



AGENDA

Charter Review Ad Hoc Committee

Tuesday, March 7, 2023

2:00 p.m.

VIRTUAL MEETING

City of Aurora

15151 E Alameda Parkway

Alison Coombs, Chair

Angela Lawson, Council Member

Juan Marcano, Council Member

Public Participation Dialing Instructions

Dial Access Number: 1.408.418.9388

Access code: 2497 173 7544

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

	Pages
1. Call to Order	
2. Approval of Minutes	
2.a February 7, 2023 Meeting Minutes	3
3. New Items	
3.a Update Charter Language to be Gender Neutral	6
Sponsor: Alison Coombs, Council Member Dave Lathers, Senior Assistant City Attorney Estimated Time: 15 minutes	
3.b Ballot Question for Even Numbered Years	13
Sponsor: Juan Marcano, Council Member Dave Lathers, Senior Assistant City Attorney Estimated Time: 20 Minutes	

3.c Ballot Question Regarding Partisan Elections and Vacancy Committees 19

Sponsor: Juan Marcano, Council Member

Dave Lathers, Senior Assistant City Attorney

Estimated Time: 20 Minutes

3.d Ordinance Regarding Full Time Council Members 26

Sponsor: Angela Lawson, Council Member

Dave Lathers, Senior Assistant City Attorney

Estimated Time: 20 Minutes

4. Miscellaneous Items for Consideration

5. Confirm Next Meeting

6. Adjournment

DRAFT – Subject to Approval

CHARTER REVIEW AD HOC POLICY COMMITTEE MEETING
February 7, 2023

Members Present: Council Member Alison Coombs, Chair
Council Member Juan Marcano
Council Member Angela Lawson
Council Member Ruben Medina

Others Present: Dan Brotzman, Michael Bryant, Linda Garnett, George Koumantakis, Dalia Milford, Debora O’Connor, Kadee Rodriguez, Kim Steward, Roberto Venegas, Adrian Botham, Jim, Twombly, Cecilia Zapata

1. CALL TO ORDER

Council Member Alison Coombs called the February 7, 2023, meeting to order.

2. APPROVAL OF MINUTES

None.

3. NEW ITEMS

3.a. Public Hearings Presentation

Summary of Issue and Discussion:

The purpose for the public hearings is twofold: 1), to solicit and gather community input on the proposed amendments to the charter; and 2), to hear feedback and other proposals from residents.

Public hearings information:

- I. Timeframe:
 - a. Hearing #1: March 18, 2023, Saturday at 10:00am
 - b. Hearing #2: April 11, 2023, Tuesday at 7:00pm
 - c. Council Charter Review Meeting: May 2, 2023
 - d. Study Session: June 5, 2023
 - e. Council Meetings: June 12 and June 26, 2023

Citizen Ad-Hoc Committee Meetings to take place the 3rd week of March, April and May

- II. Hearings’ Location: Aurora Municipal Center, Council Chambers with Webex attendee link.

III. Meeting Format:

- a. Introduction and format explanation by Committee Chair, CM Coombs.

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- b. Each amendment will be discussed separately.
- c. Brief introduction and analysis of proposed amendment by sponsoring Council Member.
- d. Public presentations. Following each 3-minute presentation, committee members can ask clarifying questions of the speaker and have a discussion as needed.
 - i. Constituents who want to present at a hearing will need to sign up advance. The forms will have name, email, and the proposal that they’d like to address. There can also be a place to request a translator for the meeting.

IV. Promotion/Public Outreach: Michael Bryant, Public Relations Manager, will create a communications plan.

- a. Social media - Facebook, Twitter, Instagram.
- b. Flyers (English and Spanish) could be distributed at rec centers, golf courses, libraries, ward meetings, and other community meetings, and to the Civic Management Commission.
 - i. Can work with Ricardo and Minsoo for other language translations.
 - ii. M. Bryant may be able to get something on the news for the flyers and have flyers inserted on the Aurora Water Bill prior to the March public hearing.

Information Site. K. Rodriguez suggested using EngageAurora for the hearings. The link would be on the Charter Review webpage along with the public hearings’ agenda packets and minutes of the discussion. The format would have questions on each specific proposed amendment and a blank question: “Is there anything that you would like to see changed?” Charter Review members approved this.

Proposed Amendments. Per CM Coombs, there are currently six proposed amendments with another forthcoming about changing charter language to be gender neutral. CM Marcano stated that after the public hearings there may be additional amendments for consideration based off of public feedback. Also, changes to current amendments may be made based on public feedback.

Per K. Rodriguez, changing of charter proposals to the ballot are ordinances.

Citizens Ad-Hoc Committee. Charter Review members will keep this committee informed of all hearings information discussed, and will review the information from the Citizens’ meetings and make recommendations to move items to the ballot.

- K. Rodriguez has received only one application for the Citizens’ Committee; she will send a follow-up email to Council as a reminder to find an appointee and have him or her fill out an application and return it to them.
- CM Lawson asked if appointees could be open for others to suggest if Council Members do not want to get an appointee. D. Brotzman stated that he would need to look at the resolution to get the exact language. Right now, the resolution states that each of them would appoint someone. K. Rodriguez stated she might be able to throw it out on the March 7th Study Session if she does not get the applications.

