



Petition Section # \_\_\_\_\_

## **Instructions to Circulators**

### **Petition for Charter Amendment Ordinance**

The required *Affidavit of Circulator* is included in the back of each petition packet and must be properly executed (including notarization) and returned with the petition. The City Clerk's Office cannot notarize petition sections.

#### **Petition Circulator:**

1. There can only be one circulator per petition section. The petition circulator must witness all signatures.
2. The *Affidavit of Circulator* must be signed and notarized. No additional signatures may be added to a petition section after the *Affidavit of Circulator* has been notarized.
3. Do not remove the staples or otherwise disassemble the petition sections. If the original staples are removed, all names on the section are disqualified.
4. Read the *Warning* in this petition section to be aware of who may sign this petition and other legal restrictions on signers of this petition.
5. Give each signer the opportunity to read and understand the measure they are signing.
6. All signatures should be returned at the same time, and you must have the minimum number of signatures required.
7. A petition section does not have to be completely filled for the listed names to be valid.

#### **Signature Requirements:**

1. Signers must be a registered elector in the city of Aurora.
2. Each registered elector signing a petition MUST provide their printed name, signature, complete address, county of residence, and the date they signed the petition in the presence of the circulator.
3. Print clearly and use ink – the color of ink does not matter. Do not use ditto marks (") to provide information

**DO NOT REMOVE THE STAPLES OR OTHERWISE DISASSEMBLE THE PETITION SECTIONS. THE CITY CLERK'S OFFICE WILL NOT ACCEPT ALTERED PETITIONS.**

Return petitions with attached Circulator Affidavit to:  
City of Aurora Elections – City Clerk's Office  
15151 E. Alameda Pkwy, Suite 1400, Aurora, CO 80012  
303-739-7094

**CITY OF AURORA, COLORADO**  
**PETITION for CHARTER AMENDMENT ORDINANCE**

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**WARNING:**  
**IT IS AGAINST THE LAW:**

For anyone to sign any Charter amendment initiative petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector.

**DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE. TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.**

Do not sign this petition unless you have read or have had read to you the proposed measure or the summary in its entirety and understand its meaning.

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**PROPOSED MEASURE (summary):**

An ordinance submitting to a vote of the registered electors of the City of Aurora, Colorado, at the coordinated general municipal election on November 7, 2023, a proposal to amend the Aurora City Charter to reduce the term limit for elected officials from three (3) consecutive four-year terms to two (2) consecutive four-year terms; amend the Aurora City Charter to change the form of government provided for Aurora to a “mayor-council” form of government; removing provisions related to the city manager; providing the mayor the authority to appoint, dismiss, and direct department heads, directors, and executive appointees; provide the mayor the authority to veto legislation passed by city council; and add one at-large member to city council so that the legislative branch of the city remains at eleven (11) councilmembers.

**PROPOSED Charter amendment initiative (full text):**

FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF AURORA, COLORADO, AT THE REGULAR MUNICIPAL ELECTION OF NOVEMBER 7, 2023, PROPOSED AMENDMENTS TO THE PREFACE, PREFATORY SYNOPSIS, ARTICLE 1-2, ARTICLE 3-1, 3-3, 3-5, 3-6, 3-7, 3-10, 3-13, 3-14, 3-15, 3-17, 3-19; ARTICLE 4-1, 4-2; ARTICLE 5-5, 5-7; ARTICLE 8-1, 8-2, 8-4; ARTICLE 9-4, SUBSECTIONS (1), (2), (4), (6), & (8); ARTICLE 10-1 & 10-4, SUBSECTIONS (b) and (d); ARTICLE 11-2, 11-3, 11-7, 11-9, 11-10, 11-15, 11-16, 11-25, & 11-29; ARTICLE 12-11; ARTICLE 14-11; & ARTICLE 15-12; ADD ARTICLE 3-2.5; AND REPEAL ARTICLE 3-2; ARTICLE 5-6; ARTICLE VII IN ITS ENTIRETY; & ARTICLE 11-14 OF THE CITY CHARTER TO REDUCE THE TERM LIMIT FOR ELECTED OFFICIALS FROM THREE (3) CONSECUTIVE FOUR-YEAR TERMS TO TWO (2) CONSECUTIVE FOUR-YEAR TERMS; AMEND THE AURORA CITY CHARTER TO CHANGE THE FORM OF GOVERNMENT PROVIDED FOR AURORA TO A “MAYOR-COUNCIL” FORM OF GOVERNMENT; REMOVING PROVISIONS RELATED TO THE CITY MANAGER; PROVIDING THE MAYOR THE AUTHORITY TO APPOINT, DISMISS, AND DIRECT DEPARTMENT HEADS, DIRECTORS, AND EXECUTIVE APPOINTEES; PROVIDE THE MAYOR THE AUTHORITY TO VETO LEGISLATION PASSED BY CITY COUNCIL; AND ADD ONE AT-LARGE MEMBER TO CITY COUNCIL SO THAT THE LEGISLATIVE BRANCH OF THE CITY REMAINS AT ELEVEN (11) COUNCILMEMBERS.

WHEREAS, Article XX, Section (6) of the Colorado Constitution and Article 1-6 of the City Charter empowers home rule municipalities to control and legislate in their Charters upon all matters of municipal concern and to amend those Charters through a vote of the electorate,

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF AURORA, COLORADO:

Section 1. That the Preface and Prefatory Synopsis of the City Charter of the City of Aurora, Colorado are hereby amended to read as follows:

**Preface**

Providing for sound democratic ~~council-manager~~ **mayor/council form** of government with general control vested in the citizens who elect a qualified city council to determine legislative and policy objectives and ~~a mayor providing for competent~~ **appointing and managing** administrative personnel for efficient day to day city government.

**Prefatory Synopsis**

The Charter provides for ~~the continuation of our present Council Manager~~ **a mayor/council form** of city government. ~~Ten councilmen~~ **Eleven councilmembers** will be elected biennially as has been the practice in the past, one from each of the 6 wards of the city, and

~~(4)~~ **5** from the city at large. A mayor will also be elected ~~biennially~~ **every four years** by the voters making a total of 11 ~~councilmen~~ councilmembers as we have at present.

The city council will have all policy-making and legislative power in the city. They **will appoint members of city advisory boards and commissions. City council may delegate appointment authority for any board and commission in the city code.**

**The mayor** will appoint the ~~city manager~~, city attorney, municipal judge, **chief of staff and court administrator.** ~~, and members of advisory boards and commissions.~~

The ~~city manager~~ **mayor** will be the administrative officer of the city, ~~and be subject to removal by a majority vote of the council.~~

Section 2. That Article 1-2 of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

1-2 Form of government.

The municipal government provided by this Charter shall be the ~~“Council Manager”~~ **“mayor/council”** form of government.

Section 3. That Article III, Sections 3-1, 3-3, 3-5, 3-6, 3-7, 3-10, 3-13, 3-14, 3-15, 3-17, and 3-19 of the City Charter of the City of Aurora, Colorado are hereby amended to read as follows:

3-1 City council.

All powers of the City of Aurora not otherwise limited or conferred upon others by this Charter shall be vested in a council consisting of eleven members, one to be elected from each of the six wards, **and four five** to be elected from the city at large, ~~and one who will run and be elected at large specifically for the office of mayor. In the event there are no candidates for mayor, there shall be five members elected at large, and the mayor shall be chosen by the council, from the members at large, after the election.~~ **Upon the addition of a fifth at large seat authorized by the voters in 2023, the council shall appoint a member to serve in the new at large position until the next regular municipal election.**

3-3 Qualifications of elective office.

