

07.29.2019

Minutes

To: Charter Review
Committee

From: Emily Lapel,
Legislative Analyst

CC

Re: July 29 Meeting
Minutes

Meeting started at 3:02p

Attendance: CW Ortega, CM Flynn, CM Kashmann, CW Kniech, CW Sandoval, CW Torres, CW Sawyer, CW CdeBaca, CW Black

Introduction:

CW Ortega:

- Signup sheet going around and want to keep public posted on when the committee is
- Hoping to have committee every other Monday – not meet every week but subject to change
- Sent email to independent agencies, employee organizations asking what ideas people might have regarding charter changes
- Have not set a deadline on when council wants those ideas sent to them
 - Do not want ideas brought forward at the 11th hour

To think about:

- What is the purpose of this committee?
- What is it you are trying to achieve?
 - Good governance? Clean up? Outdated provisions? Structural? Organizational?

Kirsten Charter Change vs. Code Change and Powers Given to Council on These Topics

- Troy prepared the deadlines for if you are trying to submit an item for 2019 and 2020
- With new members we talked about a potential for a Charter change and what that would like during our Council Academy
- Troy is the elections specialist – but we divide our resources appropriately
- Second document is the historical changes that have been proposed over time
 - Skye Stuart has more historical knowledge on these items because of her length of tenure with the City
 - Items are organized by subject of ballot question
 - Only see proposed charter amendments
 - Only referred measure
 - If it was approved or defeated
 - Myths of Charter Changes:
 - One of the myths I've heard is there are changes that have whittled-away at council powers over the year
 - Not my take, but we'll have to digest this document together
 - I've also heard there are packages that have moved forward
 - Not appropriate description to me – coincidentally been referred at the time

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Documents to review

- CML Home Rule Cities and Towns
 - Predominantly is council-manager type of governments and cities have mayor-council forms of governments
 - Approximately 96 home-rule cities in Colorado
- Mayor-Council type of governments are most common in larger cities
- City Council handbook
- Denver when founded was originally a commission lead and then went to strong mayor with the Speer amendment
- 80s I believe there were some charter changes that granted council more power

Charter vs Code

- Assertion of cities control over local matters
- Change to Charter cannot override areas of state-wide concern
 - Ex: rent control
- Charter is a document of limitation
- Assume everything else if not listed there is given to other elected officials (primarily though, the Mayor's office)

Process for taking something to ballot

- See deadlines in handout
- Provisions in charter and constitution for how to refer something to ballot
- 2 readings just like an ordinance
- Take a council majority for council to adopt and refer to the charter
- In regards to Charter changes, the Mayor has no veto-power

Discussion:

- CW Kniech: There have been charter review focused efforts, could Skye share about the one that occurred in 2013?
- Skye: 2013 was last full-scale formal process we've had, since we've had an informal review process where people can come in a talk about inconsistencies and places they see a need for updates
 - Good Government (G2) – seated three different committee
 - Organized structure around agencies, Safety, Personnel
 - Included community members, councilmembers, subject matter experts
 - Guiding principles: better efficiency, cost-effectiveness, flexibility or streamlining to allow more wiggle room, and enabling innovative practices
 - Met over 3 months

- Each operated differently
- Through process each subcommittee provided recommendations to the committee and advanced 35 recommendations
 - Put these into 3 different buckets
 - Ask council to refer
 - Further research
 - Direction to not go
- **Skye will provide document to councilmembers**
- Referred 3 different measures
 - Operationally focused – enabling manager of public works to administer maintenance districts, etc.
 - Some things that were not ready at the original time came back for council referral several years later
 - Ex: DDPHE name change
- Two Charter Changes are coming to FINGOV on August 6th

Committee Process

- CW Ortega:
 - We will vet different ideas and recommendations through committee – come from independent agencies, employee organizations, and councilmembers
 - These items will be moved out of committee when ready to be viewed by FINGOV and then FINGOV will move to floor
 - Should they be moved as a package? There may be some that need a lot more research

Research

- CW Ortega:
 - In my communication to all internal and external partners – asked to provide own research
 - Council staff will be looking at councilmember ideas
 - Waiting to see how many requests come forward so we know what that workload looks like and will plan accordingly

Discussion:

- CM Flynn:
 - Will be bringing a routine clean-up amendment – if it is to make ballot this November, it should go to FINGOV next week.

- It's an issue of residency for elected officials. Could I have a sense of the committee could I file it for next week?
 - In charter qualifications for office – age and resident of city for 2 years and if you are running for election you have to be a resident of your district for 1 year
 - Loophole – you can still serve as an elected official for a district or city official and move out of the city or designated district
- CW CdeBaca: What constitutes as proof?
- CM Flynn: Ordinary place of return
- CW Kniech: There's a court decision in council district 3 – when Paul ran
- Kirsten: Nothing in the code, but she will pull the case
- *Ortega: Forward that on to FINGOV committee*

Deadline for Submittal

- Do we want to same deadline for other groups that have ideas?
 - We need enough time to vet different topics
- Would like sooner than later, so when we have similar topics we can group them and discuss them at the same meeting

Discussion:

