

# **HOME RULE CHARTER**

**FOR THE**

**COUNTY OF WELD**

**COLORADO**

**PRESENTED TO THE COUNTY COMMISSIONERS**

**JULY 2, 1975**

**EFFECTIVE DATE**

**JANUARY 1, 1976**

**(INCLUDES AMENDMENTS THROUGH THE NOVEMBER 6, 2007 GENERAL ELECTION)**

Published by

**COLORADO CODE PUBLISHING COMPANY**  
Fort Collins, Colorado

**AMENDMENTS**

Page

1.	Article V, Section 2 .....	C-13
	Effective date - January 1, 1979	
2.	Article XIV, Section 14-9(5) .....	C-22
	Effective date - January 1, 1985	
3.	Article III, Section 3-7 .....	C-3
	Section 3-11(2) .....	C-5
	Section 3-14(7) .....	C-6
	Effective date - July 1, 1990	
4.	Article VI, Section 6-1 .....	C-13
	Effective date - July 1, 1990	
5.	Article VIII, Subsections 8-2(3) and (5) .....	C-15
	Effective date - July 1, 1990	
6.	Article V, Section 5-2 .....	C-13
	Effective date - March 22, 1990	
7.	Article VI, Section 6-3 .....	C-14
	Effective date - March 22, 1990	
8.	Article XIII, Section 13-9	
	Subsections (2) and (4) .....	C-19
	Subsections (6), (8) and (9) .....	C-20
	Effective date - March 22, 1990	
9.	Article XVI, Section 16-10(30) .....	C-29
	Effective date - March 22, 1990	
10.	Article XVI, Section 16-11 .....	C-29
	Effective date - November 7, 1990	
11.	Article VI, Section 6-5(4) .....	C-14
	Effective Date - November 8, 1994	
	(Format of document changed; pages renumbered; and entire document reprinted.)	
12.	Article XV, Section 15-5 .....	C-25
	Effective Date - June 13, 1995 (By Special Election)	
13.	Article II, Section 2-4 Deleted .....	C-1
	Article IV, Section 4-2 .....	C-8
	Article VI, Section 6-1 .....	C-13
	Article XIII, Section 13-8 .....	C-19
	Article XVI, Section 16-10 .....	C-29
	Article XVII, Section 17-1 .....	C-30
	Repagination	
	Effective Date - November 8, 2001; January 1, 2003 (where stated)	

**AMENDMENTS (cont'd)**

	Page
14. Article IV, Section 4-4(B) .....	C-12
Effective Date – November 2, 2005	
15. Article XIII, Section 13-9 .....	C-19
Effective Date – November 7, 2006	
16. Article III, Section 3-4 .....	C-2
Section 3-15 .....	C-6
Article VI, Section 6-4 .....	C-14
Article VII, Section 7-4 .....	C-15
Article VIII, Section 8-3 .....	C-15
Article X, Section 10-7 .....	C-16
Article XIII, Section 13-3 .....	C-18
Section 13-7 .....	C-18
Section 13-8 .....	C-19
Effective Date – November 6, 2007	

**WELD COUNTY HOME RULE CHARTER**

**TABLE OF CONTENTS**

		Page
PREAMBLE.....		C-ix
ARTICLE I	NAME, NATURE, BOUNDARIES, COUNTY SEAT .....	C-1
	1-1 Name	
	1-2 Nature and Legal Capacity	
	1-3 Boundaries	
	1-4 County Seat	
ARTICLE II	COUNTY POWERS .....	C-1
	2-1 General Powers	
	2-2 Exercise of Power	
	2-3 Cooperative Agreements	
	2-5 Construction	
ARTICLE III	BOARD OF COUNTY COMMISSIONERS.....	C-2
	3-1 Composition	
	3-2 Districts	
	3-3 Qualifications of Members	
	3-4 Terms of Office	
	3-5 Chairman of the Board of County Commissioners	
	3-6 Commissioner - Departments	
	3-7 Clerk to the Board	
	3-8 Powers and Duties	
	3-9 Compensation	
	3-10 Rules of Procedure	
	3-11 Meetings	
	3-12 Quorum	
	3-13 Majority Required	
	3-14 Ordinances	
	3-15 Vacancies	
ARTICLE IV	DEPARTMENTS OF COUNTY GOVERNMENT .....	C-6
	4-1 Departments Created	
	4-2 Department of Finance, Central Purchasing, and Personnel	
	4-3 Department of Health Services	
	4-4 Department of Planning Services	
	4-5 Department of Engineering Services	
	4-6 Department of Communications Services	
ARTICLE V	DEPARTMENT OF LAW .....	C-13
	5-1 County Attorney - Appointment	
	5-2 Qualifications	
	5-3 Duties	
	5-4 Special Counsel	

ARTICLE VI	ELECTIVE OFFICERS .....	C-13
	6-1 Elective Officers	
	6-2 Oath of Office	
	6-3 Vacancy	
	6-4 Term of Office	
	6-5 Qualifications	
	6-6 Compensation	
ARTICLE VII	COUNTY ASSESSOR.....	C-14
	7-1 Bond	
	7-2 Duties	
	7-3 Qualifications of Chief Deputy	
	7-4 Terms of Office	
ARTICLE VIII	COUNTY CLERK .....	C-15
	8-1 Bond	
	8-2 Duties	
	8-3 Terms of Office	
ARTICLE IX	COUNTY CORONER .....	C-15
	9-1 Duties	
ARTICLE X	COUNTY SHERIFF .....	C-15
	10-1 Qualifications	
	10-2 Bond	
	10-3 Duties	
	10-4 Qualifications of Undersheriff	
	10-5 Duties of Undersheriff	
	10-6 Jailer – County not Furnish Residence	
	10-7 Terms of Office	
ARTICLE XI	COUNTY TREASURER.....	C-16
	11-1 Bond	
	11-2 Duties	
	11-3 Qualifications of Chief Deputy	
	11-4 Investment of Funds	
ARTICLE XII	OFFICE OF COUNTY SURVEYOR ABOLISHED.....	C-17
	12-1 Office of County Surveyor Abolished	
	12-2 Transfer of Duties	
	12-3 Existing Property and Records	
ARTICLE XIII	COUNTY COUNCIL.....	C-17
	13-1 Composition	
	13-2 Qualifications of Members	
	13-3 Terms of Office	
	13-4 Organization	
	13-5 Quorum – Majority – Action	
	13-6 Compensation	
	13-7 Vacancies	
	13-8 Powers and Duties	
	13-9 Nomination of Councilmen	

ARTICLE XIV	FINANCE AND BUDGET .....	C-20
	14-1 Fiscal Year	
	14-2 Annual Budget	
	14-3 Capital Improvements Program and Budget	
	14-4 Audits	
	14-5 Funds	
	14-6 Long-Term Financing	
	14-7 Limitation on Annual Tax Levy	
	14-8 Limitation of Capital Expenditures	
	14-9 Bidding - Procedure	
ARTICLE XV	ELECTIONS .....	C-22
	15-1 General Elections	
	15-2 Special Elections	
	15-3 Recall	
	15-4 Initiative and Referendum	
	15-5 Election Required Regarding Siting of Correctional or Detention Facilities	
ARTICLE XVI	GENERAL PROVISIONS .....	C-26
	16-1 Continuity of Government	
	16-2 Eminent Domain	
	16-3 Bonding of Officers	
	16-4 Invalidity of Part - Severability	
	16-5 Article and Section Titles	
	16-6 Public Notice	
	16-7 Vacancy	
	16-8 Boards – Composition	
	16-9 Conflict of Interest	
	16-10 Definitions	
	16-11 Solid Waste Disposal Sites – Surcharge	
ARTICLE XVII	AMENDMENTS TO CHARTER .....	C-30
	17-1 Procedure to Amend or Repeal Charter	
	17-2 Conflicting Amendments	
ARTICLE XVIII	TRANSITIONAL PROVISIONS .....	C-31
	18-1 Purpose of Article	
	18-2 Effective Date of Charter	
	18-3 Transition of Elective County Offices	
	18-4 Elections to Fill New Commissioner Positions	
	18-5 Elections to Fill New County Councilman Positions	
	18-6 Salaries	
	18-7 Prior Legislation and Policies	
	18-8 Existing Contracts	
	18-9 Continuation of Employment	
	18-10 Appointive Boards and Commissions	
	18-11 Continuation of Programs	



## **PREAMBLE**

We, the people of Weld County, Colorado, in order to avail ourselves of self-determination in county affairs to the fullest extent permissible under the Constitution and laws of the State of Colorado, and in order to provide uncomplicated, unburdensome government responsive to the people, and in order to provide for the most efficient and effective county government possible, do hereby ordain, establish and adopt this Home Rule Charter for Weld County, Colorado.



**ARTICLE I**  
**NAME, NATURE, BOUNDARIES,**  
**COUNTY SEAT**

**Section 1-1. Name.**

The name of the county as it operates under this Charter shall continue to be Weld County.

**Section 1-2. Nature and Legal Capacity.**

From the time that this Charter takes effect the County shall continue to be:

- (1) an agency of the State and
- (2) a body politic and corporate.

**Section 1-3. Boundaries.**

The boundaries of the County as it operates under this Charter shall be the boundaries now or hereafter prescribed for the County by the laws of the State.

**Section 1-4. County Seat.**

The seat of government of the County as it operates under this Charter shall continue to be in the City of Greeley; provided nothing herein shall prevent the location of county buildings and facilities elsewhere in the County.

**ARTICLE II**  
**COUNTY POWERS**

**Section 2-1. General Powers.**

Except as this Charter provides to the contrary, Weld County shall exercise and provide all mandatory and permissive county powers and functions as provided by law and shall have all rights and powers now or hereafter granted or allowed by the laws of the United States and under the Constitution and laws of the State of Colorado for exercise by counties; in addition thereto, it shall be authorized without amendment to this Charter to provide all functions, services, and facilities and to exercise all prerogatives, functions, duties, and powers that may now or hereafter be authorized by the Constitution of the State of Colorado and statutes enacted pursuant thereto for home rule counties, it being the intent and purpose of the people in adopting this Charter to vest their county government with all of the prerogatives and powers of local government that are now or in the future shall be available to it.