Follow-Up Action

1. City Clerk to email Council Members about Citizens Ad-Hoc Committee appointees.
2. City Clerk to book rooms for hearings.
3. City Clerk to add Public Hearings to the Study Session and Council Meetings agendas.

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4. MISCELLANEOUS MATTERS FOR CONSIDERATION

- 4a.** Agenda item for the March 7th meeting: proposal to change Charter language to be gender neutral.

K. Rodriguez stated that she will need information as to what parts of the city code they could and could not change. D. Brotzman stated they would get a reply on that.

Follow-Up Action

- 1. D. Brotzman will provide K. Rodriguez with city code language about what can be changed.

5. CONFIRM NEXT MEETING

The next meeting is scheduled for March 7, 2023 at 2:00 p.m. via Webex.

6. ADJOURNMENT

The meeting adjourned at 3 PM.

APPROVED:

Council Member Alison Coombs, Chair



CITY OF AURORA

Council Agenda Commentary

Item Title: Update Charter Language to be Gender Neutral
Item Initiator: Alison Coombs, Council Member
Staff Source/Legal Source: Dave Lathers, Senior Assistant City Attorney
Outside Speaker: n/a
Council Goal: 2012: 2.1--Work with appointed and elected representatives to ensure Aurora's interests

COUNCIL MEETING DATES:

Study Session: n/a

Regular Meeting: n/a

2nd Regular Meeting (if applicable): n/a

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

Sponsor: Alison Coombs, Council Member
Dave Lathers, Senior Assistant City Attorney
Estimated Time: 15 minutes

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

- Approve Item and Move Forward to Study Session Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Charter Review Ad Hoc Policy Committee

Policy Committee Date: N/A

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

- Recommends Approval Does Not Recommend Approval
- Forwarded Without Recommendation 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.)*

The purpose of this ordinance is to change gendered terms to neutral terms, i.e. "Chairman" to "Chairperson", "his" or "hers" to "theirs".

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- Revenue Impact Budgeted Expenditure Impact Non-Budgeted Expenditure Impact
 Workload Impact No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

n/a

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

n/a

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

n/a

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

n/a

QUESTIONS FOR COUNCIL

Does Council wish to support this ordinance to change gendered terms to gender neutral terms?

LEGAL COMMENTS

Attorney enters legal comments here.



CITY OF AURORA

Late Submission Approval for Agenda Item

Item Title: Draft Ordinance on Gender Neutral Language
Item Initiator: Alison Coombs, Council Member
Staff Source/Legal Source: Dave Lathers, Senior Assistant City Attorney
Outside Speaker: n/a
Council Goal: 2012: 2.1--Work with appointed and elected representatives to ensure Aurora's interests

CRITERIA - PLEASE CONSIDER ITEM FOR LATE SUBMISSION FOR THE FOLLOWING REASON:

- There is a time-sensitive legal requirement that must be met and cannot be met by a future meeting date
- The delay will result in an adverse financial impact to the city
- The item is related to a disaster and must be addressed before the next available meeting

COUNCIL MEETING DATES FOR LATE SUBMISSION:

Study Session: n/a

Regular Meeting: n/a

EXPLANATION: *(Please provide a detailed explanation as to why the item falls into one or more of the above criteria and why it may not be set for a future meeting date.)*

Approval for items on the agenda came on the day the workflow was due, thus the late submission for this one document.

I understand the agenda item will not be added to the agenda without submitting this completed form as an attachment in e-Scribe. The agenda item will not be added to the agenda if the workflow is not completed by the WORKFLOW COMPLETED date indicated on the agenda deadline calendar.

Alison Coombs
Agenda Item Initiator Name

Laura Perry
Late Submission Approver Name (Deputy City Manager)

Agenda Item Initiator Signature Date

Laura Perry 2/27/23
Late Submission Approver Signature Date

ORDINANCE NO. 2023_- _____

A BILL

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE REGULAR MUNICIPAL ELECTION OF NOVEMBER 7, 2023, PROPOSED AMENDMENTS TO ARTICLES 2-2, 3-10, 3-14(4), 3-14(5), 3-14(7), 3-15(1), 3-15(3), 3-15(4), 3-16(6), 3-16(8)(a), 3-16(8)(j), 3-16(8)(j)(a), 3-17(2), 3-17(3), 5-2, 5-9, 6-5, 7-4(e), 7-4(f), 8-2, 9-1, 10-1, 10-5, 10-8, 11-3, 14-9(6) & 15-9(6) OF THE CITY CHARTER CONCERNING NON-SUBSTANTIVE UPDATES TO THE CITY CHARTER TO RENDER GENDER SPECIFIC AND BINARY PRONOUNS AND NOUNS AS NON-BINARY, NON-GENDER SPECIFIC PRONOUNS AND NOUNS INCLUSIVE OF ALL PERSONS, SPECIFICALLY CHANGING THE WORD “CHAIRMAN” TO “CHAIRPERSON”, THE WORD “HIS” TO “THEIR”, THE EXPRESSION “HIS OR HER” TO “THEIR”, THE EXPRESSION “HE OR SHE” TO “THEY”, THE WORD “HE” TO “THEY”, AND THE WORD “HE” IN ARTICLES 8-2 AND 11-3 TO “CITY MANAGER” AND AMENDING ARTICLE 5-9 TO INCORPORATE DIRECTION THAT UNIFORM CODES ADOPTED BY THE CITY FOR INCLUSION IN THE CITY CODE SHALL FIRST BE AMENDED TO USE INCLUSIVE, NON-BINARY, NON-GENDER SPECIFIC PRONOUNS AND NOUNS

