COUNTY ATTORNEY
1150 "O" STREET
P O BOX 758
GREELEY CO 80632
www.co.weld.co.us
Direct Line: 970.336.7235
FAX: 970.352.0242

MEMORANDUM OF LAW

To: Board of County Commissioners of Weld County and Weld County Council
From: Bruce T. Barker, Weld County Attorney, Karin McDougal, Deputy County Attorney, and Matthew Conroy, Assistant County Attorney
Date: November 13, 2026

Re: Legal Authorities of the Weld County Council Set Forth in the Weld County Home Rule Charter and Legitimacy of Statements Made in Resolutions 242, 243, and 244, and Two Emails from President Hatch

Three resolutions passed by the Weld County Council ("Council") at its special meeting on November 5, 2026 (Resolutions 242, 243, and 244), and two emails sent by Council President Hatch to County employees on November 6 and 9, 2026, has prompted the Board of County Commissioners of Weld County to ask for a Memorandum of Law regarding the legal authorities of the Council and the legitimacy of statements made in the resolutions and in the emails. Copies of the resolutions and emails are attached. The resolutions were approved and signed by Council members Hatch, DeGroot, and Propp.

I. Duties and Powers of the Weld County Council

Charter Section 13-8 assigns the Council three mandatory duties where it exercises discretion. The first is that it "shall set the salaries of all elected officials." Charter Section 13-8(1). Charter Sections 3-9(1) and 6-6(1) use the term "compensation" when describing this power, but it is the long-standing interpretation of the Weld County Attorney's Office that this does not include other benefits which are offered to elected officials on the same terms as department heads. *See* Memorandum of Law re Benefits for Elected Officials (December 16, 1992). The Council has subsidiary power to delay the effective date of any change in Commissioner salaries to provide for equal compensation for all Commissioners at all times. Charter Section 13-8(1). In any event, the compensation of Commissioners and elected officials cannot be modified during their terms of office. Charter Sections 3-9(2) and 6-6(2). No provision of Charter Sections 13-8, 3-9, and 6-6 authorizes the Council to suspend salaries of elected officials, except if an elected official is formally charged or indicted for the commission of a crime. Charter Section 13-8(5).

The second mandatory duty is the appointment of people to fill vacancies as stated in Charter Sections 13-8(3) and 13-7.[1] The Council is required to fill vacancies in the Board of County Commissioners. Charter Section 13-8(3). When performing this duty, the Council must appoint someone from the same political party as the previous officer. Vacancies in the Council are filled by appointment by the remaining members of the Council. Charter Section 13-7.

The third mandatory duty, set forth in Charter Section 13-8(6), is the requirement of the Council to "review all aspects of county government and shall make such periodic reports to the people relating to expenditures, efficiency, responsiveness, adherence to statues, laws and regulations, and other matters as the Council deems advisable." Charter Section 13-8(6). When performing this duty, the Council has discretion to determine the form of such reports, but it is required to file them with the Board of County Commissioners and give copies to all elected officers. Id.

The Council has two options to procure assistance to perform its duties. First, the Council may hire a secretary and other employees pursuant to the County Personnel system. Charter Section 13-8(2). The Board of County Commissioners has the responsibility of establishing the County Personnel system and sets the positions therein at its discretion. Charter Section 3-8(4)(f). Second, the Council has the option to appoint a performance auditor to assist in the review and creation of reports under Charter Section 13-8(6). Charter Section 13-8(7). The performance auditor serves at the pleasure of the Council, and the qualifications are set by the Council. Id. Charter Section 13-8(7) also gives the Council authority to set the compensation of the performance auditor. However, this should not be read as an unqualified power, as the Charter gives only the Board of County Commissioners the power and duty to appropriate funds (Charter Section 3-8(i)), execute all contracts (Charter Section 3-8(m)), and determine salary or other compensation for all appointees not included within the Personnel system (Charter Section 3-8(o)). In practice, the Council defines the scope of work and puts out a bid for an auditor, and then the Board approves the final contract if it fits within the existing budget.

Outside of its mandatory duties, the Council also has the power to suspend elected officers in limited circumstances. First, it has discretion to suspend an elected officer pending a recall election and appoint an interim officeholder. Charter Section 13-8(4). The Council also has the power to suspend an elected officer if there is a pending formal criminal proceeding against the officer. Charter Section 13-8(5). Such suspension may be either with or without pay, but to suspend without pay, the Council is required to give the officer due process with notice and an opportunity to be heard. Id. If the elected officer is found guilty by a court or jury, the Council has a ministerial duty to suspend the officer without pay pending the resolution of all appeals. Id. Once the conviction is final, the office is automatically vacant by law and without further action from the Council or any other county body. Id.

---

[1] Vacancies in other elected offices are filled by the Board of County Commissioners. Charter Section 6-3.

Separate from its powers and duties in Article XIII, the Council also has the power to authorize the County Commissioners to increase the amount of ad valorem tax levied in a given year by more than five percent from the previous year. Charter Section 14-7(2)(a). In the event the Council does not approve, the increase may be submitted to the qualified electors of the County. Charter Section 14-7(2)(b).

II. Resolution 242

Resolution 242 does three things. First, it reestablishes the Council's position that the Board of County Commissioners violated Charter Section 14-8 with the Weld County Justice Center. Second, it attempts to authorize a "lawfully engaged independent legal representative to prepare and commence a civil action for declaratory and appropriate further relief under C.R.C.P. [Rule] 57." Third, the resolution requests that the Board appoint special counsel pursuant to Charter Section 5-4, and, in the event the Board refuses, authorizes the Council President to do preliminary work to hire an independent attorney.

Pursuant to the Council's "review and report" function set forth in Charter Section 13-8(6), it has the right to restate its position regarding the issue of Justice Center expenditure compliance with Charter Section 14-8. The Council detailed its position on this issue previously in Resolution 236.

Nowhere in the Home Rule Charter is there legal authority for the Council to authorize the filing of a lawsuit against anyone. It cannot be a plaintiff in a civil action. Any attempt to do so through Resolution 242 is without merit.

Because the Council has no legal authority to file a lawsuit, there is no possibility of the Council being a party to a lawsuit against the Board of County Commissioners over the interpretation of Charter Section 14-8. Therefore, the Council does not hold an adverse legal position with the Board. The Council has a *disagreement* with the Board on the interpretation of Section 14-8. It has, through Resolutions 236 and 242, expressed that disagreement to the people.

Resolution 242 insinuates that the Weld County Attorney has a conflict of interest in providing legal advice to the Council and the Board regarding funding and construction of, and expenditures for the Justice Center. To the contrary, there is no conflict of interest because the Council and the Board do not hold adverse legal positions on this issue. On June 11, 2026, the Weld County Attorney's Office explained to the Council and the Board its findings and conclusions as to the interpretation of Charter Section 14-8 as tax levy limitation rather than

as a limitation on capital expenditures.[2] The Council disagrees with that interpretation, but such disagreement does not constitute a conflict of interest for the Weld County Attorneys Office in performing its role of acting "as legal advisor for the Board and all departments and divisions of county government," including the Council. Charter Section 5-3(2).

Charter Section 5-4 states: "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." In this instance, the Council is neither suing the County, nor is it being sued. Thus, there is no need for the Board to appoint special counsel, as requested.

III. Resolution 243

Resolution 243 purports to do three things. First, suspend the pay and benefits of Commissioners James, Maxey, Peppler, Ross, and Buck, because they voted in favor of Board Resolution 2026-1553. The suspension lasts until there is rendered a judicial determination on interpretation of Charter Section 14-8. Second, in the event that the court finds there is a violation of Section 14-8, to declare those Commissioners withheld pay and benefits forfeited. Third, it again authorizes the Council President to begin to acquire a legal representative for the Council.

No provision of the Home Rule Charter authorizes the Council to suspend the pay and benefits of an elected official. Additionally, as explained in Section I above, Charter Sections 3-9(2) and 6-6(2) forbid increasing or decreasing the compensation of elected officers during their term of office, except as provided by law. The only time the Council is allowed to suspend an official without pay is when formal criminal proceedings have been initiated against the official and only then after notice and hearing. Any reading of Section 13-8(1) that gives the Council an end around these protective provisions is not supported by the entirety of the Home Rule Charter.

