

RESOLUTION NO. 2019-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO CERTIFYING THE BALLOT CONTENT FOR THE COORDINATED MAIL BALLOT ELECTION TO BE HELD ON NOVEMBER 5, 2019 AND SETTING FORTH OTHER DETAILS RELATED THERETO

WHEREAS, pursuant to Article III, Section 3.2 of the City of Brighton Charter, a regular municipal election shall be held on the first Tuesday in November of each odd numbered year; and

WHEREAS, pursuant to the City of Brighton Charter, the Colorado Constitution and Colorado Revised Statutes, the City Council has called for and there shall be held a coordinated mail ballot election on November 5, 2019; and

WHEREAS, pursuant to the City of Brighton Charter and Brighton Municipal Code, at the regular municipal election, the eligible electors will vote for one (1) candidate from each of the four (4) wards for a total number of four (4) members that serve on the City Council; and

WHEREAS, nomination petitions for the office Councilmember were received and the signatures thereon verified by the City Clerk and the candidate positions on the ballot have been established by lot; and

WHEREAS, a recall petition was filed with the City Clerk's Office on August 5, 2019 and was determined to be sufficient on August 12, 2019; and

WHEREAS, the Brighton City Council has ordered the recall election to take place as part of the coordinated election on November 5, 2019; and

WHEREAS, the City Clerk, acting as the Designated Election Official for the City, has presented the Intergovernmental Agreements to the Adams County Clerk and Recorder and the Weld County Clerk and Recorder to participate in the coordinated mail ballot election on November 5, 2019 and therefore, certifies and submits the following ballot content for the November 5, 2019 coordinated mail ballot election.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO that the recall question and the names of the candidates for Councilmember shall appear on the November 5, 2019 ballot as follows and in the following order:

The reasons as set forth in the petition demanding recall:

This action is brought to address ongoing dereliction of duty from Mayor Kreutzer, culminating in recent events including:

1. Kreutzer led the council's delayed and muted response to the revelation of an unexplained \$70,000,000 (approx.) "slush fund" in Brighton's water department, only agreeing nearly a year later to an independent forensic audit under extreme public pressure. Kreutzer was on the city council and voted on each budget during the years this surplus formed but claims no knowledge.

2. Kreutzer refused to address charges that a councilmember unlawfully attempted to secure employment within city government, despite being advised of such for more than a year, on the grounds that he “is not the disciplinarian of the council.”
3. On 7-9-2019, Kreutzer initiated a suspension and replacement of City Manager Phillip Rodriguez, the sole whistleblower in these two separate city scandals, only seven days after Mr. Rodriguez made them public. Kreutzer refused to provide any reason for his action. Terminating Mr. Rodriguez without cause will cost taxpayers hundreds of thousands of dollars in severance pay, and potential litigation. Kreutzer also allowed two councilmembers with demonstrated conflicts of interest to vote on the suspension of Mr. Rodriguez, despite public demands of recusal.

Mayor’s justification for his course in office:

The recall action brought by this group is unnecessary, unwarranted and unreasonable because:

1. As a result of extensive rate studies over the past years and justified rate increases there is unspent money in the capital reserve fund (approximately 70million dollars) and the capital investments (projects) are planned. The projects will address the essential infrastructure needs of our growing city. These funds have always been accounted for and are reported in the 2018 audit of the city’s finances. Further an independent rate study presented to City Council on August 20 reported Brighton’s average water rates lower than many of our surrounding communities.
2. The city manager serves at the will of council and the majority of the City Council members determined that the City move forward with someone else serving as the chief administrator of Brighton. Mayor Kreutzer stated publicly he lost faith in the leadership of the former City Manager and was one vote in his removal.
3. The driving factors of this recall fall outside the duties of the Mayor and the efforts and anger of the recall group is misplaced. The Mayor and the City Council only set policy, while the administrative responsibility of the City rests with the City Manager.

It is imperative for the community of Brighton to get our City moving forward and back to business. This recall would only set our city back further.

Shall Ken Kreutzer be recalled from the office of Mayor?

YES _____

NO _____

COUNCILMEMBER OFFICES TO BE VOTED ON AND CANDIDATES THEREFOR:

COUNCILMEMBER – WARD 1 (Vote for One)

Tim Watts

COUNCILMEMBER – WARD 2 (Vote for One)

Mary Ellen Pollack

COUNCILMEMBER – WARD 3 (Vote for One)

Kris Jordinelli

Debra Parmley

COUNCILMEMBER – WARD 4 (Vote for One)

Vadim B. Epelbaum
Christopher Schoeneck
Adam Cushing
Danny V. Sandoval
Archie Demarest

ADOPTED this 3rd day of September, 2019

CITY OF BRIGHTON, COLORADO

KENNETH J. KREUTZER, Mayor

ATTEST:

NATALIE HOEL, City Clerk

APPROVED AS TO FORM:

JACK D. BAJOREK, City Attorney