



## AGENDA

### Charter Review Ad Hoc Committee

Tuesday, August 23, 2022

3:00 p.m.

VIRTUAL MEETING

City of Aurora

15151 E Alameda Parkway

Françoise Bergan, Mayor Pro Tempore, Chair  
Juan Marcano, Council Member  
Angela Lawson, Council Member  
Alison Coombs, Council Member  
Danielle Jurinsky, Council Member

#### Public Participation Dialing Instructions

Dial Access Number: 1.408.418.9388

Access code: 2498 017 0052

*Mission: To examine the Aurora City Charter and recommend amendments for consideration.*

---

	Pages
1. Call to Order	
2. Approval of Minutes	
2.a. 07.19.22 Meeting Minutes	3
2.b. 08.02.22 Meeting Minutes	5
3. New Items	
3.a. Citizen Committee Ordinance	9
Sponsor: Alison Coombs, Council Member	
Dave Lathers, Senior Assistant City Attorney	
Estimated time: 15 minutes	
4. Miscellaneous Items for Consideration	

5. **Confirm Next Meeting**

6. **Adjournment**

DRAFT – Subject to Approval

**CHARTER REVIEW AD HOC POLICY COMMITTEE MEETING**  
July 19, 2022

Members Present: Mayor Pro Tem Francoise Bergan, Chair  
Council Member Juan Marcano  
Council Member Angela Lawson

Others Present: Council Member Alison Coombs  
Council Member Ruben Medina  
Adrian Botham, Kadee Rodriguez, Jack Bajorek, Dalia Milford, Linda Garnett,  
Cecilia Zapata, Roberto Venegas

**CALL TO ORDER**

Mayor Pro Tem Bergan called the July 19, 2022 meeting to order.

**APPROVAL OF MINUTES** (None)

**NEW ITEMS**

**1. MISSION AND GOALS**

Summary of Issue and Discussion:

The Committee was formed to look at the Charter and discuss proposals for changes from council members; the proposals would then move forward to Study Session before going to the floor for a vote. Public input should be sought and the decision for an item to go to the voters for a vote will be determined during the regular meeting. A citizen committee may be an option as well.

Proposed Mission: to examine the Charter of the city of Aurora and recommend amendments for consideration.

Proposed Goals:

- Seek and receive community input via a public hearing and a citizen committee
- Ensure that the Charter is up to date and consistent with current city practices and city needs
- Changes to be coordinated with appropriate election year

**Outcome:**

The Committee approved discussing proposals and revising the mission and goals at the next meeting.

The Committee agreed on conducting a public hearing and discussing the proposal for the Citizen Committee. The Committee requested the meeting minutes be provided before the next meeting.

**Follow-Up:**

DRAFT – Subject to Approval

Staff will place items on the next meeting agenda as discussed. Staff will provide the meeting minutes before the next meeting.

**B. TIMELINE AND STEPS TO BALLOT**

**C. ARTICLES FOR REVIEW**

- Article II, Section 2-4
- Article II, Section 3-2
- Article II, Section 3-4
- Article III, Section 3-5
- Article III, Section 3-7
- Article III, Section 3-14
- Article III, Section 3-17

**D. ADDITIONAL ARTICLES FOR CONSIDERATION**

**Committee Discussion:**

CM Lawson wants to add Article III, Section 3-6: Salaries to the agenda at some point.

CM Coombs proposed adding a draft of the Citizens Committee ordinance.

**Outcome:**

Article III, Section 3-6 will be added to the additional articles for consideration. CM Coombs’ draft ordinance will be added to the next agenda.

**Follow-Up:**

Staff will place items on the next meeting agenda as discussed.

---

**MISCELLANEOUS MATTERS FOR CONSIDERATION (None)**

---

**CONFIRM NEXT MEETING**

The next meeting is scheduled for August 2<sup>nd</sup>, 2022 at 11:00am via Webex.

---

**ADJOURNMENT**

The meeting adjourned at \_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor Pro Tem Francoise Bergan, Chair

DRAFT – Subject to Approval

**CHARTER REVIEW AD HOC POLICY COMMITTEE MEETING**  
August 2, 2022

Members Present: Mayor Pro Tem Francoise Bergan, Chair  
Council Member Juan Marcano  
Council Member Angela Lawson

Others Present: Council Member Alison Coombs  
Jim Twombly, Roberto Venegas, Dan Brotzman, Dave Lathers, Michael Bryant,  
Lina Garnett, Dalia Milford, Debora O’Connor, Kadee Rodriguez, Cecilia Zapata

**1. CALL TO ORDER**

Mayor Pro Tem Bergan called the August 8, 2022, meeting to order.

