



## Charter Review Committee Minutes

Approved: May 15, 2023

From the Monday, May 1, 2023, 12-2pm Meeting, Council Chambers, GDC Building

### Member Attendance:

- Leonard Giuliano
- Cheryl Lovell
- James Marsh-Holschen, Council
- David Mathewes
- Seth Patterson
- Sam Taylor, Chair
- Austin Ward, Council

Staff Attendance: Nancy Rodgers, City and County Attorney; Geoff Wilson, CRC Consultant; Denise Keith, Staff support for CRC

### Agenda Items:

1. *Call meeting to order and Roll Call*
2. *Approval of the April 3rd [Minutes](#)*
3. *CRC Administrative Matters*
  - a. *Meeting schedule - locations and July 3rd meeting*

The next meeting and many of the future meetings will be held in the Heritage Conference room in the Health and Human Services Building.

The CRC decided to meet on July 3rd.

#### *b. Costs for ordinance publication*

2023 - If CCOB stays at the spending for the first quarter, the anticipated amount is \$20,000 to \$24,000.  
2022 - \$11,336  
2021 - \$21,016  
2020 - \$9,658.44

This is publication in the Enterprise, and is in addition to the publication of ordinances and resolutions online at the [www.broomfield.org](http://www.broomfield.org) website.

There was a question about publication totally online only. Ms. Rodgers indicated that they haven't looked at the cost of that, but that the CRC has flexibility on this requirement.

#### *c. Recording/Videotaping meetings*

Ms. Rodgers indicated that this can be done with the use of the OWL system in the Heritage conference room. The Committee decided to record/video tape its future meetings. These won't be broadcast but the recordings will be available after the meeting for viewing.

***d. How are counties classified under state law***

Ms. Rodgers will bring this information to a future meeting.

***e. Other administrative matters discussed:***

A resident requested confirmation of receipt on emails. Staff has set up an auto reply for emails received by [charterreview@broomfield.org](mailto:charterreview@broomfield.org)

Chair Taylor shared an invitation from three individuals who were on the committee to form Broomfield as a county offering to do a presentation for the CRC. All CRC members were in favor. Ms. Rodgers said she would work on scheduling the presentation.

Member Lovell shared with the CRC that she did a presentation at Rotary last week about the CRC ([slides available on the CRC website](#)). Member Lovell said that she was finding herself trying to answer the question, “what problem are we trying to solve.” She also said that “what’s wrong with our city and county” came up as a question during her presentation and she felt she didn’t have the information.

Chair Taylor indicated that one thing is a lot of the old language - two tranches: general cleanup and things that have to be changed; and based on discussions with the committee would divide up their charge as:

- (1) Clean-up have to
- (2) Form of government
- (3) Clean-up want to/need to change because of changes to form of government

Member Patterson said that the CRC doesn’t need to necessarily have to have a problem to solve and noted that the Charter was not really changed when Broomfield became a city and county and that it has been 20 years since we became a county. He said he thought it was logical to review the Charter, form of government, and what other thing we need to change.

Member Lovell agreed that the Charter should be reviewed, but disagreed that there wasn’t a problem, adding that everyone has heard the form of government was a problem area.

Chair Taylor provided some background on why Broomfield became a city and county (being located in multiple counties).

Member Giuliano noted that he hadn’t met the council members on the CRC before and has not been contacted by a council member. He notes that the CRC is being asked for their experiences and how we can make the Charter better.

Member/CM Marsh-Holschen said that, from Council’s perspective, there are issues that Council wants to address and there was the concern whether the form of government still works now given the county status, population changes. He added that no one on the current council would be full time commissioners. There would have to be a transition period. No one currently on Council has any financial interest in this change.

Chair Taylor noted that the citizens have the ultimate decision.

Mr. Wilson said one of the rationales for approving Charter recommendations and sending to Council would be that the CRC feels Council should have a serious conversation about this and should send the question to the people for a vote.

Chair Taylor asked if the CRC can separate out “housekeeping” changes from the form of government. Mr. Wilson and Ms. Rodgers said yes, they can be divided.

Member Patterson didn’t think dividing the topics was a good step and noted that the document works together. He was worried about unintended consequences if they were divided

Member Lovell asked about a roles and responsibilities handbook and indicated that she thinks changing experiences or understandings about what is expected of council members may be helpful, particularly in terms of specific metrics like meeting attendance. Member/CM Marsh-Holschen said there are Council Rules (which can be found [online](#)).

Chair Taylor said that he agrees those are important but those are not things in a Charter document. The Charter could reference such documents.

Member Lovell likened this idea to a blue book on judges, where there is a recommendation committee, so voting is not by word of mouth. She wanted to see a systematic, proactive measure to review the Council. She asked if there were Council performance reviews. Mr. Wilson responded, no about Member/CM Marsh-Holschen said that they have certain reporting requirements tied to conferences/meetings. Member Lovell thought that the Mayor could be the evaluator.

Mr. Wilson said that Council rules are pretty common and added that the rules are those to which the council agrees upon.

Member/CM Marsh-Holschen said that the Charter could have a rule on meeting attendance.

Member/CM Ward said that what a council member campaigns on is part of what they are expected to do when they are in office. At least for the public, that sets the expectations, with some candidates running very minimal change campaigns, and some running with a big change agenda.

