

**RULES, REGULATIONS, AND PROCEDURES OF THE WELD COUNTY COUNCIL,  
ADOPTED PURSUANT TO SECTION 13-4(2)  
OF THE WELD COUNTY HOME RULE CHARTER**

**Revised and Adopted: February 10, 2014**

**(Unless specifically stated otherwise, all "Section" citations set forth herein refer to sections found in the Weld County Home Rule Charter. These Rules, Regulations, and Procedures are adopted pursuant to Section 13-4(2) of said Charter.)**

- I.     Officers. The officers of the Weld County Council shall be:
- A.     President. The President shall preside over meetings and, on behalf of the Council, sign documents, make public statements, appoint committees, write letters, and invite guests to Council meetings. Section 13-4(1).
- B.     Vice-President. The Vice-President shall preside and act for the President in the event of the absence of the President. Section 13-4(1).
- II.    Meetings.
- A.     "Official" Meetings. "Official" meetings of the Weld County Council shall consist of regular or special meetings. Regular meetings shall be held monthly on a day or days to be determined by the Council by resolution. Special meetings may be called by the President. Copies of notices of official meetings shall be posted in a conspicuous place in the offices of the Board of County Commissioners of Weld County at the time such notices are given to members of the Council. All official meetings of the Council shall be open to the public, and no action shall be taken by the Council other than at an official meeting (except as set forth in Subsection "G", below). A record of the proceedings shall be taken and preserved, and it shall be a public record. Section 13-4(2) and (3).
- B.     Parliamentary Procedures. The parliamentary procedure of the Weld County Council shall be governed by the most current edition of Robert's Rules of Order, Newly Revised.
- C.     Voting. All voting shall be done in person and no proxies will be permitted. Voting shall be "viva voce" (by voice), or, upon request of one of the members, by roll call. All members shall have equal vote. Any abstaining voter must give a reasonable explanation for such abstention. Any resolution to be adopted, amended, or repealed or any other action of the Council shall require the concurring vote of three of the members of the Council in office at the time. Section 13-5(2).
- D.     Quorum. Three of the members of the Council in office at the time shall be a quorum for the transaction of business, but in the absence of a quorum, a lesser number

may adjourn any meeting to a later time or date, and then in the absence of all other members the President may adjourn any meeting for not longer than one week. Section 13-5(1).

E. Place of Meetings. All regular and committee meetings shall be held at the Council office at the Weld County Administrative Building, 1150 O Street, Greeley, Colorado, unless an appropriate notice of change of the place of meeting has been written and posted in the office of the Board of County Commissioners of Weld County and notice given to all Council members.

F. Attendance. All members of the Council are expected to attend regular Council meetings and special meetings as they may be called by the Council President, or, in his absence, the Vice-President. No member of the Council shall be absent from three or more consecutive regular Council meetings. The office of any Council member who has failed to attend three or more consecutive regular Council meetings shall be declared vacant by the Council only if it finds, after hearing upon twenty days written notice to the member in question, that the member's failure to attend was not due to reasons substantially beyond his control. Section 13-4(2).

G. Executive Session- The Council may, by the affirmative vote of two-thirds of the members present and upon the announcement to the public of the topic for discussion, go into executive session for the consideration of those matters listed in C.R.S. § 24-6-402 (4).

III. Employees. Council staff employees shall include secretarial personnel appointed by the Council and serving pursuant to the County Personnel system. Such staff shall be evaluated according to the rules set forth in the County Personnel system. Such staff shall, under supervision of the President, obtain supplies, support facilities, and services necessary and help for the Council business and procedures, utilizing established county purchasing procedures through requisitions and purchase orders. Staff shall process all member requests for reimbursable expenses. The staff secretary shall perform secretarial services for all Council members when such secretarial services are necessary because of Council business. The staff secretary shall maintain the general records of the Council. Section 13-8(2).

IV. Reimbursable Expenses. All expenses incurred by Council members as a result of official Council business are reimbursable. Such reimbursable expenses include, but are not limited to, mileage. All requests for payment of reimbursable expenses must first be approved by the Council. Section 13-6.