**2. APPROVAL OF MINUTES**

CM Lawson requested to approve the minutes at the next meeting to change clarifying language; Mayor Pro Tem Bergan and Committee approved. They also agreed that the minutes should be in bullets capturing only the main points.

Outcome

Approval of the July 19, 2022, meeting minutes is moved to the next meeting.

**3. NEW ITEMS**

**3.a. Review Proposed Mission**

Summary of Issue and Discussion:

Committee members reviewed the suggested mission which is as follows: “To examine the Charter of the city of Aurora and recommend amendments for consideration.”

Outcome

The Committee unanimously approved the proposed mission.

Follow-Up Action

The Charter Review Ad Hoc Policy Committee will adopt the proposed mission.

**3.b. Review Proposed Goals**

Summary of Issue and Discussion:

Committee members reviewed the following suggested goals:

DRAFT – Subject to Approval

1. Seek and receive community input via a public hearing and a citizen committee
2. Ensure that the Charter is up to date and consistent with current city practices and city need
3. Determine the future schedule for subsequent Charter Review Committees

Outcome

The Committee unanimously approved the goals.

Follow-Up Action

The Charter Review Ad Hoc Policy Committee will adopt the proposed goals.

**3.c. Citizen Committee Ordinance**

Summary of Issue and Discussion:

This agenda item wasn't ready for discussion as the draft ordinance wasn't included.

Outcome

The Committee unanimously approved moving the discussion to the next meeting.

Follow-Up Action

Staff will put the Citizen Committee Ordinance in the next meeting's backup.

**3.d. Timing of Elections, Voter Participation, and Re-Warding (Article II, Sec. 2-4 and Article III, Sec. 3-4)**

Summary of Issue and Discussion:

CM Marcano sponsored this item about moving Aurora elections from odd years to even years beginning in 2026.

Voting members MPT Bergan and CM Lawson opposed the proposal, and MPT Bergan stated CM Marcano's prerogative to move it forward.

MPT Bergan agreed to expand the number of voting members effective the next meeting.

Outcomes

Item 3d will be moved to the public hearing.

Council Members Coombs and Jurinsky were appointed to the Committee.

Follow-Up Action

Staff will place item 3d on the public hearing agenda.

**3.e. Partisan Elections and Voter Participation (Article III, Sec. 3-5)**

Summary of Issue and Discussion:

DRAFT – Subject to Approval

CM Marcano presented this item about providing party labels on the ballots to increase voter participation. The Colorado Constitution and CRS suggest that municipal elections *should* be nonpartisan; it is not mandated. Though this may create issues with employers prohibiting employees from running for office, voters will have more information about the candidates and thus be better prepared to vote.

Voting members MPT Bergan and CM Lawson opposed the proposal, and MPT Bergan stated CM Marcano’s prerogative to move it forward.

Outcome

Item 3e will be moved to the public hearing.

Follow-Up Action

Staff will place item 3e on the public hearing agenda.

**3.f. Council Vacancies (Article III, Sec. 3-7)**

Summary of Issue and Discussion:

CM Marcano presented this item and stated that it came about due to the Ward II vacancy: create a vacancy committee and process. To pursue this in a nonpartisan way, those that filled out a council member’s nominating packet will be a part of the vacancy committee if they still reside in Aurora and if they choose to participate. Those on the nominating committee would be able to appoint or elect an individual to fill a vacancy ensuring that the values of the person who vacated stay with the seat until the next regular election.

Voting members MPT Bergan and CM Lawson opposed the proposal, and MPT Bergan stated CM Marcano’s prerogative to move it forward.

Outcome

Item 3f will be moved to the public hearing.

Follow-Up Action

Staff will place item 3f on the public hearing agenda.

**4. MISCELLANEOUS MATTERS FOR CONSIDERATION**

The public hearing was part of this Committee’s motion during Study Session and the Committee can set the date for it. Potential options will have to go to Council to be voted on. Once set, Communications will inform the public of the hearing.

CM Coombs suggested waiting for the establishment of the Citizens Committee before setting a date to allow their items to be placed on the public hearing as well. MPT Bergan agreed.

**5. CONFIRM NEXT MEETING**

DRAFT – Subject to Approval

The next meeting is scheduled for August 23<sup>rd</sup>, 2022, at 2:30 p.m., via Webex.

---

**6. ADJOURNMENT**

The meeting adjourned at \_\_\_\_\_.