Each councilmember **and the mayor** when elected shall be a registered elector, shall be a citizen of the United States of America, and shall have resided in the City of Aurora for at least one year prior to the date of the election and shall have reached their twenty-first birthday prior to the date of the election. Councilmembers elected from wards shall also be one-year residents and registered electors of the respective wards from which they were elected. A person who has been convicted of a felony shall not become a candidate for nor hold elective office. No councilmember shall hold any other elective public office nor be a salaried employee of the City of Aurora.

3-5 Terms.

(a) Terms of the mayor and each councilmember shall begin at the commencement of the first regular council meeting in December after election in the year elected. Before entering upon the duties of office, the mayor and each councilmember shall take an oath or affirmation supporting the Constitution of the United States of America, the Constitution of the State of Colorado, the Charter and ordinances of the City of Aurora, and faithfully perform the duties of office. Elections shall be nonpartisan. Two (2) councilmembers at large, ~~the mayor~~, and Ward IV, V, and VI councilmembers shall be elected at one election. Councilmembers from Ward I, Ward II, Ward III and ~~two (2)~~ **three (3)** councilmembers at large shall be elected at the next election. The term of office of all elected councilmembers and the mayor shall be for four (4) years.

(b) ~~Neither the mayor nor any~~ **No** councilmember shall serve more than ~~three (3)~~ **two (2)** consecutive four-year terms of office in their respective offices. **For the purposes of term limits, the first term of office shall commence upon the first regular council meeting in December 2023 or December 2025.** Terms of office shall be considered consecutive unless they are at least four (4) years apart. ~~For purposes of this section, the office of mayor and office of councilmember shall be considered different offices.~~

3-6 Salaries.

The annual base salaries of the council **and mayor** of the City of Aurora for 2024 shall be as follows:

Effective January 1, 2024

Mayor

~~\$80,000~~ \$92,000

~~Mayor Pro Tem~~ **Council President**

\$20,550

Members of the Council

\$18,550

and said salaries shall be modified annually in an amount equal to that cost of living increase or decrease occurring during the previous calendar year as determined by the United States Department of Labor Consumer Price Index for the region which includes the Denver metropolitan area or the average increase or decrease given to all city employees, whichever is less.

### 3-7 Vacancies.

A council seat shall become vacant whenever any councilmember is recalled, dies, becomes incapacitated, resigns, attains another elective office, is involuntarily removed from office, or becomes a nonresident of the city or ward from which elected. In case of a vacancy, the remaining councilmembers shall appoint by majority vote, no later than forty-five (45) days after such vacancy occurs, a duly qualified person to fill such vacancy. **In the event of a council deadlock on vacancy due to a tie vote, the mayor may cast a vote to break the tie.** An appointment which occurs ninety (90) days or more before a regular election shall be in effect only until the date of the upcoming regular election. An appointment which occurs less than ninety (90) days before the upcoming regular election shall be in effect until the subsequent regular election unless the term expires at the upcoming election. If there are no candidates on the ballot to fill a vacancy, city council may appoint a duly qualified person for two (2) years. If more than five (5) vacancies occur simultaneously, the remaining councilmembers shall call for a special election to fill such vacancies provided there will not be a regular municipal election within ninety (90) days.

### 3-10 Powers withheld from council.

Neither the council nor any of its committees or members shall direct or request the appointment of any person to, or his removal from, employment by the ~~city manager~~ **mayor**, or in any manner take part in the appointment or removal of employees in the administrative service of the city, except as otherwise provided in this Charter. The council and its members shall deal with that portion of the administrative service for which the ~~city manager~~ **mayor** is responsible solely through the ~~manager~~ **mayor**, and neither the council nor any member thereof shall give orders to any employee of the city either publicly or privately. Any violation of the provisions of this section by a member of the council shall constitute misconduct and shall be punishable in such manner as may be in the discretion of the other members of the council.

### 3-13 Public employment system.

The ~~council~~ **mayor** shall provide for a comprehensive public employment system for all full-time regular employees of the city except the heads of departments. The system shall provide for a classification of all employments in the public service, as specified herein; open and competitive examinations and/or interviews to determine qualifications for employment; employment and promotions based upon merit, experience and record of service; establishment of pay scales; and such other matters as the council may deem proper. All public employment rules and regulations shall be adopted pursuant to standards and general procedures established by ordinance. The public employment system has two components consisting of the civil service and career service systems. The career service system consists of regular full-time nonuniformed employees of the city, other than the ~~manager and~~ department heads. The civil service system consists of the uniformed members of the fire and police departments. The following Charter provisions in this Article III of the Charter relate to the civil service system.

### 3-14 Police department, who constitutes, duties and powers.

(1) The Police Department shall be composed of the Chief of Police who shall be appointed by the ~~City Manager~~ **mayor** with approval of a majority of City Council and such subordinate officers and police officers as shall be authorized by City Council as necessary to preserve the peace, protect persons and property, and enforce laws and ordinances. All members of the Department, except the Chief and the appointive Division Chiefs as hereafter provided for, shall be determined to be members of the Civil Service and shall be appointed pursuant to Civil Service requirements.

(5) The Chief of Police may, from time to time, with the approval of the ~~City Manager~~ **mayor**, assign not more than four (4) officers to positions designated as Division Chief, and not more than four (4) officers as Commanders. In order to increase the designated number of either Division Chief(s) or Commander(s), a two-thirds affirmative vote of City Council shall be required. One (1) Deputy Chief shall be selected from the position of Division Chief. The positions of Division Chief and Commander shall be selected from the ranks of either Captain or Lieutenant. Persons holding these positions shall perform those duties designated by the Chief. All shall serve at the pleasure of the Chief of Police. A Deputy Chief's salary must be at least one pay step higher than the salary paid to a Division Chief. A Division Chief's salary must be at least one pay step higher than the salary paid to a Commander. A Commander's salary must be at least one pay step higher than the salary paid to a Captain. During such period of time as a Commander, Captain or Lieutenant shall serve in such capacity, they shall retain and have accrued said time as active service in the Police Department and in the Civil Service thereof, for all purposes in connection with retirement, pension and medical benefits, sick and injury leave, vacation leave, terminal pay, benefits to his or her spouse and dependent children upon death, and all other benefits of the Civil Service of the Police Department in existence at that time, or hereafter provided, other than salary, on the same basis and with the same effect as if during such time the Chief or Commander had remained in active service in the Police Department and in the Civil Service thereof, and the rank which was held in the Civil Service when appointed.

(7) Notwithstanding any provision to the contrary in the City Charter or ordinances, the Chief of Police shall, at his or her discretion, with approval of the ~~City Manager~~ **mayor**, be empowered to select a Deputy Chief or one or more Division Chiefs who have had no previous employment with the City of Aurora Police Department. Such individuals must meet, at a minimum, the educational and command experience requirements for the rank of Captain in the Aurora Police Department, and shall be either Colorado P.O.S.T. certified or become Colorado P.O.S.T. certified within twelve months of their employment by the City. These individuals shall not be considered members of the civil service of the City of Aurora. At no time shall Division Chiefs selected from outside the Department

comprise more than one-half of the total number of Division Chiefs. This provision is intended to permit the Chief of Police to advertise, and recruit, utilizing a competitive selection process, a Deputy Chief or Division Chief(s) who, in the Chief's opinion, would provide qualifications and background that would be beneficial to the Aurora Police Department.

### 3-15 Fire department, who constitutes, duties and powers.

(1) The Fire Department shall be composed of the Chief of the Fire Department, who shall be appointed by the ~~City Manager~~ **mayor**, with approval of a majority of City Council, and such subordinate officers and firefighters as shall be authorized by City Council as they are deemed necessary to protect the City against fire and other emergency incidents. All members of the Department, except the Chief, the Assistant Chief, the Deputy Chiefs, Commanders, and the Battalion Chiefs, shall be determined to be members of the Civil Service and shall be appointed pursuant to Civil Service requirements.

