, the Finance Director stated that the County was able to secure off-season rates for accommodations. A review of lodging costs found that the County paid approximately $110 per room per night, which appears to be equivalent to the cost for mid-range hotels in and around Weld County.

In December 2015, as part of the 2016 County budget process, the Board of County Commissioners approved $15,000 to authorize the Office of Emergency Management Director to "put together a training seminar." As shown in Exhibit 2.4 below, the actual cost to the County for the training was $43,083.54, or $28,083.54 more than originally budgeted.[3] These additional costs were reduced to $19,083.54 more than the original budget due to $9,000 in donations made by five private organizations as detailed in Exhibit 2.4. Of this $19,083.54 in excess County costs, $12,742.79 in unplanned expenses were paid for from departmental training budgets and the remaining $6,340.75 was covered by the General Fund. Although the ultimate fiscal impact on the County's General Fund for holding the training off-site was relatively minor, it is likely that these departments had to forgo some other planned trainings or conferences in order to cover the lodging costs for their staff to attend this seminar.

It is not completely clear when and how the Board of County Commissioners approved an expanded scope of the training from its original budget allocation of $15,000. According to the Director of the Office of Emergency Management, there was an apparent miscommunication between the Office and the Board of County Commissioners regarding the nature and venue of the training when the $15,000 in funds was originally budgeted in December 2015. The Director further stated that in early February 2016, he presented a proposal for a venue that could handle 75 participants based on quotes from three locations to his Commissioner Coordinator. The Director also stated that he and his Commissioner Coordinator presented this proposal to the other commissioners at a working session on February 8th. Although there was no active documentation of working sessions prior to January 2017, a summary of items listed in the BOCC calendar for February 8th shows that the emergency training, including that the venue and dates had been confirmed, was discussed by the Board. As noted in Recommendation 1.2 in Section 1 of this report, we recommend that the Clerk to the Board take action to ensure that such meetings are recorded to ensure consistency with the state's Open Meetings Law. In addition, we recommend that the Board document when significant appropriation changes are made from the original approved budget.

[3] This does not include costs incurred by other parties for attendees representing municipal agencies.

Recommendation 2.2: The Board of County Commissioners should consider and pass an ordinance defining and requiring department documentation for significant changes in appropriations from the original proposed budget.

Exhibit 2.4: Breakdown of August 2016 Emergency Management Training Seminar Costs and Donations

	Amount	Additional Details
Original Budget	$15,000.00	Paid for Trainer Only
Actual Costs	43,083.54	Costs for Food, Lodging, & AV Rental
Amount Over Budget	**$28,083.54**	

Sources Paying for Excess Costs	Amount	
Donation	($1,500.00)	Tetra Tech
Donation	(1,500.00)	PDC Energy
Donation	(2,500.00)	Base Tactical
Donation	(1,000.00)	Felsburg Holt & Ullevig Engineering
Donation	(2,500.00)	Waste Management
Total Donations	**($9,000.00)**	
Departmental Training Budgets	**12,742.29**	Paid for Lodging for respective staff
Net Costs Covered by the General Fund	**$6,340.75**	

Source: Office of Emergency Operations

According to the Director of the Office of Emergency Management, there were 75 attendees at the seminar. Of this amount, 39 (52 percent) were County staff and the remaining 36 attendees represented municipal staff such as police and fire departments as well as fire protection districts in Weld County. The non-County staff costs were covered by the municipal agencies they represented. A breakdown of the County employees who attended the seminar by department, as well as whether that department is a primary or supporting County response agency, as defined by the County's Emergency Operations Plan, is shown in Exhibit 2.5 below.

Exhibit 2.5: County Employees who Attended August 2016 Emergency Training by Department

Department	Number of Attendees	Role as a Response Agency
Human Resources & Finance	3	Supporting Department
Buildings and Grounds	1	Not Specified
Information Technology	3	Supporting Department
Sheriff's Office	2	Primary Response Agency
Office of Emergency Management	3	Primary Response Agency
Regional Communications Center	3	Primary Response Agency
Public Works	10	Primary Response Agency
Planning Department	2	Supporting Department
Human Services	2	Supporting Department
Policy Group (Legal, PIO, Admin Services)	3	PIO: Primary Response Agency Legal: Supporting Department
Public Health	3	Primary Response Agency
Board of County Commissioners	4	Primary Response Agency
Total	**39**	

Source: Office of Emergency Operations

Decision to Require an RFP for New Voting Equipment Does Not Appear to Follow the County's Purchasing Code

The Colorado Secretary of State must certify all voting equipment vendors prior to use of the equipment in elections in Colorado. In February 2016, the Colorado Secretary of State changed the state's election rules such that only one voting system, Dominion, fulfilled the new requirements. Prior to that decision, the Pilot Election Review Committee, an advisory body, recommended to the Secretary of State in December 2015 that multiple voting equipment vendors be certified for use in Colorado.

