



Legislation Details (With Text)

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Department of City Attorney's Office

Reference: City of Brighton Home Rule Charter

To: Mayor Gregory Mills and Members of City Council

Through: Michael P. Martinez, City Manager

Prepared By: Alicia Calderón, City Attorney

Date Prepared: January 12, 2023

PURPOSE

To present an explanation of how the City Charter was adopted and procedures to amend, repeal, or form a charter commission.

BACKGROUND

Several City Council members have expressed interest in proposing amendments to the Charter or in forming a Charter Commission. This presentation will present procedures, and then City Council can discuss their ideas of possible changes to the Charter. This item is not being presented with a request for action.

A fifteen member Charter Commission elected by the citizens of the City of Brighton drafted the current Home Rule Charter and submitted the Charter to the electors of the City of Brighton for their approval. In the process of drafting the Charter, the Commission held public meetings, conducted public hearings, and received input and opinion from Brighton citizens. The Charter creates a City Council-City Manager form of representative government. The City Council is the governing body of the City that formulates policy and enacts legislation. The Mayor is the head of the City government for ceremonial purposes and is elected from the City at-large. The City Manager is the chief administrative officer of the City and is selected and appointed by City Council. The Charter provides its citizens the powers of initiative, referendum, and recall. The Charter was adopted on July 7, 2000.

A Charter is analogous to the state or federal constitution. The Charter is the City's constitution for local affairs. A Home Rule Charter gives the City exclusive control in matters of local concern. The municipalities that have not adopted a home rule charter are governed by state statutes, passed by the Colorado General Assembly. These are known as statutory

cities. They have only the powers granted by the statutes. It was not until 1970, that all municipalities were extended the right to adopt home rule. Article XX of the Colorado Constitution grants both general and specific powers to home rule municipalities. Home Rule allows municipalities to legislate with confidence on any and all matters of local concern. The Charter sets forth the basic structure and organization of the government, its powers, and procedures to be followed in conducting business. The Charter does not need to spell out the details of municipal operations. These can be done by the City Council and in the municipal code.

The Charter may be amended by the filing of a citizen petition that has been signed by at least 5% of the registered electors of the City, if the intent is a general election, or 10% of the registered electors of the City, if the intent is a special election. The Charter may also be amended by the adoption of an ordinance referring the measure to the electors. If seeking to form a new charter commission, the citizens may file a petition signed by at least 15% of the registered electors. The City Council may also adopt an ordinance by a two-thirds vote to form a charter commission, which refers the formation of a charter commission to the voters. At the same time as the vote on the formation of a charter commission, candidates for the charter commission would be on the ballot. The candidates with the highest number of votes would become members of the Charter Commission. At least nine must be appointed to the Charter Commission, but a petition or an ordinance could call for more than nine (less than twenty-one) to be appointed.

Within 180 days of its election, a Charter Commission must submit a proposed charter to the governing body. This is a tight timeline. Within 30 days after submission, the governing body must publish and give notice of an election. The election must be held not less than 60 days and not more than 185 days after publication of the notice of the election.

ATTACHMENTS

1. Power Point Presentation