WHEREAS, Article XX, Section (6) of the Colorado Constitution and Article 1-6 of the City Charter empowers home rule municipalities to control and legislate in their Charters upon all matters of municipal concern and to amend those Charters through a vote of the electorate, and

WHEREAS, Article 1-5 of the City Charter has established the precedent the City intends always to be inclusive in its use of pronouns and designations of gender uniformly throughout its Charter; and

WHEREAS, Language naturally evolves over time and it has been six decades since the City evaluated its Charter language as to inclusivity of pronoun and noun designations to reflect current norms in the use of language;

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

Section 1. That Articles 2-2, 3-10, 3-14(4), 3-14(5), 3-14(7), 3-15(1), 3-15(3), 3-15(4), 3-16(6), 3-16(8)(a), 3-16(8)(j), 3-16(8)(j)(a), 3-17(2), 3-17(3), 5-2, 5-9, 6-5, 7-4(e), 7-4(f), 8-2, 9-1, 10-1, 10-5, 10-8, 11-3, 14-9(6) & 15-9(6) of the City Charter of the City of Aurora, Colorado are hereby amended such that the word “Chairman” shall be rewritten in all iterations to “Chairperson”, the word “his” in all iterations to the word “their”, the expression “his or her” in all iterations to the word “their”, the expression “he or she” in all iterations to the word “they”, the

word “he” in all iterations other than in Article 8-2 and 11-3 to the word ‘they”, and the word “he” in Articles 8-2 and 11-3 to “City Manager”.

Section 2. That Article 5-9 of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

Standard codes, promulgated by the Federal Government, the State of Colorado, or by any agency of either of them, or by any municipality within the State of Colorado, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference, provided the publication of the bill or ordinance adopting any said code shall advise that copies thereof are available for inspection at the office of the city attorney, and provided that any penalty clause in said codes may be adopted only if set forth in full and published in the adopting ordinance, **and only if such codes have first been amended to assure all references therein to persons shall use gender neutral, inclusive, non-binary references to persons unless there is a compelling reason a provision of the code necessarily demands a gender specific reference to effectuate its meaning.**

Section 3. The following question shall be submitted to a vote of the registered electors of the City at the general election on November 7, 2023:

“Direction to Amend the City Charter to replace gender specific nouns and pronouns with inclusive, non-gender binary terms”

Shall Articles 2-2, 3-10, 3-14(4), 3-14(5), 3-14(7), 3-15(1), 3-15(3), 3-15(4), 3-16(6), 3-16(8)(a), 3-16(8)(j), 3-16(8)(j)(a), 3-17(2), 3-17(3), 5-2, 5-9, 6-5, 7-4(e), 7-4(f), 8-2, 9-1, 10-1, 10-5, 10-8, 11-3, 14-9(6) & 15-9(6) of the City Charter of the City of Aurora, Colorado be hereby amended such that the word “chairman” shall be rewritten in all iterations to “Chairperson”, the word “his” in all iterations to the word “their”, the expression “his or her” in all iterations to the word “their”, the expression “he or she” in all iterations to the word “they”, the word “he” in all iterations other than in Article 8-2 and 11-3 to the word ‘they”, and the word “he” in Articles 8-2 and 11-3 to “City Manager” and shall Article 5-9 of the City Charter be amended to reflect that uniform codes, incorporated by reference into the City Code shall have language norms as to gender specific nouns and pronouns consistent with the non-gender specific, non-binary, inclusive uses of nouns and pronouns found throughout the City Charter?

YES _____ NO _____

Section 4. Pursuant to Section 31-2-210(3.5), C.R.S., the City Clerk is hereby directed to certify the proposed ballot question to the Clerk and Recorder of each county in which the City is located for submission at the statewide general election on November 7, 2023.

Section 5. Pursuant to Section 31-2-210(4), C.R.S., the City Clerk is hereby directed to publish, within thirty (30) days of the adoption of this ordinance, notice of the date and time of the election upon which the proposed Charter amendment will be considered said publication to appear in a newspaper of general circulation in the City which notice shall contain the full text of the proposed Charter amendment.

Section 6. The City Clerk shall secure from each county the votes in favor of and opposed to the proposed Charter amendment and shall report the same to City Council following the election within such time is as provided for by state law. If the majority of the registered electors voting thereon have voted in favor of the proposed amendment, such amendment shall be deemed approved.