The Chief of the Fire Department may, with the approval of the ~~City Manager~~ **mayor**, appoint an Assistant Chief and Deputy Chiefs from the rank of Battalion Chief or Commander within the Aurora Fire Department. All persons appointed to the position of Assistant Chief or Deputy Chief shall serve at the pleasure of the Fire Chief. Persons holding these positions shall perform those duties designated by the Fire Chief. An Assistant Chief's salary must be at least one pay step higher than the salary paid to the highest paid Deputy Chief. A Deputy Chief's salary must be at least one pay step higher than the salary paid to the highest paid Commander and a Commander must be at least one pay step higher than the salary paid to the highest paid Battalion Chief. During such period of time as an Assistant Chief, Deputy Chief or a Commander is performing in such capacity, he or she shall retain and have accrued to him or her said time as active service in the Aurora Fire Department and in the Civil Service thereof, for all purposes in connection with retirement, pension and medical benefits, sick and injury leave, vacation leave, terminal pay, benefits to his or her spouse and dependent children upon death, and all other benefits of the Civil Service of the Aurora Fire Department in existence at that time, or hereafter provided, other than salary, on the same basis and with the same effect as if during such time the Assistant Chief, Deputy Chiefs, or Commanders had remained in active service in the Aurora Fire Department and in the Civil Service thereof, and the rank which was held in the Civil Service when appointed.

The Chief of the Fire Department may, with the approval of the ~~City Manager~~ **mayor**, appoint Commanders from the rank of Battalion Chief and Battalion Chiefs from the rank of Captain or Lieutenant within the Aurora Fire Department, utilizing a competitive selection process. All persons appointed to the position of Commander or Battalion Chief shall serve at the pleasure of the Fire Chief. Persons holding these positions shall perform those duties designated by the Fire Chief. A Battalion Chief's salary must be at least one pay step higher than the salary paid to the highest paid Captain. During such period of time as a Battalion Chief is performing in such capacity, he or she shall retain and have accrued to him or her said time as active service in the Fire Department and in the Civil Service thereof, for all purposes in connection with retirement, pension and medical benefits, sick and injury leave, vacation leave, terminal pay, benefits to his or her spouse and dependent children upon death, and all other benefits of the Civil Service of the Fire Department in existence at that time, or hereafter provided, other than salary, on the same basis and with the same effect as if during such time the Battalion Chief had remained in active service in the Aurora Fire Department and in the Civil Service thereof, and the rank which was held in the Civil Service when appointed.

(4) Notwithstanding any provision to the contrary in the City Charter or ordinances, the Fire Chief shall, at his or her discretion, with approval of the ~~City Manager~~ **mayor**, be empowered to select an Assistant Chief or one (1) or more Deputy Chiefs who have had no previous employment with the City of Aurora Fire Department. Such individuals must meet, at a minimum, the educational and command experience requirements for the rank of Battalion Chief in the Aurora Fire Department. These individuals shall not be considered members of the Civil Service of the City of Aurora. At no time shall Deputy Chiefs selected from outside the department comprise more than one-half of the total number of Deputy Chiefs. This provision is intended to permit the Fire Chief to advertise, and recruit, utilizing a competitive selection process, an Assistant Chief or Deputy Chief(s) who, in the Chief's opinion, would provide qualifications and background that would be beneficial to the Aurora Fire Department.

### 3-16 Police and fire department, service requirements, disciplinary procedures, salaries.

(2) Probationary appointment, grades of firefighters and police officers. Every original appointment in the Civil Service shall have a period of probation of one year from the end of the Department's academy training. At the end of the period of probation following an original appointment, if the conduct and capacity of the person appointed has been satisfactory, the member shall be permanently appointed; otherwise, the member shall be involuntarily separated. Service during the period of probation following an original appointment shall be deemed active service in the civil service of the Departments and shall be included and credited in determining eligibility for advancement, promotion, retirement, pension, increased salary or compensation based on length of service, and other benefits of the Civil Service. A member of the Police or Fire Department is, during the period of probation following original appointment, a member of such Department in Civil Service for all purposes, except for tenure of the employment or position to which the member has been so appointed. During the period of probationary appointment the person appointed shall be classified as a police officer 4th grade or firefighter 4th grade. Members of the Departments, while serving during the probationary period, may be separated from the Service in the following manner:

During the probationary period after the date of appointment, the member shall be separated at any time by written notification (indicating the date of separation and stating the reason for separation) by the Chief of the Department with the approval of the ~~City Manager~~ **mayor** or a designee within the ~~City Manager's~~ **mayor's** office. The chief's action shall be final.

(6) Promotion. All ranks in the Civil Service of the Police and Fire Departments above the grades of Police Officer 1st Grade and Firefighter 1st Grade shall be filled by promotion from within the respective Departments, under such service requirements and examination procedures as shall hereafter be outlined by the Civil Service Commission; provided that all such rules and regulations outlining qualifications and service requirements for both applicants for original appointment and for promotion be promulgated without any reference to political or religious opinions or affiliations, or race, creed, color, or gender. All promotions shall be made by appointing the first person on the eligibility list for the position as certified by the Civil Service Commission. The person so appointed shall complete a probationary period after appointment of twelve months' duration, at the end of which period he or she shall either be permanently appointed to said grade or rank or demoted to his or her former position, in accordance with the following procedure:

Between ten (10) and fifteen (15) days prior to the end of the probationary period, the Chief shall have the right to serve an order of demotion upon the officer, in the event an officer, having been duly certified and promoted, fails to satisfactorily perform the duties of the position to which he was promoted, in the opinion of the Chief of his Department. A copy shall be filed with the Civil Service Commission. The order of demotion shall state with specificity the reasons said officer did not satisfactorily perform his duties and shall be approved by the ~~City Manager~~ **mayor** or a designee within the ~~City Manager's~~ **mayor's** office. The order of demotion shall be served upon the member no later than ten (10) days prior to the end of the probationary period. If the member cannot be personally served with the order of demotion, a copy of the order shall be transmitted by certified mail to the member's official address as shown in the department records. If it is necessary to mail the order of demotion, the date of service shall be the date upon which the order is deposited in the United States mail. If no order of demotion is served within the specified time period, the promotion shall become permanent at the conclusion of the probationary period. Within ten (10) days after receipt of an order of demotion, the Civil Service Commission shall approve or disapprove said action, and the decision of the Commission in this matter shall be final, subject only to judicial review.

(7) Organization charts, creation of and filling vacant positions. The Chiefs of the respective Departments, with approval of the ~~City Manager~~ **mayor**, shall, in conjunction with the proposed annual budget, supply City Council with an organization chart setting forth the number of positions in the Civil Service which will be necessary to perform the duties assigned to their Departments. The City Council shall, in accordance with authority vested in them, determine thereafter the number of positions to be allocated, based upon the budget available to said department. A vacant position, other than entry level, having been created or one which shall have become vacant by the promotion, death, retirement, resignation, or discharge of the holder thereof, shall be filled within sixty (60) days or said position shall be declared abolished for the remainder of the budget year. However, in the event the Civil Service Commission does not have a current certified list for a vacant or newly created position, the sixty (60) day period within which said position must be filled or abolished shall not begin until such list shall become available.

(8) Disciplinary and appeal procedure.

(a) The rules governing the conduct of the members of the civil service in the Police and Fire Departments shall be set forth as written rules and regulations by the Chiefs of each of the respective departments, with the approval of the ~~City Manager~~ **mayor** or a designee; provided that such rules and regulations shall not contain any political, religious, race, creed, or gender qualifications or disqualifications. Any member of the civil service shall be subject to discipline for a violation of such rules and regulations.

