



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: June 27, 2007

SUBJECT: Study Session Agenda for July 2, 2007

PREPARED BY: J. Brent McFall, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room 6:00 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

1. Update on Employee Development and Training Strategy
2. Election Code Modifications

6:30 P.M.

EXECUTIVE SESSION

None at this time.

INFORMATION ONLY ITEMS – Does not require action by City Council

1. Federal Assistance with Snow Emergency Costs
2. 2006 - 07 Winter Season's Impact on Westminster Streets

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
July 2, 2007



SUBJECT: Update on Employee Development and Training Strategy

PREPARED BY: Debbie Mitchell, Human Resources Manager

Recommended City Council Action

This item is for information only; no City Council action is requested. Human Resources staff will present information about new targeted direction and focus for employee training and development.

Summary Statement

- Staff will be present at the July 2, 2007 City Council Study Session to provide an overview of a new targeted approach to enhance Citywide employee development efforts.
- The City's employee development and training program strategies are focused on enhancing the City's ability to respond to changing workforce demands, operational priorities and the overall sustainability of our quality service delivery.
- Program enhancements are designed to increase the transference of new skills and knowledge from the classroom to the workplace.
- Developmental efforts have been more directly aligned to strategic objectives, operational performance measures and the performance review elements.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council support and concur with the direction of the citywide employee training and development strategy.

Alternatives

City Council could provide feedback to staff on employee development strategies.

Background Information

The City has had a robust employee training and development program for many years. It has been recognized nationally by the International City /County Management Association for the quality of the overall program plan design and curriculum. The City currently provides a diverse set of training classes, customized group facilitation and organizational change support to each of department in the City. The City has a hybrid organization of the training function with job specific training provided by each respective department and any Citywide technical, technology, soft skills, management, leadership and organizational perspective training provided through Human Resources.

Each employee is required to attend at least 35 hours of training each year; 15 citywide training and 20 job specific. The commitment to development of employees sends a strong message of support and desire to partner in employee's professional growth. This employee development focus is a positive draw for prospective job candidates and is one of many value added benefits that help us retain quality, improvement focused individuals in our organization. Employees express appreciation for the quality training and the commitment of the City to their ongoing growth and professional development.

As Human Resources staff reviewed the employee development program over the past 12 months, the focus was on opportunities to further enhance the effectiveness of our program. Staff wanted to assure that efforts were aligned to strategic objectives and the City's current efforts to sustain operational quality and level of service delivery as the City experiences flattening revenue resources now and in the future. As the City becomes an operation less focused on growth and building and more on sustaining the services currently provided, Human Resources is making an effort to ensure that every training has the greatest impact possible on the job, with employees transferring as much skill and knowledge from their training back to the workplace operational needs.

One additional driving force behind the adjustments in employee development efforts is that there is a trend toward a transitioning workforce across the nation. As the baby boomers exit or want to renegotiate the work they are currently doing, the City is faced with a much smaller and less experienced and qualified work pool from which to draw. This increases the competition for qualified individuals as well as creating additional impetus to invest in developing leadership internally. To that end staff is continuing to expand our discussion and assessment of succession needs and leadership development.

Staff will be present at the July 2, 2007 City Council Study Session to review the details of the planned enhancements to the employee training and development program strategy.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
July 2, 2007



SUBJECT: Election Code Modifications

PREPARED BY: Jane W. Greenfield, Assistant City Attorney
Linda Yeager, City Clerk

Staff Recommendation:

Review the draft ordinance and provide input on any desired policy changes and direct staff to schedule consideration of this Councillor's Bill for an upcoming City Council meeting.

Summary Statement

- In November 2006, Westminster voters approved the Charter amendment making revisions to the Initiative, Referendum, and Recall sections of the Westminster Charter.
- This amendment anticipated, and its language provides for, revisions to the Elections' Chapter that would place in the City Code the detailed procedures and requirements for exercising the powers of initiative, referendum, and recall so that they might easily be updated as changes in technology occur and state and county election requirements change.
- At the same time, certain outdated provisions in the election code, such as the description of individual precincts, are being deleted.
- Finally, the issue of keeping as confidential information provided by Council and Board candidates, pursuant to Charter § 5.1(d), is being addressed in this ordinance.

Expenditure Required: \$0
Source of Funds: N/A

Policy Issue

Does the Council wish to update the existing election code, conforming it to recently adopted Charter changes, providing specific procedures for the petition process, and insuring the confidentiality of certain information required to be disclosed by Council and Board member candidates.

Alternatives

1. Do not adopt an ordinance as described above. Staff does not recommend this approach since it would result in leaving ambiguous and confusing provisions in the election code that will not conform with the recently adopted Charter amendments.
2. Adopt a revised ordinance that addresses the issues highlighted below in a different manner.