IV. Resolution 244

Resolution 244, "RE: Emergency Ordinance 264 and Justice Center Financing Oversight," opens a review by the Council of the Board's Emergency Ordinance 264 and "the related Justice Center financing and implementation." It requests that certain records be provided and preserved without identifying those records (Resolution 244 refers to "Exhibit A," but no such exhibit was attached to the copies sent to the Board and County staff). The resolution requests the Board "voluntarily defer further binding financing actions through November 16, 2026, at 11:59 p.m. Mountain Time." Finally, Resolution 244 again authorizes

[2] Senior District Court Judge Jouard agreed with this interpretation in his October 19, 2026, Order Denying Motion for Preliminary Injunction, in the case of *Hatch v. Board of County Commissioners of the County of Weld. Colorado*, Case No. 2026 CV 30969.

the Council President to begin to acquire a legal representative for the Council.

Charter Section 13-8(6) authorizes the Council to "review all aspects of county government and shall make such periodic reports to the people . . . ." Nothing in Charter Article XIII authorizes the Council to oversee anything in a supervisory and/or regulatory sense, other than supervising the Council's secretary and a performance auditor, if it appoints one. Thus, President Hatch's emails of November 6 and 9, 2026, 2026, to the extent they order County employees to do or not do anything are unauthorized and without merit.

In past years when the Council utilized performance auditors to assist it in its review function, they were instructed to utilize the County's Colorado Open Records Act (CORA) portal at: https://weld.justfoia.com/publicportal/home/newrequest We suggest this review follow the same course of action to obtain requested documents.

The Council has no legal authority granted to it by the Home Rule Charter to issue subpoenas or subpoenas duces tecum to call persons before the Council or to obtain documents. Additionally, the Council has no legal authority to order preservation of documents.

V. Conclusion

The Council's role in Weld County government is limited. It includes only the legal authority to *set* the salaries of elected officials, fill vacant positions on the Board of County Commissioners and the Council, review all aspects of County government and report to the people, suspend with or without pay County elected officials who are formally charged or indicted for a crime, and authorize the Commissioners to increase the amount of ad valorem tax levied in a given year by more than five percent from the previous year. The Council has no legal authority to suspend or forfeit elected officials' salaries. The Council may employ a secretary and other employees pursuant to the County Personnel system. It may appoint a performance auditor contracted to perform work directed by the Council and paid with funds appropriated by the Board of County Commissioners. Such contract must be approved by the Board through the County's standard procurement process. The Council has no legal authority to bring suit against anyone. Finally, with the exception of its secretary and any persons employed by it pursuant to the County Personnel system, the Council has no legal authority to order or demand that County employees take action or refrain from taking action.

Please feel free to contact us if you have questions.

Bruce T. Barker, Weld County Attorney

Karin McDougal, Deputy County Attorney

Matthew Conroy, Assistant County Attorney

Pc: All Department Heads and Elected Officials

WELD COUNTY COUNCIL
RESOLUTION 242

RE: JUSTICE CENTER EXPENDITURES AND CHARTER SECTION 14-8

WHEREAS, Charter Section 13-8(6) provides Council review and reporting responsibilities concerning county expenditures and legal compliance; and

WHEREAS, the Council challenges Justice Center expenditures alleged to violate Charter Section 14-8, with the question of whether a violation occurred reserved for judicial determination; and

WHEREAS, Charter §§5-3(5) and 6-1 provide the basis asserted for representation of Council members in an official conflict with the Board; and

WHEREAS, the District Attorney's November 4, 2026 letter declined the requested independent written opinion, citing questions concerning his office's authority, civil-law competence, and an asserted conflict of interest; and

WHEREAS, the Council seeks independent civil counsel through lawful appointment and funding while preserving its position concerning the Charter's representation provisions; and

WHEREAS, this proposed institutional action operates independently of Resolution 243 and any particular lawsuit, and is intended to continue without automatic expiration pending judicial determination, subject to controlling law and court orders;

NOW, THEREFORE, BE IT RESOLVED BY THE WELD COUNTY COUNCIL, subject to the limitations expressly stated in this resolution:

Section 1. Formal Section 14-8 challenge

1.1 Scope. "Board" means the Board of County Commissioners of the County of Weld, Colorado. "Project" means the Weld County Justice Center and related parking facility. "Challenged Actions" means the Board's approval, financing, appropriation, commitment, and expenditure of public funds for the Project, including continuing conduct supported by the evidence.

1.2 Council position. The Council alleges that the Challenged Actions violated Charter Section 14-8 insofar as they proceeded without the voter approval that provision requires. Its position is that property-tax-derived funds do not escape the provision merely because they were previously collected or held in reserves. Whether the alleged violation occurred is reserved for judicial determination; this resolution does not adjudicate a violation or an individual commissioner's liability.

1.3 Questions for decision. Counsel shall seek a determination addressing the source and treatment of Capital Expenditures Fund money, the applicable three-mill/three-year threshold, whether related components are one project, whether voter approval was required, and whether the Board complied. The requested relief concerns enforcement, not invalidation, of §14-8.

1.4 Judicial Determination. Judicial Determination means a written final judgment entered after the Effective Time of this resolution under Section 5.5 by a court of competent jurisdiction deciding on the merits whether identified Challenged Actions violated Charter Section 14-8. A declaratory or summary judgment qualifies when final as to those actions, including through proper finality certification. A partial judgment resolves only the actions actually adjudicated.

Section 2. Civil litigation and requested relief

2.1 Authorization. Subject to Sections 3-5 and lawful funding, the Council authorizes its lawfully engaged independent legal representative to prepare and commence a civil action for declaratory and appropriate further relief under C.R.C.P. 57 and applicable law against the County acting through the Board. Before filing, counsel shall establish a good-faith factual and legal basis, capacity, standing, jurisdiction, venue, proper parties, and procedural compliance, and provide the Council a written assessment of those prerequisites.

2.2 Proper plaintiff. The intended plaintiff is the Council institutionally, if legally authorized. Any alternative involving official-capacity members or another procedure must return for Council approval and any necessary individual consent. No member is directed to file a personal taxpayer action; no unsupported claim is authorized.

2.3 Merits relief and timing. Counsel shall seek a final merits declaration, necessary financial records by lawful process, and supported corrective relief; no personal damages claim against a commissioner is authorized. Counsel shall pursue prompt adjudication, including C.R.C.P. 57(m) where appropriate. Preliminary restraint of spending requires separate Council approval after advice on security and financial exposure. This resolution itself does not halt construction or spending.

2.4 Continued pursuit of a merits ruling. Following a non-merits disposition, lawfully engaged counsel shall assess and report any legally available means of obtaining a Judicial Determination, including amendment, an appropriately constituted proceeding, judicial clarification, or authorized appeal. Any change of plaintiff, additional engagement, expenditure, settlement, or appeal remains subject to the approvals required by this resolution and law. No officer or attorney is authorized by this resolution alone to abandon the institutional challenge or treat a non-merits disposition as its resolution. This provision does not permit barred, repetitive, unsupported, or procedurally improper filings.

Section 3. District Attorney response and independent counsel

3.1 Charter representation rights. The Council invokes Charter Sections 5-3(5) and 6-1 for the official conflict with the Board identified in Sections 1 and 2. Proceeding through independent counsel does not waive the Council's or its officers' legally supportable rights under those provisions or other applicable law, including C.R.S. Section 20-1-105(1). The Council does not adopt the District Attorney's conclusions concerning the continuing effect of those provisions.

3.2 Acknowledgment of the response. The Council acknowledges District Attorney Michael J. Rourke's November 4, 2026 letter declining the requested independent written opinion on the grounds stated in that letter. The letter does not constitute acceptance of civil representation in the action authorized here. The Council therefore directs immediate pursuit of independent civil counsel

through the process below, without awaiting a further District Attorney response or completion of a separate County Attorney opinion.

3.3 Appointment and funding request. The Council requests that the Board promptly authorize, appoint, and fund independent civil counsel acceptable to the Council under Charter Section 5-4 or another lawful mechanism. The written engagement must identify the Council as the institutional client to the extent legally authorized, and identify any officers represented subject to Section 2.2. It must specify the scope of work, terms, compensation, and approved funding, including an initial assessment of the legal prerequisites and representation in the action authorized by Section 2. All required appointment, contracting, and appropriation approvals must be obtained.

