



Charter Review Committee Minutes

Approved: 11/6/2023

From the Monday, October 16, 2023, 12-2pm Meeting, HHS 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; Jonathan Bartsch, CRC Facilitator

Agenda Items:

- 1. Call meeting to order and Roll Call**
- 2. Approval of the Minutes from [Oct 2, 2023](#) meeting**
- 3. Administrative Matters**
 - Last meeting will be 11/6
 - Logistics on the Council presentation, 11/14/2023
 - On the agenda as a “Special Report” (meaning no formal vote expected)
 - Meeting starts at 6pm (unlikely to get to this matter until at least 7pm)
 - Memo should be completed by early November
 - Agenda will be made public 11/8
- 4. Review and discussion of current Charter language and any needed/suggested changes and updates in the following sections ([see Redline Draft](#)):**

The Committee discussed the redline changes to these sections.

- Section 4.2 - Wards -

The number of wards will not be changed. Both mayor and councilmembers will have four year terms.

The Committee supported the proposed changes related to redistricting staff brought back after the 10/2 meeting, with edits to reflect that mapping will be completed by staff and approved by Council, with only a “accept” or “reject” vote. Mapping changes can only be done after the census or whenever staff determines there is a significant disparity (5%). Council may make *De minimis* changes but nothing substantive. If there are substantive changes needed to the map, Council should reject the map and direct staff to come back with a new one.

MODIFIED MINUTES - The Committee agreed that the intent was that Council direct staff on any modifications needed.

- Section 4.3 - Terms of Office - Mayor and Councilmembers

Term limits. The Committee supported the proposed changes staff brought back after the 10/2 meeting, with council and mayor being different offices for the purpose of term limits, and support that a “partial” term for the purposes of term limits means 50% or more of the term.

- Section 4.4 - Mayor - Power and Duties

The Committee supported the proposed changes where the Mayor sets the agenda for the meetings with the support of the City and County Manager.

- Section 4.6 - Qualifications

The Committee supported the proposed changes staff brought back after the 10/2 meeting regarding ward residency not being impacted by a change in ward redistricting for sitting councilmembers, and a prohibition on holding any other public elected office (ensuring that the office is “public” and not any ‘elected’ office).

- Section 4.7 - Vacancies

The Committee supported the proposed changes, adding that more than 50% absences from Council meetings would mean a vacancy, and adding that the election to fill a vacancy had to be the next “available” election in terms of timing. This was to avoid the issue of a vacancy needing to be filled by election when the vacancy only occurs weeks before the election, and far beyond the deadlines for election candidates.

The Committee discussed allowing the Mayor Pro Tem to take the role of the Mayor in the case of a vacancy in the Mayor’s office. That Committee rejected that change previously and confirmed that decision.

- Section 4.9 - Powers of Council

The Committee supported the proposed changes staff brought back after the 10/2 meeting about Council establishing job descriptions, job duties, and general assignments for offices of mayor, mayor pro tem and councilmembers.

- *New* Section 4.9.5 - Conflict of interest

Mr. Wilson presented on the ethical rules that currently govern Broomfield, both from the municipal code and state law. He also presented options based on other ethics codes in municipal codes and charters, and discussed Broomfield’s existing code of ethics in the Municipal Code. The Committee discussed the various options, and decided to incorporate a delegation provision in the Charter mandating (“shall”) that an ethics code must be passed by ordinance, similar to Centennial. Staff will come back with language.

- Section 4.8 - Compensation

The Committee also discussed, but did not come to any decisions about Section 4.8 - Compensation.

The Committee did not support an amendment that would have mandated compensation to be based on a percentage of the county commissioners salary, which is set by statute.

The Committee discussion leaving the provision as is, which permits Council to set the salary; using a percentage of AMI as a basis for salary; putting a specific number in the Charter; suggesting a change that would create an automatic increase so that the sitting Council isn't required (or permitted) to propose a vote on increases; putting a floor for compensation in the Charter; always putting compensation increases to the voters.

The Committee also discussed how the Broomfield Constitutional Amendment requires an ordinance to approve compensation for elected officials but also says that such compensation would be per limits established by Charter or ordinance, which means that there can be limits in the Charter.

Mr. Bartsch discussed how the Committee could move forward, expressing areas where there are agreements on compensation but also stating where there is disagreement, and presenting that information to Council.

Generally, there is agreement that the compensation for the hours worked is too low. However, there are multiple ideas of how to address that, particularly the mechanisms and the amount.

The Committee will return to this topic at its next meeting, time permitting, to discuss what to put in the report.

- Chapter IV - Chief of Staff Amendment

Proposed Section 4.11 - The Committee rejected an amendment that would have added a chief of Staff, appointed and supervised by Council.

- Chapter VII - Initiative and Referendum

The Committee supported the proposed changes in the redline.

- Chapter X - Legal and Judiciary

The Committee supported the proposed changes in the redline. Regarding the municipal court, the Committee supported a recommendation that the presiding judge hire and set the compensation, within approved budget, for the associate judges, and that the presiding judge hire and supervise such staff as needed for the municipal court. Staff will return with the exact language.

- Chapter XI - Boards and Commissions

The Committee supported the proposed changes in the redline, including the edit that prohibited Council and employees from serving on temporary or permanent boards.

- Chapter XII - Finance and Budget

The Committee supported the proposed changes in the redline. The Committee also supported a member-proposed amendment that the City and County Manager, with the collaboration of City Council, prepare and submit the annual budget.

The Committee rejected a change to Section 12.3 that the budget message shall include an executive summary, including tables, that provide a budget overview because Section 12.4 has the required budget content.

- Section 3.4 - Non-partisan discussion

The Committee rejected suggestions to add to the “non-partisan” requirements by adding restrictions on partisan support in campaigning.

- Section 6.4 - zoning changes specific to one property

The Committee supported the proposed changes in the redline that would permit a zoning change for a specific property can be approved by resolution.

- Section 6.6 - Third readings

The Committee supported the concept of third reading if there are substantive amendments during second reading. Staff will come back with proposed language.

Next meeting would cover:

- Section 8.9 - internal auditor
- Chapter XIII on.
- Compensation, if time permitting

Adjourn 2:30pm

The recording for this meeting can be found [HERE](#).