In March 2016, the Clerk and Recorder sought approval from the Board of County Commissioners, as required by Section 3-8(4)(m) of the Weld County Home Rule Charter, to purchase new voting equipment from Dominion. The Board declined to proceed with the purchase at that time, citing concerns with the State's purchasing process, the ability of Dominion to fulfill its contractual obligations in Colorado in time for the presidential election in November 2016 pending litigation regarding the legality of the Secretary of State's changes, and disagreement among the Commissioners and the Clerk and Recorder regarding the appropriate purchasing process that the County should pursue. According to County officials, if the Secretary of State's decision had been reversed or unilaterally changed, a sole source purchase could have exposed the County to legal liability from other voting equipment vendors. The Board of County Commissioners ultimately agreed that a competitive purchasing process was necessary to allow all voting equipment vendors who were or soon could be certified by the Secretary of State an opportunity to bid to provide voting equipment to Weld County.

As a placeholder, the Board of County Commissioners set aside $500,000 in the Election Department's 2017 budget pending Board's approval of a purchasing process once the legal uncertainties regarding the Secretary of State's election rulemaking were resolved. According to County officials, purchasing staff began work on a request for proposals in January 2017. On February 28, 2017 a district court issued an opinion confirming the validity of the Secretary of State's election rulemaking, leaving Dominion as the only modern voting equipment provider in Colorado.[4] However, in spite of the resolution of the litigation, the Board proceeded with a competitive purchasing process and ultimately issued a request for proposals for voting equipment vendors dated April 10, 2017. Dominion was the only vendor to respond to the bid, which closed April 26, 2017 and the pricing schedule for equipment and services was the same as it the schedule previously negotiated with the State. The contract with Dominion was finally approved by the Board of County Commissioners on May 15, 2017.

The County's purchasing policy (section 5-4-90 of the County Code) states that "Purchases may be exempt from the quote and bid process if there is only one appropriate vendor." Had the County immediately began negotiating with Dominion after the district court opinion, rather than wait approximately two months to issue and receive responses to a request for proposals, the voting equipment and attendant training of Elections staff could have begun sooner. A competitive purchasing process does not appear to have been necessary, given the district court's favorable opinion regarding the Secretary of State's election rulemaking. Although the purchasing code's requirements for sole source purchases were not violated, the requirements themselves are vague and would benefit from additional definition. This would provide clearer guidance to the Commissioners on when to undertake a sole purchase.

Recommendation 2.3: The Board of County Commissioners should pass an ordinance amending Section 5-4-90 of the County Code to clarify when to pursue sole source purchases. Rather than stating that purchases "may" be sole sourced if there is only one appropriate vendor, the Code should be amended to provide additional criteria on when Commissioners *should* undertake sole source purchasing processes.

Conflicts of Interest

Prevailing Laws

The Colorado Revised Statutes, the County Charter, and the County Code define conflicts of interest and/or prohibit public officials from taking part in official County business that would involve or result in a private interest. Colorado Revised Statutes (C.R.S.) §24-18-101 and C.R.S. §24-18-201 define and prohibit local government officials from having an interest in any contract made by them in their official

[4] Per Colorado Election Rule 11.9, counties may purchase equipment from four other vendors, but only to maintain their legacy systems. See also: The Board of County Commissioners vs. Wayne Williams, Denver District Court, Case 16-CV-31544.

capacity. C.R.S. §24-18-201 further prohibits former employees from contracting or being employed by an employer who contracts with a local government involving matters with which he/she was directly involved during his/her employment within six months following the termination of his/her employment.

According to Section 16-9 of the Weld County Charter, "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." Further, sections 2-2-10 and 3-3-10 prohibit all County employees, including elected officials, from "accepting bribes, money, property or services of value in the course of employment."