Background Information

On November 7, 2006, the Westminster voters approved the Charter amendment dealing with revisions to the recall, initiative and referendum sections. At the time of submitting the measure to the electorate, the City Council directed Staff to place the more detailed substantive and procedural requirements for the manner of exercising these powers into a revised Election Code. Placing these technical requirements in the Code will eliminate many questions currently left unanswered by the broader Charter language. Additional benefits of including such procedures in the Code include: (1) Confirming those requirements that apply to local election issues that may be different (based on our home-rule authority) than those expressed in state statutes on the subject, and (2) Allowing the City to respond quickly and efficiently to changes made in state law that the City may need to follow in order to use the coordinated election process.

Although the entire Elections chapter is being repealed and re-enacted, most of the revised chapter contains insubstantial technical changes and not changes in policy. However, the following proposed changes should be noted as they may raise questions in certain segments of the community:

- Section 7-1-3 no longer contains a list of individual precincts, as precinct boundaries are now generally set by the counties for coordinated elections and such precincts and their respective polling places may change as frequently as annually.
- Section 7-1-7 delineates those sections of the Colorado Mail Ballot Election Act that will not be followed by Westminster should the City need to conduct its own mail ballot election uncoordinated with any county election.
- Section 7-1-8(F) provides that the order of Council candidate names placed on the ballot shall be the same in both Adams and Jefferson Counties. The requirement for two different lot-drawings was removed from our Charter in the mid-1990’s. This provision conforms to the State Municipal Election Code.

- Subsection 7-1-9(F) provides that the Council shall fix a ballot title for any initiated or referred measure it receives and also provides for a hearing in the event a protest to the ballot title wording is made. This process is consistent with the ballot fixing process and rights of protest provided for in the state election statutes. However, the Council could determine to adopt a different process than that spelled out in this subsection.
- Subsection 7-1-10(F) provides that, in the context of a recall election, the charges against the officer and the officer’s response in defense of the charges shall be printed on the official recall ballot. While the Charter does not provide for this, the state Constitution does provide for the charges and the defenses thereto to be placed on the ballot. As the election time frame for a recall election is substantially shortened, many persons voting thereon would not otherwise have an opportunity to understand the positions for and against the recall. Although our Charter provides for both the charges and the defense to be filed with the City Clerk, it is silent on the issue of where these charges will be published; hence putting them on the ballot seems the most effective way of informing the voter. Council could determine that they desire nothing on the recall ballot except the question of whether an individual should be recalled from office.
- Section 7-1-11 recognizes that City elections that are run as coordinated elections by the counties but conducted in even-numbered years are special elections requiring an election be called by resolution of the Council. This requirement of the Charter and state law has occasionally been overlooked in past even-numbered election years, and placing it in the Code will avoid that in the future.
- Write-in Candidate Affidavits have been provided for in several of the Election Code sections. This recognizes that even in purely City elections, Westminster is opting to follow state law and the majority of other jurisdictions on the subject of write-in candidates.

Many minor changes and clarifications on procedure have been included in this new proposed Election Code. Additionally, the balance of the ordinance provides new language in the Code’s chapters on City Council and Boards and Commissions that preserves the confidentiality of personal information of candidates, which the candidates may be required to provide to the City in order to complete the background checks required under Charter §5.1(d).

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Draft 6-25-07

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. _____

SERIES OF 2007

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING CHAPTER 1 OF TITLE VII OF THE WESTMINSTER MUNICIPAL CODE CONCERNING ELECTIONS AND AMENDING SECTION 1-11-2 CONCERNING QUALIFICATIONS OF CITY COUNCILLORS AND SECTION 2-1-1 CONCERNING APPOINTMENT OF BOARD AND COMMISSION MEMBERS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VII, Chapter 1, W.M.C., is hereby REPEALED AND REENACTED to read as follows:

CHAPTER 1

ELECTIONS

- 7-1-1: LEGISLATIVE INTENT**
- 7-1-2: ADOPTION AND APPLICABILITY OF STATE LAW**
- 7-1-3: WARDS; PRECINCTS; POLLING PLACES**
- 7-1-4: ELECTION OFFICIAL**
- 7-1-5: ELECTION COMMISSION**
- 7-1-6: COORDINATED ELECTIONS**
- 7-1-7: MAIL BALLOT ELECTIONS**
- 7-1-8: MUNICIPAL CANDIDATE ELECTIONS**
- 7-1-9: ELECTIONS ON INITIATIVE OR REFERENDUM MEASURES**
- 7-1-10: ELECTIONS ON RECALL PETITIONS**
- 7-1-11: SPECIAL ELECTIONS**
- 7-1-12: PENALTIES FOR ELECTION OFFENSES**
- 7-1-13: FAIR CAMPAIGN PRACTICES ACT**

7-1-1: LEGISLATIVE INTENT:

(A) The purpose of this chapter is the establishment of procedures for the regular and special elections of the City of Westminster, whether or not those elections are conducted as coordinated elections with Adams and Jefferson Counties.