**Section 2-2. Exercise of Power.**

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

**Section 2-3. Cooperative Agreements.**

The County shall have the power to enter into contracts or agreements with other governmental units for joint use of buildings, equipment and facilities, and for furnishing and receiving commodities or services, including law enforcement services. Such agreements or contracts shall be authorized only by the Board of County Commissioners.

**Section 2-5. Construction.**

In this Charter no mention of a particular power or enumeration of similar powers shall be construed to be exclusive or to restrict the authority that the County would have if the particular power were not mentioned or the similar powers not enumerated. The Charter shall be liberally construed, to the end that, within the limits imposed by the Charter and by the law of the United States and of the State, the County has all powers necessary or convenient for the conduct of its affairs, including all powers that counties may assume under the statutes of the State and under the provisions of the State Constitution concerning county home rule.

**ARTICLE III**

**BOARD OF COUNTY COMMISSIONERS**

**Section 3-1. Composition.**

The Board of County Commissioners shall consist of five members elected as follows:

- (1) Three members, each nominated, elected and residing in separate geographic districts as established in Section 3-2 of this Article.
- (2) Two members, each nominated and elected from the County at large.

**Section 3-2. Districts.**

- (1) There are hereby established three geographic commissioner districts numbered district 1, 2 and 3 which shall, initially, correspond to the three commissioner districts in existence on the effective date of this Charter.
- (2) The Board shall review the boundaries of the districts when necessary, but not more often than every two years, and then revise and alter the boundaries so that districts are as nearly equal in population as possible.
- (3) Any change in the boundaries of a County Commissioner's district which shall cause a duly elected or appointed Commissioner to be no longer a resident of the district which he represents shall not disqualify him from holding office during the remainder of the term for which he was elected or appointed.

**Section 3-3. Qualifications of Members.**

Commissioners from districts shall reside within their geographic districts when nominated, elected or appointed and during their terms of office.

**Section 3-4. Terms of Office.**

- (1) The terms of office of County Commissioners shall commence on the first working day of the year immediately following the general election at which they are elected and shall be for four years, with terms staggered as follows: Two Commissioners, one each from geographic districts numbered one and three and one Commissioner elected at large, shall be elected for four-year terms at the general election in 1976 and each four (4) years thereafter; and one Commissioner for geographic district number two and one Commissioner elected at large shall be elected for a four (4) year term at the general election in 1978 and each four (4) years thereafter.
- (2) The term of office of a Commissioner shall continue until his successor is elected and qualified.
- (3) No person shall serve more than three full consecutive terms as a County Commissioner.

**Section 3-5. Chairman of the Board of County Commissioners.**

(1) The Board, from among its members, shall elect annually at its first meeting in January of each year, a Chairman of the Board.

(2) The Chairman shall preside over meetings of the Board.

(3) The Board, from among its members, shall elect annually at its first meeting in January of each year, a Chairman Pro-Tem, to preside over meetings in the absence of the Chairman.

**Section 3-6. Commissioner – Departments.**

(1) The Department of Finance, Central Purchasing, and Personnel shall be coordinated by the Chairman of the Board of County Commissioners.

(2) Each of the other four major departments, as established by Article IV, shall be coordinated by one of the other Commissioners together with assistance from another Commissioner, both of whom shall be appointed by the Board at its first meeting in January each year.

**Section 3-7. Clerk to the Board.**

(1) The Clerk to the Board shall be appointed by and under the direction of the Board of County Commissioners of Weld County. The Board of County Commissioners may employ such Deputy Clerks to the Board as may be necessary or required to carry out the duties of the office. The deputies shall be subject to the personnel policies, rules and regulations, and classifications and compensation plans adopted pursuant to Section 4-2, Article IV(B) of this Charter. The Clerk to the Board may be made subject to the same provisions of Section 4-2, Article IV(B), by resolution of the Board.

(2) The Clerk to the Board shall be custodian of the County seal, and records and papers of the Board of County Commissioners; shall maintain a journal and record of Board proceedings; record all motions; resolutions; actions of and votes by the Board; shall be the agent of the County for service of process; and shall perform such other duties as are now or may hereafter be prescribed by law for Clerks of Boards of County Commissioners or by this Charter.

**Section 3-8. Powers and Duties.**

(1) The Board of County Commissioners shall be the governing body of the County. It shall exercise all the powers and perform all the duties now required or permitted or that may hereafter be required or permitted by State law to be exercised or performed by County Commissioners in either home rule or non-home rule counties.

(2) It shall exercise all powers of the County to determine policy and to enact legislation.

(3) It shall be responsible for the proper exercise by the County departments and other agencies established by this Charter or by the Board for all executive and administrative powers and duties delegated thereto.

(4) Without limiting the generality of the foregoing or diminishing the total authority and responsibility of the Board as herein provided, the powers and duties of the Board shall include duties and powers to:

(a) Perform or provide for the performance of any duties and responsibilities required by statute or the Constitution of Colorado of County Commissioners in home rule counties and non-home rule counties.

(b) Enact legislation including such means of enforcement thereof as shall be authorized by law, and otherwise formally promulgate county policy. Unless otherwise required by statute, the Board shall act only by ordinance in matters of legislation, contracts, appropriations, and disposition of real property, and by ordinance, resolution or motion, as may be appropriate, in other matters.

- (c) Appoint, remove and establish qualifications of department heads, and through them, direct the functions of county offices, departments, divisions and agencies.
- (d) Appoint and remove the County Attorney, pursuant to Section 5-1 of this Charter, and retain such other professional advisors as the Board may deem necessary.
- (e) Adopt an administrative code.
- (f) Develop, or cause to be developed, a system of employment policies, rules, job classification and compensation plans in accordance with generally accepted principles and promulgate such policies, rules and plans, under the authority of and in compliance with the provisions of pertinent Colorado and Federal statutes and this Charter.
- (g) Initiate suits or actions on behalf of the County.
- (h) Create such agencies, boards and commissions as the Board may deem necessary or as may be required by State law, and appoint the members thereof. The action creating an agency, board or commission shall also set forth compensation, duties, and responsibilities as well as any qualifications and conditions of service. The Board may designate itself to perform the functions and exercise the process of any such board or commission, unless prohibited by State law or this Charter.
- (i) Appropriate funds for all lawful purposes.
- (j) Establish and levy taxes, charges, fees and licenses.
- (k) Regulate, license, and tax utilities to the extent permitted by law.
- (l) Purchase or otherwise acquire, hold, own, sell, trade, transfer, divide, lease, encumber, or reserve interest in real and personal property, and receive gifts and grants, in the name of the County.
- (m) Approve and execute, on behalf of the County, all contracts. Contracts shall be executed for the Board by the Chairman.
- (n) Act as a Board of Appeals to hear complaints on actions taken by county boards, commissions and departments. Procedure for appeals shall be as set forth in the administrative code, or by resolution of the Board. No person shall be denied the right to appeal, provided they comply with the administrative procedures established by the Board.
- (o) Establish salaries or other compensation for the County Attorney, Assistant County Attorneys, and all other employees, or appointees not included within the Personnel system.
- (p) Provide for reimbursement of actual expenses of food, travel, and lodging necessary for performance of the duties of a County Commissioner, County Councilman, county officer, county employee, or member of an appointed board or commission.
- (q) Authorize multi-jurisdictional performance of duties and functions with other units of government, and, under procedures provided by law, cause the County to be included within such districts consisting of two or more counties or parts thereof as may be authorized or provided by law for the joint performance of county functions or the performance of regional functions.
- (r) Establish a municipal conference to be called by the Board of County Commissioners not less than three times each year to which all municipal officials shall be invited and appropriate agendas developed in order that mutual problems be considered.
- (s) Require that all inspections of whatever type made by county officers or employees be made promptly and without unreasonable delay.

(t) Perform or exercise, or provide for the performance or exercise of, any or all permissive functions, services, facilities and powers that may now or in the future be authorized by law and not specifically mentioned or assigned by this Charter. The Board shall perform or assign any mandatory duty, responsibility or function required of the County by the laws or Constitution of the State, which may have been omitted in this Charter.

### **Section 3-9. Compensation.**

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

(2) No member's compensation shall be increased or decreased during his term of office, except as permitted by law.

(3) Until otherwise set, the salary of the members of the Board shall be: Commissioners of districts 1 and 3, \$10,000.00; and Commissioner of district 2 and Commissioners at large, \$15,000.00 per year.

### **Section 3-10. Rules of Procedure.**

The Board shall adopt rules of procedure governing the time, place, and conduct of its meetings and hearings, and the introduction of and action on motions, resolutions and ordinances. The Board may also adopt procedures for requiring attendance of its members. All official meetings shall be open to the public, and no action shall be taken by the Board other than at an official meeting. A record of proceedings shall be taken and preserved, and it shall be a public record.

### **Section 3-11. Meetings.**

(1) Regular Board meetings shall be held at least twice weekly on days to be determined by the Board by resolution, except a regular meeting may be cancelled; however, by resolution of the Board passed and publicly announced at least ten (10) days prior to the cancelled meeting date.

(2) Special meetings shall be called by the Clerk to the Board upon the written request of the Chairman or of any three (3) members of the Board. Each member of the Board shall be provided at least twenty-four hours written notice of such meeting, served personally or left at each members usual place of residence. However, a special meeting called as herein provided may be held on shorter notice if all members of the Board are present or have waived notice thereof in writing. A copy of the notice of a special meeting shall be posted in a conspicuous place in the offices of the Board at the time such notice is given to members of the Board. No business shall be transacted at a special meeting unless the same has been stated in the notice of such meeting.

(3) When a regular or special meeting is adjourned or recessed to a time certain, notice of the time and place of the reconvening thereof shall be posted in a prominent place in the offices of the Board.

### **Section 3-12. Quorum.**

Three of the members of the Board in office at the time shall be a quorum for the transaction of business.

### **Section 3-13. Majority Required.**

Any resolution or ordinance to be adopted, amended, or repealed, shall require concurrence of three of the members of the Board in office at the time.