APPROVED: \_\_\_\_\_  
Mayor Pro Tem Francoise Bergan, Chair



# CITY OF AURORA

## Council Agenda Commentary

<b>Item Title:</b> Citizen Committee Ordinance
<b>Item Initiator:</b> Alison Coombs, Council Member
<b>Staff Source/Legal Source:</b> Council Member Alison Coombs/ Dave Lathers, Senior Assistant City Attorney
<b>Outside Speaker:</b> n/a
<b>Council Goal:</b> 2012: 6.0--Provide a well-managed and financially strong City

### COUNCIL MEETING DATES:

**Study Session:** n/a

**Regular Meeting:** n/a

### ITEM DETAILS:

Sponsor: Alison Coombs, Council Member  
Dave Lathers, Senior Assistant City Attorney  
Estimate time: 15 minutes

---

### ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Approve Item and Move Forward to Study Session  | <input type="checkbox"/> Approve Item as proposed at Study Session   |
| <input type="checkbox"/> Approve Item and Move Forward to Regular Meeting   | <input type="checkbox"/> Approve Item as proposed at Regular Meeting |
| <input type="checkbox"/> Information Only   |  |
| <input type="checkbox"/> Approve Item with Waiver of Reconsideration<br>Reason for waiver is described in the Item Details field. |  |

---

### PREVIOUS ACTIONS OR REVIEWS:

**Policy Committee Name:** Charter Review Ad Hoc Policy Committee

**Policy Committee Date:** 7/19/2022

### Action Taken/Follow-up: *(Check all that apply)*

- |  |   |
|--|---|
| <input type="checkbox"/> Recommends Approval                         | <input type="checkbox"/> Does Not Recommend Approval    |
| <input checked="" type="checkbox"/> Forwarded Without Recommendation | <input type="checkbox"/> Recommendation Report Attached |

Minutes Attached

Minutes Not Available

---

**HISTORY** *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

N/A

---

**ITEM SUMMARY** *(Brief description of item, discussion, key points, recommendations, etc.)*

Consideration of a citizen committee to monitor changes to and updates needed in the City Charter to present to Council.

---

**QUESTIONS FOR COUNCIL**

1. Should there be a requirement to have a youth member (under 21) as currently indicated?
2. Should terms be three years with the committee meeting annually (as indicated), or should there be a different timeline (i.e. appointment every five years to a one-year term)?

---

**LEGAL COMMENTS**

The Council shall have all legislative powers of the City and all other powers of a home rule city not specifically limited by the Constitution of the State of Colorado and not specifically limited or conferred upon others by this Charter... It shall have the power ... to ... preserve and enforce good government. (Section 3-9 of Article III, City Charter). Council shall act only by ordinance, resolution, or motion. All legislative enactments must be in the form of ordinances... (Section 5-1 of Article V, City Charter). Amendments to the Charter shall be proposed and adopted in accordance with the Constitution of the State of Colorado, except as modified by the City Code. (Section 1-6 or Article I, City Charter). (Lathers).

---

**PUBLIC FINANCIAL IMPACT**

YES       NO

**If yes, explain:** N/A

---

**PRIVATE FISCAL IMPACT**

Not Applicable       Significant       Nominal

**If Significant or Nominal, explain:** N/A

ORDINANCE NO. 2022- \_\_\_\_

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, AMENDING THE CITY CODE BY ADOPTING A NEW DIVISION, TO BE DENOMINATED DIVISION 7, TO ARTICLE VIII OF CHAPTER 2 OF THE CITY CODE, INCLUDING NEW SECTIONS 2-930 THROUGH 2-933 PERTAINING TO ESTABLISHING A RESIDENT'S CHARTER ADVISORY COMMITTEE CHARGED WITH PRESENTING CHANGES TO THE AURORA CITY CHARTER AND REPORTING TO CITY COUNCIL ANY SUGGESTED AMENDMENTS THERETO WHICH AMENDMENTS WOULD, IN THE OPINION OF THE COMMITTEE, COMPORT WITH THE CONSTITUTION AND LAWS OF THE STATE OF COLORADO WHILE SERVING THE INTERESTS OF THE RESIDENTS OF THE CITY OF AURORA

WHEREAS, the City of Aurora's Charter was originally approved by the voters on June 27, 1961; and

WHEREAS, Constitutional and statutory law has evolved considerably in the 61 years since adoption of the City Charter; and

WHEREAS, in at least one instance a Court has found that a Charter provision, Article 3-3 pertaining to elective officers of the City, does not comport with the Colorado Constitution; and

WHEREAS, Article 3-7 of the City Charter pertaining to filling vacancies on City Council did not suffice to resolve a deadlock in filling a vacancy on City Council allowing the City Council to operate one member short of its full membership for several months leaving some City residents with less representation than was contemplated by the City Charter; and

WHEREAS, there is an overriding precept in American representative democracy that the power to govern is derived from the people, from the consent and participation of the governed who shall have a say in their governance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO THAT:

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adopting Division 7 of Article VIII of Chapter 2 of the City Code which Division shall read as follows:

**Division 7.  
Resident's Advisory Charter Committee**

**Sec. 2-930. Creation and Purpose.**

**There is created and established a Resident’s Advisory Charter Committee, the purpose of which is to present changes to the Aurora City Charter to make recommendations to City Council, if found to be appropriate by the Committee, of suggested amendments to the City Charter so that the Charter comports with the Colorado Constitution, the laws of the State of Colorado including provisions relating to Home Rule Municipalities, to improve efficient governance of the City of Aurora, and to best serve the interests of the residents of the City of Aurora and the City as an organization.**

**Sec. 2-931. Functions and Duties.**

**The Committee shall meet at a minimum of one time per calendar year and more often as circumstances may dictate to review the City Charter to determine whether the Charter remains current with legislation promulgated during that year’s legislative session as well as with initiated or referred Constitutional amendments adopted in a statewide election, as well as to address any perceived infirmities, discrepancies, oversights, or failings within the Aurora City Charter itself. The Committee shall, at least once a year, in January of that year and more often as determined prudent by the Committee, transmit a written report of any suggested Charter Amendments to the entirety of City Council. The written report shall specify the infirmities found and any specific recommendations for addressing the same. In the event there are no recommendations in any calendar year the Committee shall transmit that statement as their yearly report. City Council shall act on the report, or not, at their sole discretion.**

**Sec. 2-932. Powers and Authority.**

- (a) The Resident’s Charter Advisory Committee shall be advisory, only, in authority. It shall speak only through its official reports to City Council, reports adopted by majority vote of a quorum of the Committee and shall be signed by the Committee Chairperson and those Committee members voting to adopt the report. The Committee may also file a minority report of recommendations once per year with such report clearly and prominently designated as a “Minority Report” which shall be signed by the members authoring the “Minority Report”.**
- (b) The Committee may adopt Bylaws for the orderly conduct of the Committee business which Bylaws, if produced, shall be presented to City Council and which shall be placed on file for public viewing in the files of the City Clerk.**
- (c) The Committee may receive non-sworn testimony at its meetings from concerned persons. Additionally, the Committee may encourage concerned persons to write the Committee with suggestions. Non-sworn testimony shall be accurately reported in the Committee minutes. Written submissions received by the Committee shall be archived by the Committee, through the City Clerk, for a period of two years. All written submissions will be considered public documents subject to production under the laws of the State of Colorado. In no instance shall the Committee state or imply that non-sworn**

testimony or written submissions will be privileged communications.

- (d) The Committee shall elect and appoint by majority vote of a quorum of the Committee a Chairperson from among its membership. The Chairperson shall serve for the duration of their appointed term on the Committee or until a majority vote of a quorum of the Committee votes to replace the Chairperson.
- (e) A quorum of the Committee shall be four (4) or more members.
- (f) The Commission shall not adopt any Bylaws or procedures contrary to the directives of Division 1 of Article VIII of Chapter 2 of the City Code or of any provision of the City Charter.

#### **Sec. 2-933. Membership Qualifications Terms, and Appointment Criteria.**

The Committee shall consist of seven (7) members who shall be residents of the City when appointed and throughout their term on the Committee. The Committee must consist of one member from each Ward. The Committee shall also have one member that serves as the At-Large member. This member shall be from any of the City Council Wards. One of the Committee members must be twenty-one years of age or younger at the time of their appointment to the Committee. If a Committee member ceases to be a resident of the City during their term of service, they shall be removed from the Committee. In the event a Committee member does not serve their full term a vacancy appointment shall be made by City Council with the appointment being for the then remaining term of the vacant position. Persons so appointed shall be eligible to serve two additional full terms on the Committee. Committee members shall be initially appointed to staggered three-year terms. Initial appointment shall have three Committee members appointed for full three-year terms with two Committee members appointed, initially to a two-year term to enable staggering of terms and two initially appointed one-year terms to enable staggering of terms. Committee members may serve no more than two full terms, consecutively, with those appointed to initial terms of less than three-years able to serve their partial term and two full terms thereafter. If no applicants apply to be on the Committee when vacancies occur term-limited Committee members may be reappointed by City Council at Council's sole discretion. When appointing Committee members City Council shall give mandatory preference to applicants from City Wards not currently represented on the Commission unless no such applicants apply for a seat on the Committee.

Section 2. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 3. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this day of \_\_\_\_\_, 2022.

PASSED AND ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
MIKE COFFMAN, Mayor

ATTEST:

\_\_\_\_\_  
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVE LATHERS, Senior Assistant City Attorney