(c) Discipline shall be by written command signed by the Chief of the Department. If discipline involves a monetary impact on the member greater than one-third ( 1/3 ) of the member's monthly salary, the disciplinary order must be approved by the ~~City Manager~~ **mayor** or a ~~designated Deputy City Manager~~ **designee of the mayor**. A disciplinary order submitted for ~~City Manager~~ **mayor** approval shall be accompanied by all the materials described in (b). The ~~City Manager~~ **mayor** or a ~~designated Deputy City Manager~~ **designee of the mayor** shall, by endorsement or other written document, within five (5) business days approve, modify or disapprove the disciplinary order.

(d) A copy of the written command with the endorsement by the ~~City Manager~~ **mayor** or a ~~designated Deputy City Manager~~ **designee of the mayor** shall be served on the member. If personal service of the order cannot be made within five (5) days because of the inability to locate the member within the City of Aurora, the copy of the order shall be mailed by certified mail, return receipt requested, to the last known address of the member as shown by the records of the department. If service is by certified mail, it shall be complete upon return of the mailing receipt regardless of whether the order has been accepted.

(g) At the hearing before the Commission, each side may offer evidence and cross examine witnesses. The member may be represented by a representative of their choosing and the ~~City Manager-Department~~ **mayor-department** shall be represented by the City Attorney or a designee. The hearing shall be recorded by a reporter or an electronic recording device. The Commission may adopt rules for the conduct of the hearing. The ~~City Manager~~ **mayor** and Chief of the Department, through the office of the City Attorney as counsel, shall offer evidence and justification of the departmental action. The rules of evidence shall conform, to the extent practicable, with those in civil nonjury cases in the District Courts. However, when necessary to do so in order to ascertain facts

affecting the substantial rights of the parties to the proceeding, the Commission may receive and consider evidence not admissible under such rules if such evidence possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(j) Written and oral reprimands are not subject to the hearing and appeal procedure set out in this section. The Chiefs of the respective Departments shall have the power and authority to suspend with pay any member of the Civil Service pending an investigation and the initiation of disciplinary action, provided that the written specification of charges as heretofore set out is served upon the member, or such suspension must be terminated within thirty (30) days. If the investigation is still continuing at the expiration of the initial thirty (30) day period, the ~~City Manager~~ **mayor** or his designee is authorized to extend the period of suspension with pay for up to an additional thirty (30) day period upon a finding that it is in the best interests of the affected Department to continue the suspension. Where a predisciplinary hearing is convened in accordance with the provisions heretofore set forth and before the expiration of the suspension, the disciplinary action emanating from such hearing shall supersede the suspension. Indictment of a member of the Civil Service, or the filing of an information or felony complaint against him by a prosecuting agency, charging any felony shall be cause for an immediate and indefinite suspension without pay upon order of the Chief, provided that such suspension shall be terminated by restoration to the service or by discharge as soon as the decision of the court becomes final. If the member of the Civil Service is restored to his position, he shall receive full pay for the entire period of such suspension and his eligibility for other benefits of the Service shall not be deemed to have been interrupted by such suspension. The conviction of a member of the Civil Service for a felony shall result in discharge from the Civil Service. A member of the Civil Service may be subject to discipline for the failure to answer questions concerning their own or any other member's conduct and activities as part of an internal departmental investigation only under the following circumstances:

(9) Salaries. The salaries for the members of the Civil Service shall be established by the City Council by ordinance subject to referral provision, as hereinafter set forth.

In the event City Council shall fail to provide an acceptable pay adjustment for the Civil Service for a period of two (2) consecutive years, the members of each department shall have the right to have their own pay increase proposal, which they submitted the second year, presented to the registered electors in the form of a Charter Amendment, at a regular or a special election called in accordance with the following provision:

(a) On the second consecutive year in which the ~~City Manager's~~ **mayor's** budget, as presented to City Council, does not include an acceptable pay adjustment for the members of the Civil Service and said members of the Civil Service, having not received an acceptable pay adjustment in the previous year by City Council action, shall be authorized, through a designated representative, to present to City Council a pay adjustment plan of their own. Said plan shall be presented along with the ~~City Manager's~~ **mayor's** annual budget proposal.

3-17 Civil service commission, members, how appointed, duties, powers.

(3) Duties, powers. The Civil Service Commission shall be responsible for examination and certification of all applicants to positions in the Civil Service. They shall determine qualifications for, and examine for promotion within the Civil Service. Promotions in the Civil Service shall be from within the respective Departments and those eligible for taking a promotional examination must be members of the Civil Service of the rank or grade immediately below the rank or grade for which they are being examined, except that (1) Police Officers 1st Grade, with the proper length of service in grade, shall be eligible to take the examination for Sergeant; (2) Firefighters 1st Grade, with the proper length of service in grade, shall be eligible to take the examination for Technician, Engineer or Lieutenant; (3) members of the Departments, with the proper length of service, shall be eligible to take the examination for a rank of equal status but different title. No member may take an examination for a position he officially holds. If it is determined by the Civil Service Commission that there are no qualified members within the Civil Service to take such promotional examinations the Civil Service Commission may undertake either open recruitment or designate additional ranks or grades which may be eligible for that particular examination only. All examinations for promotion shall be competitive among such members of each Department as are qualified and desire to submit themselves to examination. The Commission shall submit to the appointing authority the list with the names of all members who have satisfactorily passed the entire examination, in the order in which their grades placed them, and the appointing authority, after having received a list duly certified, shall make promotions therefrom in the order in which they appear. The method of examining, the rules governing the same, and the method of certifying may be the same, as near as possible, as provided for applicants for original appointments.

The ~~Council~~ **mayor** shall furnish the Commission with suitable offices, office furniture, examination rooms, books, stationery, and all other necessary supplies and provide for the payment of the same as may be necessary in carrying out the provisions of this Article. The Commission shall be provided with sufficient funds to hire a Commission Administrator who will also be the Chief Examiner for the Commission and shall serve at the Commission's pleasure and perform such duties as the Commission shall, from time to time assign. Such other employees as shall be approved by ~~Council~~ **the mayor**, and shall be needed by the Commission from time to time, may be provided, and any such employees shall serve at the pleasure of the Commission. The Commission shall have the power to make and enforce rules for the purposes of carrying out the provisions of this Charter, which rules shall be printed for distribution. Copies shall be made available to the Chiefs of the Police and Fire Departments and the presidents of any employee organizations

recognized pursuant to Article XIV and XV of the Charter. A copy shall be provided to a member upon request. The Commission shall have the power to investigate all breaches of this Article and to conduct hearings in disciplinary matters as herein provided and while conducting such an investigation or hearing the Commission shall have the authority to compel the attendance of witnesses and the production of books and papers. The Commission, with approval of the ~~City Manager~~ **mayor**, may make use of existing City facilities and, as circumstances dictate, temporarily use other City employees to aid and assist the Commission in performing its duties.

3-19 Council membership rules.

~~The mayor shall be a member of the Council and shall be subject to all the rules and regulations governing councilmembers. The Council shall be the judge of the election and qualifications of its own members, subject to judicial review.~~

Section 4. That Article III, Section 3-2 of the City Charter of the City of Aurora, Colorado is hereby repealed as follows:

3-2 Mayor and mayor pro tem. (Repealed)

~~The mayor will be the presiding officer at all meetings of the city council. The mayor shall be considered a full time officer of the city. However, the mayor shall not be entitled to cast a vote upon any resolution or ordinance unless it is to create or break a tie vote. The mayor shall be recognized as head of the city government for all ceremonial and legal purposes, and shall execute and authenticate legal instruments requiring a signature as such official. A mayor pro tem shall be elected by the councilmembers who shall act as mayor during the absence of the mayor with all power herein granted to the mayor. The mayor pro tem shall not be subject to the tie vote restriction relating to the mayor.~~

Section 5. That Article III, Section 3-2.5 of the City Charter of the City of Aurora, Colorado is hereby added as follows:

### **3-2.5 Council President and Vice President**

**The president of city council shall be selected by and from the members of the council by a simple majority vote of the council and shall preside at all meetings of the council; the president of council shall have a voice and vote in its proceedings. The president of council shall be recognized as the procedural head (or chairperson) of the council.**

**The vice president of council shall be selected by and from the members of the council by a simple majority vote of the council and shall preside at meetings of the council in the absence of the president of council.**

**At its first regular meeting on or after the first Tuesday in December of each odd-numbered year, and biennially thereafter, the council shall select one of its members as president of council.**

**The president of council, as such officer, but not as a councilmember, may be removed from the office of president of council by a vote of at least six (6) members of the council.**

**In the absence of the president and vice president of council, the other members of the council shall select a member from the body by a simple majority vote to preside over the meeting.**

Section 6. That Article IV, Sections 4-1 and 4-2 of the City Charter of the City of Aurora, Colorado are hereby amended to read as follows:

4-1 Recall from office.