Section 7. In the event the proposed Charter amendment is approved by a majority of the registered electors voting thereon, the City Clerk shall publish once, in the same newspaper which published the notice of the charter amendment being on the ballot the full text of the Charter amendment following the election within such time as is provided by state law. At such time, the City Clerk shall also file with the Secretary of State two (2) copies of said amendment, along with the official tally of the vote for and against, as certified by the City Clerk.

Section 8. The provisions of this ordinance, the Charter amendment, and the question authorized hereby are severable. If any portion of this ordinance, the Charter amendment, or the question are judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provision of such ordinance, Charter amendment, or question.

Section 9. All ordinances or parts of ordinances, of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 10. Pursuant to Article 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.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____day
of _____, 2023

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____day of
_____, 2023

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIQUEZ, City Clerk

APPROVED AS TO FORM:

DAVE LATHERS, Sr. Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Ballot Question for Even Numbered Years
Item Initiator: Juan Marcano, Council Member
Staff Source/Legal Source: Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 2.1--Work with appointed and elected representatives to ensure Aurora's interests

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

- Ballot Question for Even Numbered Years
- Sponsor: Juan Marcano, Council Member
- Legal: Dave Lathers, Senior Assistant City Attorney
- Estimated Time: 20 minutes

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

- Approve Item and Move Forward to Study Session Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Charter Review Ad Hoc Policy Committee

Policy Committee Date: N/A

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

- Recommends Approval Does Not Recommend Approval

Forwarded Without Recommendation

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.)

Enter Item Summary here.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- Revenue Impact Budgeted Expenditure Impact Non-Budgeted Expenditure Impact
 Workload Impact No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

QUESTIONS FOR COUNCIL

Type question to Council here. (Example: **Does Council wish to support** the Resolution/Ordinance to... **Does Council wish to approve** the Contract/Agreement to...)

LEGAL COMMENTS

Attorney enters legal comments here.

ORDINANCE NO. 2023_- _____

A BILL

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE REGULAR MUNICIPAL ELECTION OF NOVEMBER 7, 2023, A PROPOSED AMENDMENT TO SECTION 4 OF ARTICLE II OF THE CITY CHARTER CONCERNING MUNICIPAL ELECTIONS TO DIRECT THAT REGULAR MUNICIPAL ELECTIONS SHALL BE HELD IN EVEN-NUMBERED CALENDAR YEARS AND A PROPOSED AMENDMENT TO SECTION 5 OF ARTICLE III PERTAINING TO TERMS TO REDEFINE A TERM OF OFFICE AS BEING THREE YEARS IN LENGTH WHILE THE CITY TRANSITIONS TO REGULAR ELECTIONS OCCURING IN EVEN-NUMBERED YEARS

WHEREAS, the City Charter in Section 4 of Article II mandates that elections be held in odd-numbered years; and

WHEREAS, Article XX, Section (6)(d) of the Colorado Constitution empowers home rule municipalities to control and legislate upon all matters pertaining to municipal elections; and

WHEREAS, voters exercise their voting franchise in greater numbers in even-numbered year elections; and

WHEREAS, the goal of the City of Aurora is to maximize participation in the electoral process so as best to understand the mandate of the electorate;

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

Section 1. Article 2-4 of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

2-4. – Municipal elections.

A regular municipal election shall be held on the first Tuesday in November in ~~odd-numbered~~ **even-numbered calendar** years. Special elections shall be held in accordance with the provisions of this Charter. The polling places shall be open from 7:00 a.m. to 7:00 p.m. on election days.

Section 2. Article 3-5 of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

3-5 – Terms

- (a) Terms of the mayor and each councilmember shall begin at the commencement of the first regular council meeting in December after election in the year elected. Before entering upon the duties of office, the mayor and each councilmember shall take an oath or affirmation supporting the Constitution of the United States of America, the Constitution of the State of Colorado, and the Charter and ordinances of the City of Aurora, and **will** faithfully perform the duties of office. Elections shall be nonpartisan. Two (2) councilmembers at large, the mayor, and Ward IV, V, and VI councilmembers shall be elected at one election. Councilmembers from Ward I, Ward II, and Ward III and two (2) councilmembers shall be elected at the next election. The term of office of all elected councilmembers and the mayor shall be for four (4) years, **excepting a full term of office shall be shortened, one time for each elective office, to a three-year (3) term to accommodate a change in the City’s regular municipal elections from occurring in odd-numbered calendar years to even-numbered calendar years said change to the one-time three-year term to occur with the election cycle in the year 2023 for the two at large councilmembers, the mayor, and Ward IV, V, and VI councilmembers elected in 2023, and in the election cycle in 2025 for councilmember from Wards I, II, and III and the two at large councilmembers elected in 2025.**
- (b) Neither the mayor nor any councilmember shall serve more than three (3) consecutive four-year terms of office in their respective offices **excepting that they shall each serve one three-year (3) term to accommodate a change in the City’s regular municipal elections from occurring in odd-numbered calendar years to even-numbered years with said three-year (3) term being considered a full term for purposes of term limits.**
- (c) When a vacancy has occurred in any elective office and has been filled pursuant to **Section 3-7** of this Charter, the term to be filled at the next ensuing election for that office shall be ~~two(2) years where necessary to ensure compliance with the provisions of subsection (a) of this section governing the timing of elections~~ **that term which holds that elective specific office subject for election on the election cycle as mandated by subsection (a) of this Section.**

