



**Kathleen M. Kelly**  
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**MEMORANDUM**

TO: Mayor Adam Morehead and Councilmembers  
City of Dacono

FROM: Kathleen M. Kelly /s/

DATE: August 8, 2023

RE: Proposed Charter Amendments

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As a follow-up to the City Council's discussion at the July 24, 2023 City Council meeting regarding proposed amendments to the City's Home Rule Charter, attached are four draft ordinances that, if adopted, would refer the Charter amendments to the City's voters at the November 7, 2023 election.

We did not include in the draft ordinances the restructuring of the City's administrative service under the City Manager, which was discussed at the July 24<sup>th</sup> meeting. Upon further discussion with City staff we determined this subject would be better addressed at a future election after more thorough review.

Amendments to the City's Home Rule Charter must be approved by a majority of the City's voters in order to become effective. If the City Council desires to refer one or more amendments to the City's Charter, the ordinance(s) referring the amendments should be adopted on first reading at the August 14<sup>th</sup> City Council meeting. The public hearing and second reading on the ordinance(s) would be held at the August 28<sup>th</sup> City Council meeting.

Please let me know if you have any questions. Thanks.

cc: Valerie Taylor, City Clerk  
Jennifer Krieger, Interim City Manager

**ORDINANCE NO. 945**

**AN ORDINANCE AMENDING THE CITY CHARTER TO REQUIRE THE CITY MANAGER AND OTHER DEPARTMENT HEADS BE APPOINTED AND REMOVED BY RESOLUTION OF THE CITY COUNCIL AND REQUIRING THE CITY MANAGER HOLD NO OTHER EMPLOYMENT OR PUBLIC OFFICE WHILE SERVING AS CITY MANAGER AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE NOVEMBER 7, 2023 REGULAR ELECTION.**

**WHEREAS**, the City Council finds that appointment and removal of the City Manager and other Department Heads are among the most significant actions taken by the City Council in terms of the administrative functioning of City government; and

**WHEREAS**, Section 3-5 of the City's Home Rule Charter provides the City Council shall act only by ordinance, resolution or motion and the City Council may select the appropriate form for its action, except where a particular form is required by the Charter; and

**WHEREAS**, due to the significance of appointment and removal of the City Manager and other Department Heads, the City Council finds such actions should not be taken by motion and that a resolution approved by the City Council should be required; and

**WHEREAS**, such resolutions would be subject to the Mayor's veto, which veto is further subject to override by five (5) affirmative votes of the City Council, all as provided in Section 2-10 of the City's Home Rule Charter; and

**WHEREAS**, the City Council finds the veto and override provisions set forth in the City's Home Rule Charter provide an appropriate check on significant decisions made by the City Council and will facilitate the proper administrative function of Dacono City government; and

**WHEREAS**, the City Council finds that requiring the City Manager to not be employed by any entity other than the City or to hold any elective or appointed office unless otherwise approved by the City Council will ensure the City Manager places the interests of the City above other entities and organizations, which will best serve the City and its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DACONO, COLORADO:**

**Section 1.** Section 7-6(b) of the City's Home Rule Charter is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

**Sec. 7-6 General; Other Departments.**

(b) The City Clerk, ~~Treasurer~~ Director of Finance, Police Chief, Public Works ~~Superintendent~~ Director, and each Department Director of any department established pursuant to Subsection (a) of this Section, shall be appointed by resolution of the Council. Appointment to or removal from any such position shall require a resolution adopted by at least four (4) affirmative votes of the Council, and any such removal shall be for cause only.

**Section 2.** Section 7-7 of the City's Home Rule Charter is hereby amended to read as follows (words to be added underlined; words to be deleted ~~stricken~~):

**Sec. 7-7 City Manager.**

(a) The Council may by resolution appoint a City Manager to serve at the pleasure of the Council. The appointment or removal of the City Manager shall require a resolution of the Council adopted by at least four (4) affirmative votes.

(b) Throughout the duration of the appointment of any City Manager appointed by the Council:

- (1) Neither the Council, nor any elected official, nor any Council committee, shall dictate the appointment of any person to or removal of any person from the employment of the City Manager except as otherwise provided in this Charter, or in any other way interfere with such employment;
- (2) Except for the purpose of inquiry, the Council, each elected official, and each Council committee, shall deal with the administrative service solely through the City Manager, and neither the Council, nor any elected official, nor any Council committee, shall give orders to any employee of the City; and
- (3) Except for the purpose of inquiry, the Council, each Councilmember, and each Council committee, shall deal with the City Manager solely through the Mayor.
- (4) During the period of appointment, the City Manager shall not be an employee of, or perform any services for compensation from, any person or entity other than the City, or hold any elected or appointed office, unless

the Manager has first obtained the approval of the City Council; provided, however, the City Manager may serve in a leadership role of any professional organization of which the City or the City Manager is a member, as long as such activity is not contrary to the interest of the City.

**Section 3.** The charter amendments provided for herein shall be submitted to a vote of the registered electors at the November 7, 2023 regular municipal election to determine whether the amendment shall take effect.

**Section 4.** The charter amendments provided for herein shall not take effect unless and until a majority of the registered voters voting at the November 7, 2023 regular election vote “yes” in response to the following ballot title:

SHALL THE CITY OF DACONO HOME RULE CHARTER BE AMENDED TO REQUIRE THE CITY COUNCIL TO APPOINT AND REMOVE THE CITY MANAGER AND OTHER APPOINTED OFFICERS BY RESOLUTION AND REQUIRE THE CITY MANAGER TO DEVOTE THEIR WORK PRIMARILY TO THE CITY AND NOT HOLD ANY ELECTED OR APPOINTED OFFICE OR OTHERWISE ENGAGE IN ACTIVITIES CONTRARY TO THE INTEREST OF THE CITY?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**Section 5.** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 6.** All other ordinances or portions thereof inconsistent or conflicting with this Ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED BY TITLE THIS 14<sup>th</sup> day of August, 2023.**

**PUBLIC HEARING AND SECOND READING WILL BE THE 28<sup>th</sup> day of August, 2023 AT 6:00 P.M. AT DACONO CITY HALL, 512 CHERRY STREET, BUILDING C, DACONO, CO.**

**READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE THIS \_\_\_\_\_ day of \_\_\_\_\_, 2023.**

CITY OF DACONO, COLORADO

\_\_\_\_\_  
Adam Morehead, Mayor

ATTEST:

\_\_\_\_\_  
Valerie Taylor, City Clerk

Summary of Ordinance No. 945, **“AN ORDINANCE AMENDING THE CITY CHARTER TO REQUIRE THE CITY MANAGER AND OTHER DEPARTMENT HEADS BE APPOINTED AND REMOVED BY RESOLUTION OF THE CITY COUNCIL AND REQUIRING THE CITY MANAGER HOLD NO OTHER EMPLOYMENT OR PUBLIC OFFICE AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE NOVEMBER 7, 2023 REGULAR ELECTION.”**: Submits to the registered electors at the November 7, 2023 regular election amendments to the City’s Home Rule Charter to address appointment and removal of the City Manager and other appointed officers and to require the City Manager to hold no other employment or public office while employed by the City.