

On September 1, 2009, the Board of County Commissioners authorized the placement of four questions on the ballot for the November 3, 2009, Coordinated General Election, to amend various sections of the Weld County Home Rule Charter. The following are explanations of the proposed amendments:

Questions 1A and 1B address proposed changes to the procedures for filling vacancies in partisan elected positions of Weld County government. Currently, Section 3-15 (vacancies in elected offices other than Weld County Councilman) and Section 13-8 (vacancies in the office of County Commissioner) require that the appointees for those positions be from “the same political party as that of the previous officer.” However, the current language does not specify when the similarity must occur. The proposed amendment is to add the words, “as registered as of the date of his election,” after the language requiring same party affiliation. This would mean that the appointee must be of the same political party as that of the officer he or she is replacing when that officer was elected to the position. If the amendments to Sections 3-15(1) and 13-8(3) pass, they will read as follows:

Section 3-15. Vacancies.

(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, as registered as of the date of his election, and the appointment shall be effective for the remainder of the term.

Section 13-8. Powers and Duties.

(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, as registered as of the date of his election, and the appointment shall be effective for the remainder of the term.

Question 1C offers amendments to correct procedural inconsistencies in the nomination process for County Councilmen. The time provision for filing petitions for candidacy for the position of County Councilman, as set forth in Section 13-9(2), was modified in the Coordinated General Election on November 7, 2006, to say: “Nomination petitions may be circulated and signed beginning on the one hundred and twenty-fifth day and ending on the seventy-fifth day prior to the day of the election.” The amendments offered by Question 1C will make the remaining subsections of Section 13-9 consistent with this 2006 change by advancing all time requirements by fifteen days. If the amendments to Sections 13-9(4), (6), (8), and (9) pass, those subsections will read as follows:

Section 13-9. Nomination of Councilmen.

(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 seventy-five days before the day of election.

(6) Each nomination petition shall be filed with the County Clerk no later than the seventy-fifth 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.

(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 sixty-five 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 sixtieth day before the day of election.

Question 1D addresses amendments to various sections in the Weld County Home Rule Charter to modify the names of various departments and positions to reflect current practice. For example, the original position of “Director of Finance and Purchasing” is now referred to as the “Director of Finance and Administration.” Another example is that the “Department of Engineering Services” is now called the “Department of Public Works.” If the amendments pass, the corrected references would be as follows:

a) Change references to the “Department of Finance, Central Purchasing, and Personnel,” or the “Department of Finance,” in the Table of Contents and in Sections 4-1(1), 4-1(2), 4-1(9), 4-2(Title), 4-2(C), and 14-2(1), to the “Department of Finance and Administration.”

- b) Change references to the “Division of Finance and Central Purchasing,” in Sections 4-2(A)(Intro), 4-2(A)(6)(Intro), and 4-2(A)(6)(a), to the “Division of Finance and Administration.”
- c) Change reference to the “Director of Finance and Purchasing,” in Section 14-3, to the “Director of Finance and Administration.”
- d) Change references to the “Division of Personnel,” or the “Personnel Department,” in Sections 4-2(B)(Intro) and 4-2(B)(6), to the “Division of Human Resources.”
- e) Change references to the “Department of Engineering Services,” in the Table of Contents and in Sections 4-1(1), 4-1(4), 4-5(Title), 4-5(1), and 4-1(4), to the “Department of Public Works.”
- f) Delete references to the “Department of Communications Services,” in the Table of Contents and in Sections 4-1(1), 4-1(4), 4-6(Title), 4-6(1), and 4-6(4).
- g) Delete reference to the “Director of Communications Services,” in Section 4-6(2).
- h) Change references in the Table of Contents to reflect all of the corrected references detailed herein.

Persons desiring more information regarding Questions 1A, 1B, 1C, or 1D may contact Bruce T. Barker, Weld County Attorney, at (970) 356-4000, ext. 4390.