Section 3. The following question shall be submitted to a vote of the registered electors of the City at the general election on November 7, 2023:

“Direction to Move the City of Aurora’s Regular Municipal Elections to Even-numbered Years”

Shall Article 2-4 of the City Charter of the City of Aurora, Colorado, be amended to direct that regular municipal elections shall be moved from odd-numbered calendar years to even-numbered calendar years with corresponding amendments to Article 3-5 of the Aurora City Charter to allow, one time, a one year reduction in full terms of office to facilitate the change

of the regular municipal election to even-numbered calendar years said change to be implemented in the years 2026 and 2028?

YES _____ NO _____

Section 4. Pursuant to Section 31-2-210(3.5), C.R.S., the City Clerk is hereby directed to certify the proposed ballot question to the Clerk and Recorder of each county in which the City is located for submission at the statewide general election on November 7, 2023.

Section 5. Pursuant to Section 31-2-210(4), C.R.S., the City Clerk is hereby directed to publish, within thirty (30) days of the adoption of this ordinance, notice of the date and time of the election upon which the proposed Charter amendment will be considered said publication to appear in a newspaper of general circulation in the City which notice shall contain the full text of the proposed Charter amendment.

Section 6. The City Clerk shall secure from each county the votes in favor of and opposed to the proposed Charter amendment and shall report the same to City Council following the election within such time as is provided for by state law. If the majority of the registered electors voting thereon have voted in favor of the proposed amendment, such amendment shall be deemed approved.

Section 7. In the event the proposed Charter amendment is approved by a majority of the registered electors voting thereon, the City Clerk shall publish once, in the same newspaper which published the notice of the charter amendment being on the ballot the full text of the Charter amendment following the election within such time as is provided by state law. At such time, the City Clerk shall also file with the Secretary of State two (2) copies of said amendment, along with the official tally of the vote for and against, as certified by the City Clerk.

Section 8. The provisions of this ordinance, the Charter amendment, and the question authorized hereby are severable. If any portion of this ordinance, the Charter amendment, or the question are judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provision of such ordinance, Charter amendment, or question.

Section 9. All ordinances or parts of ordinances, of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 10. Pursuant to Article 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.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____day
of _____, 2023

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____ day of _____, 2023

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIQUEZ, City Clerk

APPROVED AS TO FORM:

DAVE LATHERS, Sr. Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Ballot Question Regarding Partisan Elections and Vacancy Committees
Item Initiator: Juan Marcano, Council Member
Staff Source/Legal Source: Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 2.1--Work with appointed and elected representatives to ensure Aurora's interests

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

Sponsor: Juan Marcano, Council Member
Dave Lathers, Senior Assistant City Attorney
Estimated Time: 20 Minutes

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

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- Approve Item and Move Forward to Regular Meeting Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
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PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Charter Review Ad Hoc Policy Committee

Policy Committee Date: N/A

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

- Recommends Approval Does Not Recommend Approval
- Forwarded Without Recommendation 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.)*

Enter Item Summary here.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- Revenue Impact Budgeted Expenditure Impact Non-Budgeted Expenditure Impact
 Workload Impact No Fiscal Impact

REVENUE IMPACT

Provide the revenue impact or N/A if no impact. (What is the estimated impact on revenue? What funds would be impacted? Provide additional detail as necessary.)

BUDGETED EXPENDITURE IMPACT

Provide the budgeted expenditure impact or N/A if no impact. (List Org/Account # and fund. What is the amount of budget to be used? Does this shift existing budget away from existing programs/services? Provide additional detail as necessary.)

NON-BUDGETED EXPENDITURE IMPACT

Provide the non-budgeted expenditure impact or N/A if no impact. (Provide information on non-budgeted costs. Include Personal Services, Supplies and Services, Interfund Charges, and Capital needs. Provide additional detail as necessary.)

WORKLOAD IMPACT

Provide the workload impact or N/A if no impact. (Will more staff be needed or is the change absorbable? If new FTE(s) are needed, provide numbers and types of positions, and a duty summary. Provide additional detail as necessary.)

QUESTIONS FOR COUNCIL

Type question to Council here. (Example: **Does Council wish to support** the Resolution/Ordinance to... **Does Council wish to approve** the Contract/Agreement to...)

LEGAL COMMENTS

Attorney enters legal comments here.