### **Section 3-14. Ordinances.**

(1) An ordinance may be introduced at any regular meeting by any member of the Board. Upon introduction it shall be presented and read a first time, and public notice of the proposed ordinance given at least ten (10) days before its second reading. If, upon second reading, a majority of the Board approves the ordinance, public notice shall be given a second time as a proposed ordinance, at least ten (10) days before its final passage. Upon final adoption, public notice shall again be given.

(2) Except in case of an emergency ordinance, an ordinance shall become effective five (5) days after its final public notice unless a later date is specified in the ordinance.

(3) Every ordinance, except a general budget ordinance, a general appropriation ordinance, and an ordinance adopting a code by reference, shall be confined to a single subject which shall be clearly expressed in its title.

(4) All ordinances shall be introduced in written or printed form. No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be re-enacted in full and public notice given, except as otherwise provided herein for amendments to codes. However, an ordinance or section thereof may be repealed by reference to its title and ordinance or code number only.

(5) The enacting clause of all ordinances shall be: "Be it ordained by the Board of County Commissioners of Weld County, Colorado."

(6) An ordinance which is declared therein to be an emergency ordinance may be enacted by four-fifths vote of the Commissioners at the meeting at which it is introduced without any requirement of prior public notice. Public notice of an emergency ordinance shall be given forthwith after passage. The effective date of an emergency ordinance shall be the date of its enactment unless a later date is specified in the ordinance. An emergency ordinance shall contain a specific statement of the emergency.

(7) The Chairman shall sign and the Clerk to the Board shall attest to all ordinances approved by the Board. All ordinances of the County shall be indexed by subject by the Clerk to the Board and kept in a book for that purpose which shall be a public record.

(8) Standard codes, promulgated by the Federal Government, the State of Colorado, or by an agency of either of them, or by any municipality within the State of Colorado, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference; provided the public notice of the ordinance adopting any said code shall advise that copies thereof are available for inspection at the office of the Clerk of the Board, and provided that any penalty clause in said codes may be adopted only if set forth in full in the adopting ordinance.

(9) The Board shall cause the permanent ordinances to be codified periodically. Such codification may be of the entire body of permanent ordinances or of the ordinances of some particular subject. Such codification may be re-enacted by reference by the Board or may be authenticated in such manner as may be designated by ordinance. No codification ordinance shall be invalid on the grounds that it deals with more than one subject.

**Section 3-15. Vacancies.**

(1) A vacancy in the office of County Commissioner shall be filled by appointment by County Council.

(2) A vacancy in any other elected office, except Councilman, shall be filled by appointment by the Board. Said appointee shall be of the same political party as that of the previous officer and the appointment shall be for the remainder of the term.

**ARTICLE IV**

**DEPARTMENTS OF COUNTY  
GOVERNMENT**

**Section 4-1. Departments Created.**

(1) There are hereby created the Department of Finance, Central Purchasing, and Personnel; the Department of Health Services; the Department of Planning Services; the Department of Engineering Services; and the Department of Communications Services.

(2) The Chairman of the Board of County Commissioners shall be responsible for coordination of the Department of Finance, Central Purchasing, and Personnel.

(3) The coordinator of each of the other departments shall be the responsibility of one of the other Commissioners.

(4) Except as otherwise provided in this Charter, each department or division may be administered by a director, or directors appointed by the Board of County Commissioners, and subject to the immediate coordination of the Commissioner responsible for the department. Each director shall be responsible within his department, subject to the approval of the Board and the regulations of the Personnel system, for the appointment, promotion, discipline and discharge of employees of that department. Responsibility for coordinating the Departments of Health Services, Planning Services, Engineering Services, and Communications Services shall be rotated annually.

(5) Each department may be divided into as many divisions as the Board of County Commissioners may determine to be necessary or desirable. Each division may be headed by one person responsible directly to the department director.

(6) Nothing herein shall prevent the appointment of one person as head of more than one division.

(7) Nothing herein shall apply to the Department of Law.

(8) The Board shall organize and may reorganize the departments established by this Charter, and assign or reassign functions and duties between departments and divisions, and may create additional divisions.

(9) In case of reorganization or reassignment, there shall not be more than five departments at any time (not including the Department of Law) including the Department of Finance, Central Purchasing, and Personnel.

**Section 4-2. Department of Finance, Central Purchasing, and Personnel.**

(A) The Division of Finance and Central Purchasing shall:

(1) With the assistance of the elected officials and department directors, gather together the information necessary for the preparation of the budget, and in such form as the Board directs, prepare a preliminary draft of the budget for the next fiscal year and submit it to the Board by such date as the Board may direct. Such preliminary draft shall include recommended operating expenses, capital expenditures, and revenue sources for all departments and units of the County government, and any other information deemed necessary.

(2) Prepare monthly financial statements, budget and appropriation reports as directed.

(3) Assist the Board in administration of the budget and in preparation of appropriation ordinances.

(4) Establish, maintain and operate the Central Purchasing Office for the County. Responsibilities of the Purchasing Office shall include the purchase, storage and distribution of supplies, materials, property, equipment and inventory pursuant to policies and procedures established by the Board and in accordance with this Charter and the laws of the State.

(5) Exercise such additional powers and perform such additional functions and duties as may be required by the Board.

(6) The Division of Finance and Central Purchasing shall be under the direction of a Finance Officer whose duties shall include the following:

(a) The County Finance Officer shall on behalf of the Board of County Commissioners act as Chief Accounting Officer of the County and manage, supervise, coordinate and direct the activities of the Division of Finance and Central Purchasing. He shall be responsible to the Board of Commissioners for the proper execution, administration and functioning of the affairs of the above described divisions of Weld County, including the performance by the respective divisions and officers of those functions, duties and services permitted or required by this Charter.

(b) Cause the policies adopted or approved by the Board of County Commissioners to be implemented in those divisions as required by the Board of County Commissioners and insure that the activities of those departments are consistent with the policies determined and set by the Board of County Commissioners.

(c) Supervise and direct the preparation of the budget.

(d) Exercise control over purchases and expenditures and keep the Board of County Commissioners advised of the financial condition and future needs of the County.

(B) The Division of Personnel shall:

(1) Assist the Board in the preparation of a system of employment policies, rules, job classification and compensation plans in accordance with generally accepted Personnel principles.

(2) Such system shall include at least the following:

(a) Employment and promotion in the County government shall be made upon the basis of quality, education, training, and experience necessary to carry out the duties and responsibilities of the work to be performed.

(b) Classification and compensation according to duties and responsibilities pursuant to adoption of a classification and pay plan which shall from time to time be reviewed and amended by the Board as necessary.

(c) Standards of employment based on conduct and performance of work and the procedures for creating and abolishing positions.

(d) Dismissal, disciplinary and employee grievance procedures.

(e) An appointing or employing authority may not employ or request the employment of any person who is related to him as spouse, parent, child, brother, sister or in-law.

(f) No employee shall, during working hours, engage in any political activity.

(g) The official hours of all Weld County Departments shall be as established by the Board in the Personnel Policies rules and regulations.

(h) The Personnel system shall comply with the provisions of pertinent Colorado and Federal statutes.

(3) The Personnel Policies, rules and regulations and classification and compensation plans may be amended by the Board.

(4) The Board of County Commissioners shall implement a Personnel system which shall become effective no later than twelve (12) months from the effective date of this Charter.

(5) No county employee shall lose any vested retirement benefits by reason of any change in retirement plans.

(6) Elected officials shall make appointments to fill vacancies in their departments from a list of names certified by the Personnel Department to be qualified for the position to be



filled. The elected official may interview each person on the list and examine the qualifications and shall have the authority to reject all persons on the list, whereupon the Personnel Department shall certify a new list.

Elected officials shall have direct authority over the employees in their respective offices pursuant to the County Personnel Policies, rules, regulations, job classification and compensation plans.

(7) All employees of the County shall be included within the provisions of the Personnel system, except the Board may, in its discretion, exclude the employees of certain divisions, and except the undersheriff and chief deputy of each elected official, temporary employees, advisors, and consultants retained by contract, the County Attorney and Assistant County Attorneys, and except as otherwise provided by law.

(8) The Board of County Commissioners shall appoint an appeals board to which an employee may appeal his dismissal, suspension, demotion, or other grievance.

(a) The number of members, term, and qualifications of the appeals board shall be set forth by the Personnel Policies, rules and regulations.

(b) The procedures for appeal shall be outlined in the Personnel Policies, rules and regulations.

(C) The Department of Finance, Central Purchasing, and Personnel shall contain such other divisions as may from time to time be established by the Board, and shall perform such functions and duties as may from time to time be assigned or reassigned to it.

#### **Section 4-3. Department of Health Services.**

(A) Division of Public Health.

(1) The Director of Public Health shall be appointed by the Board upon consultation with the Board of Health.

(2) The Director of Public Health shall:

(a) Have all powers and duties now provided or as hereafter provided by State law for health departments in Colorado.

(b) Direct supervision of the Environmental Health Services.

(c) Cooperate and work jointly with the Commissioner assigned to the Department of Health Services on all county health related activities.

(d) Make recommendations to the Board for the purpose of helping to eliminate and avoid the duplication of services in county health related areas.

(e) Evaluate all health programs that affect Weld County.

(f) Cooperate with the Commissioner assigned to the Department of Health Services, in order to plan, cooperate and contract with other county health agencies so that all programs benefit from the combined use of facilities and staff.

(g) Work with regional, state and federal authorities relating to public health programs in Weld County.

(h) Report at least annually to the Board on all matters set forth above.

(i) Perform such functions and duties as the Board shall direct.

(3) The Board of County Commissioners shall appoint a Board of Public Health consisting of nine persons. Such board shall be chosen as follows:

(a) The Board of County Commissioners shall determine six geographic areas and appoint one member from each of the geographic areas. Each member shall reside within the geographic area for which he is appointed at the time of his appointment and during his term.

(b) Three members shall be appointed from the County at large.

(c) The geographic boundaries may be adjusted from time to time by the Board of County Commissioners.

(d) The term of office shall be for three years, said terms to be staggered so that two members from geographic areas and one member at large are appointed each year. The Board of Commissioners shall make the initial appointments for one, two and three years, in order to initiate the staggered terms. No person shall serve more than two consecutive terms as a member.