Councilmembers of the City of Aurora **and the mayor** may be recalled from office at any time after holding office for six months by the registered electors of the city in the manner herein provided.

4-2 Procedure.

The procedure to recall a member of the council **or the mayor** shall be as follows:

A petition signed by registered electors equal in number to twenty-five per centum of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be recalled occupies, demanding a recall of the officer named in said petition, shall be filed in the office of the city clerk, provided, if more than one person is required by law to be elected to fill the office of which the person sought to be recalled is an incumbent, then the said petition shall be signed by registered electors equal in number to twenty-five per centum of the entire vote cast at the last preceding election for all candidates for the office, said entire vote being divided by the number of all officers elected to such office; and such petition shall contain a general statement in not more than two hundred words of the ground or grounds on which such recall is sought.

When such petition is filed with the city clerk, council shall be notified that the council shall set a date for a recall election to be held within ninety days after the petition has been certified as sufficient.



The ballot upon which such proposed recall is submitted shall state the reasons set forth in the petition for demanding such recall and there shall also be printed thereon the words, "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?" Following such question shall be the words, "Yes" and "No." A "yes" vote is to recall, and a "no" vote is against the recall.

In the event that an officer is recalled by a majority vote of those voting on the question, the office or offices shall be deemed vacant, and shall be filled as provided in this Charter for the filling of vacancies.

Section 7. That Article V, Sections 5-5 and 5-7 of the City Charter of the City of Aurora, Colorado are hereby amended to read as follows: and repeal 5-6 as follows:

#### 5-5 Procedure of passage.

An ordinance may be introduced as a bill at any regular or special meeting by any member of council. Upon introduction, the title of the proposed ordinance shall be read aloud, and council may set a day and hour for the holding of a public hearing thereon. A bill, before its final passage, shall be presented at one additional meeting of the council, which meeting shall be held no earlier than the seventh day after publication of the bill for an ordinance in its final amended form. After final passage, ~~every ordinance shall again be published by reference or in full as council may determine.~~ **every ordinance shall be presented to the mayor within forty-eight hours thereafter for final adoption. If the mayor approves such ordinance, he or she shall finally adopt it by signing it within five days after receiving it. If the mayor disapproves, the ordinance shall be returned to the Council within five days with the mayor's objections in writing. If within one month, eight (8) of the members vote to pass the same over the mayor's veto, it shall become a finally adopted ordinance, notwithstanding the objections of the mayor. If the mayor does not return the ordinance with written objections within the time specified, it shall become finally adopted as if the mayor had approved it.**

Any publication by reference shall contain a summary of the subject matter of the ordinance and a notice that copies of the ordinance are available at the office of the city clerk.

#### 5-7 Disposition of ordinances.

A true copy of every ordinance **passed with the mayor's approval**, as adopted by either council or by a vote of the registered electors, shall be numbered and recorded and adoption and publication shall be authenticated by the signature of the mayor and the city clerk, and by the certificate of publication.

**Publication of all ordinances passed without the mayor's approval shall be authenticated by the signature of the council president and the city clerk, and by the certificate of publication.**

Section 8. That Article V, Section 5-6 of the City Charter of the City of Aurora, Colorado, is hereby repealed as follows:

#### **5-6 Emergency ordinances. (Repealed)**

~~Emergency ordinances for the preservation of public property, health, peace and safety shall be approved only by the unanimous vote of the members present. The fact showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, incurring indebtedness, authorizing borrowing money, or fixing rates charged by any city owned utility shall ever be passed as an emergency measure. An emergency ordinance shall take effect upon publication following final passage.~~

Section 9. That Article VII of the City Charter of the City of Aurora, Colorado, is hereby repealed as follows:

Article VII – City Manager (Repealed)

#### **7-1 Appointment qualifications.**

~~The council shall appoint a city manager who shall be the chief executive and administrative officer of the city. Such appointment shall be without definite term at a salary to be fixed by council. The city manager shall be chosen by the council on the basis of executive and administrative qualifications with particular emphasis on actual experience and knowledge of the accepted practice in respect to the duties of the office. At the time of appointment, the city manager need not be a resident of the city or state, but prior to taking the oath of office, the city manager shall reside within the city. No councilmember shall be appointed city manager during or within one year after the termination of a term as a member of the council. (Ord. No. 87-202, § 28, 11-3-1987)~~

#### **7-2 Absence of city manager.**

~~To perform the duties during a temporary absence or disability, the city manager shall designate by letter filed with the city clerk, a qualified administrative city employee. In event of failure of the city manager to make such a designation, the council may by resolution appoint a qualified administrative city employee to perform the duties of the city manager until the city manager returns or the disability ceases. (Ord. No. 87-202, § 29, 11-3-1987)~~

### 7-3 Removal of city manager, severance pay.

The council may remove the city manager at its pleasure upon the affirmative vote of a majority of the members elected to council, provided that at least three days before any meeting at which the removal of the city manager is voted upon, written notice of the purpose of the meeting shall either be sent by certified mail to the councilmembers at their last known address or hand delivered. Upon the removal of the city manager, the council shall cause to be paid forthwith any unpaid balance of the salary for the current month and the salary for the next calendar month following removal. The action of the council in removing the city manager shall be final, it being the intention to vest all authority and fix all responsibility for such removal on the council. (Ord. No. 87-202, § 30, 11-3-1987)

### 7-4 Powers and duties.

The city manager shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty to:

- (a) Enforce the laws and ordinances of the city;
- (b) Appoint, suspend, transfer and remove all employees of the city, except as otherwise provided herein, subject to the personnel regulations of the city adopted by council;
- (c) Make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform;
- (d) Prepare a proposed budget annually and submit it to the council, and be responsible for the administration of the budget after its adoption;
- (e) Prepare and submit to the council as of the end of the fiscal year a complete report on finances and administrative activities of the city for the preceding year, and upon request of the council make written or verbal reports at any time concerning the affairs of the city under his supervision;
- (f) Keep the council advised of the financial condition and future needs of the city and make such recommendations to the council for adoption as he may deem necessary or expedient;
- (g) Exercise supervision and control over all administrative departments and recommend to council any proposal relevant to the establishment, consolidation or abolishment of such departments;
- (h) Enforce all terms and conditions imposed in favor of the city or its inhabitants in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the council for such action and proceedings as may be necessary to enforce the same;
- (i) Attend council meetings and participate in discussions with the council in an advisory capacity;
- (j) Inform the public concerning plans and activities of the council and of the city administration;
- (k) Establish a system of accounting and auditing for the city; show that legal provisions have been complied with and reflect the financial condition, and financial operation of the city; establish cost accounting systems whenever practicable;
- (l) Be responsible for engineering, architectural, maintenance, construction and work equipment services required by the city; and
- (m) Perform such other duties as may be prescribed by this Charter or by ordinance, required by council and not inconsistent with this Charter. (Ord. No. 87-202, § 31, 11-3-1987)

Section 10. That Article VIII, Sections 8-1, 8-2, and 8-4 of the City Charter of the City of Aurora, Colorado, are hereby amended to read as follows:

#### 8-1 Departments created.

The administrative functions of the city shall be performed by various departments as are or may be established by this Charter or ordinances of the city. Upon recommendation of the ~~city manager~~ **mayor**, council may consolidate or merge any of the said departments in order to achieve more efficient operation and administration.