3.4 Counsel selection and engagement. The President may identify qualified Colorado civil counsel and obtain conflict disclosures, proposed scopes, fee estimates, and engagement terms without making a binding commitment or incurring unauthorized expenses. The Council shall consider counsel selection, proposed terms, and a phased budget at a properly noticed official meeting. Once the legal prerequisites and applicable engagement and funding approvals are satisfied, counsel may proceed under Section 2 without another vote authorizing the same action. Additional approval remains required for matters expressly reserved by this resolution or governing law.

3.5 Unresolved representation or funding dispute. If appointment or funding is refused, disputed, or delayed, an attorney lawfully engaged and funded for that purpose is authorized to seek a legally supportable judicial determination or enforcement of the Council's or its officers' representation and funding rights. The President shall promptly bring any such refusal or unresolved issue before the Council. No unappropriated expenditure, automatic appointment, guaranteed payment, or unsupported claim is authorized.

3.6 Professional independence. Counsel shall represent the identified Council client independently in this dispute. No attorney is required to represent adverse clients contrary to professional obligations. County payment does not authorize the Board or its litigation counsel to direct Council counsel's professional judgment or obtain protected Council communications. Client identity, conflicts, scope, acceptance, and confidentiality obligations must be confirmed in the engagement.

Section 4. Council control, funding, and records

4.1 Instructions and participation. Applicable disclosure, participation, and recusal requirements remain in force. The authorized presiding officer may transmit adopted instructions; no individual officer may change objectives, commit new funds, or settle the matter independently.

4.2 Funding and reporting. The President shall request a written statement of the Council's applicable appropriations, expenditures, outstanding commitments, unobligated balance, and restrictions on use for legal services. An annual budget amount alone shall not be treated as an available balance or spending authority. Counsel shall present the scope, phased budget, funding source, and filing plan before incurring expenses beyond lawful authority, and provide material updates. Contracts, appropriations, settlements, and discretionary appeals require the approvals

mandated by law and further Council authorization as needed. No outside litigant's expenses are assumed.

4.3 Records. The Council shall preserve relevant records and direct counsel to request preservation and production of project records by lawful means. No subpoena power, privilege override, or exemption from public-meeting and records obligations is created.

4.4 Response and deadlines. The President shall request a written Board response within five business days after receipt of the certified resolution, including reasons for any refusal and any proposed lawful alternative. This is a requested response period; silence does not constitute approval. The President shall report at the next regular Council meeting and arrange earlier consideration if a filing or transaction deadline requires it. Counsel shall assess applicable deadlines promptly upon engagement. These requests and any pending legal opinion do not extend or suspend a legal deadline.

Section 5. Continuity and independent operation

5.1 Continuing effect without a sunset. Subject to controlling law and court orders, the Council's institutional challenge and lawful authorizations continue pending a Judicial Determination. This resolution has no automatic expiration date and remains operative indefinitely if no such determination is made, subject to those limitations. Its continuation does not depend on Resolution 243, a particular plaintiff, case number, or uninterrupted pendency of litigation.

5.2 Non-merits dispositions. Dismissal, withdrawal, settlement, closure, or another disposition of a proceeding that does not decide the relevant Section 14-8 merits does not by itself repeal, invalidate, terminate, or suspend this resolution. This includes the Council's proceeding and an individual's private action. The ruling's substance and binding legal effect control whether the required merits have been resolved. A ruling solely on standing, jurisdiction, mootness, or procedure is not a Judicial Determination, but its binding and preclusive effects must be honored. An order directed at this resolution must be obeyed under Sections 5.6 through 5.9.

5.3 No expiration through inaction or elapsed time. Failure to file a case, an interval with no pending case, delay, or passage of time alone does not terminate the institutional challenge. None of those events constitutes a determination that a violation occurred. Counsel must honor binding judgments, preclusion, procedural rules, and all applicable deadlines; continuation of this resolution does not extend a filing deadline or confer standing or jurisdiction.

5.4 Independent operation. This resolution is a separate Council action. Its adoption, effectiveness, operation, and continuation do not depend on Resolution 243 or any compensation measure being adopted, remaining effective, or being enforceable. Nonadoption, withdrawal, repeal, stay, or judicial invalidation of Resolution 243 does not by itself terminate or suspend this resolution or its lawful authorizations. This resolution does not amend Resolution 243 or impose a reciprocal condition on it. Each resolution operates under its own terms, lawful authority, and applicable court orders.

5.5 Separate Effective Time. The Effective Time of this resolution is the date and time of its own lawful adoption recorded in the Council's minutes. No adoption or continued operation of

another resolution is a condition of its effectiveness. All requirements concerning standing, jurisdiction, counsel engagement, funding, and further approvals remain in force.

5.6 Reserved judicial and Council authority. Nothing in this resolution prevents a court from dismissing an action, declining jurisdiction or declaratory relief, staying enforcement, invalidating this resolution, or issuing another binding order. Charter Section 13-5(2) governs lawful Council amendment or repeal; this resolution does not remove that authority or bind a future Council against its exercise. The continuing-effect provisions state Council policy while this resolution lawfully remains in effect.

5.7 Orders affecting this resolution. An effective court order staying, enjoining, or invalidating this resolution or an authorized proceeding shall be obeyed according to its terms. Counsel shall assess the order's scope, report promptly to the Council, and seek clarification or review when lawfully authorized. Any continuation or resumption must comply with controlling law and court orders. A temporary restraint does not itself resolve the Section 14-8 merits.

5.8 Surviving obligations and limited authority. Record-preservation duties, valid obligations, and compliance with court orders survive termination to the extent required by law. Subject to lawful engagement, funding, and any necessary approvals, counsel may defend existing claims, seek review of orders affecting this resolution, preserve applicable deadlines, and obtain an orderly stay or disposition of proceedings. This limited authority does not continue an authorization that has been held unlawful or itself dismiss a pending court action.

5.9 Merits completion and controlling law. A qualifying Section 14-8 merits judgment fulfills the decision objective of this resolution, subject to any authorized appeal and the binding effect of the judgment. All implementation remains subject to controlling law and court orders. This resolution creates no authority to compel a merits ruling, disregard a judgment, or withhold or forfeit compensation. Any separately adopted compensation measure remains governed by its own terms and applicable law.

Section 6. Adoption and notice

6.1 Adoption and effectiveness. This resolution requires its own motion and at least three concurring votes under Charter Section 13-5(2). It takes effect upon its own lawful adoption at the Effective Time defined in Section 5.5. The adoption date and time shall be recorded in the Council's minutes. Adoption of this resolution is not adoption of Resolution 243 or any other measure.

6.2 Notice and record. The Council Secretary shall retain the District Attorney's November 4, 2026 letter with the official record. A certified copy of this adopted resolution shall be transmitted to the District Attorney, Board, County Attorney, County Clerk, Chief Financial Officer, and established Council counsel. The motions, votes, disclosures, recusals, and Effective Time of this resolution shall be recorded.

The motion expressed in the above resolution was duly made, seconded and approved by the following vote on the 5th day of November 2026.

