

## **AGENDA**

### **CITIZENS CHARTER REVIEW TASK FORCE**

#### **Microsoft Teams Meeting**

Thursday, April 26, 2023, 4:30 p.m.  
Aspen Room, 2<sup>nd</sup> Floor, Aurora Municipal Center/Hybrid

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#### **I. CALL TO ORDER**

#### **II. APPROVAL OF MINUTES – APRIL 20, 2023**

#### **III. ANNOUNCEMENTS (5 min.)**

#### **IV. NEW ITEMS**

- Ordinance Regarding Full-Time Council Members
- Ballot Question for Even Numbered Years

#### **V. MISCELLANEOUS ITEMS FOR CONSIDERATION**

#### **VI. NEXT MEETING**

Confirm Next Meeting – Tuesday, May 2, 2023

#### **VII. ADJOURNMENT**

**CITIZENS CHARTER REVIEW TASK FORCE MINUTES**

**Hybrid Meeting**

Thursday, April 20, 2023

Members Present: Mike Ciletti, Dennis Lyon, Ed Tauer, Becky Hogan, Jan Wilson, Katrina Zerilli, JulieMarie Shepherd Macklin, Dr. H. Malcom Newton, Dr. Anne Keke, Zach Heaton

Others Present: Alia Gonzales, Kendall Koca, Council Member Alison Coombs

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**1. CALL TO ORDER**

Alia Gonzales called the April 20, 2023, meeting to order at 4:36 p.m.

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**2. APPROVAL OF MINUTES – MARCH 31, 2023**

A. Gonzales discussed the two different versions of the minutes and asked the group which formats they prefer. J. Wilson explained that the second set of minutes is more typical for city meetings. D. Lyon suggested going with the second version due to the short-lived nature of the committee. Dr. H. Newton and others confirmed which version they were discussing.

J. Shepherd Macklin pointed out some errors in the minutes, including incorrect classifications of attendees and a paragraph attributed to her that she did not say. CM Coombs confirmed that she was the one who made the statement. K. Koca agreed to make the necessary corrections. Dr. H. Newton also pointed out a spelling error in a name.

K. Koca discussed the process of creating the minutes and the possibility of doing a better job in-house. Dr. H. Newton asked if they could consider the motion on the floor, and the group approved the long version of the minutes as amended. The conversation then moved on to the selection of a chair and any announcements attendees wanted to make.

Outcome

The March 31, 2023, meeting minutes were approved.

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**3. ANNOUNCEMENTS**

CM Coombs mentioned that they received additional items from Aurora Fire and APD and will schedule an additional public hearing for the group.

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#### **4. NEW/OLD ITEMS**

##### **4.a. Elect Chair and Vice Chair**

M. Ciletti nominated J. Shepherd Macklin as chair, and Dr. A. Keke volunteered for the vice chair position. E. Tauer made a motion to appoint J. Shepherd Macklin as chair and Dr. A. Keke as vice chair, which was seconded by B. Hogan and M. Ciletti. CM Coombs also agreed. The motion passed unanimously, and J. Shepherd Macklin took over as chair.

##### **4.b. Approval of Minutes from March 31, 2023**

###### Outcome

The March 31, 2023, meeting minutes were approved as amended.

##### **4.c. Discussion Regarding Meeting Format**

J. Shepherd Macklin took over as chair and discussed the meeting format, specifically whether the group wanted a more interactive format with council members or one where the council member presents an item, and the conversation is mainly among the committee. Dr. A. Keke and CM Coombs agreed that back and forth might work, but M. Ciletti suggested the committee should do their own research and discuss without council members imparting more views. Dr. A. Keke asked if they wanted the council to be present and then let the committee discuss, and E. Tauer agreed with Z. Heaton's chat comment, suggesting a presentation by the council member followed by a discussion among the committee. J. Shepherd Macklin asked if there were any objections to this format and suggested sending any follow-up questions to the council member after the meeting.

CM Coombs mentioned the possibility of seeking clarification during the process if needed, and E. Tauer emphasized that the committee's role is to make recommendations to the city council.

##### **4.d. Update Charter Language to be Gender Neutral**

CM Coombs explained that the proposal involves modifying a few sections of the charter to use gender-neutral language. The primary changes would be replacing "he" with "city manager" or "city attorney" and changing "he or she" to "they." The goal is to update the language to reflect current practices around inclusion.

B. Hogan expressed support for the change, emphasizing the need for concise and straightforward language. J. Wilson asked about the process for approving the change, and it was clarified that it would need to be put on the ballot for a public vote.

Dr. A. Keke asked for clarification on the scope of the changes, and CM Coombs confirmed that it would only apply to specific sections of the charter. E. Tauer asked about the possibility of future-proofing the language by using titles or terms like "individual" or "person" instead of gendered pronouns. CM Coombs agreed to discuss the idea with the city attorney's office and provide a written response.

