



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: August 14, 2018

AGENDA TITLE

Second reading and consideration of a motion to pass Ordinance 8271 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 6, 2018, the question of amending Section 130 of the Boulder City Charter to allow council to set the number of members of any new advisory commission as five or seven when forming the commission, changing the reference of “sex” to “gender identity,” changing the requirement for a majority; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.

PRESENTERS

Jane S. Brautigam, City Manager
Mary Ann Weideman, Deputy City Manager
Thomas A. Carr, City Attorney

EXECUTIVE SUMMARY

Charter Section 130 establishes the requirements for city advisory commissions. Section 130 provides that all advisory commissions shall consist of “five city residents, appointed by the city council, not all of one sex.” In March 2018, the council created the Housing Advisory Board. Council members expressed an interest in having seven members on the board. Council will consider Ordinance 8269 to establish a Housing Advisory Board with seven members. During the discussions, council considered changing charter Section 130 to change the number of members on all advisory commissions. Council members expressed concern about changing the balance on current commissions. Accordingly, council requested that staff develop a ballot measure to allow future councils to set the

number of commission members at either five or seven at the time any commission is created. Section 130 currently establishes a majority of the commissions at three members, which is, of course, one more than half of five members. If council allows for commissions of seven, an adjustment of the majority provision is necessary as well. In addition, the council charter committee recommended changing the word “sex” to “gender identity” to allow individuals self-determination when identifying one’s personal experience of one’s own gender.

STAFF RECOMMENDATION

Suggested Motion Language

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to pass Ordinance 8271 submitting to the registered electors of the City of Boulder at the municipal coordinated election to be held on Tuesday, November 6, 2018, the question of amending Section 130 of the Boulder City Charter to allow council to set the number of members of any new advisory commission as five or seven when forming the commission, change the reference of “sex” to “gender identity,” changing the requirement for a majority; setting forth the ballot title; specifying the form of the ballot and other election procedures; and setting forth related details.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – None identified.
- Environmental – None identified.
- Social – It will support inclusiveness, which is an important community value.

OTHER IMPACTS

- Fiscal – There is a marginal cost for each ballot measure. Funding for ballot measures is anticipated in the city’s budget.
- Staff time – Ballot measures are included in current staff work plans.

BOARD AND COMMISSION FEEDBACK

The change of “sex” to “gender identity” was recommended by the city council’s charter committee.

PUBLIC FEEDBACK

The proposed ordinance will be the subject of a public hearing on August 14, 2018 and approval on September 4, 2018.

ATTACHMENTS

Attachment A – Proposed Ordinance 8271

ORDINANCE 8271

AN ORDINANCE SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF BOULDER AT THE MUNICIPAL COORDINATED ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, THE QUESTION OF AMENDING SECTION 130 OF THE BOULDER CITY CHARTER TO ALLOW COUNCIL TO SET THE NUMBER OF ANY NEW ADVISORY COMMISSION AS FIVE OR SEVEN WHEN FORMING THE COMMISSION, CHANGING THE REFERENCE OF “SEX” TO “GENDER IDENTITY,” CHANGING THE REQUIREMENT FOR A MAJORITY; SETTING FORTH THE BALLOT TITLE; SPECIFYING THE FORM OF THE BALLOT AND OTHER ELECTION PROCEDURES; AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. A municipal coordinated election will be held in the City of Boulder, County of Boulder and state of Colorado, on Tuesday, November 6, 2018.

Section 2. At that election, a question shall be submitted to the electors of the City of Boulder that will allow voters to consider the following amendment to Section 130 of the City Charter to allow council to set the number of any new advisory commission as five or seven when forming the commission, changing the reference of “sex” to “gender identity” and changing the requirement for a majority. The material to be added to the Charter is shown by underlining and material to be deleted is shown stricken through with solid lines.

Section 3. Section 130 shall be amended to read as follows:

Sec. 130. - General provisions concerning advisory commissions.

