



City of Brighton Home Rule Charter

CITY COUNCIL MEETING – January 17, 2023

City Staff Representatives: Alicia R. Calderón, City Attorney



Agenda

- History
- Process
- Timelines
- Discussion



History

City of Brighton Home Rule Charter was adopted in July of 2000.

- A 15 member Charter Commission, elected by the citizens of Brighton, drafted the Charter.
- The Brighton Home Rule Charter creates a City Council-City Manager form of representative government. The City Council is the governing body that formulates policy and enacts legislation.
- The Charter provides the citizens with the power of initiative, referendum, and recall.
- A Charter is the City's Constitution for local affairs/local concerns.
- The Charter sets out the basic structure and organization of the government, but it does not need to spell out the details. The details can be done by City Council by resolution and ordinances.



RE-STATING THE CHARTER (Citizen Initiative)

- Citizens may petition to form a charter commission.
- 5 registered electors must file a statement of intent to circulate a petition with the city clerk.
- 90 days to circulate the petition.
- Petition must be signed by at least 15% of the registered electors of the City.
- City Clerk determines and certifies validity and sufficiency of the petition.
- City Council calls for an election not less than 60 days after city clerk has published notice of the election.



RE-STATING THE CHARTER (City Council)

- Ordinance adopted by 2/3 of the City Council to submit the formation of a charter commission to a vote of the registered electors of the City.
- The ordinance should identify the number of members to be on the commission; minimum number is 9 and maximum number is 21.
- The ordinance can include whether the commission candidates must be by ward, at large, or a combination.



RE-STATING THE CHARTER (Procedure Cont.)

- Within 30 days of adoption of the ordinance (or after city clerk certifies the petition as valid and sufficient), the City Council shall publish notice of an election to form a charter commission.
- City Clerk would accept nominations for commission members.
- The ballot would have the question of whether to form a charter commission and it would include the list of candidates to be elected on to the commission.



Charter Commission

- The Commission must meet not more than 20 days after certification of the election, to organize itself.
- All commission meetings are open to the public.
- The Commission may employ staff, retain experts, purchase materials and supplies needed, and the City is obligated to cover all costs and expenses of the Commission.
- The Commission must hold at least one public hearing.
- 180 days after its election, the Charter Commission must submit a proposed charter to the governing body.
- If the Charter is denied by the voters at an election, there is only one opportunity to amend and resubmit to the voters.



Charter Election

- Within 30 days of submission of the proposed charter, the City Council must publish and give notice of an election.
- Election must be held not less than 60 days after publication of the notice.
- Notice of the election must contain the full text of the proposed charter.
- City Council must set the ballot title for the proposed charter within 60 days after the proposed charter is submitted.
- If the Charter is denied by the voters at an election, the charter commission may prepare a revised proposed charter. If it fails a second time, the charter commission is dissolved.



Amending the Charter (Initiative)

File with the city clerk a statement of intent to circulate a petition signed by 5 registered electors.

- Circulate petition for 90 days.
- If regular election, petition must be signed by 5% of registered electors. If special election, petition must be signed by 10% of registered electors.
- City Clerk will determine validity or sufficiency of petition.
- City Council sets the ballot title at its next meeting.
- Election held not less than 60 or more than 120 days after publication.





Amending the Charter (Council)

City Council adopts an ordinance submitting a proposed amendment to a vote of the registered electors of the municipality.

- The ordinance must adopt a ballot title for the proposed amendment.
- Within 30 days of adopting the ordinance, the City Council shall publish notice of an election containing the full amendment.
- Election held not less than 60 and not more than 120 days after publication.





City Charter

6.4 City Council shall have the power to submit to a vote of the registered electors of the City, without receipt of any petition, any proposed or adopted ordinance or any question.

17.10 Charter may be amended any time in the manner provided in the State constitution. Nothing prevents the submission of more than one Charter amendment at any one election.

17.11 Single subject required for petitions proposing charter amendments. This means they are necessarily or properly connected and are not disconnected or incongruous.





Discussion

- What areas of the Charter might need amending?
- Questions?