#### 8-2 Operation of departments.

All departments of the city, except as otherwise provided in this Charter, shall be under the supervision and control of the ~~city manager~~ **mayor**, and he shall have the right to divide such departments into separate divisions and to assign the various functions and duties to the different departments and divisions.

#### 8-4 City clerk.

The city clerk shall be appointed by the ~~city manager~~ **mayor**. The city clerk shall have those powers and duties as mandated by city Charter, municipal code, or assigned by the ~~city manager~~ **mayor** or designee. The city clerk shall exercise management of the staff assigned to the city clerk's office and may appoint one or more persons as deputy city clerk for the performance of the work, duties, and responsibilities of the office of city clerk. A deputy city clerk shall assume and perform all duties of the city clerk when absence or a vacancy occurs.

Section 11. That Article IX, Section 9-4 of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

#### 9-4 Library board.

There is hereby created and established a library board. The composition and terms of service for the board shall be established by city ordinance.

The library board shall:

- (1) Advise the library director, the ~~city-manager~~ **mayor** and the council on all matters relating to public libraries in Aurora;
- (2) Submit annually to the ~~city-manager~~ **mayor** and to council a master plan for the development and maintenance of a modern library system;
- (3) Schedule and hold public hearings when necessary in order to carry out its responsibilities;
- (4) Cooperate with the library director and the ~~city-manager~~ **mayor** in the preparation of the library department's annual operating and capital improvement budgets;
- (5) Make recommendations on the proposed library department budget to council;
- (6) Review the library director's annual report and make any appropriate comments and recommendations to the ~~city-manager~~ **mayor** and the city council;
- (7) Possess the authority to solicit and administer gifts and trusts on behalf of the library department;
- (8) Select its officers in February of each year and immediately notify the ~~city-manager~~ **mayor** and council of officers elected;
- (9) Have the authority to promulgate rules for the establishment of offices and committees and prepare bylaws for their operation, subject to council approval.

Section 12. That Article X, Sections 10-1 and 10-4(b) and (d) of the City Charter of the City of Aurora, Colorado, are hereby amended to read as follows:

#### Part 1 CITY ATTORNEY

##### 10-1 Appointment.

The ~~city council~~ **mayor** shall appoint a city attorney who shall be the legal representative of the city and shall advise the council and city officials in matters relating to their official powers and duties. The city attorney shall be an attorney at law admitted to practice in Colorado, and have a minimum of five (5) years' experience in the active practice of law. ~~The council may provide the city attorney with such assistants as council may deem necessary.~~ **The city attorney shall have authority to appoint and manage support staff, assistants, and special counsel, subject to the mayor's consent and budget approval by the city council.** Council shall establish compensation for the city attorney, his assistants and special counsel.

#### Part 2 MUNICIPAL COURT

##### 10-4 Municipal court; judges; court administration.

(b) Municipal court judges. Each judge of the municipal court shall have been a member of the bench or bar of Colorado for at least five (5) years before appointment. The ~~city council~~ **mayor** shall be authorized to appoint a presiding judge who shall report directly to the ~~city council~~ **mayor** on matters affecting the judiciary which shall include the judges, court bailiffs, and court reporters, or that staff which is from time to time assigned to support the municipal court judges. **The presiding judge shall have the authority to appoint and manage support staff and associate judges, subject to the mayor's consent and budget approval by the city council.** The terms of office of the various categories of municipal judges shall be as follows: Full-time—4 years; permanent part-time—2 years; relief—2 years. The salaries and benefits accruing to the municipal judges shall be established by council on an annual basis. If the ~~council~~ **mayor** does not reappoint a full-time judge, the ~~council~~ **mayor** shall cause to be paid forthwith any unpaid balance of the judge's salary for the month in which the term of office expires, plus a salary equal to three (3) months' compensation. The city council shall be authorized to promulgate by ordinance procedures for the hiring, retention and discipline, including appeals therefrom, for the municipal judges.

(d) Court administration. There is hereby created and established an administrative unit entitled "court administration" which shall be directed by a court administrator together with support personnel as the budget may provide from year to year. The court administrator shall be appointed and removed by the ~~city council~~ **mayor**. ~~However, the city council may, by ordinance, delegate its appointment and removal authority to another officer or entity.~~ The court administrator shall be responsible for providing the necessary administrative services to the municipal court other than those services and oversight of staff provided by the presiding judge per Charter section 10-4(b). The court administrator shall serve at the pleasure of the ~~city council~~ **mayor** and shall not be considered a career service employee with disciplinary review rights.

Section 13. That Article XI, Sections 11-2, 11-3, 11-7, 11-9, 11-10, 11-15, 11-16, 11-25, and 11-29 of the City Charter of the City of Aurora, Colorado, are hereby amended to read as follows:

##### 11-2 Proposed annual budget.

Not later than September first of each year the ~~city-manager~~ **mayor** shall submit to the council a proposed annual budget which shall present a complete financial plan for the city for the ensuing fiscal year. The proposed budget shall be arranged to show comparative figures for revenues and expenditures for the preceding year and for the current year, and the ~~city-manager's~~ **mayor's** recommendations for the ensuing year. It shall also include a plan for proposed capital improvements. As a part of the proposed budget the ~~city-manager~~ **mayor** shall also present his budget message.

### 11-3 The budget.

The budget shall contain the recommendations of the ~~city manager~~ **mayor** concerning the fiscal policy of the city; a description of the important features of the budget plan; an explanation of all major increases or decreases in budget recommendations as compared with prior years, and a summary of the proposed budget showing comparisons similar to those required in the budget proper, itemized by principal sources of revenue and the main items of expenditure; an estimate of the cash surplus in each fund at the end of the current fiscal year, or of the deficit in each fund to be made up by appropriation; and the balance between the total estimated expenditure and total anticipated revenue from all sources, taking into account the estimated surpluses or deficits in the various funds.

As a part of the budget, the ~~city manager~~ **mayor** shall present a program of proposed capital improvement projects for the ensuing fiscal year and for the four fiscal years thereafter. He shall recommend to council those projects to be undertaken during the ensuing fiscal year and the method of financing the same.

### 11-7 Public record.

The budget shall be a public record in the office of the city clerk and shall be open to public inspection. Sufficient copies shall be made available for the use of the council and the public, the number of copies to be determined by the ~~city manager~~ **mayor**.

### 11-9 Director of finance.

The ~~city manager~~ **mayor** shall appoint a director of finance who shall have those powers and duties as mandated by city charter and municipal code, or assigned by the ~~city manager~~ **mayor** or designee. The director of finance may appoint a city treasurer.

### 11-10 Powers and duties.

Subject to the supervision and control of the ~~city manager~~ **mayor** in all matters, the director of finance shall keep and supervise all accounts and have custody of all public monies of the city; collect all revenues and receipts; and perform such other duties pertaining to such department as are in this charter specified, or may be by ordinance required, or assigned by the ~~city manager~~ **mayor**.

### 11-15 Transfer of funds.

The ~~city manager~~ **mayor** may at any time transfer any unencumbered appropriation balance or portion thereof from one classification of expenditure to another within the same department, office or agency. ~~The council may by resolution transfer any unencumbered appropriation balance or portion thereof from one department, office or agency to another. The council may also by resolution transfer any excess earnings of any municipality owned utility to the general fund of the city.~~

### 11-16 Additional appropriations.

Appropriations in addition to those contained in the budget shall be made only on the recommendation of the ~~city manager~~ **mayor**, and only if the director of finance certifies that there is available a cash surplus sufficient to meet such appropriation; provided, that this limitation shall not apply to meeting a public emergency which threatens the lives, health or property of the citizens.