#### **4. Charter General Changes 12:15 pm-12:45 pm**

##### **a. Draft redline version with Charter “clean ups” - Geoff Wilson**

Ms. Rodgers reminded the CRC of the discussion at the previous meeting where she and Mr. Wilson presented their lists of suggested changes to the Charter. From that discussion, they made a redline document with those changes. The redline provided to the CRC at the meeting can be found [HERE](#).

Mr. Wilson summarized some of the changes in the redline

Section 4.7 - Change from thirty days to fill vacancy changes to sixty days

Section 6.9 - Allowing publication on the city’s website in its entirety.

Member Patterson wanted some option for Council to ask for publication in print

Section 7.4 - Change to allow ordinance adopted by initiatives to be repealed with a two-third passage by Council Member Giuliano suggested maybe adding a note allowing immediate repeal if there is an imminent/inherent legal issue. Member Patterson asked if the Council action to repeal could require that imminent legal action be

present. Ms. Rodgers responded that she would be concerned with that requirement because it would require the disclosure of attorney-client privileged information and attorney work product to justify the repeal. *To do: The CRC asked to see what other cities and counties have done; they also asked, when has an initiative/repeal happened and whether this is an issue?*

Section 18.3 - change the “shall not” sell property without an election to “may”  
Ms. Rodgers noted that the City could lease property it couldn’t sell. *To do: Ms. Rodgers will look into how the North Metro deal was done.*

Section 16.2 - IGA - NCR: 2/3rd to majority.

Chair Taylor asked if all IGAs go to Council. *To do: Ms. Rodgers will check.*

Mr. Wilson said that, in some Charter commissions, you can get pulled into adding too much detail. He noted that the Charter is a broad statement of the limits to and the granted authority.

***BREAK 1:08 - back at 1:15pm***

***b. Discussion of Committee members’ Charter areas of concern/areas to discuss***

Each member was asked what areas they would like to review or are concerned with in the Charter.

Member/CM Ward:

- Section IV - Council and Mayor, not necessarily form of government - terms of office and other details to finalize after the CRC has the form of government issued resolved.

Member Giuliano

- Chap IV - Term limits
- Special or Local Improvement Districts (Section 15.1)
  - Flatiron Improvement Districts and this put a burden on NM Fire. (NM was excluded)
  - Metro District vs Improvement District (eg Broadlands)
- Section 10.1 - City Attorney clean up on attorneys (noting Council approved the budget)

Member Lovell

- She looked at what’s not in the Charter, like the Council performance issue, and noted other charters with information about evaluations, handbooks, and articulated roles and responsibilities of Council. She wants the focus on the Council being the governing body, not an administrative body. This is why the staff are hired. She also noted that she wanted a way to evaluate Council progress.
  - Ms. Rodgers requested that Member Lovell send the language she has seen in other charters.
  - Chair Taylor noted that it’s hard to be in an evaluation position when you can’t discipline a council member (the remedy is recall/re-election).
  - Member Giuliano asked the group if it feels strongly about policy maker vs administrative role?
  - Member Patterson said that the Council, whatever we call them, should be a classic board of directors model - meaning policy makers.
  - Ms. Rodgers notes that she heard the CRC, through their conversations to this point, wanting to maintain the strong manager and have the policy making body as Council (or whatever it is called).
  - Mr. Willson said, even in a strong mayor form of government, council is policy makers.

#### Member Mathewes

- Section IV and wants some sort of metrics to judge council members at election time
  - Member Patterson noted that the only way to do that effectively is objective criteria
  - Mr. Wilson asked whether this would be in Council Rules or/and the Charter? Member Mathewes said it can be a reference in the Charter and can be updated in the Rules.
- He would like education for our Council about what the expectations are.

#### Member Patterson

- Section 18.3 - Open Space: think there are competing interests with the open space provisions, such as affordable housing. He also added this is a policy area that does not need to be in the Charter. If so, then Member Patterson would suggest adding affordable housing.
- Section 10.2 - Judicial Appointments clarification
- Taxation section
  - Emergency notes - Short Term Notes , Section 14.2; maybe changing the timing.
  - Chapter XIV
    - Fiscal year
    - Member Patterson wants to make sure the City has the flexibility to finance its operations in a business-like manner.
    - Chair Taylor noted that Broomfield can do general obligation bond
- Section IV - Member Patterson has changed his view on this. If Council is getting into the weeds more than they should, staff will necessarily answer any questions posed by Council. He doesn't know how to resolve that issue, seeing it as Council-self-regulation and understanding the policy role. He is less inclined to support full time / higher paid.

#### Chair Taylor

- Most of his issues/concerns have been noted in some form already.

#### Member/CM Marsh-Holschen

- Section IV
- Section 8.6 - City Clerk hired by City Manager and approved by Council. He would like to have a similar process for the Police Chief.
  - Member Lovell asked why and Member/CM Marsh-Holschen said Broomfield has been very lucky that we haven't had similar issues that law enforcement has seen across the county. The police chief is much more public facing. Other members said that this change would make the police chief position more political. Member/CM Marsh-Holschen said that the appointment is still controlled by the City Manager but with Council approval, there is a bit more accountability.
- Section 18 - Open Space: do we need to improve the flexibility of transferring open space?
- Section 20 - ban on fracking passed by the voters; overruled by Courts. Do we need/should we remove it in light of that decision?

### **5. Continued Discussion on the Form of Government Charter Provisions 12:55-1:55 pm** **a. Charter Section - Chapter IV, specifically Sections 4.1, 4.2**

Because of the time, this item was continued to the next meeting.

**Adjourn 1:55pm**