(B) The Council intends that interpretations of this chapter be consistent with the City's home rule authority to regulate its municipal elections under Article XX of the Colorado Constitution.

7-1-2: ADOPTION AND APPLICABILITY OF STATE LAW:

(A) Subject to the Charter of Westminster and provisions of this Chapter, City elections will be conducted in accordance with the relevant portions of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., and the Colorado Municipal Election Code, Article 10 of Title 31, C.R.S., as they may be amended from time to time. As the Uniform Election Code was adopted by the legislature to cover many types of elections, various portions of that code are not applicable to municipal elections. In some instances, the Uniform Election Code and the Colorado Municipal Election Code have differing provisions regarding the same subject. For these reasons, in the event of a conflict of laws or an inconsistent provision therein, these laws shall be applied in the following order of priority:

1. the provisions of the Charter of Westminster
2. the provisions of the Westminster Municipal Code
3. the provisions of the Colorado Municipal Election Code of 1965, and
4. the relevant provisions of the Uniform Election Code of 1992.

(B) Notwithstanding the prioritization listed in subsection (A), when a City election is being conducted as a coordinated election, the Colorado Revised Statutes governing coordinated elections will control, to the extent said statutes are applicable to municipal elections.

7-1-3: WARDS; PRECINCTS; POLLING PLACES:

(A) The City shall consist of one ward.

(B) The Council shall, by resolution, from time to time, establish convenient election precincts, when required in order to conduct a City election.

(C) No later than thirty (30) days before an election, other than a mail ballot election or a coordinated election, the City Council shall designate, by motion, the official polling places for said election.

(D) When required in order to conduct a City election, City precinct boundaries will be reviewed by the Election Commission after any State redistricting or County reprecincting has occurred. The Election Commission will then make a recommendation to Council if any precinct changes are necessary.

7-1-4: ELECTION OFFICIAL:

The City Clerk is the designated election official of the City of Westminster for all purposes specified in the Charter, this Code, or any applicable state statute.

7-1-5: ELECTION COMMISSION:

The Election Commission, created by Charter Section 3.10, consists of the City Clerk and four (4) qualified and registered electors of the City, who during their term of office shall not be City officers or employees or candidates or nominees for elective City office. Such four (4) members shall be appointed by the Council for a term of two (2) years at the first January Council meeting following a regular City election. They shall serve without compensation. The City Clerk shall be chairperson. The Election Commission shall appoint the Board of Election, judges and clerks for each precinct and have charge of all activities and duties required of it by applicable statute, this Code, and the Charter relating to the

conduct of elections in the City. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed. The Election Commission shall provide for ballots and sample ballots, for voting machines or electronic voting equipment, for determination of the winner in event of a tie vote, for canvas of returns, and for issuance of appropriate certificates.

7-1-6: COORDINATED ELECTIONS:

- (A) City elections shall be conducted, whenever possible, as a coordinated election conducted by Adams County or Jefferson County or both.
- (B) For all coordinated elections, the City Council shall adopt, by resolution or ordinance as appropriate, the language of ballot issues or ballot questions prior to the date of the City Clerk’s required certification of ballot contents to the respective county election official.
- (C) The City Manager is authorized to sign all intergovernmental agreements regarding coordinated elections with the respective counties.
- (D) For all coordinated elections, election precincts and polling places shall be determined by the coordinated election official of the respective county.

7-1-7: MAIL BALLOT ELECTIONS:

- (A) Upon the call of an election by the City Council, the City Clerk is authorized to conduct elections by mail ballot.
- (B) Unless provided otherwise by the Charter or this Code, such elections will be conducted pursuant to the requirements of Article 7.5 of Title 1, C.R.S., the Colorado Mail Ballot Election Act, as it may be amended from time to time, except the following provisions thereof:
 - 1. Section 1-7.5-107.3, C.R.S.
 - 2. Section 1-7.5-109, C.R.S. and
 - 3. Any provisions of the Act that the City determines are inconsistent with the City’s authority over its elections pursuant to Article XX of the Colorado Constitution.

7-1-8: MAYOR AND COUNCILLOR ELECTIONS:

- (A) **General Conditions.** Part 3 of Article 10 of Title 31, C.R.S., shall govern City elections for the Mayor or Councillors, except as provided in this section.
- (B) **Nominating Petitions.** Except as provided in (C) below, for all Councillor elections except recall elections, nominating petitions for the office of Mayor or Councillor may be circulated and signed beginning ninety-one (91) days prior to the election, and shall be filed with the City Clerk not later than seventy-one (71) days prior to the election. All candidates must be residents of the City for at least one (1) year immediately prior to the last day for filing nominating petitions.
- (C) **Nominating Petitions for Special Councillor Elections.** For elections to fill a vacancy in elective offices pursuant to Section 5.7(b) of the Charter, the dates for the filing and circulating of nominating petitions shall be established by the City Council in the resolution setting the special election.
- (D) **Nominated Candidates.** Only candidates whose names have been placed in nomination through the process designated in this chapter are eligible to be placed on the ballot.