Managing Conflicts of Interest in Weld County

Weld County public officials' conflicts of interest are principally managed through self-reporting and guidance provided by the County Attorney. The County Attorney asserted to the project team that public officials in the County, including the Commissioners, approach the County Attorney with questions if they believe that they have or may have a conflict of interest. Further, the County Attorney stated that he generally advises Commissioners to disclose conflicts of interest at the start of a hearing or meeting so that it is included in the public record and to recuse themselves from related decision making.

Commissioners are provided instruction on avoiding conflicts of interest from the County Attorney and from participation in Colorado Counties, Inc.[5] (CCI). The County Attorney asserted to the project team that he provides instruction to all commissioners when they start their terms and sends out an updated memo about every two years with a summary of applicable rules from the Colorado Code of Ethics and the County's own rules for conflicts of interest. Further, the County Attorney stated that commissioners have access to annual conflict of interest training from CCI if they attend their annual conferences.

From time to time questions may arise regarding whether public officials have appropriately disclosed conflicts of interest or recused themselves from related decision making. During the course of this performance review, questions were brought to our attention regarding whether one commissioner had a conflict of interest when she participated in a Board of County Commissioners hearing for the consideration of approving an amendment to a site specific development plan and a special use permit for a mineral resource development facility (asphalt and concrete plants) to be operated by Martin Marietta. These questions were also raised as part of an appeal of the Board's approval of the special use permit.

[5] Colorado Counties, Inc. is a non-profit, membership association whose purpose is to offer assistance to county commissioners, mayors, and councilmembers and to encourage counties to work together on common issues.

Our review of the Weld County District Court's order on the appeal of the Board's unanimous decision to approve a special use permit for the asphalt and concrete plants to be operated by Martin Marietta found no evidence of a conflict of interest. The District Court Judge that presided over the appeal and issued the order found that the Commissioner did not have a conflict of interest. Specifically, he found that the Commissioner's previous employment with Tetra Tech, the consultants who worked with Martin Marietta on this project and represented Martin Marietta at the public hearing, does not serve as sufficient evidence that the Commissioner benefited personally or financially from the Board's decision to approve the special use permit. Further, the plaintiffs in the case filed an appeal in March 2017 with the Colorado Court of Appeals, but did not cite their original argument in their appeal about an alleged conflict of interest for the commissioner.

Although we did not find evidence of a conflict of interest in this case, the Board should consider enhancing the County processes managing conflicts of interest to include disclosure of *appearance* of conflicts of interest. Many jurisdictions, including the Commonwealth of Massachusetts, require or encourage public employees to publicly disclose facts, which might otherwise cause a reasonable person to conclude that the public employee has a conflict of interest, but that doesn't otherwise meet the legal definition of a conflict of interest. Such disclosures could serve to dispel any appearance of potential conflicts of interest occasioned by the disclosed facts.

Recommendation 2.4: Draft and pass a resolution defining and requiring or encouraging elected officials to publicly disclose facts related to the appearance of a conflict of interest in order to dispel a reasonable person from concluding a conflict of interest exists when in fact the elected official does not have a conflict of interest under the relevant state and local laws.

Conclusions

Decades of prudent budgeting that continues to the present as well as large amounts of mineral wealth have contributed to a strong financial position for Weld County. The County has low taxes, with property taxes 20 percent below the Big 10 County average, and does not have a sales tax. Further, the County has no debt, its pension is 97 percent funded, and it has unrestricted reserves of nearly $92 million. A recently developed financial dashboard system has improved commissioners' ability to access up to date high level and detailed financial information on County finances.

A recent emergency operations training seminar has raised questions about its planning and costs. The Whole Community Immersion Course, which took place in August 2016 in Breckenridge, cost the County about $19,000 more than originally budgeted. Of this amount, approximately $12,700 was paid for from departmental training budgets and approximately $6,300 was covered by the General Fund.

Despite only one vendor (Dominion) certified to provide new voting machines in the state, the Board proceeded with a competitive purchasing process and ultimately issued a request for proposals for voting equipment vendors in April 2017. Dominion was the only vendor to respond to the bid and the pricing schedule for equipment and services was the same as it the schedule previously negotiated with the State.