Motion by: TERRY DEGROOT Second by: RANDY PROPP

Effective date and time recorded in minutes: 6:33:39 11/05/26

WELD COUNTY COUNCIL

Elijah P. Hatch
President Elijah Hatch (aye)

Vice-President James Welch (absent)

Councilmember Jeff Reck (absent)

Randy Propp
Councilmember Randy Propp (aye)

Councilmember Terry DeGroot (aye)

Date Signed: 11/5/2026
Resolution Number: 242

WELD COUNTY COUNCIL
RESOLUTION 243

RE: COUNTY COMMISSIONER COMPENSATION

WHEREAS, Council compensation responsibilities under Charter §§3-9(1), 6-6(1), and 13-8(1) remain subject to §§3-9(2), 6-6(2), and controlling law; and

WHEREAS, the Council proposes the compensation treatment below only for commissioners who cast recorded affirmative votes on the Justice Center actions identified in Schedule A and alleged to violate Charter §14-8, with the alleged violation reserved for judicial determination; and

WHEREAS, on June 22, 2026, the Board of County Commissioners adopted Resolution No. 2026-1553 by a unanimous 5-0 vote, directing a single request for proposals for a construction manager/general contractor for the entire Justice Center, including core and shell, tenant finish, and the adjacent parking garage; the recorded Aye votes were cast by Scott K. James, Chair; Jason S. Maxey, Pro-Tem; and Commissioners Perry L. Buck, Lynette Peppler, and Kevin D. Ross; and

WHEREAS, the Council invokes Charter §§5-3(5) and 6-1 for the official conflict with the Board, acknowledges the District Attorney's November 4, 2026 response, and seeks independent civil counsel through lawful appointment and funding; and

WHEREAS, this resolution is independent of Resolution 242, any other litigation authorization, and any individual lawsuit, with no automatic expiration of the proposed financial suspension and with all implementation subject to Section 8;

NOW, THEREFORE, BE IT RESOLVED BY THE WELD COUNTY COUNCIL, subject to the limitations expressly stated in this resolution:

Section 1. Definitions and application

1.1 Covered Commissioner means only a person serving as a Weld County Commissioner at the Effective Time who is identified in Schedule A, as adopted with this resolution, as having cast a recorded affirmative vote approving at least one Covered Action. The five commissioners identified in Schedule A are Scott K. James, Jason S. Maxey, Perry L. Buck, Lynette Peppler, and Kevin D. Ross, based on their recorded Aye votes on Resolution No. 2026-1553 and subject to Sections 7.4 and 8. Coverage is individual, not office-wide, and applies only while that person otherwise remains entitled to compensation for service as commissioner.

1.2 Effective Time means the date and time of adoption of this resolution recorded in the Council's minutes. For each Covered Commissioner, Suspension Period begins at the Effective Time, subject to Section 7.4, and continues until a Judicial Determination under Sections 3 and 4, except as controlling law or Sections 7.4 and 8 require otherwise. It has no automatic expiration date. Withholding cannot extend beyond that person's otherwise lawful entitlement to compensation; reconciliation rights survive departure from office.

1.3 Covered Actions means only the specific actions listed in adopted Schedule A, taken by the Board of County Commissioners on or before the Effective Time and alleged to violate §14-8: the June 22, 2026 adoption of Resolution No. 2026-1553 directing one construction manager/general contractor request for proposals for the entire Justice Center; and any other listed action to approve, finance, appropriate, commit, or expend public funds for the Justice Center or related parking facility. The schedule must link each commissioner to the specific listed project or expenditure action and official vote record. An allegation or listing is not a judicial finding.

1.4 Exclusions. A negative vote, abstention, recusal, absence, ministerial signature, or general expression of support is not an affirmative approval. A commissioner without a documented affirmative vote on a Covered Action is excluded, as is a successor merely occupying the same seat. A negative vote on one action does not negate an affirmative vote on another listed action. Inclusion or expansion requires Council action, not payroll discretion.

Section 2. Continuing financial suspension

2.1 Beginning at the Effective Time, payment or provision of Covered Compensation only to Covered Commissioners is suspended for each person's Suspension Period, subject to Sections 7.4 and 8. The suspension shall remain in effect indefinitely if no Judicial Determination is made, subject to those provisions and controlling law. All other commissioners' compensation remains unaffected. This provision does not suspend or remove anyone from office.

2.2 Covered Compensation includes salary, stipends, bonuses, allowances, deferred compensation, employer retirement contributions, employer health-account contributions, County-paid health, dental, vision, life and disability premiums, cash substitutes for benefits, and other County-funded compensation or personal monetary benefits attached to the office, whether paid directly or through a third party.

2.3 No scheduled, previously approved, or subsequently authorized salary or benefit increase shall be paid to a Covered Commissioner during that person's Suspension Period. Otherwise lawful amounts, including increases, shall be recorded for possible restoration. This provision neither freezes compensation for excluded commissioners nor permanently repeals a valid compensation schedule.

Section 3. Qualifying judicial determination

3.1 Judicial Determination means a written final merits judgment entered after the Effective Time by a court of competent jurisdiction resolving whether the Covered Actions personally approved by an identified Covered Commissioner violated §14-8. It may arise in any properly brought proceeding, including a legally available declaratory proceeding. A declaratory or summary judgment qualifies if final as to those actions, including through proper finality certification. This resolution supplies no standing or jurisdiction.

3.2 Entry of the Judicial Determination, rather than exhaustion of appeals, is the restoration trigger. An oral comment, preliminary-injunction ruling, temporary restraining order, or unresolved interlocutory ruling on likelihood of success does not constitute the Judicial Determination. Any separate court order controlling compensation must nevertheless be followed under Section 8.

3.3 A violation determination for a commissioner requires a finding that at least one Covered Action that person affirmatively approved violated §14-8. A no-violation determination resolves all Covered Actions listed for that person on the merits without finding a violation. A ruling solely about someone else's approvals is insufficient. An incomplete or ambiguous ruling requires judicial clarification under Section 6.6; non-merits dispositions are governed by Section 6.

3.4 Substance and binding effect of an order. A disposition labeled "dismissal" qualifies if it actually resolves the alleged §14-8 violation on the merits and satisfies this section. A purely procedural dismissal is not a factual finding that a violation occurred. Counsel shall honor the binding and preclusive effect of every judgment, including a dismissal with prejudice, and shall seek judicial clarification when that effect is disputed. Nothing here overrides a judgment or authorizes relitigation barred by law.

Section 4. Automatic prospective reinstatement in either outcome

4.1 Immediately upon entry of a Judicial Determination applicable to a Covered Commissioner, that person's suspension ends and all otherwise lawful prospective salary, benefits, increases, and other Covered Compensation are reinstated, whether or not a violation is found. No further Council vote is required. A qualifying judgment may resolve the question for more than one covered person.

4.2 The reinstated amounts and benefit eligibility shall be those otherwise legally applicable on the reinstatement date, including valid increases that would have become effective during the Suspension Period. Payroll shall resume on the next regular payroll date, effective retroactively to the date and time reinstatement became due.

4.3 Reinstatement applies prospectively only to persons then entitled to compensation by reason of holding office or another independent legal right. This resolution does not extend a term, reinstate a former officeholder to office, or create compensation for time after an individual's entitlement ended.

Section 5. Back pay and benefit reconciliation

5.1 No violation found. If the Judicial Determination finds no violation for a Covered Commissioner under Section 3.3, that person shall receive in full all compensation withheld under this resolution for time otherwise eligible. Back pay runs from the Effective Time through the end of that person's Suspension Period or earlier end of entitlement. A violation concerning only another commissioner's approvals does not defeat restoration.

5.2 Full restoration includes salary at each otherwise lawful rate, valid increases, missed employer contributions, and benefits withheld solely under this resolution. Payments shall account for required taxes, employee contributions, other mandatory deductions, and amounts already provided, without duplicate recovery. Interest shall be included when required by controlling law or court order.

5.3 Cash back pay shall be paid in a single lump sum within thirty calendar days after the no-violation determination, or sooner if required by law or court order. Benefit contributions and service credits shall be corrected as soon as governing plans permit. Any benefit that cannot be restored retroactively shall be addressed through a lawful make-whole remedy, with documentation and no double payment.

5.4 Violation found — proposed forfeiture. If the Judicial Determination finds that a Covered Action a commissioner affirmatively approved violated §14-8, no back pay, retroactive increase, or restoration of withheld Covered Compensation shall be payable to that commissioner under this resolution, except as Section 8 or independent payment rights require. No forfeiture is based solely on an allegation, Board membership, another person's vote, or the absence of a Judicial Determination. Prospective compensation resumes under Section 4.

Section 6. Indefinite duration and judicial resolution

6.1 No automatic expiration. Subject to Sections 7.4 and 8 and controlling law, the financial suspension shall continue indefinitely until a Judicial Determination is entered. It has no sunset date or maximum duration. Passage of time, a fiscal-year change, turnover in Council membership, delay in obtaining counsel or funding, or the absence of a pending lawsuit does not itself terminate the suspension. No failure to obtain a judgment converts an alleged violation into an adjudicated violation or a final forfeiture.