(E) **Vacancies in Nominations.** If any candidate dies or withdraws his or her name from nomination prior to the date upon which the City Clerk submits the ballot content to the ballot printer or, in the case of a coordinated election, to the respective County election official, the City Clerk shall use his or her best efforts to cause the candidate's name to be removed from the ballot.

(F) **Content of Ballot.** Every ballot shall contain the names of all duly nominated candidates for offices to be voted for at that election, except those who have died or withdrawn, and the ballot shall contain no other names. The arrangement of the names on the ballot shall be established by lot at any time prior to the certification of the ballot. The City Clerk shall notify the candidates of the time and place of the lot-drawing for the ballot. Only one lot-drawing shall be held, and the order of names on the ballot shall be the same in both Adams and Jefferson County. The drawing shall be performed by the City Clerk or the Clerk's designee.

(G) **Write-in Candidate Affidavit.** No write-in vote for any elective officer shall be counted unless an affidavit of intent has been filed with the City Clerk by the person whose name is written in indicating that such person desires the office and is qualified and eligible to assume the duties of that office if elected. Such affidavit of intent shall be filed by the close of business on the sixty-fourth day before a regular municipal election or, for a special election, on the date set in the Council resolution for the filing of nominating petitions.

(H) **Notice.** At least ten (10) days before election for the office of Mayor or Councillor, the City Clerk shall publish notice in at least one newspaper having general circulation in the City, stating the day and date of the election, the hours during which the polls will be open unless it is a mail ballot election, naming the officers to be elected, and listing the names of those candidates as nearly as possible in the form in which such nominations shall appear upon the official ballot. Additionally, a copy of such notice shall be posted until after the election in a conspicuous place in the office of the City Clerk.

7-1-9: ELECTIONS ON INITIATED OR REFERRED MEASURES: The procedures for exercising the initiative and referendum powers reserved to the City's electors by the City Charter and the Colorado Constitution shall be as follows:

(A) **General Conditions.** An ordinance may be initiated by petition or a referendum on an ordinance enacted by the City Council may be had by petition. Either an initiative or a referendum petition shall be signed by not less than ten (10) percent of the number of persons who were registered electors of the City as of the date of the last regular City election prior to the filing of the petition. In the case of a referendum on an ordinance granting a public utility franchise, said petition shall be signed by not less than five (5) percent of the number of persons who were registered electors of the City as of the date of the last regular City election. No petition shall propose to repeal more than one ordinance nor to initiate an ordinance containing more than one subject.

(B) **Form of Petition.** An initiative or referendum petition signed by the requisite number of signatures shall be addressed to the Council. Said petition may be in sections of one or more sheets fastened securely at the top. All sections of the petition shall be filed as one instrument, with the endorsement of the names and mailing addresses of three (3) registered electors of the City designated as the committee of petitioners filing the same. To each petition section there shall be attached a signed, notarized, and dated affidavit by the circulator of that section stating the number of signers thereof and the affiant's printed name and address, that the affiant is eighteen (18) years of age or older, that each signature thereon is the genuine signature of the person whose name it purports to be, and that each signature was made in the presence of the affiant circulator.

At the top of each section of the petition and at the top of each signature page shall be printed the following warning in bold-faced type:

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

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to sign such petition when not a registered elector.

Do not sign this petition unless you are a registered elector. To be a registered elector, you must be a citizen of Colorado and registered to vote in Westminster.

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

Below the warning shall be printed, at the top of each section of an initiative petition, a short summary of the proposed ordinance and below the summary the full text of the proposed ordinance. Below the warning and at the top of each section of a referendum petition, shall be printed a meaningful summary identifying the matter proposed for repeal, and then set forth the full text of the ordinance or part thereof or code section proposed to be repealed.

The signature pages shall consist of the warning and the summary, followed by ruled lines numbered consecutively for registered electors' signatures. If a petition section contains multiple signature pages, all signature lines shall be numbered consecutively, and the section pages shall be numbered consecutively from the first section page through the last.

(C) **Petition signatures.** Each registered elector signing an initiative or referendum petition shall add the signer's printed name, the date of signing, his or her place of residence by street and number, and the county designation after his or her signature. All signatures on a referendum petition shall be obtained after the effective date of the ordinance proposed for repeal.

