

**ORDINANCE NO. 948**

**AN ORDINANCE AMENDING THE CITY CHARTER TO CLARIFY NEWLY-ELECTED COUNCILMEMBERS TAKE OFFICE AT THE FIRST CITY COUNCIL MEETING FOLLOWING CERTIFICATION OF THE RESULTS OF THEIR ELECTION AND AMENDING PROVISIONS REGARDING APPOINTMENT OF A MAYOR PRO-TEM, AND PROVIDING FOR THE SUBMISSION OF THE ORDINANCE TO A VOTE OF THE REGISTERED ELECTORS AT THE NOVEMBER 7, 2023 REGULAR ELECTION.**

**WHEREAS**, pursuant to Section 4-2 of the City's Home Rule Charter, the City holds a regular election on the first Tuesday in November in each odd-numbered year, and on the same day as the November state general election in each even-numbered year, which elections are typically coordinated with the Weld County Clerk; and

**WHEREAS**, by Section 2-261 of the Dacono Municipal Code the City Council elected to utilize the provisions of the Uniform Election Code in connection with any coordinated election at which the City Council refers a ballot issue or ballot question; and

**WHEREAS**, pursuant to C.R.S. § 1-10-203, the County Clerk has twenty-two (22) days following the election to canvass the votes and certify the results; and

**WHEREAS**, the City Council finds it to be in the best interest of the City, its voters, and its residents to clarify that newly-elected Councilmembers shall take office at the first City Council meeting following certification of the results of their election; and

**WHEREAS**, the City Council finds the Mayor Pro-Tem is an appointment made by the City Council that should be subject to replacement by the City Council and that a new appointment for Mayor Pro-Tem should be made following each election, whether regular or special.

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

**Section 1.** Section 2-3(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. 2-3      Term.**

(b) Elected officials shall take office at the first meeting, regular or special, following certification of the results of their election and shall continue in office until their successors have been elected or appointed and have complied with Section 2-8, or a vacancy is earlier established.

**Section 2.** Section 2-11 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. 2-11 Mayor Pro-Tem.**

At the first meeting, regular or special, following certification of the results of each regular or special election at which one or more Councilmembers are elected, the Council, by at least four (4) affirmative votes, shall appoint a Councilmember as Mayor Pro-Tem ~~for a one (1) year term~~. The Mayor Pro-Tem shall have the Mayor's powers and perform the Mayor's duties whenever the Mayor is not available. The Mayor Pro-Tem shall also serve as the Charter and Code liaison, tracking the status of periodic Charter, Municipal Code, personnel policy and capital improvements program reviews required by this Charter, and ensuring that the City Council meets at least once each year with each board and commission established by this Charter to discuss matters of mutual interest. The Mayor Pro-Tem shall hold such position at the pleasure and in the service of the City Council and may be replaced with another Councilmember at any time by at least four (4) affirmative votes of the Council.

**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 PROVIDE THAT COUNCILMEMBERS TAKE OFFICE AT THE FIRST REGULAR OR SPECIAL MEETING FOLLOWING CERTIFICATION OF THE RESULTS OF THEIR ELECTION; A MAYOR PRO-TEM SHALL BE APPOINTED BY THE CITY COUNCIL FOLLOWING CERTIFICATION OF THE RESULTS OF EACH REGULAR OR SPECIAL ELECTION; AND THE MAYOR PRO-TEM MAY BE REPLACED AT ANY TIME WITH ANOTHER COUNCILMEMBER BY AT LEAST FOUR (4) AFFIRMATIVE VOTES OF THE COUNCIL?

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. 948, **“AN ORDINANCE AMENDING THE CITY CHARTER TO CLARIFY NEWLY-ELECTED COUNCILMEMBERS TAKE OFFICE AT THE FIRST CITY COUNCIL MEETING FOLLOWING CERTIFICATION OF THE RESULTS OF THEIR ELECTION AND AMENDING PROVISIONS REGARDING APPOINTMENT OF A MAYOR PRO-TEM, 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 provide newly-elected Councilmembers take office at the first meeting following certification of the election results and that a Mayor Pro-Tem shall be appointed by the City Council after each regular or special election, and may be replaced by four (4) affirmative votes of the Council.