

2020 REFERRED ORDINANCES

INFORMATION BOOKLET

This booklet provides information on eleven referred ordinances approved for inclusion on the Woodland Park April 7, 2020 general election ballot. All measures are referred to the voters by the Woodland Park City Council and require a simple majority vote to pass.

Careful consideration has been given to the arguments in an effort to fairly represent both sides of the issue. When appropriate, each analysis includes an estimate of the fiscal impact of the measure.

1. SHALL SECTION 3.6 OF THE CITY OF WOODLAND PARK CHARTER BE AMENDED TO PROVIDE A STIPEND FOR CITY COUNCIL MEMBERS' SERVICE AND SET THE AMOUNT THEREOF BY ORDINANCE?

► What Your Vote Means

- A “yes” vote will authorize a monthly stipend of \$100.00 for each Councilmember and a monthly stipend of \$200.00 for the Mayor, beginning in April 2020. A “yes” vote will also amend the Charter to allow future stipend adjustments to be addressed by Council-sponsored ordinance and not by referred ordinance (citizen vote)
- A “no” vote will maintain the current Charter opportunity for Councilmember and Mayoral stipends to be decided by referred ordinance (citizen vote)

- #### ► Fiscal Impact:
- If approved, the cost of this Charter amendment will be pro-rated for 2020, equaling \$7,200. Unless the City Council approves a stipend increase in subsequent years, the annual amount will equal \$9,600.00

► Arguments For:

- This amendment will establish a stipend for Councilmembers and the Mayor in recognition of the time and effort rendered during the exercise of their service to the Community
- The opportunity to financially compensate Councilmembers and the Mayor may encourage a larger number of citizens to consider running for elected office

► Arguments Against:

- The proposed amendment prohibits future referred ordinances (citizen vote) on stipend changes (increase or decrease). All future changes would be considered through ordinance, only
- The proposed amendment does not acknowledge the fact that Councilmembers and the Mayor will continue to be reimbursed for other authorized out-of-pocket expenses incurred in the execution of official duties
- The City Charter recognizes the Council and Mayor as volunteer positions. The lack of a stipend has not limited the number of qualified candidates for Council or Mayor in previous elections

2. **SHALL SECTION 5.3 (A) OF THE WOODLAND PARK CHARTER BE AMENDED TO SET TERM LIMITS OF 8 CONSECUTIVE YEARS FOR BOARD, COMMITTEE AND COMMISSION APPOINTMENTS AS WELL AS ADJUST REMOVAL CRITERIA?**

▶ **What Your Vote Means**

- A “yes” vote means that all Council-appointed board, committee and commission members may serve no more than eight consecutive years
- A “yes” vote means that the phrase “for just cause” will be deleted from Section 5.3 (a): “... Appointees shall be subject to removal for just cause and upon two thirds (2/3) majority vote of the Mayor and City Council
- A “no” vote means Council-appointed board, committee and commission may serve indefinitely, provided these individuals are re-appointed by Council at the end of the specific term they fill
- A “no” vote means that Council-appointed board, committee and commission members may be removed from a board, committee or commission position by the City Council for “just cause”

▶ **Fiscal Impact: None**

▶ **Arguments For:**

- Term limits allow for fresh perspectives of new citizens and community changes
- Term limits may lessen the potential for corruptible agendas
- Unlimited terms can create stale and staid perspectives on boards, committees and commissions
- The indeterminate “just cause” language (current Charter permission for removal from a board, committee or commission) exposes the City to potential legal risk

▶ **Arguments Against:**

- Today, some board, committee and commissions are short of volunteers. There is a risk of having some positions unfilled if volunteers term limited
- Long-term service by interested individuals on board, committees and commissions enhances continuity and historical perspective for the basis of previous decisions and policies
- “Just cause” for removal from a board, committee or commission helps shield members from capricious or politically unfounded dismissal

3. **SHALL THE WOODLAND PARK CITY CHARTER BE REVIEWED AND AMENDED TO REPLACE GENDER SPECIFIC TERMINOLOGY, PHRASES, OR WORDS WITH GENDER NEUTRAL FUNCTIONAL DESCRIPTIONS?**

▶ **What Your Vote Means:**

- A “yes” vote means all words or phrases in the Charters that specifically identify male gender (e.g.; “he”, “him”, “his”, etc.) be replaced with gender neutral language

EXAMPLE: The City Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and Shall be responsible solely to the Council. ~~He~~THE CITY ATTORNEY shall advise any officer or department head of the City in matters relating to his THEIR official duties when so requested, and shall file with the Clerk a copy of all written opinions given ~~by him~~

- A “no” vote means all Charter language that is male gender specific will remain in place

- ▶ **Fiscal Impact:** One-time cost for staff time associated with identifying all words, phrases and terminology to be replaced. Further cost to reprint copies of revised Charter with amendments. NOTE: If any initiative passes, the Charter will need to be revised accordingly and copies printed and posted on the City’s web site.
- ▶ **Arguments For:**
 - Gender specific language may not be relevant to certain groups and may discourage qualified persons from applying to positions that are masculine
 - Function-based language is not specific to any gender and provides more flexibility
- ▶ **Arguments Against:**
 - There is no legal or statutory basis for gender-related language modification to the City Charter

4. SHALL SECTION 15.16 OF THE CITY OF WOODLAND PARK CHARTER BE AMENDED TO REMOVE PENALTIES FOR VIOLATION OF THE CITY CHARTER?