ORDINANCE NO. 2023- _____

A BILL

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE REGULAR MUNICIPAL ELECTION OF NOVEMBER 7, 2023, PROPOSED AMENDMENTS TO ARTICLE 3-5(A) OF THE CITY CHARTER PERTAINING TO PARTISANSHIP OF ELECTIONS TO SPECIFICALLY ALLOW PARTISAN ELECTIONS, AND TO ARTICLE 3-7 OF THE CITY CHARTER PERTAINING TO FILLING VACANCIES ON COUNCIL TO MANDATE A PARTISAN PROCESS IN THOSE INSTANCES WHERE THE VACANCY TO BE FILLED OCCURS IN AN ELECTIVE OFFICE THAT HAS BEEN VACATED BY AN ELECTED OFFICIAL ELECTED TO OFFICE ON A BALLOT WHERE THE VACATING OFFICIAL'S PARTISANSHIP HAD BEEN DECLARED

WHEREAS, Article 3-5(a) of the City Charter mandates that elections be nonpartisan, a term undefined in the City of Aurora Charter or City Code; and

WHEREAS, Article 3-7 of the City Charter mandates an appointment process for filling vacant City Council seats which appointment process does not consider the political party affiliation of the Council Member whose vacated seat is being filled; and

WHEREAS, When the electorate has expressed a political party affiliation preference for their representation by having elected a partisan candidate to a vacated office to be filled, that preference should be honored in filling vacancies by filling the vacancy with a replacement appointee of the same political party or affiliation; and

WHEREAS, "Partisan election" is understood, under § 1-1-104(23.6), C.R.S. to mean listing or displaying a candidate's political party or organization affiliation after their name on a ballot for elective office; and

WHEREAS, Article XX, Section (6)(d) of the Colorado Constitution empowers home rule municipalities to control and legislate upon all matters pertaining to municipal elections; and

WHEREAS, Filling of vacancies in elected offices by appointees from the same political party or of the same political affiliation as the elected official vacating the Office is consistent with the process for filling vacancies in elected Office at the state-wide level as set forth in Article V, § 2 of the Colorado Constitution; and

WHEREAS, Voters have a right and a desire to be provided information about a candidate, including party or organization affiliation if the candidate desires to share that information;

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

Section 1. Pursuant to § 54-149 of the City Code of the City of Aurora, Colorado, City Council submits to a vote of the registered electors a proposed amendment to Article 3-5(a) of the City Charter of the City of Aurora, Colorado, to read as follows:

3-5. Terms.

- (a) Terms of the mayor and each councilmember shall begin at the commencement of the first regular council meeting in December after election in the year elected. Before entering upon the duties of office, the mayor and each councilmember shall take an oath or affirmation supporting the Constitution of the United States of America, the Constitution of the State of Colorado, the Charter and ordinances of the City of Aurora, and **will** faithfully perform the duties of office. ~~Elections shall be nonpartisan.~~ **Candidates shall, but only within the authorization of Section 1-3-108, C.R.S., as amended, declare their political party affiliation which shall be listed on the official ballot after their name. Acceptable political party affiliations are those officially recognized by the Colorado Secretary of State. Unaffiliated candidates shall have “Unaffiliated” listed on the ballot following their name.** Two (2) councilmembers at large, the mayor, and Ward IV, V, and VI councilmembers shall be elected at one election. Councilmembers from Ward I, Ward II, and Ward III and two (2) councilmembers at large shall be elected at the next election. The term of Office of all elected councilmembers and the mayor shall be for four (4) years.

Section 2. Pursuant to § 54-149 of the City Code of the City of Aurora, Colorado, City Council submits to a vote of the registered electors a proposed amendment to Article 3-7 of the City Charter of the City of Aurora, Colorado, to read as follows:

3-7. Vacancies

A council seat shall become vacant whenever any councilmember is recalled, dies, becomes incapacitated, resigns, attains another elective office, is involuntarily removed from office, or becomes a nonresident of the city or ward from which elected. In case of a vacancy ~~the remaining councilmembers shall appoint by majority vote,~~ **and** no later than forty-five (45) days after such vacancy occurs, a duly qualified person to fill such vacancy **shall be appointed by the Vacancy Committee for the political party with which the vacating elected official had declared when they stood for election, or in the event that the vacancy is from an elected official who had not declared a political party affiliation from a majority vote of those persons who had signed the nominating petition of the elected official vacating the office, such election to be a mail ballot election conducted within 21 days of the vacancy occurring with ties broken by fair random process designated and adopted by the City Clerk.** An appointment which occurs ninety (90) days or more before a regular election shall be in

effect only until the date of the upcoming regular election. An appointment which occurs less than ninety (90) days before the upcoming regular election shall be in effect until the subsequent regular election unless the term expires at the upcoming election. If there are no candidates on the ballot to fill a vacancy, city council may appoint a duly qualified person for two (2) years. If more than five (5) vacancies occur simultaneously, the remaining councilmembers shall call for a special election to fill such vacancies provided there will not be a regular municipal election within ninety (90) days

Section 3. The following question shall be submitted to a vote of the registered electors of the City of Aurora at the regular municipal election on November 7, 2023:

“Authorization of Partisan Elections for Councilmembers in the City of Aurora and for filling vacancies of Office of councilmembers who were voted into Office on a ballot wherein their political party affiliation had been declared.”