(D) **Filing and Examination of Petition.** An initiative petition shall be filed in the office of the City Clerk. No signature on an initiative petition may be counted if it was signed more than 180 days from the date of filing. A referendum petition shall be filed in the office of the City Clerk not more than thirty (30) days after the effective date of the ordinance proposed for repeal. Within fifteen (15) days of the filing of an initiative or referendum petition, the City Clerk shall ascertain by examination of the petition and the county voter registration records whether the petition is signed and appropriately dated by the requisite number of registered electors and shall attach thereto his or her certificate showing the result of such examination. If the petition as initially filed shows on its face an insufficient number of signatures, the City Clerk shall not be required to canvass the signatures and the petition shall be null and void. If the petition contains a sufficient number of signatures but an insufficient number of registered electors' signatures, the City Clerk shall forthwith notify by first class and electronic mail, if available, each of the persons designated as a member of the committee of petitioners. The petition may then be amended by the filing of additional petition signatures within fifteen (15) days from the filing of the certificate. The City Clerk, within five (5) days after such amendment, shall make like examination of the amended petition and attach thereto a second certificate of the result. If the petition is still insufficient, the City Clerk shall issue a certificate of insufficiency, a copy of which shall be provided to one (1) of the persons designated as the committee of petitioners. If the petition or amended petition is found sufficient, the City Clerk shall submit the same with his or her certificate to the Council at its next regular meeting. The City Clerk's determination of sufficiency or insufficiency is final.

(E) **Council Action Upon Petition.** Within thirty (30) days of receipt of the City Clerk's certificate establishing sufficiency of an initiative or referendum petition, the Council shall either:

1. Adopt the ordinance as submitted in an initiative petition;
2. Repeal the ordinance, or part thereof, requested for repeal in a referendum petition; or
3. Submit the proposal provided for in the petition to the electors at the next election, occurring not less than sixty (60) days after Council's decision to submit the proposal, held in the City for any other purpose or, in the Council's discretion, at a special election called specifically for that purpose.

(F) **Content of Ballot.** If an election has been ordered pursuant to Subsection (E) above, the Council shall fix a ballot title for each initiative or referendum, which ballot title shall correctly and fairly express the true intent and meaning of the measure, in the resolution calling the election. Any person protesting the wording of the ballot title shall file such protest with the City Clerk within seven (7) days of the Council's action. The Council shall consider said protest at their next regularly scheduled meeting or, at Council's discretion, at a special meeting called for that purpose and the Council's determination of the ballot title shall be final.

7-1-10: ELECTIONS ON RECALL PETITIONS: The procedure to recall an elective officer of the City shall be as follows:

(A) **General Conditions.** Any elective officer, as that term is defined in Article XXI of the Colorado Constitution, may be removed from office by the qualified electors of the City after the officer has held said office for at least six (6) months. Prior to the filing of any recall petition one (1) or more registered electors of the City shall file with the City Clerk a notarized affidavit, of not more than two hundred (200) words, stating the reasons for the recall of the officer sought to be removed. The City Clerk shall, within forty-eight (48) hours after the filing of said affidavit, mail a copy by registered mail to the officer sought to be recalled, who may file with the City Clerk a sworn statement of not more than three hundred (300) words in defense of charges made against him or her.

(B) **Form of Petition.** A petition for the recall of the officer sought to be removed and demanding an election of a successor to the officer named in the petition, signed by the requisite numbers of signatures, as detailed below, shall be addressed to the Council. The petition shall include the name of only one (1) person to be recalled. Said petition may be in sections of one (1) or more sheets fastened securely at the top. All sections of the petition shall be filed as one (1) instrument, with the endorsement of the names and mailing addresses of three (3) registered electors of the City designated as the committee of petitioners filing the same. To each petition section there shall be attached a signed, notarized, and dated affidavit by the circulator of that section stating the number of signers thereof and the affiant's printed name and address, that the affiant is eighteen (18) years of age or older, that each signature thereon is the genuine signature of the person whose name it purports to be, and that each signature was made in the presence of the affiant circulator.

At the top of each section of the petition and of each signature page shall be printed the following warning in bold-faced type:

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

For anyone to sign this petition with any name other than one's own or to knowingly sign one's name more than once for the same measure or to sign such petition when not a registered elector.

Do not sign this petition unless you are a registered elector. To be a registered elector, you must be a citizen of Colorado and registered to vote in Westminster.

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

Below the warning shall be printed the title: "Petition to recall (name of person sought to be recalled) from the office of (title of office)". Below the title shall be printed a copy of the charges previously filed with the City Clerk.

(C) **Petition Signatures.** Each registered elector signing the petition shall add the signer's printed name, the date of signing, his or her place of residence by street and number, and the county designation, after his or her signature. If the petition seeks the recall of the Mayor, then the petition shall be signed by registered electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five percent (25%) of the entire vote cast for the office of Mayor at the last preceding regular election held in the City for that office.

