

To: City Council
Cc: City Manager Ken Coleman
From: City Clerk Gail A Davidson
Date: March 12, 2015
Re: Proposed City Charter Amendments for May 2015 Regular Municipal Election

Councilors:

Staff is proposing amendments to the Gunnison Home Rule Charter (HRC) be placed on the May 12, 2015, Regular Municipal Election Ballot.

The first proposed ballot question is to change Municipal Home Rule Charter Section 6.3 (D) and (F) to allow for publication of ordinances by title only, instead of publication in full, after passage on first reading or publication the second time after amendment. If amended, a notation will be included with the title indicating that the ordinance has been amended. The intent of the Charter amendment is to provide the text of ordinances being considered by City Council through the prevailing electronic medium of information dispersal, that being the City website. Complete ordinances will also be made available by request to the City Clerk's Office and those documents will be emailed or hard copy mailed to requesting citizens. Staff feels that ordinances will still be available to the citizens but at a cost savings to all of the citizens.

An informal poll was conducted via the CML Municipal Clerk's ListServe. Clerks were asked if they publish their municipality's ordinances in full or by title only in their local newspaper of record. 34 municipalities responded to the question. Of those 34, 26 or 76% responded that they publish by title only in the local newspapers and in full on their municipal website. 8 municipalities publish in full in their local newspaper of record. Again, this was an informal poll and not every municipality in the state was personally contacted.

Regarding expenditures, the City paid Gunnison Country Publications (Gunnison Country Times) \$15,460.67 in 2014. This represents publication costs for all advertising, including all legal notices required by State Statute or the HRC. Of this expenditure, \$2,115.20 was for publication of ordinances in full. Ordinance publication for 2013 was \$2,851.35. Staff supports transparency in government. We also believe taxpayer dollars should be spent in the most prudent manner while still accomplishing the goals of providing information to the citizens. That is why we are happy to provide documents under consideration by the Council to the public in the format that is best suited for that citizen.

The second proposed Charter amendment ballot question would be to repeal HRC Section 4.10 Surety Bonds. This Section requires a surety bond be posted by all elected and appointed officers of the City whose duties involve the custody of public property or the handling of public funds. The City maintains crime insurance that covers officers and employees acting in this capacity and thus, protects the people of the City from any malfeasance. Bonds are more expensive and provide lessor coverage. Therefore the Charter-required surety bonds are an unnecessary provision.

The third proposed Charter amendment ballot question would be to amend HRC Article II Elections. The intent of the amendment is to have City election requirements be the same as State Election Code requirements. This should eliminate confusion by the voters by having the same rules apply in all elections. The amendment will also alleviate confusion for the staff running the election. HRC Section 2.1 should be amended to clarify the wording reference to the State Municipal Election Code. In addition, four of the existing sections are not addressed in the State Municipal Election Code and these sections would not be repealed. These sections are: Section 2.2 Elective Officers and Terms of Office; Section 2.3 City at Large Voting Precinct; Section 2.4 Election Date; and Section 2.9 Election Commission. These Sections would not be repealed, except, Section 2.2 (C) will be repealed since the City follows the State mandated term limit requirements, that being, 8 years or 2 terms. The remaining Article II sections would be repealed in full.

The wording for the ballot questions will be placed in a resolution for your consideration at next week's Regular Session meeting. The ballot language, once passed, will be then forwarded to the ballot printers for inclusion on this year's ballot. Please let me know if you have any questions regarding these proposed amendments.

Thank you,

Gail