Weld County public officials' conflicts of interest are principally managed through self-reporting and guidance provided by the County Attorney. During the course of this performance review, questions were brought to our attention regarding whether one commissioner had a conflict of interest when she participated in a Board of County Commissioners hearing for the consideration of a mineral resource development facility (asphalt and concrete plants) to be operated by Martin Marietta. We found no evidence of a conflict of interest in this case. However, the Board should consider enhancing the County's conflict of interest policies to require or encourage public disclosure of facts to dispel any appearance of potential conflicts of interest when the public officials comply with the legal definition of conflicts of interest, but when certain facts may lead a reasonable person to otherwise conclude that a conflict of interest exists.

Recommendations

The Director of Information Technology should:

2.1. Work with the Finance Director, the Controller, the Director of Human Resources, and the Board of County Commissioners throughout the upgrade of the County's financial system to ensure that the financial dashboards continue to improve the financial and other data available to commissioners.

The Board of County Commissioners should:

2.2. Consider and pass an ordinance defining and requiring documentation for significant changes in appropriations from the original proposed budget.

2.3. Pass an ordinance amending Section 5-4-90 of the County Code to clarify when to pursue sole source purchases. Rather than stating that purchases "may" be sole sourced if there is only one appropriate vendor, the Code should be amended to provide additional criteria on when Commissioners *should* undertake sole source purchasing processes.

2.4. Draft and pass a resolution defining and requiring or encouraging elected officials to publicly disclose facts related to the appearance of a conflict of interest in order to dispel a reasonable person from concluding a conflict of interest exists when in fact the elected official does not have a conflict of interest under the relevant state and local laws.

Costs and Benefits

Implementation of these recommendations will require minimal additional staff time as the Finance Director has indicated that the Finance Department intends to seek improvements in the financial dashboards when the County migrates to a new financial information system. Implementation of these recommendations would result in improved access to financial information for commissioners and department heads and would also clarify when it would be appropriate to pursue a sole source purchase, thereby saving the County an undetermined amount of staff time by not developing and issuing requests for proposals in limited instances. Further, elected officials would likely reduce the perception of conflicts of interest when no such conflicts exist by disclosing facts related to the appearance of conflicts of interest.

Appendix A: Benchmarking Survey Results

Based on information collected during the initial phase of the performance review, the project team devised a set of survey questions to request additional information from Boards of County Commissioners in other counties in Colorado. The project team contacted nine counties: Adams, Arapahoe, Boulder, Douglas, El Paso, Jefferson, Larimer, Mesa, and Pueblo Counties, which together with Weld County and Denver City and County are the counties with the highest populations in Colorado. Denver was not included in the survey due to its status as a City and County and its urbanity. Of the nine counties surveyed, we received responses from Boards of County Commissioners in six counties: Arapahoe, Boulder, Douglas, Jefferson, Mesa, and Pueblo Counties.

1. Does your County have a formal or informal succession plan or policy for executive or director-level staff?

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
Arapahoe County has two programs that are leadership development related. One is LEAD (Leadership Enhancement and Development) and is targeted at developing high potential staff members for management/leadership roles. The other program is the SEAL (Strategic Executive Accelerated Leadership) program and is focused on developing individuals to potentially fill Department Director level leadership succession positions.	Boulder County has a decentralized model of management, so for the County Commissioners Office there is not a succession plan for executive or director level staff. Other departments may or may not have a formal succession plan.	Douglas County's Board of County Commissioners has a Policy Manual (available here: http://www .douglas.co.us/documents/bocc-policy-manual.pdf) that contains an *Immediate Succession Policy* (3.6). The policy requires that the County Manager and County Attorney have no fewer than two individuals prepared to step in to the roles of County Manager and County Attorney. The county's succession planning for director-level positions is more informal, although we are working to improve them.	Not a formal plan. Each Division is encouraged to have its own plan.	No, other than the normal hiring process.	[no response provided]

2. Does your County have a policy that defines improper intrusion into Departmental administrative matters by members of the Board of County Commissioners (BOCC)?

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
Arapahoe County does not have a policy for this.	No.	The Board's Policy Manual (referenced above) also clarifies the Board's role vs. the County Manager and staff roles. Policy 2.2.3 is the first place this is mentioned in the Policy Manual.	Not yet- it is a concept we are planning to address.	No.	[no response provided]

3. Does your County have a policy to assist members of the BOCC with conflicts of interest that may arise in their role as members of the BOCC (e.g. reviewing applications for land use permits, or approving a contract for services for or with third party entities that the member has a previous or current financial interest in)?