6.2 Non-merits disposition does not end the suspension. Dismissal for lack of standing, jurisdiction, ripeness, or mootness, or another disposition that does not resolve the alleged §14-8 violation on the merits, does not by itself terminate this resolution or trigger reinstatement or back pay. The same applies to voluntary withdrawal, abandonment, closure, or settlement without a qualifying Judicial Determination. This rule remains subject to every binding judgment, applicable preclusion rule, controlling payment obligation, and Section 8. Invalidation of this resolution is distinct from dismissal of a lawsuit and is governed by Section 8.

6.3 No unilateral administrative termination. No individual Council member, litigant, attorney, or administrative officer is authorized by this resolution to cancel the suspension, declare the alleged violation adjudicated, or substitute an advisory opinion, informal agreement, or administrative decision for the Judicial Determination. Discontinuance of an individual's private lawsuit does not control this measure. This subsection does not restrict compliance with controlling law, binding court orders, or lawful Council action.

6.4 Continuing pursuit of a decision. The Council directs its lawfully engaged and funded counsel to pursue a judicial determination promptly through a legally available and properly authorized proceeding, including an expedited declaratory hearing under C.R.C.P. 57(m) when appropriate. Any affirmative spending action requires the separate authorization described in Section 10.3. After a non-merits dismissal, counsel shall promptly assess any lawful alternative route and report at the next Council meeting. Lack of a pending case does not authorize inaction or confer missing standing, jurisdiction, funding, or authority to refile. An affected commissioner retains every independently available right to seek prompt judicial review or payment relief; the Council's inaction cannot bar that access.

6.5 Appeals. An appeal does not itself continue or restart the suspension after the reinstatement trigger. If an appellate ruling changes the merits outcome, compensation and back-pay rights shall be reconciled consistently with the appellate mandate and controlling law. A later no-violation determination requires full restoration under Section 5. No repayment of amounts already disbursed shall be demanded solely under this resolution without an applicable court order or independent legal basis.

6.6 Judicial clarification. An ambiguous judgment, including uncertainty about which listed approvals it resolves, shall be referred promptly to independent counsel for appropriate judicial clarification. Neither payroll nor the Council may independently decide §14-8's merits, attribute another person's vote to a commissioner, or broaden a judicial finding. No ambiguity authorizes withholding prohibited by Section 8.

Section 7. Records and reconciliation

7.1 To the extent implementation is authorized, responsible finance, payroll, and benefit personnel shall maintain a separate accounting for each Covered Commissioner of every withheld amount, applicable compensation rate, suspended benefit, and payment that must continue. The record shall permit complete reconciliation without treating a contingent accounting entry as an adjudication of entitlement.

7.2 Amounts shall remain in lawful County accounts. This resolution creates no new escrow, appropriation, personal claim against staff, or authority to divert funds. Any appropriation or plan action necessary to make lawful payments must be obtained through the legally required process.

7.3 Each affected commissioner shall receive a written accounting of the proposed withholding and any reinstatement calculation, with a reasonable opportunity to identify errors. Personal health, dependent, and account information shall not be included in public financial summaries.

7.4 Official vote record and governing process. Coverage is based on the recorded affirmative votes identified in Schedule A and the supporting official records retained by the Secretary. This resolution establishes no separate pre-adoption notice, response, correction, or cure period for a Covered Commissioner. Adding a person or action requires a prospective Council amendment supported by official records; no retroactive designation is authorized. Any notice, hearing, or other procedural protection independently required by controlling law or a binding court order remains required. Section 8 governs implementation.

Section 8. Controlling law, benefit protections, and court orders

8.1 No provision shall be implemented contrary to the United States Constitution, Colorado Constitution, governing statutes, Weld County Charter, enforceable benefit-plan obligations, or a binding court order.

8.2 Covered Compensation excludes amounts earned before the Effective Time; vested balances and independently protected rights; required payroll taxes or remittances; amounts legally required to be paid; and payments under a controlling court order. It also excludes genuine County operating expenditures, reimbursement of documented official expenses without personal gain, and independently authorized official legal representation or indemnification.

8.3 Benefit administrators shall not terminate insurance, disregard continuation or notice rights, confiscate employee contributions, or impair protected pension or plan rights contrary to governing law or binding plan terms. County funding may be withheld only to the extent lawful. A promise of later restoration does not authorize an otherwise unlawful loss of coverage.

8.4 If withholding or forfeiture is held unauthorized, compensation and back pay required by law or court order shall be paid regardless of the §14-8 outcome or the absence of a Judicial Determination. Within this resolution, the suspension, reinstatement, and reconciliation provisions are interdependent; no severance shall leave withholding operative without restoration protections. Accrued rights and duties to account, restore payments, and comply with court orders survive invalidation or termination.

8.5 Reserved judicial and Council authority. This resolution does not prevent a court from dismissing an action, declining jurisdiction or declaratory relief, staying enforcement, invalidating this resolution, or ordering payment. It does not make unlawful withholding lawful pending a challenge. Charter §13-5(2) governs the Council's authority to amend or repeal resolutions; no provision removes that authority or binds a future Council against a lawful amendment or repeal. The indefinite-duration provisions state the continuing policy while this resolution lawfully remains in effect.

Section 9. Independent counsel and representation rights

9.1 Charter representation rights. The Council invokes Charter §§5-3(5) and 6-1 for the official conflict with the Board concerning this compensation measure. The Council preserves its legally supportable position concerning those provisions and C.R.S. §20-1-105(1), without treating them as an accepted engagement, an appearance, or authority otherwise absent from law.

9.2 District Attorney response. The Council acknowledges District Attorney Michael J. Rourke's November 4, 2026 letter declining the requested independent written opinion on the stated grounds of authority, competence, and conflict. The letter does not establish acceptance of civil representation or resolve this measure's legality. The Council directs immediate pursuit of independent civil counsel, without awaiting another District Attorney response or completion of a separate County Attorney opinion.

9.3 Appointment and scope. The Council requests that the Board promptly authorize, appoint, and fund independent civil counsel acceptable to the Council under Charter §5-4 or another lawful mechanism. The written engagement must establish the client, conflicts, scope, compensation, and approved funding. Scope shall include the legal authority for withholding and forfeiture, official-vote and procedural protections, benefit rights, judicial review, pursuit of a Judicial Determination in a properly authorized proceeding, defense, and reconciliation. A legal assessment cannot itself adjudicate the alleged §14-8 violation or override Section 8.

9.4 Selection and response. The President may identify qualified counsel and obtain proposed terms without making an unauthorized commitment. The Council shall consider the engagement and funding at a properly noticed meeting. The President shall request a written Board response within five business days, including reasons for refusal and any proposed lawful alternative, and report any unresolved issue at the next Council meeting. This is a requested deadline; silence is not approval. All required contracting, appointment, and appropriation approvals must be obtained.

9.5 Unresolved representation or funding dispute. An attorney lawfully engaged and funded for that purpose is authorized to seek a legally supportable judicial determination or enforcement of the Council's or its officers' representation and funding rights. No unappropriated expenditure, automatic appointment, guaranteed payment, or unsupported claim is authorized.

9.6 Professional independence and Council control. No attorney shall represent adverse clients contrary to professional obligations. County payment does not permit an opposing party to control counsel's judgment or obtain protected communications. Applicable disclosure, participation, and recusal requirements remain in force. Counsel shall identify the authorized representative, scope, phased budget, and funding source. Engagements, appropriations, settlements, and discretionary appeals require lawful approvals; no individual member may bind the Council beyond adopted authority. No outside litigant's expenses are assumed. This is a civil matter, not a direction to prosecute a crime.

Section 10. Independent operation and separate authority

10.1 Independent operation. This resolution is a separate Council action. Its adoption, Effective Time, operation, and continuation do not depend on Resolution 242 or any other resolution being adopted, remaining effective, or producing a pending case. Nonadoption, withdrawal, repeal, stay, or judicial invalidation of Resolution 242 or another resolution does not by itself terminate this resolution, end the financial suspension, or trigger reinstatement or back pay. The compensation provisions remain subject to Sections 3 through 8 and controlling court orders.