If the petition seeks the recall of a non-mayoral Councillor, then the recall petition shall be signed by registered electors entitled to vote for a successor to the incumbent sought to be recalled equal in number to twenty-five percent (25%) of the entire vote cast at the last preceding regular election held in the City for all non-mayoral candidates, such entire vote being divided by the number of all officers elected to the office of Councillor at the last preceding regular election held in the City.

(D) **Filing and Examination of Petition.** The petition shall be filed in the office of the City Clerk not more than sixty (60) days after the affidavit making charges against said officer has been filed. Within fifteen (15) days of the filing of said petition the City Clerk shall ascertain by examination of the petition and the registration books whether the petition is signed by the requisite number of registered electors and shall attach thereto his or her certificate showing the result of such examination. If the petition is insufficient, the City Clerk shall forthwith, in writing, notify one (1) or more of the persons designated as the committee of petitioners. The petition may be withdrawn and amended within fifteen (15) days from the filing of the certificate. The City Clerk, within five (5) days after such amendment, shall make like examination of the amended petition and attach thereto a certificate of the result. If the petition is still insufficient, the City Clerk shall return it to each of the persons designated as a member of the committee of petitioners, without prejudice to the filing of a new petition for the same person. If the petition or amended petition is found sufficient, the City Clerk shall submit the same with his or her certificate to the Council without delay. The City Clerk's determination of sufficiency or insufficiency is final.

(E) **Call for Election.** Upon receipt of the City Clerk's certificate, the Council, if the officer sought to be removed does not resign within (5) days thereafter, shall order an election by resolution, which shall contain the time periods for candidates to file their nomination petitions to succeed the person sought to be recalled. Such election shall be held on a Tuesday fixed by the Council not less than forty-five (45) nor more than sixty (60) days from the date that the City Clerk's certificate was filed; provided that, if any other City election is to occur within ninety (90) days but more than sixty (60) days from the date of the

City Clerk's certificate, the Council shall postpone and consolidate the recall election with such other City election.

(F) **Content of Ballot.** On the official ballot at the recall election shall be printed, in not more than two hundred (200) words, the reasons set forth in the petition for demanding an officer's recall, and in not more than three hundred (300) words there shall also be printed, if desired by the officer, the officer's response in defense as filed with the City Clerk. There shall be printed on the official ballot the words: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (.....)?" Following such question shall be the words "Yes" and "No."

If recall petitions for more than one officer have been certified as sufficient to be placed on the ballot, the officers shall be listed in alphabetical order on the ballot. On such ballot, under the question or questions, there shall be printed, in alphabetical order, the names of those persons who have been nominated as candidates to succeed the person or persons sought to be recalled. Any qualified elector desiring to become a candidate at the recall election shall do so by petition, as required by Sections 3.1 and 5.1 of the Westminster Charter, which petition if presented to the City Clerk shall entitle the petitioner to have his or her name placed on the ballot. The name of the person sought to be recalled shall not appear on the ballot as a candidate for the office. If the majority of those voting on said question of the recall of any incumbent from office shall vote "NO", said incumbent shall continue in said office; if a majority shall vote "YES", such incumbent shall thereupon be deemed removed from such office upon the qualification of his or her successor.

(G) **Write-in Candidate Affidavit.** In a recall election, no write-in vote for any elective officer shall be counted unless an affidavit of intent has been filed with the City Clerk by the person whose name is written in indicating that such person desires the office and is qualified and eligible to assume the duties of that office if elected. Such affidavit of intent shall be filed by the close of business on the date set for the filing of nominating petitions for the recall election.

(H) **Vacancy.** If a vacancy occurs in said office after a recall election has been ordered, the election to fill the vacancy shall nevertheless proceed as in this section provided.

(I) **Notice.** At least ten (10) days before a recall election, the City Clerk shall publish notice in at least one newspaper having general circulation in the municipality, stating the day of the election, the hours during which the polls will be open unless it is a mail ballot election, naming the officer whose recall is to be voted upon, and listing the names of those candidates in alphabetical order nominated to succeed the person sought to be recalled. Additionally, a copy of such notice shall be posted until after the election in a conspicuous place in the office of the City Clerk.

(J) **Effect of Recall.** No person who has been recalled or has resigned while recall proceedings were pending against him or her shall serve the City in any capacity within two (2) years after such removal or resignation.

7-1-11: SPECIAL ELECTIONS:

(A) Special elections shall be held when called by resolution of the Council at least forty (40) days in advance of such election, or when required by this Code, the Charter, or applicable statute. Any resolution calling a special election shall set forth the purpose of such election.

(B) The conduct of special elections shall be as nearly as practicable the same as for general elections.

7-1-12: PENALTIES FOR ELECTION OFFENSES: In addition to any penalties established for violation of this Code, it is the intention of the City Council to authorize the district attorneys of Adams and/or Jefferson County and the attorney general to prosecute violations of any election offenses occurring within the City as provided for in Part 15 of Article 10 of Title 31, C.R.S., regarding Election Offenses. The penalties for violation of these offenses shall be as established, from time to time, by the Colorado General Assembly.