(4) The Board of Public Health shall adopt by-laws which shall state the purposes of the Board and shall at least:

(a) Provide for the selection of its officers, and for appointment of standing and special committees necessary to effect the discharge of its responsibilities.

(b) Provide for the adoption of a schedule of meetings and attendance requirements.

(c) Require that minutes be kept of the Board of Public Health deliberations and decisions.

(d) Require five members constitute a quorum.

(e) Provide for studying county health programs and direct their implementation in cooperation with the Director of Public Health and the Board of County Commissioners.

(B) Hospital Division.

(1) Except as provided herein, the administration of Weld County General Hospital shall remain as provided by law and the rules and regulations of the Board of Trustees, and they shall be directly responsible to the Board of County Commissioners.

(2) Members of the Hospital Board of Trustees shall be appointed for three-year terms and no person shall serve more than two consecutive terms.

(3) The County Attorney shall represent and advise the Board of Trustees.

(C) Other Divisions.

The Department of Health Services shall contain such other divisions as may from time to time be established by the Board, and shall perform such functions and duties as may from time to time be assigned or reassigned to it.

**Section 4-4. Department of Planning Services.**

(A) Division of Planning, Zoning and Inspection.

(1) A director of the Department of Planning Services shall be appointed by the Board upon consultation with the Planning Commission.

(2) The Director of Planning Services shall:

(a) Be responsible for the administration and coordination of the Planning, Zoning and Inspection Divisions.

(b) Subject to rules and regulations promulgated by the Planning Commission:

- (i) supervise the issuance of all building permits.
  - (ii) direct and coordinate the activities of the building, electrical and plumbing inspections.
  - (c) Coordinate activities between the Board of Adjustment and the Planning Commission and provide the necessary liaison personnel to work with the Board of Adjustment.
  - (d) Coordinate the activities assigned to the Planning Commission affecting the County in connection with the Regional Council of Governments.
  - (e) Be responsible for planning and coordinating of all county parks and recreational facilities.
  - (f) Perform such functions and duties as the Board shall direct.
- (3) The Board of County Commissioners shall appoint a Planning Commission consisting of nine persons. Such commission shall be chosen as follows:
- (a) The Board of County Commissioners shall determine six geographic areas and appoint one member from each of the geographic areas. Each member shall reside within the geographic area for which he is appointed at the time of his appointment and during his term.
  - (b) Three members shall be appointed from the County at large.
  - (c) The geographic boundaries may be adjusted from time to time by the Board of County Commissioners.
  - (d) The term of office shall be for three years, said terms to be staggered so that two members from each geographic area and one member at large are appointed each year. The Board of County Commissioners shall make the initial appointments for one, two and three years, in order to initiate the staggered term. No person shall serve more than two consecutive terms as a member.
- (4) The Planning Commission:
- (a) Shall act and decide on all petitions and applications submitted to it pursuant to law or regulation.
  - (b) Shall perform such functions and duties as shall be provided by law and as shall be directed by the Board.
  - (c) All decisions of the Planning Commission shall be subject to appeal and review by the Board in accordance with State law and the rules and regulations established by the Board.
  - (d) Applications for rezoning shall be referred to the Board in accordance with the State law and the rules and regulations of the Board.
  - (e) No utility transmission system shall be constructed until the entity developing such system shall have made application to the Weld County Planning Commission pursuant to the rules and regulations of the Planning Commission and until such utility system has been approved by the Board. Prior acquisition of utility transmission easements and rights-of-way shall not be considered by the Planning Commission or Board.
  - (f) The Planning Commission shall establish rules and regulations covering applications for utility transmission easement systems and hearings thereon. The application shall include all information required by the Board including environmental and economic impact statements.
  - (g) The Planning Commission shall make its recommendation to the Board as to whether an application for a transmission utility system should be granted or denied and the Board shall make a final determination.

(5) The Planning Commission shall adopt by-laws which shall state the purposes of the Commission and shall at least:

- (a) Provide for the selection of its officers, and for appointment of standing and special committees necessary to effect the discharge of its responsibilities.
- (b) Provide for the adoption of a schedule of meetings, including at least one meeting per month, and attendance requirements.
- (c) Require that minutes be kept of the Planning Commission deliberations and decisions.
- (d) Require five members to constitute a quorum.

(B) Board of Adjustment.

The Board of Adjustment shall consist of five regular members, appointed in the same manner and for the same terms as the Planning Commission. Associate members may be appointed to act in the absence of regular members at regular and special meetings. The Board of Adjustment shall perform such functions and duties as are provided by law. The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of an administrative official or agency or to decide in favor of an appellant, except that the concurring vote of only three members shall be necessary to grant a variance from the strict application of regulations adopted pursuant to the County's zoning authority.

(C) The Department of Planning Services.

The Department of Planning Services shall contain such other divisions as may from time to time be established by the Board, and shall perform such functions and duties as may from time to time be assigned or reassigned to it.

#### **Section 4-5. Department of Engineering Services.**

(1) The Board of County Commissioners shall appoint the director of the Department of Engineering who may be known as the County Engineer. The County Engineer shall be licensed, or shall be eligible for license, as a registered professional engineer in the State of Colorado.

(2) The County Engineer shall exercise all of the powers and perform all the acts and duties now required or that may hereafter be required by State law to be exercised or performed by the County Surveyor.

(3) The County Engineer shall perform such functions and duties as the Board shall direct.

(4) The Department of Engineering shall contain such divisions as may from time to time be established by the Board, and shall perform such functions and duties as may from time to time be assigned or reassigned to it.

#### **Section 4-6. Department of Communications Services.**

(1) The Board of County Commissioners shall appoint the director of the Department of Communications Services.

(2) The Director of Communications Services shall perform such functions and duties as the Board shall direct.

(3) There may be a division of Extension Service.

The County Agent shall perform such functions as are provided by law or as requested by the Board, which may include the 4-H programs.

(4) The Department of Communications Services shall contain such divisions as may from time to time be established by the Board, and shall perform such functions and duties as may from time to time be assigned or reassigned to it.

**ARTICLE V**  
**DEPARTMENT OF LAW**

**Section 5-1. County Attorney – Appointment.**

(1) There shall be a Department of Law, the director of which shall be known as the County Attorney. He shall be appointed by the Board for an indefinite term and his employment may be terminated by majority vote of the Board.

(2) The office of County Attorney shall be the primary employment of the County Attorney and he shall have no other employment as an attorney.

(3) The Board may appoint such Assistant County Attorneys as it deems necessary subject to the same term and limitations as the County Attorney.

**Section 5-2. Qualifications.**

The County Attorney shall be a resident of the County of Weld and duly licensed as an attorney by the State of Colorado for at least five (5) years immediately prior to his appointment, and shall have been actively engaged in the practice of law during such five years.

**Section 5-3. Duties.**

(1) The Department of Law shall exercise all legal and administrative functions of the County government assigned by law or the Board to the County Attorney.

(2) The County Attorney shall act as legal advisor for the Board and all departments and divisions of county government.

(3) The County Attorney shall, upon request of elective county officers, issue formal written opinions on questions of law, which shall be maintained by the County as public documents.

(4) When directed by the Board, the County Attorney shall represent the County, county officers, county employees, and appointed boards and commissions and their members in suits, actions and other legal proceedings.

(5) In the event of conflict between the Board and any other county officer, such county officer shall be represented by the Weld County District Attorney.

**Section 5-4. Special Counsel.**

The Board may appoint special counsel for the purpose of making investigations and representing the County in suits by and against the County, its officers, or its agencies. Employment of special counsel shall be by written contract which shall set forth the purpose and terms of employment and compensation therefore.

**ARTICLE VI**  
**ELECTIVE OFFICERS**

**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 6-2. Oath of Office.**

Before entering upon the duties of his office, every officer designated by this Charter shall take, subscribe, and file with the County Clerk, an oath or affirmation that he will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the ordinances of the County of Weld, Colorado, and will faithfully perform the duties of this office.

**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 6-4. Term of Office.**

(1) The term of office of each elected office shall commence on the first working day of the year, immediately following the general election at which he is elected, and shall be for four years.

(2) The term of office of each elected office shall continue until a successor is elected and qualified.

(3) A person appointed to complete a term for a vacant elected office shall not be required to run for election during such term. A term completed by an appointee shall not be considered a "full term" for the purposes of determining limitation on the number of consecutive terms of office the appointee is able to serve.

**Section 6-5. Qualifications.**

(1) All elected officers shall be qualified electors of the County.

(2) All elected officers shall have resided in the County for a consecutive period of not less than one (1) year immediately preceding election.

(3) All elected officers shall be at least twenty-one (21) years of age before assuming office.

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

**Section 6-6. Compensation.**

(1) Compensation of all elected officers, except County Councilmen, shall be fixed by the County Council.

(2) No elective officer's compensation shall be increased or decreased during his term of office, except as permitted by law.

**ARTICLE VII****COUNTY ASSESSOR****Section 7-1. Bond.**

The County Assessor shall execute to the people of the State of Colorado, and file in the office of the County Clerk, a bond, as provided by this Charter and approved by the Board. The sureties shall be responsible for the acts of the County Assessor and his deputies.

**Section 7-2. Duties.**

(1) The County Assessor shall appoint a Chief Deputy to act in his absence, disability, or in case of a vacancy in the office, and such Chief Deputy shall perform all the duties of County Assessor during such absence or until such vacancy shall be filled.

(2) The County Assessor may appoint such other deputies as may be necessary or required to carry out the duties of the office.

(3) The County Assessor shall exercise all of the powers and perform all the acts and duties now required or that may hereafter be required by State law to be exercised or performed by the County Assessor.

(4) The County Assessor may exercise those discretionary county functions and powers, and provide such services and facilities as may be authorized by law.

**Section 7-3. Qualifications of Chief Deputy.**

The Chief Deputy shall have attended and passed the Colorado Tax Assessor's school, or an equivalent thereof, and shall have had a minimum of five years experience in reading and platting legal descriptions, the application of the mill levy to property assessment, and the application of the assessment rolls to the computer.

**Section 7-4. Terms of Office.**

No person shall serve more than three full consecutive terms as Assessor.