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
The County Attorney's Office provides advice to the BOCC in these areas.	The Commissioners in Boulder County strictly adhere to the Government Code of Ethics as promulgated in the Colorado Revised Statutes (CRS) 24-18-101, et seq., where the basic principle is that an official government position is a public trust and its officers owes a fiduciary duty to the people in Boulder to act in their best interest, irrespective of the private interests of the officer. In case a Commissioner needs additional information regarding conflict of interest, a county attorney can provide an opinion on the matter.	Please see Policy 2.7 (Commissioners' Code of Conduct) in the Policy Manual.	Not a written policy. County Attorney provides legal advice as needed.	Our procurement policy would cover some of this. The remainder would be based on advice from the County Attorney.	[no response provided]

4. How many working retirees (staff that has retired from the County and receives County retiree pension and/or health benefits in addition to salary) does your jurisdiction have?

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
124 retirees participate in the County medical plan.	Boulder County currently has approximately ten working retirees.	We do not have retiree pension and/or health benefits, so zero.	We do not have a pension plan and have no way to track who is taking a distribution from the 401a or 457 plan. We do not offer retiree health plans.	We currently have 1.	None.

5. Does your jurisdiction have a whistleblower program or another way for County staff to submit anonymous complains about County operations? If yes, what County department (or third party entity) is responsible for administering the program?

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
Yes, the County Attorney's Office is responsible for administering this program.	We don't have a whistleblower program.	Yes, we have an anonymous reporting hotline - EthicsPoint. Our Finance and Human Resources Departments oversee the EthicsPoint program.	No.	We do not have a specific whistleblower program.	Pueblo County has a Problem Resolution plan that allows employees to submit complaints. Human Resources assists in the process. It is not anonymous.

6. What protections are in place for County staff who claim they are victims of harassment by managers or elected officials?

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
Our Human Resources Department handles these matters.	I'm enclosing the policy that deal with your questions.	Employees are directed **not** to use EthicsPoint for these types of complaints. They are directed to report complaints to the appropriate department official and the HR Director. If the harassment is related to a department official, it should be reported to the HR Director. The note on the county intranet: This reporting tool is not intended for use in reporting concerns related to certain activities such as <u>sexual harassment</u>, <u>discrimination</u>, <u>hostile workplace</u> or any other forms of <u>harassment</u>. These issues require more direct, immediate, and complete information than is available through the anonymous reporting hotline format. These issues must instead immediately be brought to your Department Official and the Human Resources Director to allow for a formal and complete investigation. Douglas County understands that these types of workplace misconduct are extremely serious and in order to fully investigate the issue, the anonymity of EthicsPoint is not practical in these instances. Additional information related to these types of activities and expectations for reporting these concerns may be found in the Employee Handbook.	Our personnel rules have a provision for reporting harassment and protections against retaliation.	Human Resources Manual 6.27 Harassment based on a protected classification is the policy that might apply.	When an employee submits a Problem Resolution to Human Resources, the Director meets with the EO/DD to inform them that one has been submitted and there is to be no retaliation against this employee.

7. Please indicate the meetings for which minutes are taken:
    a. Regular BOCC meetings

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
All below.	Yes	Yes	Business Meetings and Public Hearing	(Yes – video)	(Statutory Meetings): Yes

    b. Working Sessions

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
All below.	It depends on the definition of working sessions	Yes, high level minutes	Regular BCC briefings	(No)	Yes

    b. Other BOCC meetings (e.g. emergency or special meetings)

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
All below.	Yes	Yes	As needed	(Executive sessions are audio recorded as required by statute).	Yes

8. Please indicate the meetings for which audio or video recordings are made:
    a. Regular BOCC meetings

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
All below.	Yes	Yes (audio)	Live web streaming and archive	(Yes – video)	(Statutory Meetings): Yes

    c. Working Sessions

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
All below.	It depends on the definition of working sessions	No	None	(No)	Yes

    c. Other BOCC meetings (e.g. emergency or special meetings)

Arapahoe County	Boulder County	Douglas County	Jefferson County	Mesa County	Pueblo County
All below.	Yes	Typically, anytime a meeting is held in the Commissioners' Hearing Room, the meeting is recorded (audio).	Audio of non-legal advice Executive Sessions	(Executive sessions are audio recorded as required by statute).	Yes