- ▶ **What Your Vote Means:**
 - A “yes” vote means that the mention of penalties for violations of provisions of the City Charter will be deleted from the Charter
 - A “no” vote means violations of the Charter by City Staff, City Councilmembers or citizens may be the basis for legal remedy
- ▶ **Fiscal Impact: None**
- ▶ **Arguments For:**
 - No significant issues found in the Charter necessitating prosecution
- ▶ **Arguments Against:**
 - Retention of this option may encourage strict adherence to all Charter mandates

5. SHALL SECTION 9.13 OF THE CITY OF WOODLAND PARK CHARTER BE AMENDED TO ALIGN THE DEADLINE FOR THE ANNUAL AUDIT DATE TO THE CURRENT STATE STATUTE?

- ▶ **What Your Vote Means:**
 - A “yes” vote means the City’s annual audit will occur at the same time as that prescribed by State Statute (C.R.S. 29-1-606. Submission of reports). With some exceptions, this would be six (6) months after the close of the fiscal year
 - A “no” vote means the City will continue to undergo an annual independent audit one hundred and twenty (120) days after the close of the fiscal year
- ▶ **Fiscal Impact: None**
- ▶ **Arguments For:**
 - Allows greater flexibility in the conduct of a very time-consuming process executed by external personnel
- ▶ **Arguments Against:**
 - A mandated completion date forces internal compliance and record-keeping that will facilitate a timely audit throughout the fiscal year

6. **SHALL SECTION 4.9 (B) OF THE CITY OF WOODLAND PARK CHARTER BE AMENDED TO CLARIFY THE DEPARTMENT EMPLOYMENT RESPONSIBILITIES OF THE CHIEF OF POLICE?**

▶ **What Your Vote Means:**

- A “yes” vote means the Chief of Police, like all other City Department Heads, will select and assign all employees in the Police Department
- A “no” vote means the City Manager will continue to have a Charter responsibility to “assist” in the selection and assignment of Police Department Personnel

▶ **Fiscal Impact: None**

▶ **Arguments For:**

- Clarifies Department employment responsibilities of the Chief of Police
- Ensures Chief of Police has the same ability of all other Department Heads to make employment decisions and determine Department work schedules

▶ **Arguments Against:**

- Would eliminate the City Manager’s Charter-directed role in assisting with duty assignments in the Police Department

7. **SHALL SECTION 6.2 (H) OF THE CITY OF WOODLAND PARK CHARTER BE AMENDED TO HAVE THE CLERK OF THE MUNICIPAL COURT REPORT TO THE CITY MANAGER OR DESIGNEE INSTEAD OF CITY COUNCIL?**

▶ **What Your Vote Means:**

- A “yes” vote means the municipal court clerk will report directly the City Manager (or designee), instead of the City Council
- A “no” vote means the municipal court clerk will continue to be hired, supervised, or terminated by the City Council

▶ **Fiscal Impact: None**

▶ **Arguments For:**

- The Clerk does not have habitual access or exposure to the City Council and therefore the Council may not be familiar with the Clerk’s workload or responsibilities. The City Manager does have direct knowledge of the Clerk’s work load, administrative requirements and day-to-day responsibilities

▶ **Arguments Against:**

- The City Council is responsible for selecting the Municipal Judge and the Clerk works directly for the Judge. Some would argue the Council would continue to have oversight of both positions

8. SHALL SECTION 3.4 OF THE CITY OF WOODLAND PARK CHARTER BE AMENDED TO USE STATE STANDARDS FOR ELECTED AND APPOINTED OFFICIALS?

▶ **What Your Vote Means:**

- A “yes” vote means to be eligible to be elected to the office of Mayor or Councilmember, an individual must be a citizen of the United States for not less than one (1) year and is at least eighteen (18) years of age
- A “no” vote means to be eligible to be elected to the office of Mayor or Councilmember, an individual must be a citizen of the United States for not less than seven (7) years and is at least twenty-one (21) years of age

▶ **Fiscal Impact: None**

▶ **Arguments For:**

- Aligns with State Statute eligibility criteria (both citizenship and age)
- Aligns with US military eligibility age which is 18 years old

▶ **Arguments Against:**

- An 18-year old may not be as mature or have the life experiences of an older candidate

9. SHALL SECTION 4.3 (B) AND SECTION 13.1 THROUGH SECTION 13.4 OF THE WOODLAND PARK CITY CHARTER BE AMENDED TO REMOVE THE PERSONNEL MERIT BOARD?