10.2 No amendment or reciprocal condition. This resolution does not amend Resolution 242 or impose any condition on its adoption, effectiveness, or continued operation. Nothing in this resolution causes the nonadoption, withdrawal, repeal, stay, or invalidation of this measure to terminate Resolution 242. Each resolution operates according to its own terms, lawful authority, and applicable court orders; neither is required by this resolution to stand or fall with the other.

10.3 Separate spending-suit authorization. This resolution does not independently authorize commencement of an affirmative §14-8 action concerning Justice Center spending. Such an action requires separate lawful Council authorization, which may be supplied by Resolution 242 or another Council action. A qualifying Judicial Determination may arise in any properly brought proceeding; its initiating party and case number do not control. No proceeding under Resolution 242 must be filed or remain pending for this resolution to continue.

10.4 Separate representation. The representation request and lawful authority in Section 9 operate independently of any other resolution. Shared counsel may be used only where professionally permissible, with each scope and funding authorization identified. Suspension or invalidation of this resolution's compensation terms does not itself withdraw a lawfully established representation concerning their validity, defense, or reconciliation. Engagements, funding, and any further proceedings remain subject to governing law and the approvals required by Section 9.

10.5 Surviving obligations. A Judicial Determination that the Covered Actions did or did not violate §14-8 fulfills the decision condition and triggers Sections 4 and 5. If this resolution is otherwise terminated or held invalid, duties necessary to obey court orders, restore legally required compensation, preserve records, reconcile accounts, and lawfully conclude or defend affected proceedings survive. Counsel shall obtain any required court permission to withdraw or dismiss; this resolution does not itself dismiss a pending case. No withholding authority survives independently of required restoration protections.

Section 11. Adoption, notice, and record

11.1 This resolution takes effect upon its own lawful adoption, with the Effective Time recorded in the Council's minutes. Adoption does not establish authority to withhold pay, compel counsel, or spend funds. Sections 7.4 and 8 govern implementation. The resolution creates no additional pre-adoption correction process; notice and procedural protections independently required by controlling law or a binding court order remain controlling.

11.2 Adoption requires its own motion and at least three concurring votes under Charter §13-5(2). A certified copy, including adopted Schedule A and supporting vote records, shall be transmitted to the District Attorney, Board, County Attorney, County Clerk, established Council counsel, affected commissioners, and responsible finance, payroll, and benefit administrators. The Secretary shall retain the District Attorney's November 4, 2026 letter with the official record. All votes, disclosures, and recusals shall be recorded.

The motion expressed in the above resolution was duly made, seconded and approved by the following vote on the 5th day of November 2026.

Motion by: TERRY DEGROOT Second by: RANDY PROPP

Effective date and time recorded in minutes: 6:37:24 11/05/26

WELD COUNTY COUNCIL

President Elijah Hatch (aye)

Vice-President James Welch (absent)

Councilmember Jeff Reck (absent)

Councilmember Randy Propp (aye)

Councilmember Terry DeGroot (aye)

Date Signed: 11/5/2026

Resolution Number: 243

Schedule A. Covered commissioners and recorded project approvals

JUNE 22, 2026 RECORDED VOTE ON RESOLUTION 2026-1553

This schedule identifies the five commissioners who cast recorded Aye votes on Resolution No. 2026-1553 on June 22, 2026. The vote was unanimous, 5-0. The approved action directed a single request for proposals for a construction manager/general contractor for the entire Justice Center, including core and shell, tenant finish, and the adjacent parking garage.

These five entries identify the Covered Commissioners for this resolution, subject to Section 1.1. Each listing concerns an action alleged to violate Charter §14-8 and does not adjudicate the allegation. The adopted schedule remains subject to the official-record and prospective-amendment provisions of Section 7.4 and controlling law under Section 8.

Commissioner name and title	Vote date	Project action approved	Recorded vote and source
Scott K. James Chair District 2 Commissioner	June 22, 2026	Resolution 2026-1553 Single RFP for the unified Justice Center project	Aye Recorded resolution, page 3
Jason S. Maxey Chair Pro Tem District 1 Commissioner	June 22, 2026	Resolution 2026-1553 Single RFP for the unified Justice Center project	Aye Recorded resolution, page 3
Lynette Peppler District 3 Commissioner	June 22, 2026	Resolution 2026-1553 Single RFP for the unified Justice Center project	Aye Recorded resolution, page 3
Kevin D. Ross Commissioner At-Large	June 22, 2026	Resolution 2026-1553 Single RFP for the unified Justice Center project	Aye Recorded resolution, page 3
Perry L. Buck Commissioner At-Large	June 22, 2026	Resolution 2026-1553 Single RFP for the unified Justice Center project	Aye Recorded resolution, page 3

Official vote record: Recorded Resolution No. 2026-1553, page 3. The Secretary shall retain the recorded resolution with the official Council adoption record. View the recorded public resolution.

Record review completed by / date: _____

Schedule adopted with Resolution No. 243 on _____

Record verification does not certify legal authority to suspend or forfeit compensation. This schedule creates no claim against a commissioner's personal assets and does not alter independent judicial or statutory payment rights.

WELD COUNTY COUNCIL
RESOLUTION 244

RE: EMERGENCY ORDINANCE 264 AND JUSTICE CENTER FINANCING OVERSIGHT

WHEREAS, Section 13-8(6) of the Weld County Home Rule Charter authorizes the County Council to review county government and report publicly on expenditures, efficiency, responsiveness, and compliance with law;

WHEREAS, Section 13-8(7) permits a performance auditor responsible solely to the Council to assist in that review;

WHEREAS, on June 22, 2026, the Board of County Commissioners adopted Resolution No. 2026-1553 by a unanimous 5-0 vote, with affirmative votes from Scott K. James, Chair; Jason S. Maxey, Pro Tem; and Commissioners Perry L. Buck, Lynette Peppler, and Kevin D. Ross;

WHEREAS, Resolution No. 2026-1553 described the Justice Center as one unified project and directed a single request for proposals for a construction manager/general contractor for the entire Justice Center, including core and shell, tenant finish, and the adjacent parking garage, and identified an estimated $346,821,265 in the 2026 Budget Capital Projects Five Year Plan for all components of that project;

WHEREAS, Weld County Emergency Ordinance No. 264, identified as matter 2026-2742, concerns Justice Center lease financing and related documents, and its posted text cites rising interest rates and anticipated election-related market volatility as grounds for emergency action;

WHEREAS, District Attorney Michael J. Rourke declined the Council President's request for an independent written legal opinion in his November 4, 2026 letter;

WHEREAS, County Attorney Bruce Barker anticipates completing a formal written opinion sometime after December 1, 2026, and has corrected the Council's reported 2026 Purchased Services budget to $31,900; and

WHEREAS, the Council seeks a timely factual and legal review of the emergency procedure, financial commitments, funding sources, and remaining decisions before further financing actions are completed;

NOW, THEREFORE, BE IT RESOLVED by the Weld County Council as follows:

1 Formal review

The Council opens a review under Charter Section 13-8(6) of Ordinance 264, any adopted or amended version, and the related Justice Center financing and implementation. The review includes emergency procedures under Sections 3-14(6) and 16-10(17), financial commitments and repayment sources, and applicable Charter requirements, including Section 14-8. The Council acts in its institutional capacity. This review continues independently of any private lawsuit and will support findings based on the record developed through the review. Authorized factual review and public reporting shall continue while legal opinions and financial information are pending. The review shall include Resolution No. 2026-1553 and subsequent changes in project scope, estimated cost, procurement, and funding leading to Ordinance 264. The $346,821,265 figure is an estimated five-year project cost, not a finding of actual expenditures or a final contract price.

2 Records and requested response dates

The Council adopts Exhibit A and requests responsive records from the Board of County Commissioners, Clerk to the Board, Chief Financial Officer, County Attorney, and other appropriate custodians. Electronic production should begin as records become available. The requested targets are:

Mountain Time	Requested response
Nov 6 at noon	Transaction status; pause response; preservation contact; urgent legal timing; opinion completion and counsel approval schedules.
Nov 9 at 5 p.m.	Priority Exhibit A records; requested interim County Attorney response; Council budget and available-funds reconciliation.
Nov 13 at 5 p.m.	Remaining records; identification of withheld or unavailable materials and a completion schedule.

