



**Weld County  
District Attorney's Office  
Nineteenth Judicial District**

**Kenneth R. Buck - District Attorney**  
Michael J. Rourke - Asst. District Attorney

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March 25, 2013

Attorney General John W. Suthers  
Colorado Department of Law  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 10<sup>th</sup> Floor  
Denver, Colorado 80203

Re: Request for Attorney General's Opinion on the Applicability of Amendment 41 to  
Weld County

Dear Attorney General Suthers,

I am formally requesting an Attorney General's Opinion regarding the applicability of Amendment 41 to elected officials and county employees in the home rule county of Weld. Specifically the issue is whether a home rule county may exempt itself from the provisions of the Colorado Code of Ethics C.R.S. § 24-18-101 et seq. by relying on county ordinances that are less stringent, less comprehensive and lack an effective enforcement mechanism.

As you can see from the attached memo authored by Weld County Attorney Bruce Barker to all Weld County elected officials, Mr. Barker has concluded that Amendment 41 has no applicability to Weld County employees and elected officials. Specifically, Mr. Barker concluded that because the Weld County Code contains a provision that prohibits the acceptance of bribes, money, property or services of value in the course of employment, *see Weld County Code Sec. 3-3-10* (also attached), Section 7, Article XXIX of the Colorado Constitution is satisfied.

However, it is my belief that Section 7, Article XXIX of the Colorado Constitution requires that ordinances or charter provisions with respect to ethics matters must be as stringent as the provisions of the Colorado Constitution, and specifically Amendment 41, in order for compliance with the county ordinance to be acceptable conduct.

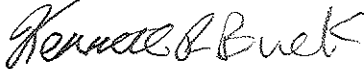
Furthermore, the second clause of Section 7, Article XXIX is not satisfied by Weld County Code Sec. 3-3-10 because that provision does not fully encompass the matters set forth in Amendment 41, in that there are additional requirements and ethical standards in Amendment 41 which are noticeably absent from the Weld County Code.

Finally, the Weld County Charter provision cited by Mr. Barker does not give an independent third party the authority to investigate, prosecute or seek a civil judgment is contemplated by the Colorado Code of Ethics. The Weld County Home Rule Charter refers conflict of interest issues to the Weld County Council. The Council may decide that a conflict exists and may make its decision public. The Weld County Council does not have the authority to replace a commissioner, prosecute a commissioner, or file civil suit against a commissioner.

It is my request that you issue a formal Attorney General's Opinion on this issue, because I understand that no other home rule county has yet addressed this specific ethics issue.

Please feel free to contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Kenneth R. Buck". The signature is written in a cursive, slightly slanted style.

Kenneth R. Buck  
District Attorney

cc: William Garcia, Chair, Weld County Commissioners  
Bruce Barker, Weld County Attorney  
Jane Feldman, Executive Director, Colorado Independent Ethics Commission