- Kirsten: I think we need to figure out what the purpose of the committee is and what the goals are, because clean-up can be done pretty quickly...but changing organizational structure will need lots of time to draft
- CW Ortega: No idea what ideas colleagues have in recommending charter changes, lots of ideas.
 - Lopez wanted to look at changing when we have elections and staggering terms. 2010 elections (term limits) caused 10 councilmembers to not return to office. I want to leave time for our external partners to share their ideas and thoughts
 - We don't need to make that decision today, but I'd like to do that fairly soon so we have a date to get out there for folks.
- CW Kniech: I think we need to talk about the general history of that section of the Charter.
 - I think that I would consider a first deadline helpful, but not definitive. Think about when we want this process to wrap-up. We're heading for the 2020 deadlines, if there's a purpose of having community outreach and a slate of things...
- CW Ortega: Might have things ready to go for Presidential primary

- CM Flynn: Issue for putting things on primary ballot because there's a limit to the voting pool with unaffiliated voters, is there a hard and fast rule?
- Skye: Last time there was a rule on this, judgement given before was that it was not considered a city-wide election. Might want to talk to Elections about that.
- Kirsten: My opinion that council has authority to request contracts if they go through the same process as all other contracts. It would be executed in the same manner any other contract is executed in the city. That is something I have talked about to a number of you...i do think that because so many questions surface throughout the years with the ability of council to do contracts that I proposed a code change...but you would need to change the charter to do certain things. But hiring lawyers can be an issue that's a little more complicated and that would need to be done by charter
- CW Ortega: I had made a request that Channel 8 televise these meetings.
 - There's a process that we have to go through to get our meetings televised.
 - Channel 8 used to be under council, and then there was a charter change that moved them to the administration. If you feel it is important you need to talk to Council President Clark.
 - Channel 8 may not be able to accommodate us because they have to get ready for Monday night meeting and need 30 minutes in between
 - **Majority of members feel that it is important for these meetings to be televised**

Public Outreach and Education

- CW Ortega: When we have a package of items to come out, should it go to the public?
 - If so, how?
 - What would that public outreach and education look like? Should it be this committee? FINGOV? Jointly?
 - Start having public input as part of these meetings?
 - Public hearing on changes when they come to council?
 - Should it be more than council procedures when doing public outreach?
- CW Sandoval: I like the idea of having public comment, because in committee people don't feel welcome. More access we can have to the community the better
- CW Sawyer: I think it should be available for public can comment, so we can all hear it
- CW Kniech: helpful to have some form of midstream open-house format where sponsors set up stations for measures they are championing and public can rotate through 3 or 4 stations to learn about them before we vote on them in committee.
 - Outreach has to happen before it goes on the ballot.

- There should be a requirement of support that qualifies an item to go to the public comment/open house.
 - Make sure this happens on our timeline (spring time for example)
 - Make a final decision in the summer
 - Can't talk about a proposal in isolation – background is necessary – who will put a proposal in context?
- CW Ortega: all of that would be in the white/blue book
- CW Kniech: this should be before councilmembers vote
- Kirsten: I'm thinking about this resource-wise.
 - The central staff will do the heavy lift on policy work, pulling policies in other jurisdictions – here's what all the jurisdictions are doing on this materials then they come to us and we vet how it would be applied to charter and draft.
 - You're going to need your policy work before it gets to us before we can even have time to draft.

Audience

- CW Ortega: Are any of you exploring ideas on any proposed changes? *Several hands were raised*
- Police: One has to do with collective bargaining and career services and some of the obstacles we've had in the past with collective bargaining
- Lisa Calderon: Putting accountability measures on strong mayoral form of government
 - Making City Attorney elected
 - Making legal counsel for council a separate contract
 - Broaden City Council subpoena powers
 - Restoring powers to council
 - Ethics reform
 - Accountability measures
 - Strengthening accountability measures to follow up on the Auditor's recommendations
 - Moving the OIM into a truly independent agency
 - Public input for safety department agencies when there are appointments (chief, sheriff, etc.)
 - Some groups are starting to work on these ideas, some are conversations, questions, and internally we've discussed them and are in the process of prioritizing them in our office
- PWAB: Would like the creation of a Public Works Advisory Board which in theory could consist of city council appointees and meet with ED of PW monthly

- CM Flynn: To clarify, with charter change on ballot? Would PWAB focus on construction or mobility?
 - PWAB: Most public interaction with PW has to do with mobility
- Auditor: Not bringing his idea to the committee, but there should be qualifications for the auditor, it's implicit today because the Charter says the Auditor will comply with government auditor standards (must be a CPA). I think this needs to be recognized and I'm forming a committee to get signatures and get this on the ballot.

Closing Comments

- CW Ortega: Hoping to have deadline sent out to you and the focus is to get ideas in for discussion asap.
 - I would like to build-in 15 minutes of public comment at the beginning of our meetings.
 - Request – get us your ideas in writing as soon as possible, including our independent agencies and external partners so we can group our meetings appropriately.
- CW Sawyer: is there going to be a process to get information that this committee exists and working to get out to independent agencies?
- CW Ortega: I've sent an email to all of them letting them know. If you think there are other external stakeholders you think we should reach out to, please let me know
- CW CdeBaca: is there a way we could create a living form to be able to submit ideas along with research if it's redoing something or restoring something.
 - While we're waiting for channel 8, **could we have Stacy live stream this on the facebook page?**
- CW Ortega: Resend out Leon's legislative request form.
 - We'll have Emily be the repository for those ideas and then figure out what tweaks we might make it.
 - We've got your contact information and will get the form out to you guys to get your ideas. To use a similar format