All dates are in 2026. These are requested targets; applicable legal duties, protections, and statutory response periods remain controlling. If a target cannot be met, the Council requests the reason and a proposed completion date.

3 Preservation and lawful disclosure

The Council requests that appropriate custodians preserve responsive County records, including relevant drafts, versions, electronic communications, and associated metadata, and suspend routine deletion of those records consistent with law. This request covers responsive records whether or not they may be disclosed. For withheld material, the Council requests a description and legal basis to the extent lawfully disclosable, together with reasonably segregable nonprotected material. This resolution does not require disclosure contrary to law or waive a legally supported privilege.

4 Request for a voluntary pause

The Council requests that the Board voluntarily defer further binding financing actions through November 16, 2026 at 11:59 p.m. Mountain Time, to the extent deferral remains lawfully available under existing obligations. The request covers execution or delivery of financing agreements, acceptance of binding bids, pricing, sale, issuance or delivery for value of certificates of participation, and release or commitment of financing proceeds. Records production, preservation, and legal review may proceed.

The Council requests a written response by November 6 at noon. If the Board declines all or part of the request, it is asked to identify the planned actions, timing, and factual, financial, or contractual reasons. The request does not itself stay, repeal, or invalidate an ordinance or transaction or alter existing contractual rights. A voluntary pause does not extend a legal filing deadline.

5 Legal opinions and institutional representation

5A County Attorney opinion and interim response

The Council renews its request under Charter Section 5-3(3) for a formal written opinion maintained as a public document. It acknowledges Mr. Barker's anticipated completion sometime after December 1, 2026. The President shall request a definite proposed completion date by November 6 at noon and an expedited interim written response by November 9 at 5 p.m. The opinion requests concern the emergency procedure and asserted basis, financing authority, Section 14-8 and funding sources, delegated authority, and Council oversight, representation, and funding authority, with supporting facts and legal authorities. The interim response should prioritize urgent questions, identify unresolved issues, and state any limits on the advice available. The full opinion remains requested at the earliest practicable date.

5B Immediate assessment of legal timing

The President shall immediately request from the County Attorney a preliminary assessment of legal deadlines and remaining transaction steps, with known dates and the earliest available assessment requested by November 6 at noon or sooner if action is imminent. The assessment should identify any election under C.R.S. Section 11-57-204, the authorizing act and date, any applicable Section 11-57-212 deadline, any Section 11-57-210 recital and delivery for value, and Council decisions needed before an earlier deadline or transaction. The Council shall not await the full opinion to consider time-sensitive action. Neither this review nor the requested pause preserves or extends a claim or limitation period.

5C District Attorney response

The Council acknowledges Mr. Rourke's November 4 letter declining the requested independent written opinion, including his stated competence and conflict concerns. The letter shall be retained in the review record. This acknowledgment does not adopt his legal interpretations or determine Council authority, standing, representation, or funding rights. The Council reserves its position under Charter Section 5-3(5) and C.R.S. Section 20-1-105.

5D Independent institutional counsel

The President is authorized to obtain nonbinding written proposals at no charge or obligation to the County from qualified independent counsel. Proposals shall address qualifications, conflicts, availability, the appropriate institutional or official-capacity client, proposed scope, deliverables, fees, maximum estimated cost, and required approvals. The contemplated initial work concerns Council duties and authority, representation and funding, urgent deadlines, and legally available options. Proposed terms shall protect independent professional judgment and identify who may direct the representation. The engagement would serve Council oversight and official duties, separately from any member's private representation or litigation.

The President shall promptly request that the Board consider a special-counsel appointment under Charter Section 5-4 through a written contract, or identify another lawful means of providing independent advice. The Council requests a written response on the proposed process and funding source by November 6 at noon. The President shall present a concrete proposal and approval path for Council action as soon as practicable, earlier than November 16 if needed to address a deadline. Soliciting proposals authorizes no retainer, billable work, contract, or financial commitment; any engagement requires separate lawful authorization and required approvals.

5E Verification of available funding

The $31,900 figure is the County Attorney's reported 2026 Purchased Services budget, not a finding of available funds. By November 9 at 5 p.m., the Council requests a written Finance reconciliation identifying the original and current appropriation authority, relevant accounts and appropriation level, amendments, expenditures, encumbrances and unpaid commitments, remaining uncommitted spending authority, permissible uses, and required budget, purchasing, and contract approvals. The response should address any engagement extending beyond December 31, 2026. This resolution neither appropriates funds nor authorizes expenditure of the reported amount. Any legally supported privilege in institutional legal advice shall be preserved.

6 Performance auditor assistance

A duly appointed Council performance auditor may assist within existing authorized duties, engagement terms, and available appropriations. Any additional appointment, engagement, scope, compensation, or expenditure shall be presented for separate lawful authorization. The Council review shall proceed using available authorized resources if no auditor is available.

7 Public reporting and further Council action

The President shall present an initial status report for Council consideration no later than November 16, 2026 at a properly noticed public meeting, and arrange an earlier meeting if a legal deadline or planned transaction requires Council action sooner. The report shall identify records received, outstanding or denied requests, unresolved questions, legal advice received or still needed, counsel proposals and approval requirements, verified funding status, and proposed next steps. An unavailable record shall not be described as nonexistent without an adequate basis.

Before adopting substantive findings concerning an official or department, the Council shall provide an appropriate opportunity for a factual response. Reports adopted under Section 13-8(6) shall be made publicly available, filed with the Board, and furnished to elected officers, with restricted information handled as law requires. Further substantive decisions shall return to the Council for public action.

8 Implementation and effective date

The President shall promptly transmit this resolution and Exhibit A to the Board, Clerk to the Board, Chief Financial Officer, County Attorney, District Attorney, and any duly appointed Council performance auditor. The President may coordinate production, seek clarification, receive records, communicate the Council positions adopted here, and solicit the nonbinding proposals authorized in Section 5D. The Council record shall retain this resolution, transmittals, Resolution No. 2026-1553 and its recorded vote, the District Attorney letter, County Attorney correspondence and opinions, financial responses, proposals, and reports, with protected information handled as law requires.

This resolution authorizes oversight, the stated requests, and preparation of nonbinding counsel proposals. It does not authorize retaining counsel or contractors, billable legal work, new expenditures, commencement or funding of litigation, settlement or waiver of claims, withholding compensation, or sanctions. Those matters require separate lawful authority and action. This resolution takes effect upon adoption by the Council.

The motion expressed in the above resolution was duly made, seconded and approved by the following vote on the 5th day of November 2026.

Motion by: TERRY DEGROOT Second by: RANDY PROPP

Effective date and time recorded in minutes: 6:41:05 11/05/26

WELD COUNTY COUNCIL

President Elijah Hatch (aye)

Vice-President James Welch (absent)

Councilmember Jeff Reck (absent)

Councilmember Randy Propp (aye)

Councilmember Terry DeGroot (aye)

Date Signed: 11/05/2026

Resolution Number: 244

Bruce Barker

From: Jacque Troudt
Sent: Friday, November 13, 2026 8:37 AM
To: Bruce Barker
Subject: FW: Formal Directive — Implementation of Weld County Council Resolution 243
Attachments: 242 signed Justice Center Expenditures and Charter Section 14-8.pdf; 244 signed Emergency Ordinance 264 and Justice Center Financing Oversight.pdf; 243 County Commissioner Compensation.pdf

From: Elijah Hatch <ehatch@hiredgun.net>
Sent: Friday, November 6, 2026 10:04 AM
To: Jacque Troudt <jtroudt@weld.gov>
Cc: Chris D'Ovidio <cdovidio@weld.gov>; Terry DeGroot <terrydegrootcouncil@gmail.com>; Welch_WeldCouncil@yahoo.com; Jeff Reck <reck4weld@gmail.com>; randypropp@gmail.com; Elijah Hatch <ehatch@hiredgun.net>; Linda Kane <lkane@weld.gov>
Subject: Formal Directive — Implementation of Weld County Council Resolution 243

This Message Is From an External Sender
This email was sent by someone outside Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Troudt,

I am writing in my official capacity as President of the Weld County Council regarding the three resolutions adopted during the Council's special meeting on November 5, 2026.