**ARTICLE VIII  
COUNTY CLERK**

**Section 8-1. Bond.**

The County Clerk shall execute to the people of the State of Colorado, and file in the office of the County Clerk, a bond, as provided by this Charter and approved by the Board. The sureties shall be responsible for the acts of the County Clerk and his deputies.

**Section 8-2. Duties.**

(1) The County Clerk shall appoint a Chief Deputy to act in his absence, disability, or in case of a vacancy in the office, and such Chief Deputy shall perform all the duties of County Clerk during such absence or until such vacancy shall be filled.

(2) The County Clerk may appoint such other deputies as may be necessary or required to carry out the duties of the office.

(3) The County Clerk shall be custodian of a Seal of Office which shall constitute evidence of authority to perform the acts of office as provided for by law.

(4) The County Clerk shall exercise all of the powers and perform all the acts and duties now required or that may hereafter be required by State law to be exercised or performed by the County Clerk.

(5) The County Clerk may exercise those discretionary county functions and powers, and provide such services and facilities as may be authorized by law, for County Clerks except for those functions and powers assigned to the Clerk to the Board under Section 3-7 of Article III of this Charter.

**Section 8-3. Terms of Office.**

No person shall serve more than three full consecutive terms as Clerk and Recorder.

**ARTICLE IX  
COUNTY CORONER**

**Section 9-1. Duties.**

(1) The County Coroner shall appoint a Chief Deputy to act in his absence, disability, or in case of a vacancy in the office, and such Chief Deputy shall perform all of the duties of County Coroner during such absence or until such vacancy be filled.

(2) The County Coroner may appoint such other deputies as may be necessary or required to carry out the duties of the office.

(3) The County Coroner shall exercise all of the powers and perform all the acts and duties now required or that may hereafter be required by State law to be exercised or performed by the County Coroner.

(4) The County Coroner may exercise those discretionary county functions and powers, and provide such services as may be authorized by law, for County Coroners.

## ARTICLE X COUNTY SHERIFF

### Section 10-1. Qualifications.

The County Sheriff shall be a graduate of a certified law enforcement academy or institution requiring at least 90 quarter (60 semester) credit hours for graduation; or have had a minimum of five years experience as an administrator in law enforcement at the rank of Sergeant, or above.

### Section 10-2. Bond.

The County Sheriff shall execute to the people of the State of Colorado, and file in the office of the County Clerk, a bond, as provided by this Charter and approved by the Board. The sureties shall be responsible for the acts of the County Sheriff, the Undersheriff, and his deputies.

### Section 10-3. Duties.

(1) The County Sheriff shall appoint an Undersheriff, who shall also be a general deputy, to serve during the pleasure of the Sheriff.

(2) The County Sheriff may appoint such other deputies as may be necessary or required to carry out the duties of the office.

(3) The County Sheriff shall exercise all of the powers and perform all the acts and duties now required or that may hereafter be required by State law to be exercised or performed by the County Sheriff.

(4) The County Sheriff may exercise those discretionary county functions and powers, and provide such services and facilities as may be authorized by law.

(5) The County Sheriff shall provide such law enforcement services to incorporated municipalities as may be provided for by service contract or joint agreement between the Board and a municipality.

### Section 10-4. Qualifications of Undersheriff.

(1) The Undersheriff shall have an Associate of Arts Degree, or its equivalent, in Police Science, Police Administration, or in some related field.

(2) The Undersheriff shall have had at least five years law enforcement experience including substantial administrative and personnel experience.

(3) The Sheriff shall determine that the Undersheriff meets the above qualifications.

### Section 10-5. Duties of Undersheriff.

(1) In the case of the absence, disability, or in event of a vacancy in the office of County Sheriff, the Undersheriff shall perform all the duties of County Sheriff during such absence or until such vacancy shall be filled.

(2) The Undersheriff shall perform such other duties as may be directed by the County Sheriff.

### Section 10-6. Jailer – County not Furnish Residence.

The County shall not be required to furnish the Sheriff, as keeper of the jail, nor any deputy appointed for that purpose, with living quarters. This shall not relieve the Sheriff of his duty to safely keep all prisoners committed to his custody according to law.

### Section 10-7. Terms of Office.

No person shall serve more than three full consecutive terms as Sheriff.



**ARTICLE XI**  
**COUNTY TREASURER**

**Section 11-1. Bond.**

The County Treasurer shall execute to the people of the State of Colorado, and file in the office of the County Clerk, a bond, as provided by this Charter and approved by the Board. The sureties shall be responsible for the acts of the County Treasurer and his deputies.

**Section 11-2. Duties.**

(1) The County Treasurer shall appoint a Chief Deputy to act in his absence, disability, or in case of a vacancy in the office, and such Chief Deputy shall perform all the duties of County Treasurer during such absence or until such vacancy shall be filled.

(2) The County Treasurer may appoint such other deputies as may be necessary or required to carry out the duties of the office.

(3) The County Treasurer shall exercise all of the powers and perform all the acts and duties now required or that may hereafter be required by State law to be exercised or performed by the County Treasurer.

(4) The County Treasurer may exercise those discretionary county functions and powers, and provide such services as may be authorized by law.

**Section 11-3. Qualifications of Chief Deputy.**

The Chief Deputy shall have had a minimum of five years investment experience in handling investments, of the type handled in the office of the County Treasurer.

**Section 11-4. Investment of Funds.**

(1) The County Treasurer shall, with prudence, deposit available funds in accordance with the statutes of the State of Colorado giving preference to Weld County financial institutions.

(2) All interest from county funds shall become a part of the General fund, except that interest from particular funds may, by resolution of the Board, be retained in such fund.

**ARTICLE XII**  
**OFFICE OF COUNTY SURVEYOR ABOLISHED**

**Section 12-1. Office of County Surveyor Abolished.**

Upon adoption of this Charter, the office of County Surveyor shall be abolished, effective January 1, 1976.

**Section 12-2. Transfer of Duties.**

The County Engineer shall exercise all of the powers and perform all the acts and duties now required or that may hereafter be required by State law to be exercised or performed by the County Surveyor.

**Section 12-3. Existing Property and Records.**

All property, records, equipment and supplies of the office of County Surveyor, wherever located, existing when this Charter becomes effective, shall be transferred as directed by the Board.

**ARTICLE XIII**  
**COUNTY COUNCIL**

**Section 13-1. Composition.**

The County Council shall consist of five members elected as follows:

(1) Three members, each nominated, elected and residing in separate geographic districts as established in Article III, Section 3-2 of this Charter.

- (2) Two members, each nominated and elected from the County at large.

**Section 13-2. Qualifications of Members.**

(1) Councilmen from districts shall reside within their geographic districts when nominated, elected or appointed and during their terms of office.

- (2) Councilmen shall not hold any other county elective office and shall not be a county employee.

**Section 13-3. Terms of Office.**

(1) The terms of office of County Councilmen shall commence on the first working day of the year immediately following the general election at which they are elected and shall be for four years.

- (2) The term of office of a Councilman shall continue until his successor is elected and qualified.

- (3) No person shall serve more than three full consecutive terms as a Councilman.

**Section 13-4. Organization.**

(1) At its first meeting in January each year, the Council shall elect, from among its members, a President, who shall preside over its meetings, and a Vice President, who shall preside in absence of the President.

(2) The Council shall adopt rules of procedure governing the time, place and conduct of its meetings and hearings, and the introduction of and action on motions and resolutions. The Council may also adopt procedures for requiring attendance of its members. All official meetings shall be open to the public, and no action shall be taken by the Council other than at an official meeting. A record of proceedings shall be taken and preserved, and it shall be a public record.

(3) Regular meetings shall be held at least monthly on a day or days to be determined by the Council by resolution. Special meetings may be called by the President. A copy of the notice of a meeting shall be posted in a conspicuous place in the offices of the Board of County Commissioners at the time such notice is given to members of the Council.

**Section 13-5. Quorum – Majority – Action.**

(1) 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 in the absence of all other members the President may adjourn any meeting for not longer than one week.

(2) Any resolution to be adopted, amended, or repealed, or any other action of the Council shall require concurrence of three of the members of the Council in office at the time.

(3) All official action taken by the Council shall be announced by the President or, in his absence, by the Vice-President, and all official communications of the Council whether oral or written, shall be made by the President or, in his absence, by the Vice-President.

**Section 13-6. Compensation.**

A Councilman shall receive no compensation for his services, but shall be reimbursed for actual and necessary expenses incurred in the performance of his official duties.

**Section 13-7. Vacancies.**

- (1) A vacancy shall be filled by appointment by the remaining members of the Council.

(2) A vacancy shall exist when a Councilman dies, resigns, is removed from office, moves from the district from which elected, is incapacitated, recalled, or becomes a candidate for a county elected office or an employee of the County, or when no person has been elected to the position of Councilman.

**Section 13-8. Powers and Duties.**

(1) The Council shall set the salaries of all elected officials. In the case of the Board of County Commissioners, the effective date of any change in salary may be delayed so as to provide for equal compensation for all Commissioners at all times.

(2) The Council may employ a secretary and such other employees, permanent and temporary, as it may require, pursuant to the County Personnel system.

(3) A vacancy in the Board of County Commissioners shall be filled by appointment by the Council. Said appointees shall be of the same political party as that of the previous officer, and the appointment shall be effective for the remainder of the term.

(4) In the event a valid petition for recall is presented as provided in Article XV, the Council may suspend the officer being recalled, with pay, pending the recall election. In the event the Council suspends such officer, the Council may appoint some qualified person to perform the duties of the office pending the recall election. In the event the officer is not recalled, he shall be immediately reinstated.

(5) In the event an elected official is formally charged or indicted for the commission of a crime, the Council may suspend such officer, with or without pay, pending prosecution of the offense. The Council may suspend the officer without pay after notice and hearing by the Council to afford such officer the opportunity to address the facts and allegations set forth in the charge or indictment. If an elected officer is found guilty of any crime by a court or jury, the Council shall immediately suspend such officer without pay until his conviction shall become final and he has exhausted, or by failure to assert them, has waived all rights to new trial and all rights of appeal. At the time such officer's conviction is final, the office shall be vacant and the vacancy filled as herein provided.