At any time after the organization of the council elected under the provisions of this charter, the council by ordinance may create and provide for such advisory commissions as it may deem advisable; provided, that a library commission is hereby created, and the council shall, within ninety days from its organization, appoint the members thereof.

1 Except as otherwise specified in this charter, Each of the existing advisory~~such~~
 2 commissions, including the library commission, shall be composed of five city residents.~~For~~
 3 any advisory commissions appointed after 2019, the council shall specify in the ordinance
 4 forming the advisory commission whether the commission shall have five or seven members.
 5 All members of a commission shall be appointed by the council, not all of one ~~sex~~gender identity,
 6 who are well known for their ability, probity, public spirit, and particular fitness to serve on such
 7 respective commissions and who are at least eighteen years old and who have resided in the city
 8 of Boulder for at least one year immediately prior to their appointment to serve on the
 9 commission. When first constituted, the council shall designate the terms for which each member
 10 is appointed so that the term of one commissioner shall expire on December 31 of each year; and
 11 thereafter the council shall by March of each year appoint one member to serve for a term of five
 12 years. The council shall have the power to remove any commissioner for non-attendance to
 13 duties or for cause. All vacancies shall be filled by the council. When first appointed and
 14 annually thereafter following the council's appointment of the commissioner, each commission
 15 shall organize by appointing a chair, a vice-chair, and a secretary; all commissioners shall serve
 16 without compensation, but the secretary of any commission, if not a member, may receive a
 17 salary to be fixed by the council; any commission shall have power to make rules for the conduct
 18 of its business. All commissioners shall serve until their successors are appointed.

19 All commissions shall hold regular monthly meetings. Special meetings may be called at
 20 any time upon due notice by a majority of the~~three~~ members. A majority of the~~Three~~ members
 21 shall constitute a quorum, and the affirmative vote of at least a majority of the~~three~~ members
 22 shall be necessary to authorize any action by the commission.

23 All commissions shall keep accounts and records of their respective transactions, and at the
 24 end of each quarter or more often, if requested by the council, and at the end of each fiscal year
 25 shall furnish to the council a detailed report of receipts and expenditures and a statement of other
 26 business transacted.

27 The chair of a commission shall preside at the meetings thereof and sign, execute,
 28 acknowledge, and deliver for the commission all contracts and writings of every kind required
 29 or authorized to be signed or delivered by the commission. The signature of the chair shall be
 30 attested by the secretary.

31 The commissions shall have the right to the floor of the council to speak on plans and
 32 expenditures proposed or to appeal for a decision in a failure to agree with another commission
 33 or the manager.

34 Wherever there shall be suitable accommodations in the city building, the offices of the
 35 commissions shall be maintained there.

36 Section 4. The official ballot shall contain the following ballot title, which shall also be
 37 the designation and submission clause for the measure:
 38

Ballot Question No. ____

Charter Provisions Related to Advisory Commissions

Shall Section 130 of the Charter be amended pursuant to Ordinance 8271 to:

- allow council to set the number of any new advisory commission as five or seven when forming the commission;
- change the criteria for what constitutes a majority to accommodate boards of different sizes; and
- change the reference of “sex” to “gender identity?”

For the Measure ____

Against the Measure ____

Section 5. If this ballot measure is approved by the voters, the Charter shall be so amended, and the City Council may adopt any necessary amendments to the Boulder Revised Code to implement this change.

Section 6. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 7. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 8. The city council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

1 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY, this 19th day of June 2018.
3

4 _____
5 Suzanne Jones
6 Mayor

7
8 Attest:

9 _____
10 Lynnette Beck
11 City Clerk

12 READ ON SECOND READING, PASSED, this 14th day of August 2018.
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15 _____
16 Suzanne Jones
17 Mayor

18 Attest:

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20 _____
21 Lynnette Beck
22 City Clerk
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1 READ ON THIRD READING, PASSED AND ADOPTED, this 4th day of September
2 2018.

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4 _____
5 Suzanne Jones
6 Mayor

7 Attest:

8 _____
9 Lynnette Beck
10 City Clerk
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