### 11-25 Bond sales, limitations.

The bonds shall be sold to the highest and best bidder for cash at public sale, or at private sale, after advertisement for public sales, and to the best advantage of the city. The city council shall have the option to authorize a private/negotiated sale without advertisement for public sale if the ~~city manager~~ **mayor** has certified to the city council that such sale would be to the best advantage of the city. All bonds may contain provisions for calling the same at designated periods prior to maturity.

### 11-26 Purchases.

The ~~city manager~~ **mayor** shall be responsible for contracting for and purchasing all supplies, materials, equipment and contractual services required by any department, office or agency of the city, pursuant to rules and regulations which shall be established by ordinance.

Section 14. That Article XI, Section 11-14 of the City Charter of the City of Aurora, Colorado, is hereby repealed as follows:

#### **11-14 Contingent fund. (Repealed)**

~~The council may establish a separate fund to be known as the "Contingent Fund". The unspent balance remaining in the contingent fund at the end of each year shall be left in the fund; the difference between the balance at the year end and the amount needed for the next ensuing year shall be obtained from general taxes each year. Contingent fund monies cannot be spent without the express approval of council, and upon recommendation of the city manager and such monies may only be spent for expenditures which could not have been readily foreseen at the time of budget preparation.~~

Section 15. That Article XII, Section 12-11 of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

12-11 Revocable permits.

The ~~city manager~~ **mayor** or a designee may grant permits for the temporary use or occupation of any street, alley or public place. Such permits shall be revocable at any time whether or not the right is expressly reserved in the permit.

Section 16. That Article XIV, Section 14-11 of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

14-11 Prohibited practices.

It shall be an unfair employee relations practice and the same is hereby prohibited, for the City to interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in Section 14-5 of this Article; to refuse to bargain collectively with representatives of certified employee organizations on matters within the scope of collective bargaining, except as may otherwise be provided in this article.

It shall be an unfair employee relations practice, and the same is hereby prohibited, for an employee bargaining unit, its representatives, agents, or members to interfere with, restrain, coerce, or threaten such action against employees who exercise the rights recognized or granted by this Article; provided, that expressing any views, argument or opinion shall not constitute an unfair employee relations practice if such expression contains no threat of reprisal, force, or promise of benefit or to refuse to bargain collectively with the City on wages, hours, fringe benefits and other terms or conditions of employment when the employee organization involved has been certified.

It shall be an unfair employee relations practice, and the same is hereby prohibited, for an employee to interfere with, restrain, coerce or threaten the City or any City official, or to participate publicly as employees of the City individually or collectively in efforts to secure the election, defeat or recall of any Councilmember, **mayor**, or candidate ~~therefor~~ **for mayor or council**; or in the selection of the City's representative for purposes of collective bargaining; or in the conduct of private business or personal affairs of any City official or representative; provided, that expressing any views, argument or opinion shall not constitute an unfair employee relations practice if such expression contains no threat of reprisal, or force, or promise of benefit; to engage in, to induce or encourage any employees or group of employees to engage in a strike, work stoppage, slowdown or mass absenteeism.

Prohibited practices enumerated herein shall be subject to suit for damages, injunctive relief, or other appropriate remedies.

Section 17. That Article XV, Section 15-12 of the City Charter of the City of Aurora, Colorado, is hereby amended to read as follows:

15-12 Prohibited practices.

It shall be an unfair employee relations practice and the same is hereby prohibited, for the city to interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in Section 15-5 of this Article; to refuse to bargain collectively with representatives of certified employee organizations on matters within the scope of collective bargaining, except as may otherwise be provided in this Article.

It shall be an unfair employee relations practice, and the same is hereby prohibited, for an employee bargaining unit, its representatives, agents, or members to interfere with, restrain, coerce, or threaten such action against employees who exercise the rights recognized or granted by this Article; provided, that expressing any views, argument or opinion shall not constitute an unfair employee relations practice if such expression contains no threat of reprisal, force, or promise of benefit or to refuse to bargain collectively with the City on wages, hours, fringe benefits and other terms or conditions of employment when the employee organization involved has been certified.

It shall be an unfair employee relations practice, and the same is hereby prohibited, for an employee to interfere with, restrain, coerce or threaten the City or any City official, or to participate publicly as employees of the City individually or collectively in efforts to secure the election, defeat or recall of any Councilmember, **mayor**, or candidate ~~therefor~~ **for mayor or council**; or in the selection of the City's representative for purposes of collective bargaining; or in the conduct of private business or personal affairs of any City official or representative; provided, that expressing any views, argument or opinion shall not constitute an unfair employee relations practice if such expression contains no threat of reprisal, or force, or promise of benefit; engage in, induce or encourage any employee or group of employees to engage in a strike, work stoppage, slowdown or mass absenteeism.

Prohibited practices enumerated herein shall be subject to suit for damages, injunctive relief, or other appropriate remedies.

Section 18. That Article XVI is hereby added to the City Charter of the City of Aurora, Colorado, as follows:

## **Article XVI – Mayor**

### **16-1 Office of Mayor**

**There shall be, and hereby is, created the new office of mayor. The mayor shall be the chief executive and shall enforce all laws and ordinances; the mayor shall possess, have and exercise, all the executive and administrative powers granted to the City by article XX of the Constitution of the State of Colorado, and all executive and administrative powers contained in the Charter of the City, and otherwise existing by operation of law, except as hereinafter delegated to the departments hereinafter created,**

and except the powers granted to other elective officers by this Charter. The mayor shall be considered the head of the City government for the purpose of executing legal instruments, for all ceremonial purposes. The mayor may take command of the police and govern the City by proclamation in times of public danger or emergency. The mayor shall from time to time give the council information on the condition of the City and recommend such measures as the mayor may deem expedient. The mayor shall execute all contracts and agreements to which the City or any of its enterprises, except Utilities, is a party, and see that all such contracts and agreements are faithfully kept and fully performed. The head of every department shall report to the mayor all facts and information known to the mayor concerning the violation of any contract or agreement with the City.

#### **16-2 Election of Mayor**

The mayor shall be elected at large every four years. No person shall be elected to the new office of mayor for more than two (2) consecutive terms, except that any person who is elected to the office of mayor for two (2) years or less of a term to which some other person was elected mayor, may be elected to the office of mayor for two (2) additional consecutive terms of office. The first term of the new office of mayor shall be filled by the mayor elected in the November 2023 and commence on the first regular council meeting in December 2023. Any person who is elected to the office of mayor for more than two (2) years of a term to which some other person was elected mayor may be elected to the office of mayor for one (1) additional consecutive term. Persons holding the office of mayor for two (2) consecutive terms may again be elected to the office of mayor at the next general municipal election after termination of the consecutive terms.

#### **16-3 Vacancy in Office of Mayor**

(a) The mayor's seat shall become vacant whenever the mayor is recalled, dies, becomes incapacitated, resigns, attains another elective office, is involuntarily removed from office, or becomes a nonresident of the city. In the event of a vacancy, the chief of staff shall assume the mayor's duties as interim mayor until the vacancy is filled. The interim mayor is not required to be an elector or resident of the city. The city council shall appoint by majority vote, no later than forty-five (45) days after such vacancy occurs, a duly qualified person to fill such vacancy. An appointment which occurs ninety (90) days or more before a regular election shall be in effect only until the date of the upcoming regular election. An appointment which occurs less than ninety (90) days before the upcoming regular election shall be in effect until the subsequent regular election unless the term expires at the upcoming election. If there are no candidates on the ballot to fill a vacancy, city council may appoint a duly qualified person to serve until the next regular election.