Should the officer be suspended from office by the Council, as provided in this Section, be found not guilty in a State and Federal Court, either on appeal, original trial, or new trial, the officer shall be reinstated to the current term of office and he shall receive his back pay, unless, during such period of suspension, a successor to such suspended officer has been duly elected and qualified. In the event a successor to such suspended officer has been so elected and qualified, such suspended officer shall receive his back pay only up to the expiration date of his regular term of office and he shall not be reinstated or paid further unless he is such person duly elected and qualified.

(6) The Council shall review all aspects of county government and shall 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. Such report or reports shall be in such form as the Council shall determine and shall be filed with the Board of County Commissioners and copies furnished to all elected officers.

(7) For the purposes of assisting the Council in carrying out the duties set forth in paragraph (6) above, the Council may appoint a performance auditor who shall be responsible solely to the Council. The Council shall determine his qualifications and compensation. He shall serve at the pleasure of the Council. The office of performance auditor need not be a permanent position, but the office may be filled by the Council as it deems necessary.

**Section 13-9. Nomination of Councilmen.**

(1) Candidates for Councilmen shall be nominated without regard to political party affiliation, by petition on forms supplied by the County Clerk. A petition of nomination may consist of one or more sheets, but it shall contain the name and address of only one candidate. The petition may designate one or more persons as a committee to fill a vacancy in such nomination.

(2) Nomination petitions may be circulated and signed beginning on the one hundred and twenty-fifth (125<sup>th</sup>) day and ending on the seventy-fifth (75<sup>th</sup>) day prior to the day of the election. Each petition shall be signed by qualified electors to the following numbers:

(a) For a candidate in the Council at large, at least one hundred (100) qualified electors residing within the County;

(b) For a candidate from a geographic district, at least one hundred (100) qualified electors residing in the candidate's district.

(3) Each qualified elector signing a petition shall add to his signature his place of residence by street and number, rural route and box number or other customary designation, except that a post office box number shall be insufficient. The circulator of each nomination petition shall make an affidavit that each signature thereon is the signature of the person whose name it purports to be and that each signer has stated to the circulator that he is a qualified elector of the County or county and district, as the case may be, for which the nomination is made. The signature of each signer of a petition shall constitute prima facie evidence of his qualifications without the requirement that each signer make an affidavit as to his qualifications.

(4) No petition shall be valid that does not contain the requisite number of names of electors qualified to sign the petition. Any such petition may be amended in this respect at any time prior to sixty days before the day of election.

(5) An elector may sign more than one nomination petition.

(6) Each nomination petition shall be filed with the County Clerk no later than the sixtieth day prior to the day of election. Every such petition shall have endorsed thereon or appended thereto the written affidavit of the candidate accepting such nomination. The acceptance of nomination shall contain the full name and place of residence of the candidate.

(7) The County Clerk shall cause all nomination petitions to be preserved for a period of two years. All such petitions shall be open to public inspection under proper regulation by the Clerk.

(8) Procedure for withdrawal shall be as follows:

Any person who has been nominated and who has accepted a nomination may cause his name to be withdrawn from such nomination, at any time prior to fifty days before election, by a written affidavit withdrawing from such nomination. The affidavit stating withdrawal shall be signed by the candidate and filed with the Clerk.

(9) Objections to nominations. All petitions of nomination which are in apparent conformity with the provisions of this Section, as determined by the Clerk, are valid unless objection thereto is duly made in writing within three days after the filing of the same. In case objection is made, notice thereof shall be forthwith mailed to any candidate who may be affected thereby. The Clerk shall pass upon the validity of all objections, whether of form or substance, and his decisions upon matters of form shall be final. His decisions upon matters of substance shall be open to judicial review. Said Clerk shall decide objections within at least forty-eight hours after the same are filed, and any objections sustained may be remedied or defect cured upon the original petition, by an amendment thereto, or by filing a new petition within three days after such objection is sustained, but in no event later than the forty-fifth day before the day of election.

## ARTICLE XIV

### FINANCE AND BUDGET

#### Section 14-1. Fiscal Year.

The fiscal year of the County shall commence on January 1 and end on December 31 of each year, unless otherwise established by State law for home rule counties.

**Section 14-2. Annual Budget.**

(1) The director of the Department of Finance shall prepare a recommended budget for the next fiscal year and submit it to the Board. Such budget shall include recommended operating expenses, capital expenditures, and revenue sources for all departments and units of the County government, and any other information deemed necessary.

(2) The Board shall hold at least one public hearing on the proposed budget. Public notice of such hearings shall be given at least ten days prior to the date thereof stating the time and place of the hearings and indicating that the proposed budget is available for inspection in the office of the Clerk to the Board during regular office hours, and that any interested person may file or register any objections thereto at any time prior to the final adoption of the budget.

(3) Following the public hearing or hearings, the Board may revise or alter the proposed budget or increase or decrease any item therein. The Board shall then adopt the budget together with any amendments thereto, in accordance with the requirements of State law. The Board shall also adopt an ordinance appropriating funds for the ensuing fiscal year and shall certify the taxes to be levied as provided by law.

(4) The Board may adopt emergency appropriations upon declaration that an unforeseen disaster or emergency exists. Such appropriations shall be funded from contingency or other available funds, or as otherwise permitted by State law.



(5) Except as otherwise provided herein, the provisions of State law concerning adoption of budgets and appropriation of funds by local governments shall govern the procedures of the Board.

### **Section 14-3. Capital Improvements Program and Budget.**

The Board may require that the Director of Finance and Purchasing submit, at the time of submission of the annual budget, a five year capital improvements program and budget. Such program shall include recommended projects, construction schedule, estimate of costs, anticipated revenue sources, methods of financing, and such other information as may be required.

### **Section 14-4. Audits.**

The Board shall provide for an independent annual audit of all county accounts and funds, and more frequent audits as deemed necessary. Such audits shall be made by a certified public accountant selected by the Board. The same auditor or auditing firm shall not be retained for more than five consecutive years. The audit shall be available for inspection by the public in the office of the Clerk to the Board.

### **Section 14-5. Funds.**

Funds shall be established as directed by the Board, pursuant to the provisions of State law.

### **Section 14-6. Long-Term Financing.**

The incurring of indebtedness by the County and the issuance of evidences of such indebtedness shall be authorized, made and executed in accordance with the laws of the State, including the borrowing of money to fund county projects, the pledging of project revenues in repayment thereof, and the issuance of revenue warrants, revenue bonds or other forms of evidence of such obligations.

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

(1) Limitation. Except as otherwise provided herein, all ad valorem tax levies for county purposes, when applied to the total valuation for assessment of the County, shall be reduced so as to prohibit the levying of a greater amount of tax revenue than was levied from ad valorem taxation in the preceding year plus five percent (5%) except to provide for the payment of bonds and interest thereon.

(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. 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.

(c) Due notice of submission of the question of whether to grant the increased levy shall be given by the County Clerk for at least thirty (30) days in advance of the date set for the general or special election by giving a public notice as provided herein. If a majority of the votes cast at any

such election is in favor of the increased levy as named in said election notice, then the County may make such increased levy.

(d) In the event such increase shall be voted by the electors under the preceding subsections, the increased revenue resulting therefrom shall be included in determining the five percent (5%) limitation in the following year.

**Section 14-8. Limitation of Capital Expenditures.**

Any one project, except hospital projects, requiring a capital expenditure out of funds procured by ad valorem taxation equal to a three mill levy for three years, or a hospital project requiring a capital expenditure from ad valorem tax funds equal to a three mill levy for three years, shall be prohibited until such time as the question of expenditure of said funds shall have been first submitted to a vote of the qualified electors at a general or special election and shall have received a majority vote approving such expenditure.

**Section 14-9. Bidding – Procedure.**

(1) The Board of County Commissioners shall adopt bidding procedures for county purchases which shall assure open and competitive bidding on all county purchases, and the Central Purchasing Division shall follow the procedures adopted in all county purchases.

(2) Bid specifications shall be prepared in such a manner as to invite and encourage bidding from all suppliers of the goods and equipment being purchased by the County. No specifications shall be submitted to bidders so restrictive in detail as to eliminate any line of competitive equipment.

(3) The County Commissioners shall give preference to resident Weld County bidders in all cases where the bids are competitive in price and quality.

(4) The County Commissioners shall enter in the minutes of the meeting, at which a purchase is made for other than a low bid, the reason for not accepting the low bid.

(5) All purchases in excess of an amount to be set annually by the Board of County Commissioners by ordinance shall be by written, sealed bid and bids over the amount set annually by ordinance by the Board of County Commissioners shall be followed by a ten-day period for consideration and investigation of the bids submitted to determine comparisons of quality and price. The ten-day waiting period may be waived by resolution of the Board for emergency purchases. The Commissioners shall accept the bid they find to be most beneficial to the County.

**ARTICLE XV**

**ELECTIONS**

**Section 15-1. General Elections.**

Except as otherwise provided in this Charter, elected officers of the County shall be nominated and elected pursuant to State law at general elections.

**Section 15-2. Special Elections.**

Special elections shall be called by resolution of the Board and conducted in accordance with the provisions of State law.

**Section 15-3. Recall.**

Any elected officer may be recalled from office at any time. Once an election on recall has been held, no other election on recall of that same officer may be held for at least one year. The procedure for recall shall be as follows:



(1) One or more qualified electors shall file with the Clerk an affidavit of not more than two hundred words stating the reasons for requesting the recall. The Clerk shall, within forty-eight hours after the filing of said affidavit, mail a copy of the affidavit by certified mail to the officer sought to be recalled who may, within five days of receipt of said affidavit, file with the Clerk, a sworn statement of not more than two hundred words in justification of his course in office. After receipt of the statement in defense, if any, but in no event later than ten days after filing a copy of the affidavit to the officer, the Clerk shall issue a petition for recall.

(2) Said petition shall include the statement of reasons for requesting recall and the officer's statement of justification if there be such a statement. Said petition must be signed by qualified electors numbering at least fifteen percent (15%) of the total number of votes cast for that particular office in the last preceding election within the district from which the officer was elected or within the County in the case of an office elected at large.

(3) Each signer of a petition shall sign his name, and after his name, the date and his place of residence by street and number, rural route and box number, or other customary designation, except that a post office box number shall be insufficient.