7-1-13: FAIR CAMPAIGN PRACTICES ACT: All relevant provisions of the Fair Campaign Practices Act, found at Article 45 of Title 1, C.R.S., as amended from time to time, are herewith adopted and all candidates and committees in support of or in opposition to any municipal candidates or municipal issues, shall file documents and reports required under that Act with the City Clerk.

Section 2. Section 1-11-2, W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION (E) to read as follows:

1-11-2: QUALIFICATIONS:

(E) ANY PERSONALLY IDENTIFYING INFORMATION, OTHER THAN NAME AND ADDRESS, PROVIDED BY A CANDIDATE FOR CITY COUNCIL, PURSUANT TO CHARTER SECTION 5.1(D) OR IN CONNECTION WITH A CANDIDATE PETITION OR APPLICATION FOR OFFICE, WILL BE DEEMED AS HAVING BEEN RECEIVED IN CONFIDENCE AND NOT SUBJECT TO DISCLOSURE UNDER THE COLORADO OPEN RECORDS ACT, EXCEPT AS MAY BE REQUIRED BY AN ORDER OF DISTRICT COURT. ANY SUCH PERSONALLY IDENTIFYING INFORMATION CONTAINED IN A REPORT, REQUIRED TO BE MAINTAINED PURSUANT TO CHARTER SECTION 5.1(D), SHALL BE REDACTED BY THE CITY CLERK PRIOR TO DISCLOSURE OF THE REMAINDER OF THE REPORT.

Section 3. Section 2-1-1, W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION (G) to read as follows:

2-1-1: APPOINTMENT OF MEMBERS; TERMS:

(G) ANY PERSONALLY IDENTIFYING INFORMATION, OTHER THAN NAME AND ADDRESS, PROVIDED BY A CANDIDATE FOR A BOARD OR COMMISSION, PURSUANT TO CHARTER SECTION 5.1(D) OR IN CONNECTION WITH AN APPLICATION FOR OFFICE, WILL BE DEEMED AS HAVING BEEN RECEIVED IN CONFIDENCE AND NOT SUBJECT TO DISCLOSURE UNDER THE COLORADO OPEN RECORDS ACT, EXCEPT AS MAY BE REQUIRED BY AN ORDER OF DISTRICT COURT. ANY SUCH PERSONALLY IDENTIFYING INFORMATION CONTAINED IN A REPORT, REQUIRED TO BE MAINTAINED PURSUANT TO CHARTER SECTION 5.1(D), SHALL BE REDACTED BY THE CITY CLERK PRIOR TO DISCLOSURE OF THE REMAINDER OF THE REPORT.

Section 4. This ordinance shall take effect immediately upon passage.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this _____ day of July 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this _____ day of July, 2007.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER

Staff Report

Information Only Staff Report
July 2, 2007



SUBJECT: Federal Assistance with Snow Emergency Costs
PREPARED BY: Mike Reddy, Emergency Management Coordinator

Summary Statement:

This report is for City Council information only and requires no action by City Council. On December 20, 2006 a major snow emergency caused the City of Westminster to declare a disaster emergency due to the historic amount of snow and strong winds that closed roads, created power outages and required shelter plans to be implemented. The City disaster declaration was submitted to the State of Colorado Division of Emergency Management. The State, in turn, established that there was sufficient impact statewide to apply for federal assistance. The City received \$140,805.65 of federal financial assistance for the 48 hour time period chosen by the City of Westminster as the highest costs timeframe of the storm.

Background Information

Beginning December 20, 2006 and continuing for a 36 hour period winds as high as 40 mph and snow depths exceeding 4 feet caused power outages, closed schools, businesses and disrupted travel throughout the Denver Metropolitan Area along with the entire State of Colorado. City staff took immediate action to rescue hundreds of stranded motorists, especially along the US-36 corridor. Further effort was taken to shelter the many travelers at City Park Recreation Center. The coordinated effort included many City departments, the American Red Cross and the Colorado National Guard. Major search, rescue and shelter efforts took place in the first 24 hour of the snow event. Costs of towing vehicles, clearing roads and sanding impassable streets continued and was complicated by yet a second storm that hit the area on December 28, 2006. The Federal Emergency Management Agency (FEMA) under a Presidential Disaster Declaration can pay for up to 75% of costs for designated costs and timeframes. Funds were received by the City in the week of June 4, 2007 and placed in the City's General Fund.

Staff wants to recognize the efforts of the various departments for their exceptional work during the storm events and the follow-up work to make the reimbursement check from the federal government a reality.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

Information Only Staff Report
July 2, 2007



SUBJECT: 2006 – 07 Winter Season's Impact on Westminster Streets

PREPARED BY: Pat Sexton, Street Operations Supervisor
Ray Porter, Street Operations Manager
Ronald A. Hellbusch, Interim Director Public Works and Utilities

Recommended City Council Action

This report is for City Council information only and requires no action by City Council.