Shall Article 3-5(a) of the City Charter of the City of Aurora, Colorado, be amended to require candidates for elected office in the City of Aurora to either declare a political party affiliation from among those political parties recognized by the Colorado Secretary of State or to declare themselves an unaffiliated candidate which designation shall be listed on the official ballot for office?

YES _____ NO _____

Section 4. The following question shall be submitted to a vote of the registered electors of the City of Aurora at the municipal election on November 7, 2023:

“Council vacancies shall be appointed by the Vacancy Committee from the same political affiliation as the elected official who is resigning or if such affiliation had been declared on the ballot from which that official had been elected, or if no political affiliation was declared, the Vacancy Committee shall consist of a vote of the registered electors who signed the nominating petition”

In the event that Article 3-5(a) of the City Charter is amended by a vote of the electorate to allow partisan elections shall Article 3-7 of the City Charter of the City of Aurora Colorado, be amended to mandate vacancies in elected offices be filled by a person chosen by the Vacancy Committee of the same political party affiliation as the councilmember who has vacated the seat when that councilmember was elected in a partisan election where their party affiliation had been declared on the ballot from which they were elected, or in the event the vacating elected official ran as an unaffiliated candidate from a

vote of the signatories to the nominating petition which placed them on the ballot from which they were elected?

YES _____ NO _____

Section 5. Pursuant to Section 31-2-210(3.5), C.R.S., the City Clerk is hereby directed to certify the proposed ballot questions to the Clerk and Recorder of each county in which the City is located for submission at the general municipal election to be conducted at the same time as the statewide election on November 7, 2023.

Section 6. Pursuant to Section 31-2-210(4), C.R.S., the City Clerk is hereby directed to publish, within thirty (30) days of the adoption of this ordinance, notice of the date and time of the election upon which the proposed Charter amendment will be considered said publication to appear in a newspaper of general circulation in the City which notice shall contain the full text of the proposed Charter amendment.

Section 7. The City Clerk shall secure from each county the votes in favor of and opposed to the proposed Charter amendment and shall report the same to City Council following the election within such time is as provided for by state law. If the majority of the registered electors voting thereon have voted in favor of the proposed amendment, such amendment shall be deemed approved.

Section 8. In the event the proposed Charter amendments are approved by a majority of the registered electors voting thereon, the City Clerk shall publish once, in the same newspaper which published the notice of the charter amendment being on the ballot the full text of the Charter amendment following the election within such time as is provided by state law. At such time, the City Clerk shall also file with the Secretary of State two (2) copies of said amendment, along with the official tally of the vote for and against, as certified by the City Clerk.

Section 9. The provisions of this ordinance, the Charter amendment, and the question authorized hereby are severable. If any portion of this ordinance, the Charter amendment, or the question are judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provision of such ordinance, Charter amendment, or question.

Section 10. All ordinances or parts of ordinances, of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 11. Pursuant to Article 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.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____day
of _____, 2023.

PASSED AND ORDERED PUBLISHED BY REFERENCE this _____day of
_____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

DAVE LATHERS, Sr. Assistant City Attorney



CITY OF AURORA

Council Agenda Commentary

Item Title: Ordinance Regarding Full Time Council Members
Item Initiator: Angela Lawson, Council Member
Staff Source/Legal Source: Dave Lathers, Senior Assistant City Attorney
Outside Speaker: N/A
Council Goal: 2012: 2.1--Work with appointed and elected representatives to ensure Aurora's interests

COUNCIL MEETING DATES:

Study Session: N/A

Regular Meeting: N/A

2nd Regular Meeting (if applicable): N/A

Item requires a Public Hearing: Yes No

ITEM DETAILS *(Click in highlighted area below bullet point list to enter applicable information.)*

Sponsor: Angela Lawson, Council Member
Dave Lathers, Senior Assistant City Attorney
Estimated Time: 20 Minutes

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

- Approve Item and Move Forward to Study Session
- Approve Item as proposed at Study Session
- Approve Item and Move Forward to Regular Meeting
- Approve Item as proposed at Regular Meeting
- Information Only
- Approve Item with Waiver of Reconsideration
Reason for waiver is described in the Item Details field above.

PREVIOUS ACTIONS OR REVIEWS:

Policy Committee Name: Charter Review Ad Hoc Policy Committee

Policy Committee Date: N/A

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

- Recommends Approval
- Does Not Recommend Approval
- Forwarded Without Recommendation
- 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.)*

Enter Item Summary here.

FISCAL IMPACT

Select all that apply. (If no fiscal impact, click that box and skip to "Questions for Council")

- Revenue Impact Budgeted Expenditure Impact Non-Budgeted Expenditure Impact
 Workload Impact No Fiscal Impact

REVENUE IMPACT

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LEGAL COMMENTS

Attorney enters legal comments here.