(4) The signed recall petition shall be filed with the Clerk within sixty days after issuance. If said petition is filed within the time specified and appears to be sufficient, the Board shall set a date for a recall election to be held within sixty days, unless a general election or a special election will be held within one hundred twenty (120) days following the filing of the petition, in which event the recall election may be held at the time of the general or special election. To each petition paper shall be attached an affidavit by the circulator thereof, stating the number of signers and affirming that each signature is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant and that each signer has stated to the circulator that he is a qualified elector of the County.

(5) All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and such signer shall be deemed and held to be a qualified elector, unless a protest in writing under oath shall be filed in the office of the Clerk by some qualified elector, within fifteen days after such petition is filed, setting forth specifically the grounds of such protest. In the event of such protest, the Clerk shall forthwith mail a copy to the person or persons named in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest which hearing shall not be less than five nor more than ten days after such notice is mailed. All hearings shall be before the Clerk, and all testimony shall be under oath. Such hearings shall be summary and not subject to delay, and must be concluded within thirty (30) days after such petition is filed, and the results thereof shall be forthwith certified to the person or persons representing the signers of such petition.

(6) In case the petition is not sufficient it may be withdrawn by the persons or a majority of the persons representing the signers of such petition, and may, within fifteen (15) days thereafter, be amended and refiled as an original petition. The finding as to the sufficiency of any petition may be reviewed by the District Court of Weld County, upon application of any person signing such petition, but such review shall be had and determined forthwith.

(7) There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words, "Shall (name of the person against whom recall petition is filed) be retained in the office of (title of office)." The ballot shall provide for a "yes" or "no" vote.

(8) If a majority of those voting on said question of the recall of any incumbent from office shall vote "yes", said incumbent shall continue in said office; if a majority shall vote "no", such incumbent shall thereupon be deemed removed and the vacancy shall be filled as provided in this Charter.

#### **Section 15-4. Initiative and Referendum.**

The people of Weld County reserve to themselves the powers of initiative and referendum, by petition, to have a law, proposed law, or amendment of a law, submitted for the registered voters of the County to approve or reject at the polls. An ordinance or resolution may be initiated by petition, or a referendum on an enacted ordinance or resolution may be had by petition, or the Board on its own motion in enacting an ordinance or resolution may provide for a referendum thereon.

The referendum shall apply to all ordinances and resolutions, passed by the Board, except ordinances making the tax levy, making the annual appropriation, calling a special election or ordering improvements initiated by petition and to be paid for by special assessments. Measures passed as emergency measures shall be subject to referendum like other measures, except that they shall not be suspended from going into effect while referendum proceedings are pending. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed, as regards any further action thereunder and all rights and privileges conferred by it shall be null and void; provided, however, that such measure so repealed shall be deemed sufficient authority for any payment made or expense incurred in accordance with the measure previous to the referendum vote thereon.

(1) Procedure.

(a) An initiative or referendum petition shall be signed by qualified electors numbering at least five percent (5%) of the total vote at the last general election, and all signatures on said petition shall be obtained within 45 days prior to the date of filing of the petition with the Clerk. Any such petition shall be addressed to the Board and may be an aggregate of two or more petition papers identical as to content and simultaneously filed by one person.

(b) An initiative petition shall set forth, in full, the ordinance or resolution it proposes to initiate and no petition shall propose to initiate more than one ordinance or resolution. A referendum petition shall identify the ordinance or resolution, or part thereof, it proposes to be submitted to the voters for approval.

(c) Each signer of a petition shall sign his name, and after his name, the date and his place of residence by street and number, rural route and box number, or by other customary designation, except that a post office box number shall be insufficient.

(d) To each petition paper shall be attached an affidavit by the circulator thereof, stating the number of signers and affirming that each signature is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen (15) days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of qualified electors, the Clerk shall notify forthwith by certified mail the person filing such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers.

(e) A referendum petition shall be void unless filed in the first instance with the Clerk within thirty (30) days after the effective date of the ordinance or resolution to which such petition refers. The time for review of the petition papers, if necessary, shall not render

the petition void because of the aforesaid time limit. When a petition with sufficient signatures is filed within the time allowed, the Clerk shall present the petition to the Board at its next regular meeting.

(2) Board Action.

Upon presentation to the Board of an initiative or referendum petition, the Board shall, within thirty (30) days, either:

- (a) Adopt the ordinance or resolution as submitted by an initiative petition;
- (b) Repeal the ordinance or resolution, or part thereof, referred to by a referendum petition;
- (c) Submit the proposal provided for in the petition to the electors.

(3) Submission to Electors.

Should the Board decide to submit the proposal to the electors, it shall be submitted at the next general election held in the County or, at the discretion of the Board, at a special election; provided, however, that if no general or special election is to be held in the County within 120 days after presentation thereof, the Board shall call a special election to be held within sixty (60) days.

(a) The presentation to the Board of a valid and sufficient referendum petition shall automatically suspend the operation of the ordinance or resolution in question pending repeal by the Board or final determination by the electors, except as heretofore provided with regard to emergency measures.

(b) The result of all elections held under the provisions of this Section shall be determined by a majority vote of the electors voting thereon.

(c) An ordinance or resolution adopted by the electorate through initiatory proceedings may not be amended or repealed by the Board for a period of two years and a resolution or ordinance repealed by the electorate may not be re-enacted by the Board for a period of two years.

(d) If two or more ordinances or resolutions adopted at the same election shall have conflicting provisions, the provisions in the ordinance or resolution receiving the highest number of affirmative votes shall prevail as to such conflict and the adopted ordinance or resolution receiving the lesser number of votes, to the extent it is severable, shall nevertheless be effective except as to the matters of conflict or inconsistency.

(e) The Board shall not refer more than five measures to the people at any general election. The number of measures to be submitted at a special election shall not be limited.

**Section 15-5. Election Required Regarding Siting of Correctional or Detention Facilities.**

Effective as of the date of adoption by the electors of Weld County of this Article XV, Section 15-5, no Certificate of Occupancy shall be issued by Weld County, or any department, employee or agent thereof, for the occupancy or operation of any building or other structure which will be occupied, used or operated as, and no person, corporation or entity shall occupy, use or operate any building or structure as a correctional facility, pre-parole facility, jail, prison or other place of incarceration, whether or not said building or structure is privately owned and/or operated, or is owned and/or operated by Weld County or, to the extent permitted by law, the State of Colorado, unless and until the location and siting thereof has been approved by a majority of the registered electors of Weld County voting at a regular or special election held on the question of

said location and siting. This Section 15-5 is adopted in order to implement the provision of CRS Section 17-2-401(d) relating to the authority of Weld County to maintain zoning and siting control over correctional facilities within the County, and this Section 15-5 shall survive any amendment or repeal of said Section 17-2-401(d), CRS.

The provisions of this Section 15-5 shall be self-executing, shall take effect immediately upon adoption by the electors of Weld County, Colorado, and shall be applicable to any structure, building or facility which is not on the date of such adoption by the electors, occupied and in use as a detention facility, correctional facility, pre-parole facility, jail, prison or place of incarceration pursuant to a certificate of occupancy lawfully issued by Weld County, Colorado.

## ARTICLE XVI

### GENERAL PROVISIONS

#### **Section 16-1. Continuity of Government.**

The Board shall provide for continuity of government in the event of a disaster. It shall prescribe procedures which will preserve representative government and provide an orderly line of succession of authority when disaster makes such measures necessary. In no case will such temporary occupancy of elective offices extend beyond the next scheduled general election.

#### **Section 16-2. Eminent Domain.**

The County shall have the powers of eminent domain to the fullest extent authorized by State law.

#### **Section 16-3. Bonding of Officers.**

Members of the Board and such other officers or employees as the Board may require and as required by this Charter shall give bond in an amount and with surety prescribed by the Board, or as required by law. The premiums on such bonds shall be paid by the County, and the bonds shall be filed with the County Clerk. The amount of each bond shall be re-established prior to each election.

#### **Section 16-4. Invalidity of Part – Severability.**

If a court of competent jurisdiction shall, by final judgment, hold any part or provision of this Charter to be invalid or unconstitutional, all other provisions of this Charter shall be considered to be severable and shall not be affected thereby and the effect of such decision shall not extend beyond that required by the court's ruling.

#### **Section 16-5. Article and Section Titles.**

The Article and Section Titles of this Charter are inserted for reference and convenience only and shall not be construed to limit, prescribe, or in any way control the scope or intent of any provision therein.

#### **Section 16-6. Public Notice.**

Notice to the public of ordinances and of certain official acts, events, determinations, proceedings or meetings shall be given. Unless defined otherwise in the ordinances, rules or laws pertaining to the procedure to which the public notice relates, public notice may be by publication in a newspaper of general circulation in the County or by such other media and in such form as may be prescribed by the Board. When the notice informs the public of some event to take place in the future, it shall be published at least five days prior to such event.

#### **Section 16-7. Vacancy.**

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

- (1) The death of the officer.
- (2) The resignation of the officer.

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

#### **Section 16-8. Boards – Composition.**

The members of all appointive boards and commissions shall be broadly representative of the community and geographic area served.

- (1) The members of all appointed boards and commissions shall be appointed for three (3) year terms.
- (2) No person shall serve more than two consecutive terms on any one appointive board or commission.
- (3) No person who has been an elected officer of the County shall be appointed to an appointive board or commission until one year after leaving office.
- (4) Policy recommendations of advisory boards shall be considered by the Board and either accepted or rejected. If rejected in whole or in part, the reasons for such rejection shall be stated and made a part of the Board's records, open to the public.

#### **Section 16-9. Conflict of Interest.**

(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.

#### **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.

(1) Affidavit -- A statement verifying the truth of the matters stated, and sworn to before a person authorized by law to administer oaths.

(2) Administrative Code -- A compilation of Board policies, directives and administrative procedures which relate primarily to internal functioning and to the conduct of county government, in regard to the public at large.

(3) Agency -- Any board, bureau, commission, department, division, or other organizational unit in the administrative branch of county government.

(4) Appropriation -- An authorization by the Board to expend from public funds a specific maximum sum for a specified purpose and during a specified time.

(5) Board -- The Board of County Commissioners.

(6) Candidate -- Any person seeking nomination or election to any public office.