J. Shepherd Macklin emphasized the importance of keeping the language concise and straightforward, agreeing with the points made by B. Hogan and Z. Heaton. Dr. A. Keke expressed support for M. Ciletti's suggestion to rewrite the language using terms like "person" or "individual" and remove gendered language altogether.

CM Coombs confirmed they would provide a written follow-up. Dr. H. Newton inquired about the process for making recommendations to the council.

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## **5. CONFIRM NEXT MEETING**

A. Gonzales explained that the plan was to review all items during the last meeting and then make a collective recommendation to the City Council based on the votes. J. Shepherd Macklin mentioned that majority and minority reports could be submitted if there were differing opinions.

A. Gonzales corrected the minutes to indicate that the next meeting would be on April 26th, rather than May 2nd. She also mentioned that CM Lawson's item on full-time council members had been postponed due to her absence. The next meeting would be held in a hybrid format, offering both in-person and virtual attendance options.

D. Lyon raised a question about the legality of the city charter concerning criminals serving on the city council. He suggested that if the group was already planning to propose charter amendments, they should also consider fixing this issue. J. Shepherd Macklin agreed to add an item for new business in future agendas to address such concerns.

Dr. H. Newton requested that the agenda for the next meeting include an item for new business.

B. Hogan asked if the committee would see the police and fire amendments and CM Coombs confirmed that they would be discussed at the May 2nd council committee meeting. She also mentioned that no more city departments should bring additional amendments after May 2nd.

Dr. H. Newton thanked CM Coombs for the information. M. Ciletti suggested that the committee could start formulating questions for future council member presentations now, rather than waiting. He proposed discussing some questions during the current meeting and continuing the discussion via email.

J. Shepherd Macklin asked if the committee members agreed with M. Ciletti's proposal, while B. Hogan inquired about the best way to collect and share questions among the group. M. Ciletti clarified that they could discuss some questions during the meeting and continue the conversation via email.

D. Lyon agreed that there seemed to be consensus on preparing questions for council members in advance and suggested setting a deadline for submitting questions via email. He also recommended consolidating and distilling the questions to avoid repetition and creating a succinct list.

A. Gonzales mentioned notes in the chat from Z. Heaton and CM Coombs about sending questions to council members in advance and the possibility of using a shared document. J. Shepherd Macklin suggested emailing questions and asked how much time would be needed to prepare answers. CM Coombs estimated that they would need about 48 hours on weekdays for legal to provide answers.

J. Shepherd Macklin proposed a deadline for submitting questions by noon on Monday, April 24<sup>th</sup> to have answers for the 4:30 p.m. Wednesday meeting. B. Hogan clarified that these questions were specifically for the upcoming meeting about even-numbered years.

A. Gonzales mentioned that CM Lawson could join the meeting on April 26<sup>th</sup> or May 2<sup>nd</sup> to discuss the full-time council member ordinance. J. Shepherd Macklin noted that May 2<sup>nd</sup> already had two topics set, so the April 26<sup>th</sup> seemed more appropriate for CM Lawson's presentation. The committee then discussed sending questions related to even-numbered years and full-time council to staff by midday the following day. A. Gonzales agreed to send the relevant documents to the committee members so they could prepare their questions.

J. Shepherd Macklin suggested setting deadlines for questions for the subsequent meetings. They agreed to submit questions for the May 2<sup>nd</sup> meeting by April 26<sup>th</sup>. Dr. H. Newton asked for clarification on when questions should be submitted for each topic.

J. Shepherd Macklin noted that some people may need to review the information before asking questions. J. Wilson asked if they would submit questions via email, to which J. Shepherd Macklin confirmed the email process and deadlines for submitting questions on full-time council, even-numbered election years, partisan elections, and the vacancy committee.

A. Gonzales relayed Z. Heaton's plan to review the information when it was resent and submit his questions.

The next meeting is scheduled for April 26<sup>th</sup>, 2023, Hybrid.

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## **6. ADJOURNMENT**

The meeting adjourned at 5:46 pm.

APPROVED:

JulieMarie Shepherd Macklin, Chair

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 the 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 have 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 2027 shall be as follows:

	Effective January 1, 2018
Mayor	\$80,000
	<b>Effective January 1, 2027</b>
<b>Mayor Pro Tem</b>	<b>TBD</b>
<b>Members of the Council</b>	<b>TBD</b>

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



COUNCILMEMBERS 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, a 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.

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MIKE COFFMAN, Mayor

ATTEST:

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KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

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DAVE LATHERS, Senior Assistant City Attorney

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 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

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MIKE COFFMAN, Mayor

ATTEST:

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KADEE RODRIQUEZ, City Clerk

APPROVED AS TO FORM:

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DAVE LATHERS, Sr. Assistant City Attorney