ORDINANCE NO. 2023-__

A BILL

FOR AN ORDINANCE TO SUBMIT TO THE QUALIFIED ELECTORS OF THE CITY OF AURORA, COLORADO, A PROPOSAL TO AMEND CHARTER SECTIONS 3-1 AND 3-6 CONCERNING FULL-TIME CITY COUNCIL AND THEIR SALARIES

WHEREAS, the City Charter Sec. 3-2 recognizes the mayor is a full-time officer of the City, but is silent as to time commitment required of councilmembers; and

WHEREAS, the salaries for Mayor, Mayor Pro Tem, and Members of the Council reflect a presumption that Councilmembers serve in elected office as a part-time position; and

WHEREAS, the physical growth and population growth of the City of Aurora has been exponential since the Charter was adopted in 1961, and the City of Aurora's size and scope has additional needs and responsibilities to fulfill; and

WHEREAS, Section 3-6 of the Charter concerning Council salaries has not been modified since 2018; and

WHEREAS, the demands of governance for the City's elected officials have become substantial; and

WHEREAS, the position of a City elected official should not impose a financial hardship upon those individuals who wish to serve their community; and

WHEREAS, there is no prohibition on Councilmembers holding employment in addition to their responsibilities as full-time officers of the city; and

WHEREAS, City Code Chapter 54, Art. VI authorizes registered electors to vote on Charter amendments and 54-149 authorizes City Council to refer Charter amendments by ordinance; and

WHEREAS, in order to encourage participation in the affairs of local government by Aurora citizens it is necessary to increase salaries.

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

Section 1. Section 3-1 of the Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

3-1 City council.

All powers of the City of Aurora not otherwise limited or conferred upon others by this Charter shall be vested in a council consisting of eleven members, one to be elected from each of the six wards, four to be elected from the city at large, and one who will run and be elected at large specifically for the office of mayor. In the event there are no candidates for mayor, there shall be five members elected at large, and the mayor shall be chosen by the council, from the

members at large, after the election. **City councilmembers shall be considered full-time officers of the city.**

Section 2. The question to be placed on the ballot and to be voted upon by the qualified electors of the City of Aurora at the regular municipal election to be held November 7, 2023, shall be as follows:

“SHALL SECTION 3-1 OF THE AURORA CITY CHARTER BE AMENDED TO ADD THAT CITY COUNCILMEMBERS SHALL BE CONSIDERED FULL-TIME OFFICERS OF THE CITY?

YES NO”

Section 3. Section 3-6 of the Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

3-6 Salaries.

The annual base salaries of the council of the City of Aurora for ~~2018~~ 2027 shall be as follows:

	Effective January 1, 2018 2027
Mayor	\$80,000 \$96,984
	Effective January 1, 2018 2027
Mayor Pro Tem	\$20,550 \$82,437
Members of the Council	\$18,550 \$67,889

and said salaries shall be modified annually in an amount equal to that cost of living increase or decrease occurring during the previous calendar year as determined by the United States Department of Labor Consumer Price Index for the region which includes the Denver metropolitan area or the average increase or decrease given to all city employees, whichever is less.

Such salaries shall be in addition to any other emoluments of office and said cost of living increase or decrease shall not be deemed or construed to be an increase or decrease of those salaries set forth herein and paid during the term of any councilmember.

Section 4. The question to be placed on the ballot and to be voted upon by the qualified electors of the City of Aurora at the regular municipal election to be held November 7, 2023, shall be as follows:

“SHALL SECTION 3-6 OF THE AURORA CITY CHARTER BE AMENDED FROM THE NOVEMBER 2017 APPROVAL TO INCREASE THE SALARIES OF COUNCIL MEMBERS TO \$___ PER YEAR, INCREASE THE SALARY OF THE MAYOR TO \$_____ PER YEAR, AND INCREASE THE SALARY OF THE MAYOR PRO TEM TO \$___ PER YEAR, EFFECTIVE JANUARY 1, 2027?

YES NO"

Section 5. Pursuant to Section 31-2-210(3.5), C.R.S., the City Clerk is hereby directed to certify the proposed ballot question to the clerk and recorder of each county in which the City is located for submission at the regular municipal election of November 7, 2023.

Section 6. Pursuant to Section 31-2-210(4), C.R.S., the City Clerk is hereby directed to publish within thirty (30) days of the adoption of this ordinance, notice of the date and time of the election upon the proposed Charter amendment in a newspaper of general circulation within the City, which notice shall contain the full text of the proposed Charter amendment.

Section 7. The City Clerk shall secure from each county, the votes in favor of and opposed to the proposed Charter amendment and shall report the same to the City Council following the election within such time as provided for by state law. If a majority of the registered electors voting thereon has voted in favor of the proposed Charter amendment, such amendment shall be deemed approved.

Section 8. In the event the proposed Charter amendment is approved by a majority of the registered electors voting thereon, the City Clerk shall publish once, in the same newspaper, the full text of the Charter amendment following the election within such time as provided for by state law. At such time, the City Clerk shall also file with the Secretary of State two (2) copies of said amendment, along with the official tally of the vote for and against, as certified by the City Clerk.

Section 9. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 10. Repealer. All orders, resolutions, or ordinances 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.

Section 11. 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.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2023.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2023.

MIKE COFFMAN, Mayor

ATTEST:

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

RACHEL ALLEN, Client Group Manager

