



City Charter Update and Modernization Project

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Resolution 2024-024, Adopted a 2024-2026 Council Priority to Modernize and Update the City Charter:

Modernize and Update the City Charter

Although small parts of the Charter get reviewed and updated on a regular basis, due to changes in state laws and election procedures, there is a need to modernize and update the City Charter, which has not been done in a comprehensive way in over 25 years.

- What feedback do Councilmembers have about any of the potential cleanup or clarification items identified?
- Are there other Charter provisions Councilmembers would like staff to review further or propose amendments for?
- Would additional work session or other discussion be beneficial in advance of presentation of Charter amendment ordinances for consideration?

Objectives Identified in Council's May 14 Work Session Discussion:

1. Comprehensive review of City Charter to align with state law and legal developments;
2. Update language in Charter to be inclusive;
3. Focus on cleanup and modernization rather than policy changes;
4. Evaluate form and timing options for presenting updates to voters; and
5. Fresh look at how Charter language is presented for ease of reading and clarity.

1. Modernization of Language

- a. Art IV, Sec. 7 Publication:** Currently the Charter requires publication be done through a local newspaper of general circulation in the city
- b. Art IV, Sec 3 Residency requirements:** Provision regarding residency requirements of department heads appointed prior to March 6, 1985, no longer applicable because no qualified persons remain.
- c. Reformatting of Charter provisions (throughout) for readability.**
- d. Replace outdated language for gender neutrality and to eliminate unclear uses of the term “shall.”**

2. Alignment with State Law

- a. **Art II, Sec.11 Meetings, quorum, executive session:** Currently, the Charter provides for executive sessions to be held for a list of purposes that does not include all of the options identified in state law.
- b. **Art V, Sec. 6 Maximum mill levy:** states that no mill levy shall exceed fifteen mills on each dollar. This is outdated due to the requirements of TABOR.
- c. **Art V, Sec.19.3 Revenue securities:** provides that Council may issue securities made payable solely from revenues derived from capital projects, etc, without an election. This is outdated due to the requirements of TABOR.
- d. It may be beneficial to more directly reference other state laws, such as the Colorado Open Meetings Law.

3. Add Clarification

- a. Art II, Sec.6 Ordinances, resolutions, motions:** Section is extensive, unformatted, and covers a few topics. Allows any Councilmember to request ordinance be read in full at any reading.
- b. Art II, Sec. 7 Ordinances, publication & effective dates:**

Section 7 could be reorganized with subsections, alone or combined with Section 6. To avoid the need to repeal and reenact ordinances when there has been a late or failed publication, add language allowing for a “cure” of a failed publication and providing that the ordinance is not effective until published.
- c. Art II, Sec. 18(a)(3) Vacancies:** currently states that a vacancy exists when a Councilmember “fails to attend all regular and special meetings of the council for sixty (60) consecutive days unless excused by Council resolution. Clarification of how this is determined is needed.
- d. Art. XIV Transitional Provisions:** the transition paragraphs currently included can create confusion as to other sections in the Charter and the Code. These are no longer needed.

4. Corrections

- a. Art. IX, Sec. 2(e)(2) Recall:** As a result of moving to rank choice voting this subsection should clarify the percentage of voters from the preceding election is based on the total of first choice votes cast. This was addressed in one place but not caught in the other.
- b. Art. X, Sec.2 (e)(1) Initiative:** In the newly passed language, Charter, Article X, Section 2(e)(1) states that a petitioner will have 63 days to circulate an initiative petition after the City Clerk's approval of the form due to an error in the ordinance placing this item on the ballot. That needs to be changed to 77 days to meet Council's original intentions.

Clarifications raising Policy Questions

- 1) **Art II, Sec 2 (d) Qualifications of candidates and members, challenges:** currently a protest as to a Councilmember's qualifications can be raised at any time and the Charter assigned the determination of eligibility to the City Clerk pursuant to a procedure established by Council. Under the Charter's election provisions, the eligibility of a candidate is determined pursuant to statutory procedures.
- 2) **Art II, Sec. 18 Vacancies:** Provision providing for delaying appointments to fill Council vacancy if 45-day period to appoint overlaps with 45 days prior to election, this could lead to a lengthy vacancy on Council. It may be helpful to clarify/confirm that Council appoints the replacement officeholder unless the appointment is too late to allow for candidates to seek nomination for the office at the next regular election, in which case the appointment would wait until after the new Council is sworn in after the regular election.
- 3) **Art. IV, Sec 9(b)(1)(a) Conflicts of interest, sales to the City:** This provision prohibits any councilmember, or their relative, from having a financial interest in the sale to the City of any real or personal property, etc. Recommend providing some exceptions to this prohibition.
- 4) **Art. IV, Sec. 9 (b)(2) Conflicts of interest, sales to the City:** This provision arguably could prohibit an employee from renting or leasing City provided housing. Recommend providing an exception for rentals/leasing to employees so long as they are not involved in the decision-making process.

Staff will prepare Charter amendment language for further consideration either at a Council work session or for submittal to the voters.

Further evaluation of how these items may be combined and how many ballot questions would be required to accomplish the changes will also be needed and may be a beneficial topic for further work session discussion

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