V. Review and Report Procedures. Pursuant to Section 13-8(6) of the Weld County Home Rule Charter, the Weld County Council has the responsibility to "review all aspects of county government" and to "make such periodic reports to the people relating to

expenditures, efficiency, responsiveness, adherence to statutes, laws and regulations, and other matters as the Council deems advisable." The following review and report procedures are designed to assist the Council in carrying out such responsibility:

A. Observance. Individual Council members may at their own initiative observe any area of county government. Council members shall report to Council of anything they observe that they feel needs special review. Council members shall have access to all county buildings, offices, rooms, equipment, files area and records. Any denial of access shall be reported to Council with specific reasons for denial. Council members shall not advise, coerce, order, direct, or make suggestions to any county officer, employee, or appointed board member while observing or reviewing. Council members may question any officer, appointed board member, commission member, agent, or employee of the county provided the questioning is pertinent to the work or duties being performed and further provided that such questioning does not interfere with the orderly transaction of such person's duties. Council members may contact the President and ask for a special meeting in the event they observe or become aware of something needing immediate review.

B. Review. Council members may ask for specific reviews of any aspect of county government by the Council or by someone designated by the Council to make such review. Any elected official, department head, employee, board member, agent, commission members, or citizen of Weld County shall be allowed to ask the Council to make specific review of any aspect of County government. Periodic appointments for specific reviews may be made by majority vote of the Council. Council members shall wear visible identification while engaged in the official duties of observance or review and shall do so in a manner which does not interfere or impede with the orderly transaction of county business or duties.

C. Reports. Elected officials, and department heads shall be given notice of regular council reports relating to specific offices or departments for aspects under their authority and shall be allowed time to discuss such report at regular Council meetings when such report is given. Notice of reports on special review shall be given as considered appropriate by the Council. The Council shall at the time of report, or at the next regular meeting, make determination on need for more detailed review, other information needed, or it may accept the report as is. All accepted reports shall remain in the files of the Council and be the basis for periodic reports to the people and elected officials. All financial information and recommendations contained in such reports shall be transferred to a master file for use at budget time. Periodic reports to the people and elected officials shall be in such manner as deemed proper and advisable by council provided, however, that they shall be at least every four months. Council members shall not use the files of the Council or information contained within to actively engage in the political election of any person.

## VI. Procedures Pertaining to Suspension of Elected Officials.

A. Elected Official Formally Charged or Indicted for the Commission of a Crime. Pursuant to Section 13-8(5) of the Weld County Home Rule Charter, the following procedure shall be followed by the Weld County Council in any case in which the Council receives information indicating that an elected official has been formally charged or indicted for the commission of a crime:

1. Any Council member who receives information indicating that an elected official has been formally charged or indicted for the commission of a crime shall immediately contact the President, or then acting President.

2. The President, or then acting President, shall immediately call a special meeting of the Weld County Council, the purpose of which will be for the Council to review the facts at hand in an effort to determine whether or not there is in fact probable cause to believe that an elected official has been officially charged or indicted for the commission of a crime.

a. In the event the Council finds that there is not probable cause to believe that an elected official has been formally charged or indicted for the commission of a crime, the matter shall be terminated at that time.

b. In the event the Council finds that there is probable cause to believe that an elected official has been formally charged or indicted for the commission of a crime, the procedure as set forth hereinafter shall be followed.

3. The Council President shall immediately set a special meeting, the purpose of which will be a hearing to determine whether or not in fact the official has been formally charged or indicted for the commission of a crime; if so, whether or not that official should be suspended from his duties; and, if the Council determines that said official should be suspended from his duties, whether or not the suspension should be with or without pay. Said special meeting shall be set not less than three or more than seven days from the date of the finding of probable cause by the Council that there is reason to believe that the official has been formally charged or indicted for the commission of a crime.

4. Upon the setting of the special meeting, the Council shall immediately cause written notice to be personally served upon the elected official who is alleged to have been formally charged or indicted for the commission of a crime, which notice shall contain the following information:

a. The fact that a special meeting has been scheduled for a certain date and certain time for the Council to take evidence to determine whether or not the elected official has been formally charged or indicted for the commission of a crime; if so, whether or not the elected official should be suspended from his duties and, if so, whether the suspension should be with or without pay.

b. The crime and statutory citation for the commission of which the official is alleged to have been formally charged or indicted and the court in which the formal charge or indictment is alleged to have been lodged. The fact that the elected official may appear on the date and time previously set, either with or without counsel that said elected official will be given reasonable time and opportunity to answer the charges, to produce his testimony, and to cross-examine all witnesses presented.

c. The fact that a continuance of the time and date previously set for said special meeting shall not be granted unless the Council finds that the subject elected official has shown good cause for said continuance.