▶ **What Your Vote Means:**

- A “yes” vote means all references to a personnel merit board be deleted from the City Charter
- A “yes” vote means all implied and explicit authorities assigned to the personnel merit board will be eliminated
- A “no” vote means the City Charter will continue to authorize the establishment of a personnel merit board, along with all implied and explicit authorities

▶ **Fiscal Impact: None**

▶ **Arguments For:**

- State and Federal labor laws already provide for an employee and employer grievance and appeals system—the Equal Employment Opportunity (EEO) Commission. The Personnel Merit Board contradicts the EEO Commission’s authority for arbitration in EEO matters
- The Personnel Merit Board creates potential legal risks to the City
- The Personnel Merit Board blurs the responsibilities of the City Manager and expectations of employees being in an “at will” employment relationship as required elsewhere in the City Charter

▶ **Arguments Against:**

- The Personnel Merit Board could provide a neutral “sounding” board for employee grievances, though without any arbitration authority
- The Personnel Merit Board, as identified in the current City Charter, has never entertained any employee grievances or claims

10. SHALL THE CITY OF WOODLAND PARK CHARTER BE AMENDED TO REMOVE SPECIFIC REQUIREMENTS FROM THE CHARTER BY RECODIFYING THE REQUIREMENTS FOR THE BUDGET INTO THE CITY ORDINANCES FOR FUTURE FLEXIBILITY AND BEST PRACTICES?

▶ **What Your Vote Means:**

- A “yes” vote will repeal Charter sections 9.5 through 9.8, which describe the annual City budget process to include budget submission date requirements, capital improvement summaries, public hearing requirements, and Council amendments to the budget
- A “yes” vote would replace the sections 9.5 through 9.8 with single section (new Section 9.5) directing the City Manager to submit an estimate of the probable expenditures for the next fiscal year on or before the third Thursday in October each year
- A “yes” vote will result in the inclusion of the deleted Charter sections into a new Municipal Code (Title 3, Chapter 1) to address City budget procedures, a capital program, budget hearings, and Council amendments
- A “no” vote will result in the retention of these budget-related directives in the City Charter

▶ **Fiscal Impact:** Unknown, at this time (see “Arguments For”)

▶ **Arguments For:**

- The Charter’s budget-related process directives to the City Manager and to the City Council are inflexible and cannot be modified in a timely manner to reflect unforeseeable obstructions to compliance (i.e.; information technology failures, the impact of manmade or natural disasters, loss of key accounting personnel, or future technology improvements)
- Incorporating budget-related process directives in City Code will provide more flexibility in compliance and final budget execution
- Implementing financial management “best practices” relevant to the budget process will be more efficient through Municipal code (Council vote) than if required to be implemented in the City Charter (citizen vote)

▶ **Arguments Against:**

- Charter mandates—especially those related to budget process timelines—force strict compliance. If these budget-related directives are codified through City Code, there may be a tendency for the City Staff and Council to be more accepting of process delays

11. SHALL SECTION 8.1 OF THE CITY OF WOODLAND PARK CHARTER BE AMENDED TO MODIFY THE STANDARD FOR CITIZEN INITIATED CHARTER AND MUNICIPAL CODE MODIFICATION PETITIONS?

▶ **What Your Vote Means:** What Your Vote Means:

- A “yes” vote means that initiative petitions to amend the City’s Municipal Code will be lowered to require signatures of at least ten (10) percent of the total numbers of electors registered to vote
- A “yes” vote means that initiative petitions to amend the City’s Charters will be increased to require signatures of at least fifteen (15) percent of the total numbers of electors registered to vote
- A “yes” vote means that initiatives to amend the City Charter must pass with a margin of at least ten (10) percent, or at least by fifty-five percent of the votes cast
- A “no” vote means that initiative petitions to change the City Charter will continue to require the signatures of at least five (5) percent of the total numbers of the electors registered to vote
- A “no” vote means that initiative petitions to change the City Ordinances will continue to require the signatures of at least fifteen (15) percent of the total numbers of the electors registered to vote

▶ **Fiscal Impact: None**

▶ **Arguments For:**

- There is inherent cost to the city to place Charter modifications before the electors. There should be a reasonable threshold of citizen support before a proposed change is placed on a general or special election ballot
- The 2019 Charter Review Committee, and by consensus of the sitting City Council, believes the number of signatures for a charter change should be greater than the support needed for a local ordinance change (currently fifteen percent). This change is more in line with US and Colorado State standards for amendment of the respective Constitutions.

▶ **Arguments Against:**

- Difficult to gain required signatures past typical voter turnout numbers
- Requiring additional valid signatures may make it more difficult for citizens to place an issue on the ballot by petition