Of particular importance is Resolution 243, which provides for the suspension of compensation and financial benefits for the members of the Weld County Board of County Commissioners under the terms established by the Council.

The Weld County Home Rule Charter vests the County Council with authority over the establishment of commissioner compensation. The Council has exercised that authority through a duly adopted resolution.

The administration of county payroll is responsible for carrying out legally effective compensation decisions made by the appropriate governing authority. Just as an authorized salary adjustment adopted by the Council must be reflected in payroll, Resolution 243 must receive appropriate administrative implementation.

Accordingly, I am formally directing your office to initiate immediate implementation of Resolution 243, including the suspension of commissioner salary disbursements and applicable financial benefits as provided by the resolution.

This correspondence is not a request for payroll personnel to independently reconsider the policy merits of the Council's decision. It is a formal instruction to administer the Council's adopted action within the requirements of applicable law.

Please distribute the resolution to the appropriate payroll and accounting personnel and provide written confirmation by the close of business today, November 6, 2026, identifying the steps taken and the effective payroll date.

The Council expects prompt notification rather than an unexplained administrative refusal to act.

The Council's adopted resolution remains its formal position unless amended, rescinded, or otherwise affected through an applicable legal process.

Thank you for your prompt attention to this matter.

Respectfully,

~Elijah

Elijah P. Hatch
President, Weld County Council
Attachment: Weld County Council Resolution 243, adopted November 5, 2026

HG Companies - 970-405-3249 CONFIDENTIAL: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Bruce Barker

From: Elijah Hatch <ehatch@hiredgun.net>
Sent: Monday, November 9, 2026 10:26 AM
To: Jacque Troudt; Jill Scott; Karla Ford; Bruce Barker; Karin McDougal; Chris D'Ovidio; HRBenefits; Jason Maxey; Scott James; Lynette Peppler; Kevin Ross; Perry Buck
Cc: Linda Kane; Terry DeGroot; Jeff Reck; randypropp@gmail.com; Welch_WeldCouncil@yahoo.com; Elijah Hatch
Subject: Formal Notice of Resolution 243 – Implementation, County Charter Compliance, and Potential State Oversight

This Message Is From an External Sender
This email was sent by someone outside Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Trout, County Controller, Commissioners, and County Attorney:

On November 5, 2026, the Weld County Council formally adopted Resolution 243 concerning the compensation of the County Commissioners identified in the resolution and its adopted Schedule A, based on their affirmative votes approving the Justice Center actions identified therein.

As President of the Weld County Council, I am providing this formal notice to establish the Council's expectations regarding implementation and to clarify the legal and administrative steps the Council is prepared to pursue should its adopted actions not receive appropriate consideration.

Resolution 243 is an official action of the Weld County Council. It is not an informal recommendation or a request for departmental approval.

1. Authority of the Weld County Council
The Council has exercised its authority through the formal legislative process established by the Weld County Home Rule Charter.
The Council expects its adopted resolutions to be treated as official governmental actions. Disagreement by individual commissioners, the County Attorney, or administrative departments does not, by itself, constitute a judicial determination that a resolution is invalid or unenforceable.
No individual department or administrator has authority to independently repeal or amend a Council resolution through administrative action.

2. Consistent application of Charter Section 14-8
The Council believes the same standard must apply consistently throughout Weld County government.
The Council has maintained that the Board of County Commissioners cannot conclusively determine for itself that its Justice Center expenditures comply with Charter Section 14-8 when those expenditures have been formally challenged.
The commissioners' decision to proceed with the project does not resolve that legal dispute.
The same principle applies to Resolution 243. Disagreement with the resolution, including an internal legal opinion, does not itself constitute a judicial determination invalidating the Council's action.
The Council is not asserting that its own actions are beyond judicial review. Rather, disputed questions of Charter authority should be resolved through appropriate legal and judicial processes, not through unilateral administrative decisions by the parties involved.

3. Implementation and administrative responsibility

The Council expects the responsible County offices, including Finance, Payroll, and Benefits, to address the administrative responsibilities assigned to them under Resolution 243, subject to the express safeguards and limitations contained in the resolution and controlling law.
Individual payroll and benefits employees should not be placed in the position of independently deciding disputed questions of Charter authority. Those matters belong with County leadership and its authorized legal representatives.
If the County believes that a particular provision cannot lawfully be implemented, that position should be formally identified, supported by the applicable legal authority, and addressed through the appropriate legal process.
The Council does not consider administrative silence or an internal legal interpretation to be a substitute for judicial resolution.

4. Immediate payroll considerations
The next regularly scheduled County payday is Friday, November 13, 2026.
The Council expects the responsible offices to address the administrative implementation of Resolution 243 before the applicable payroll is finalized.
This correspondence is not an allegation that payroll personnel have refused to comply or that an improper payment has already occurred. It is intended to provide formal notice and establish the Council's expectations before the next scheduled payroll.

5. Potential Colorado State Oversight and Enforcement
The Council is aware that the State of Colorado maintains several independent governmental oversight, investigative, and enforcement mechanisms that may become relevant if documented violations of applicable law or governmental obligations remain unaddressed.
Should circumstances warrant, the Council is prepared to refer appropriate matters to the following state authorities:

A. Colorado Attorney General – Office of the Attorney General
The Council may refer documented concerns involving potential violations of state law and governmental practices to the Attorney General for review within the office's statutory jurisdiction.
In particular, C.R.S. § 24-31-113 addresses governmental patterns or practices by officials or employees that deprive individuals of rights protected by the United States or Colorado Constitution or laws. Where the statutory requirements are satisfied, the Attorney General has authority to investigate and pursue civil enforcement.
The Council recognizes that this authority has specific legal requirements and is not a general mechanism for resolving every local Charter dispute.

B. Colorado Office of the State Auditor – Local Government Audit Division
The Council may refer documented financial reporting, audit-compliance, and public-accountability concerns to the State Auditor's Local Government Audit Division.
This office administers the Local Government Audit Law, C.R.S. § 29-1-601 et seq., and oversees required annual independent audits and related reporting by Colorado local governments.
Any referral would identify specific financial or audit-compliance issues within the division's jurisdiction.

C. Colorado General Assembly – Legislative Audit Committee
The Council may bring appropriate matters to the attention of the Legislative Audit Committee, particularly where issues involve state audit findings, public financial accountability, or matters warranting legislative oversight.
The Council also reserves the right to communicate with the Weld County legislative delegation regarding potential legislative oversight or statutory concerns affecting home-rule county governance.

D. Colorado Courts – Judicial Enforcement
The Council expressly reserves its right to pursue appropriate judicial relief concerning the implementation of its adopted resolutions and compliance with the Weld County Home Rule Charter.

Potential remedies may include declaratory relief, injunctive relief, and, where the legal requirements are satisfied, relief under C.R.C.P. 106 to compel performance of a legally required official duty.
The Council recognizes that the appropriate remedy will depend on the specific legal duties, facts, and circumstances presented to the court.
These potential referrals and proceedings are not intended as threats or requests for political intervention. They represent the lawful oversight and judicial mechanisms available to address documented governmental compliance concerns.
The Council's objective is to resolve these matters through proper institutional channels, preserve the authority established by the County Charter, and ensure accountability in the administration of County government.

6. Preservation of Council authority and legal remedies
Resolution 243 is an independent legislative action of the Weld County Council. Its adoption is separate from Resolution 242, the Council's other oversight actions, and any individual litigation concerning Charter Section 14-8.
The Council intends to preserve all lawful institutional and judicial remedies available to it.
Nothing in this correspondence waives any provision of Resolution 243, any authority exercised by the Council, or any legal position previously taken by the Council.

7. Administrative confirmation
Please ensure that this notice and the executed copy of Resolution 243, including its adopted Schedule A, are distributed to the appropriate County personnel and retained with the County's official records.
The Council expects written confirmation of receipt and identification of the offices responsible for addressing the resolution's administrative provisions.
The Council expects this matter to receive prompt attention, particularly in light of the November 13 payroll date.

Respectfully,

~Elijah

Elijah Hatch
President, Weld County Council
Weld County, Colorado

HG Companies - 970-405-3249 CONFIDENTIAL: This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.