Summary Statement

- Westminster's street network survived the harshest Colorado winter in over 100 years with only minimal impacts to pavement surfaces (potholes), and virtually no impact to the overall pavement condition rating. Westminster's overall average Pavement Condition Rating was at 72.7 prior to December 1, 2006 and today the rating stands at 72.2. Once all planned 2007 Street Improvements are completed this summer the projected rating will climb back to a 72.9.
- Pavement Condition Rating is based on a scale from 0 to 100 with 100 being excellent. Each street is rated utilizing a computerized pavement management process.
- Much of the credit for a durable City-wide street system rests with solid annual funding support for the Annual Street Improvement Program.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: 2006 – 07 Winter Season's Impact on Westminster Streets

July 2, 2007

Page 2

Background Information

While the severe 2006 – 2007 winter admittedly took a toll on Westminster roadways the good news is that the majority of pavements where street crews are experiencing increased problems are on roadway sections earmarked to receive rehabilitation this year. Street Operations Staff feels that this proves Westminster's pavement management system (PMS) and aggressive preventive maintenance program are working. Street maintenance crews estimate a 10% increase in the amount of planned pavement repairs required to prepare streets scheduled to receive 2007 rehabilitation. This increased cost is estimated at an additional unplanned \$20,000 expenditure that can be absorbed within the operating budget.

Pothole patching is projected to increase 9.5% over 2006 but the projected 2,500 potholes that will be repaired in 2007 is still 38% less than the 4055 patched by street crews in 2003.

Since 2003, over 1,000 streets in Westminster have received some type of pavement preservation improvement. Contracted projects combined with City maintenance crew's rehabilitation work has resurfaced 598 lane miles of pavement. That translates into over half of the Westminster street network receiving improvements over the past 5 years and puts every street in Westminster on a 10 year rotation for some type of surface treatment, as given current commitments to funding.

City Council's support and the City Administration's direction to fund an aggressive pavement preservation program guided by the PMS over the past 25 years is now paying off when Westminster is compared to other cities that have seen a much larger impact to their winter damaged street rehabilitation needs.

Respectfully submitted,

J. Brent McFall
City Manager

**City of Westminster City Council Study Session
July 2, 2007**

Mayor Nancy McNally called the Study Session to order at 6:32 PM. All Council was in attendance.

City Staff in attendance included: Assistant City Manager Steve Smithers; Deputy City Manager Matt Lutkus; Assistant City Attorney Jane Greenfield; City Clerk Linda Yeager; Human Resources Manager Debbie Mitchell; Employee Development Specialist Carol Gifford; Employee Development Analyst Jackie June; Senior Human Resources Analyst Lisa Chrisman; Public Information Specialist Carol Jones; and Management Intern Phil Jones.

The guests in attendance were Rachel Ceccarelli with the Westminster Window; and Dino Valente.

Update on Employee Development and Training Strategy

The City currently provides a diverse set of training classes, customized group facilitation and organizational change support to each of department in the City. The City has a hybrid organization of the training function with job specific training provided by each respective department and any Citywide technical, technology, soft skills, management, leadership and organizational perspective training provided through Human Resources.

Human resources representatives covered training structure, annual hour requirements for employees, and changes to the training structure that reflect efforts to retain and attract qualified employees now and into the future.

Council asked questions of Staff and was appreciative of the foresight and effort that goes into the city training program. This was an information only item that did not require any action by City Council.

Election Code Modification

In November 2006, Westminster voters approved the Charter amendment making revisions to the Initiative, Referendum, and Recall sections of the Westminster Charter. This amendment anticipated, and its language provides for, revisions to the Elections' Chapter that would place in the City Code the detailed procedures and requirements for exercising the powers of initiative, referendum, and recall so that they might easily be updated as changes in technology occur and state and county election requirements change. At the same time, certain outdated provisions in the election code, such as the description of individual precincts, are recommended by Staff to be deleted. Finally, the issue of keeping as confidential information provided by Council and Board candidates, pursuant to Charter § 5.1(d), is recommended to be addressed in this ordinance.

Many minor changes and clarifications on procedure have been included in this new proposed Election Code. Additionally, the balance of the ordinance provides new language in the Code's chapters on City Council and Boards and Commissions that preserves the confidentiality of personal information of candidates, which the candidates may be required to provide to the City in order to complete the background checks required under Charter §5.1(d).

Council directed staff to allow for continuation of the current practice of separate drawings for ballot name placement in Adams and Jefferson County and directed staff to proceed with the modifications as otherwise presented.

Mayor McNally adjourned the Study Session at 7:55 PM.