(7) Chairman -- The Chairman of the Board.

(8) Classification plan -- As related to the Personnel system, the assignment of positions into occupational groups and series of classes determined by description of a class of positions which defines the class title and distinguishes one class of positions from other classes. It gives examples of typical duties and responsibilities found at its grade level, and defines minimum skills, knowledges, abilities, and education required.

(9) Clerk -- The County Clerk.

(10) Commissioner -- A member of the Board.

(11) Council -- The County Council.

(12) Councilman -- A member of the Council.

(13) County -- Weld County, Colorado.

(14) Crime -- A felony or a Class 1 or 2 misdemeanor as defined by State law, or a comparable federal crime or crime in some other state. Does not include petty or traffic offenses.

(15) Department -- One of the major organizational units of the County.

(16) Division -- A primary subdivision of a department.

(17) Emergency Ordinance -- An ordinance, the passage of which shall be necessary to the preservation or protection of public health, property, or safety.

(18) Employees -- All persons in county service who are not officers.

(19) Initiative -- The provision whereby legislation may be initiated by petition and submitted to the voters for approval or rejection at the polls.

(20) Law -- State law.

(21) Masculine gender -- Includes feminine gender.

(22) May -- Is considered permissive.

(23) Officer -- An elected official of the County.

(24) Person -- An individual, firm, association or corporation.

(25) Personnel Policies -- As related to the Personnel system, statements relative to the general management and procedure of the Personnel system.

(26) Personnel rules -- As related to the Personnel system, regulations and guidelines covering and concerning all, or most, relations between employee and employer.

(27) Personnel system -- The County Personnel Policies, rules and regulations, job classifications and compensation plans.

(28) Primary Employment -- Availability at all times to conduct county business without interference of other occupational activities.

(29) Public Notice -- Notice as defined in this Charter.

(30) Qualified elector -- Shall be equivalent to the term "registered elector" or "eligible elector" as defined in Colorado Statute according to the context in which they appear in Statute and this Charter.

(31) Recall -- The provision whereby a group of electors may, by petition, require that an election be held to allow the voters to determine if a county officer should be removed from office.

(32) Referendum -- The provision whereby any ordinance or resolution, or part thereof, enacted by the Board may be referred to the voters of the County to approve or reject at the polls.

(33) Shall -- Is considered mandatory.

(34) State -- State of Colorado.

(35) State law, laws of the State, or laws -- All legislation governing Colorado, including the provisions of the State Constitution. References to State laws shall be construed as continuing references to them as they may be amended from time to time.

#### **Section 16-11. Solid Waste Disposal Sites – Surcharge.**

(1) The Board of County Commissioners shall have the authority to promulgate, by Ordinance, pursuant to Article III, Section 3-14, of the Weld County Home Rule Charter, regulations imposing a service charge on the users, in the form of a surcharge, to be added to all fees received by any operator of a solid waste disposal site and facility or transfer station located within any portion of Weld County, Colorado. "Solid waste disposal site and facility" shall mean any facility which is required, pursuant to applicable provisions of state law, to obtain a Certificate of Designation from the Weld County Board of County Commissioners or approval by a city, city or county, or town (collectively known as "municipalities") prior to its operation.

(2) Should the solid waste site and facility be one at which no fee is collected for the reason that the facility serves an individual user, the fee shall be computed based upon the cost within the market for similar disposal services.

(3) The rate of the surcharge may be adjusted by Ordinance in accordance with the impacts to Weld County and its residents resulting from the disposal of various classes of waste, but must be uniform within said classes. However, higher rates may be imposed on users who generate the wastes outside of Weld County for the following reasons:

(a) in order that landfill capacity be preserved for Weld County users; and

(b) in order to mitigate the impacts on infrastructure and services provided by Weld County towards which out-of-county generators of waste have not contributed through ad valorem taxes.

(4) No portion of this section shall require the collection of the surcharge as against users of a solid waste site and facility or transfer station owned and operated by a municipality provided the solid waste is generated within the municipality.

(5) The surcharge collected pursuant to this section shall be deposited in the Weld County Solid Waste Disposal Site and Facility Fund to be used for the purposes of financing any operations conducted by Weld County with respect to solid waste disposal

including, but not limited to, costs of health inspections; removal of litter and debris from roadsides; establishment, construction, and maintenance of roads providing access to solid waste sites and facilities and transfer stations within Weld county; financing the landfill management program, equalizing costs for transfer sites in Weld County, Colorado; capital outlay associated with a transfer site system; insurance costs; Weld County staff support costs; financing the requirements for compliance with the Resource Conservation Recovery Act; costs of designation of future site locations; and remedying environmental problems created by past and future solid waste sites and facilities and other solid waste disposal sites.

## ARTICLE XVII

### AMENDMENTS TO CHARTER

#### **Section 17-1. Procedure to Amend or Repeal Charter.**

(1) Action to amend this Charter shall be initiated by:

(a) A petition or petitions signed by at least five percent of the total number of registered electors of the County; or

(b) A resolution adopted by the Board submitting the proposed amendment or amendments to the qualified electors.

(2) Action to repeal this Charter or to form a new charter commission may be initiated by a petition signed by at least fifteen percent of the qualified electors of the County.

(3) Within thirty days of initiation of a proposed amendment, repeal, or charter convention measure, the Board shall publish notice of and call an election to be held not less than thirty nor more than one hundred twenty days after said publication. The text of any proposed amendment shall be published with said notice.

(4) If the proposal is for a charter commission, the election shall be scheduled at least sixty days after publication of the notice. The procedure for the forming and functioning of a new charter commission shall comply as nearly as practicable with provisions relating to formation and functioning of an initial charter commission.

(5) If a majority of the electors voting thereon vote for a proposed amendment, the amendment shall be deemed approved. If a majority of the electors voting thereon vote for repeal of the charter, the charter shall be deemed repealed and the County shall proceed to organize and operate pursuant to the statutes applicable to statutory counties.

(6) A proposed amendment to the Charter shall be confined to a single subject which shall be clearly expressed in its title.

(7) No proposal for a charter commission, charter amendment, or repeal of a charter shall be initiated within twelve months after rejection of a substantially similar proposal. No proceeding contesting the adoption of a Charter amendment shall be brought unless commenced within one hundred eighty days after the election adopting the measure.

#### **Section 17-2. Conflicting Amendments.**

If there is any conflict or inconsistency between amendments voted upon at the same election and more than one of said amendments is adopted, then the amendment receiving the largest number of votes shall prevail as to such conflict or inconsistency and the adopted amendments receiving the lesser number of votes shall, if severable, be nevertheless effective except as to the matters of conflict or inconsistency.



**ARTICLE XVIII**  
**TRANSITIONAL PROVISIONS**

**Section 18-1. Purpose of Article.**

The provisions of this Article relate to the transition from the existing form of government to the form of government established by this Charter. Where inconsistent with the foregoing Articles in this Charter, the provisions of this Article shall constitute exceptions thereto.

**Section 18-2. Effective Date of Charter.**

Upon its adoption, this Charter shall become effective on the first day of January, 1976, except as these transitional provisions require earlier or later implementation.

**Section 18-3. Transition of Elective County Offices.**

After adoption of this Charter, the status of elective officers shall be as follows:

(1) Incumbent County Commissioners shall continue to serve as Commissioners of districts numbered one, two and three until such time as their terms of office would have expired if this Charter had not been adopted.

(2) All other existing elective officers, as provided for in this Charter, shall continue to serve in their respective offices until such time as their term of office would have expired if this Charter had not been adopted.

**Section 18-4. Elections to Fill New Commissioner Positions.**

A special election shall be held following adoption of this Charter and prior to December 15, 1975, at which Commissioners shall be elected as follows:

(1) One Commissioner at large shall be elected for a one-year term beginning January 1, 1976. At the next general election in November, 1976, two Commissioners, one each from geographic districts numbered one and three and one Commissioner elected at large shall be elected for four-year terms.

(2) One Commissioner at large shall be elected for a three-year term beginning January 1, 1976. At the general election in November, 1978, one Commissioner from geographic district numbered two and one Commissioner at large shall be elected for four-year terms.

(3) In subsequent elections, Commissioners shall be elected for four-year terms, pursuant to Section 3-4 of this Charter.

**Section 18-5. Elections to Fill New County Councilman Positions.**

At the special election to be held, as provided in Section 4 of this Article, Councilmen shall be elected as follows:

(1) One Councilman from geographic district numbered two and one Councilman at large shall be elected for a one-year term beginning January 1, 1976. At the next general election in November, 1976, they shall be elected for four-year terms.

(2) Two Councilmen, one each from geographic districts numbered one and three and one Councilman at large shall be elected for a three-year term beginning January 1, 1976. At the general election in November, 1978, they shall be elected for four-year terms.

(3) In subsequent elections, Councilmen shall be elected for four-year terms as provided in Section 13-3 of this Charter.

**Section 18-6. Salaries.**

Until otherwise established as provided by this Charter, the salaries of all elective officials shall remain the same as they existed on the effective date of this Charter.

**Section 18-7. Prior Legislation and Policies.**

All resolutions, motions, rules and regulations which are not inconsistent with the terms of this Charter, and which are in force on the effective date of this Charter, shall continue in force until repealed or amended. Existing resolutions which enact legislative measures shall be considered to be ordinances under this Charter.

**Section 18-8. Existing Contracts.**

(1) All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter, and in each case shall be maintained, carried on or dealt with by the County department, office or agency appropriate under this Charter.

(2) Nothing in this Charter shall abridge the rights, duties, or obligations heretofore obtained or incurred by contract or ordinance and legally entered into or passed by the County.

**Section 18-9. Continuation of Employment.**

All appointed employees of the County holding office on the effective date of this Charter shall continue to be employed at their existing salaries, subject to the provisions of this Charter and of the Personnel system regulations adopted pursuant thereto.

**Section 18-10. Appointive Boards and Commissions.**

All appointive boards and commissions whose functions have not been transferred by this Charter to another agency or department, or otherwise dealt with by this Charter, shall continue to function until otherwise determined by the Board.

**Section 18-11. Continuation of Programs.**

All functions, operations, and programs now being conducted by the County may continue until otherwise provided by the Board.



