

**Town of Lyons, Colorado
Board of Trustees
BOT Agenda Cover Sheet
Agenda Item No: X.3
Meeting Date: January 16, 2018**

TO: Mayor Sullivan and Members of Board of Trustees

FROM: Kathie Guckenberger, Town Attorney

DATE: January 11, 2018 (prepared for January 16, 2018 meeting)

ITEM: Resolution 2018-13: a Resolution of the Board of Trustees of the Town of Lyons, Colorado Approving Two Ballot Questions to be Submitted to the Voters at the Regular Mail Ballot Election to be Held April 3, 2018 Related to Authorizing the Mayor and Members of the Board of Trustees to Serve Four (4) Consecutive Two-Year Terms of Office, Pursuant to the Right Granted to Voters of the Town in Article XVIII, Section 11 of the Colorado Constitution

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

I. REQUEST OR ISSUE: Section 2-2-10 of the Town’s Municipal Code establishes two-year terms of office for the duly elected Mayor and members of the Town Board of Trustees. Article XVIII, Section 11, subsection (1) of the Colorado Constitution prohibits municipal officials who are elected to serve two-year terms from serving more than three consecutive terms in office. However, the voters of the Town may lengthen, shorten or eliminate the limitations on the terms of office that the Mayor and members of the Board of Trustees may serve via an election. Colo. Const. Article XVIII, Section 11(2).

The Board of Trustees directed staff to prepare two ballot questions to extend the number of consecutive terms that the Mayor and members of the Board of Trustees may serve from three to four to present to the voters in the April 3, 2018 regular mail ballot election. The Resolution sets the title and content for the ballot questions, refers such questions to the voters in the upcoming election, and authorizes staff to take such actions as may be required to place the questions on the mail ballot for the April 3, 2018 regular election.

II. RECOMMENDED ACTION / NEXT STEP: Approve Resolution 2018-13. Upon such approval, Town staff will take steps as directed and necessary to place the questions contained in the Resolution on the ballot for the April 3, 2018 election. If one or both of the questions are approved, the Town Board may consider an ordinance that will codify the lengthening of term limits from three to four consecutive terms for the respective officials.

III. FISCAL IMPACTS: None.

IV. BACKGROUND INFORMATION:

During discussion at the December 18, 2017 regular meeting, the Board discussed the possibility of presenting these ballot questions to the Town's voters. In that discussion, Board members noted that from time to time, the Town has encountered both (1) elected officials who are prohibited from serving additional consecutive terms despite a willingness to continue serving the Town; and (2) decreased interest from citizens willing to serve as an elected official of the Town. Board members also stated that increasing the number of consecutive terms that the Mayor and members of the Board of Trustees may serve could be beneficial to the Town and enhance Town operations by retaining the experience and institutional knowledge obtained by incumbent elected officials through their extended service to the Town.

As the Board is aware, a previous effort to amend Section 2-2-10 of the Municipal Code to establish four-year overlapping terms of office for the Mayor and members of the Board of Trustees failed in February 2017. That proposed ordinance was also in part driven by a desire to retain experienced and knowledgeable Board members over time.

V. LEGAL ISSUES: To lengthen, shorten or eliminate the limitations on the terms of office that the Mayor and members of the Board of Trustees may serve, voter approval is required pursuant to Article XVIII, Section 11 of the Colorado Constitution

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

VII. SUMMARY AND ALTERNATIVES: The Board of Trustees has the following options:

- (1) Adopt Resolution 2018-13, as it may or may not be amended;
- (2) Reject or deny Resolution 2018-13.

PROPOSED MOTION (if removed from consent agenda): "I MOVE TO APPROVE RESOLUTION 2018-13, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF LYONS, COLORADO APPROVING TWO BALLOT QUESTIONS TO BE SUBMITTED TO THE VOTERS AT THE REGULAR MAIL BALLOT ELECTION TO BE HELD APRIL 3, 2018 RELATED TO AUTHORIZING THE MAYOR AND MEMBERS OF THE BOARD OF TRUSTEES TO SERVE FOUR (4) CONSECUTIVE TWO-YEAR TERMS OF OFFICE, PURSUANT TO THE RIGHT GRANTED TO VOTERS OF THE TOWN IN ARTICLE XVIII, SECTION 11 OF THE COLORADO CONSTITUTION."

Attachment:

- 1. Resolution 2018-13