5. At the conclusion of the receipt of testimony and evidence, the Council shall first determine whether or not the elected official has been formally charged or indicted for the commission of a crime. If the Council finds that said official has been formally charged or indicted for the commission of a crime, the Council shall then determine whether or not the best interests of the citizens of Weld County require that said official be suspended and shall furthermore determine whether or not the best interests of the citizens of Weld County require that the suspension be with or without pay.

6. All hearings conducted as set forth above shall be held in the absence of formal rules of evidence, and the admission or rejection of evidence or testimony shall be at the sole discretion of the President or acting President of the Council.

B. Elected Official Found Guilty of Any Crime by a Court or Jury. Pursuant to Section 13-8(5) of the Weld County Home Rule Charter, the following procedure shall be followed by the Weld County Council in any case in which the Council receives information indicating that an elected official has been found guilty of any crime by a court or jury:

1. Any Council member who receives information indicating that an elected official has been convicted of a crime by a court or a jury shall immediately contact the President, or then acting President.

2. The President, or then acting President, shall immediately call a special meeting of the Weld County Council, the purpose of which will be for said Council to review the facts at hand in an effort to determine whether or not there is in fact probable cause to believe that an elected official has been found guilty of a crime by a court or jury.

a. In the event the Council finds that there is not probable cause to believe that an elected official has been found guilty of a crime by a court or jury, the matter shall be terminated at that time.

b. In the event the Council finds that there is probable cause to believe that an elected official has been found guilty of a crime by a court or a jury, the procedure as set forth herein shall be followed.

3. The Council President shall immediately set a special meeting, the purpose of which will be a hearing to determine whether or not in fact the official has been found guilty of a crime by a court or jury. Said special meeting shall be set not less than three or more than seven days from the date of the finding of probable cause by the Council that the official has been found guilty of a crime by a court or jury.

4. Upon the setting of the special meeting, the Council shall immediately cause written notice to be personally served upon the elected official who is alleged to have been found guilty of a crime by a court or jury, which notice shall contain the following information:

a. The fact that a special meeting has been scheduled for a certain date and certain time for the Council to take evidence to determine whether or not the elected official has been found guilty of a crime by a court or jury.

b. The crime and statutory citation for the commission of which the official is alleged to have been found guilty and the court in which the proceedings are alleged to have taken place. The fact that the elected official may appear on the date and time previously set, either with or without counsel that said elected official will be given reasonable time and opportunity to answer the charges, to produce this testimony, and to cross-examine all witnesses presented.

c. The fact that a continuance of the time and date previously set for said special meeting shall not be granted unless the Council finds that the subject elected official has shown good cause for said continuance.

5. At the conclusion of the receipt of testimony and evidence, the Council shall determine whether or not the elected official has been found guilty of a crime by a court or jury. If the Council finds that said official has been found guilty of a crime by a court or jury, the Council shall immediately suspend said official without pay.

6. All meetings conducted as set forth above shall be held in the absence of formal rules of evidence, and the admission or rejection of evidence or testimony shall be at the sole discretion of the President or acting President of the Council.

VII. Conflict of Interest Determinations. Pursuant to Section 16-9(3) of the Weld County Home Rule Charter, the Council has the duty to review, investigate, decide and resolve any question which 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. This duty shall be performed under the following procedures:

A. Presentation to Council. Any conflict of interest question presented to the Council shall be in writing and shall state the nature of the potential conflict, including all related facts and circumstances.

B. Investigation and Review. Upon presentation, Council shall assign a member to investigate and review the conflict of interest question and to report back to the Council at its next regularly scheduled meeting.

C. Decision and Resolution. The Council shall decide and resolve the conflict of interest question at the next regularly scheduled meeting following presentation. The Council's decision and resolution shall be final. To assist in making its decision and resolution, Council may utilize the definitions and standards set forth in the Colorado Code of Ethics, C.R.S. §§ 24-18-101, et. seq.

VIII. Amendments. These Rules, Regulations, and Procedures may be amended by the Council at any regular meeting by the affirmative vote of three members.