(b) When a vacancy has occurred in the office of mayor and filled pursuant to 16-3(a) of this Charter, the term to be filled at the next ensuing election for mayor shall be two (2) years where necessary to ensure that the mayoral election and term always runs concurrent with the terms for city council Wards IV, V and VI.

#### **16-4 Restrictions Upon the Office of Mayor.**

The mayor shall not hold any other paid employment position during his or her term in office. No former mayor shall be appointed to any City office, position, or employment, until after the expiration of one (1) year from the date when he or she ceased to hold the office of mayor.

#### **16-5 Powers and duties.**

The mayor shall be responsible to the council for the proper administration of all affairs of the city placed in his charge, and to that end he shall have the power and duty to:

- (a) Enforce the laws and ordinances of the city;
- (b) Appoint, suspend, transfer and remove all employees of the city, except as otherwise provided herein, subject to the personnel regulations of the city;
- (c) Appoint a court administrator;
- (d) Appoint a city attorney who shall be the legal representative of the city and shall advise the council and city officials in matters relating to their official powers and duties. The city attorney shall have complete authority to appoint and supervise the administrative and legal staff necessary to perform the city attorney's duties subject to funding by the city council;
- (e) Make appointments on the basis of executive and administrative ability and of the training and experience of such appointees in the work which they are to perform;
- (f) Prepare a proposed budget annually and submit it to the council, and be responsible for the administration of the budget after its adoption;
- (g) Prepare and submit to the council as of the end of the fiscal year a complete report on finances and administrative activities of the city for the preceding year, and upon request of the council make written or verbal reports at any time concerning the affairs of the city under his supervision;
- (h) Keep the council advised of the financial condition and future needs of the city and make such recommendations to the council for adoption as he may deem necessary or expedient;
- (i) Exercise supervision and control over all administrative departments and make relevant changes to the establishment, consolidation or abolishment of such departments;

- (j) Enforce all terms and conditions imposed in favor of the city or its inhabitants in any contract or public utility franchise, and upon knowledge of any violation thereof, report the same to the council for such action and proceedings as may be necessary to enforce the same;
- (k) At his discretion, attend council meetings be heard at any meeting of council. The mayor may recommend to council for adoption such measures as the mayor may deem necessary or expedient;
- (l) Inform the public concerning plans and activities of the council and of the city administration;
- (m) Establish a system of accounting and auditing for the city; show that legal provisions have been complied with and reflect the financial condition, and financial operation of the city; establish cost accounting systems whenever practicable;
- (n) Be responsible for engineering, architectural, maintenance, construction and work equipment services required by the city;
- (o) Approve or veto all ordinances from council subject to the veto override provisions of this charter; and
- (p) Perform such other duties as may be prescribed by this Charter or by ordinance, required by council and not inconsistent with this Charter.

#### **16-6 Chief of Staff**

**The mayor will appoint a chief of staff to act as an administrative officer of the municipal government under the mayor's supervision and who shall serve at the pleasure of the mayor. However, despite such delegation or appointment, the responsibility for the proper and effective administration of the City remains always with the mayor and none other.**

Section 19. Pursuant to Section 31-2-210(3.5), C.R.S., the City Clerk is hereby directed to certify the proposed ballot question to the Clerk and Recorder of each county in which the City is located for submission at the statewide general election on November 7, 2023.

Section 20. Pursuant to Section 31-2-210(4), C.R.S., the City Clerk is hereby directed to publish, within thirty (30) days of the adoption of this ordinance, notice of the date and time of the election upon which the proposed Charter amendment will be considered said publication to appear in a newspaper of general circulation in the City which notice shall contain the full text of the proposed Charter amendment.

Section 21. The City Clerk shall secure from each county the votes in favor of and opposed to the proposed Charter amendment and shall report the same to City Council following the election within such time as is provided for by state law. If the majority of the registered electors voting thereon have voted in favor of the proposed amendment, such amendment shall be deemed approved.

Section 22. In the event the proposed Charter amendment is approved by a majority of the registered electors voting thereon, the City Clerk shall publish once, in the same newspaper which published the notice of the charter amendment being on the ballot the full text of the Charter amendment following the election within such time as is provided by state law. At such time, the City Clerk shall also file with the Secretary of State two (2) copies of said amendment, along with the official tally of the vote for and against, as certified by the City Clerk.

Section 23. The provisions of this ordinance, the Charter amendment, and the question authorized hereby are severable. If any portion of this ordinance, the Charter amendment, or the question are judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provision of such ordinance, Charter amendment, or question.

Section 24. All ordinances or parts of ordinances, of the City Code of the City of Aurora, Colorado, in conflict herewith are expressly repealed.

Section 25. Pursuant to Article 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this ordinance shall be by reference, utilizing the ordinance title. Copies of this ordinance are available at the office of the City Clerk.

Section 26. If two or more questions presented to and approved by the voters in the same election, whether by referral of City Council or through by the initiative process, are in direct conflict, the item receiving the highest number of affirmative votes shall become effective. If two or more items pass by majority vote creating inconsistency with the voter approved language changes but are not in direct conflict with the questions presented for vote, the codifier, after consultation and approval of the City Attorney, is authorized to incorporate and change language as necessary to codify the intention of the items as approved by the voters.

### **Petition Representatives**

Each petition shall designate by name and address not fewer than three or more than five persons who shall represent the signers thereof in all matters affecting the petition and who shall be registered electors of the City.

	Name	Address
1	Elizabeth Hamilton	14156 E Hampden Pl, Aurora, CO 80014
2	Paul Mitchell	14166 E Hampden Pl, Aurora, CO 80014
3	Garrett Walls	1555 S Havana St, Unit F-239, Aurora, CO 80012
4		
5		



# SIGNATURES OF REGISTERED ELECTORS

<b>1</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>2</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>3</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>4</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>5</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>6</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>7</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>8</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>9</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>10</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>11</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>12</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County

### SIGNATURES OF REGISTERED ELECTORS

<b>13</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>14</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>15</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>16</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>17</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>18</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>19</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>20</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>21</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>22</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>23</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>24</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County

# SIGNATURES OF REGISTERED ELECTORS

<b>25</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>26</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>27</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>28</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>29</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>30</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>31</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>32</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>33</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>34</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>35</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>36</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County

### SIGNATURES OF REGISTERED ELECTORS

<b>37</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>38</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>39</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>40</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>41</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>42</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>43</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>44</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>45</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>46</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>47</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>48</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County

# SIGNATURES OF REGISTERED ELECTORS

<b>49</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>50</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>51</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>52</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>53</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>54</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>55</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>56</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>57</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>58</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>59</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County
<b>60</b>			
Printed First Name	Printed Last Name	MI	Signature Date
Signature	Street Address and Zip Code		County

## AFFIDAVIT OF CIRCULATOR

I, \_\_\_\_\_, swear that I reside  
Printed Name of Circulator

at: \_\_\_\_\_  
Residence Street Number and Name

\_\_\_\_\_  
Municipality County State Zip Code

I affirm that:

- 1) I have read and understand the laws governing the circulation of charter amendment petitions;
- 2) I was 18 years of age or older at the time the section of the petition was circulated and signed by the listed electors;
- 3) I personally circulated this petition section and each signature thereon was affixed in my presence;
- 4) Each signature is the signature of the person whose name it purports to be and to the best of my knowledge and belief, each of the persons signing the petition section was, at the time of signing, a registered elector;
- 5) I have not and will not pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition; and
- 6) I believe that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing such signer to affix the signer's signature to the petition.

\_\_\_\_\_  
Signature of Circulator

\_\_\_\_\_  
Date of Signing

STATE OF COLORADO }SS.  
COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESS BY HAND AND OFFICIAL SEAL.

My commission expires: \_\_\_\_\_

[SEAL]

\_\_\_\_\_  
Notary Public