

EXPLANATORY COVER SHEET

COUNCILMAN'S BILL NO. CB-1652

SPONSOR: MAYOR NOVAK, COUNCIL MEMBERS BAKER & CLYNE

TITLE: A BILL FOR AN ORDINANCE AMENDING SECTION 2-2-11 OF THE NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF A NEW SUBSECTION (b) REQUIRING THE CITY TO REIMBURSE AN INCUMBENT WHOSE RECALL IS SOUGHT AND WHO IS NOT RECALLED FOR ACTUAL EXPENSES INCURRED IN CHALLENGING THE RECALL ATTEMPT

PURPOSE: TO ALLOW FOR REIMBURSEMENT BY THE CITY OF AUTHORIZED ELECTION EXPENSES FOR AN INCUMNENT WHOSE RECALL IS UNSUCCESSFULLY SOUGHT

ADDITIONAL EXPLANATORY REMARKS:

SPONSORED BY: MAYOR NOVAK, COUNCIL MEMBERS BAKER & CLYNE

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ORDINANCE NO.

No. CB-1652
Series of 2008

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WHEREAS, C.R.S. § 31-4-504.5, which is expressly authorized by Article XXI, Sec. 4, of the Colorado Constitution, permits a municipality to determine by ordinance to repay certain authorized expenses to an incumbent whose recall is sought and who is not recalled;

WHEREAS, pursuant to Section 2.7 of the City's Home Rule Charter, the City may, by ordinance, establish additional recall procedures;

WHEREAS, the City Council desires to cause the City to pay such reimbursement as a means to properly repay elected officials who are forced to spend personal funds defending a recall effort that a majority of the registered electors of the City do not support.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 2-2-11 of the Northglenn Municipal Code amended by the addition of a new subsection (b), which shall read as follows:

Section 2-2-11. Recall.

(a) Every elected public officer of the City of Northglenn may be recalled from office by the qualified electors of the City in the manner provided by the Charter and ordinances of the City.

(B) IF AT ANY RECALL ELECTION THE INCUMBENT WHOSE RECALL IS SOUGHT IS NOT RECALLED, THE CITY SHALL UPON RECEIPT OF A PROPER REQUEST FOR REIMBURSEMENT AS SET FORTH IN THIS SECTION 2-2-11(b), REPAY THE INCUMBENT FOR ANY MONEY ACTUALLY EXPENDED ON AUTHORIZED EXPENSES AS DEFINED IN THIS SECTION 2-2-11(b).

(1) AUTHORIZED EXPENSES SHALL INCLUDE, BUT ARE NOT LIMITED TO, ANY MONIES SPENT CHALLENGING THE SUFFICIENCY OF THE RECALL PETITION AND IN PRESENTING TO THE VOTERS THE OFFICIAL POSITION OF THE INCUMBENT, INCLUDING CAMPAIGN LITERATURE AND ADVERTISING

AND THE MAINTAINING OF A CAMPAIGN HEADQUARTERS.

(2) UNAUTHORIZED EXPENSES SHALL INCLUDE, BUT ARE NOT LIMITED TO, MONIES SPENT ON CHALLENGES AND COURT ACTIONS NOT PERTAINING TO THE SUFFICIENCY OF THE RECALL PETITION; PERSONAL EXPENSES FOR MEALS, LODGING, AND MILEAGE FOR THE INCUMBENT; COSTS OF MAINTAINING A CAMPAIGN STAFF; REIMBURSEMENT FOR EXPENSES INCURRED BY A CAMPAIGN COMMITTEE WHICH HAS SOLICITED CONTRIBUTIONS; REIMBURSEMENT OF ANY KIND FOR EMPLOYEES IN THE INCUMBENT'S OFFICE; AND ALL EXPENSES INCURRED PRIOR TO THE FILING OF THE RECALL PETITION.

(3) THE INCUMBENT SEEKING REIMBURSEMENT SHALL FILE A COMPLETE AND DETAILED REQUEST FOR REIMBURSEMENT WITH THE CITY CLERK WITHIN SIXTY (60) DAYS OF THE DATE OF CERTIFICATION OF THE ELECTION RESULTS PERMITTING THE INCUMBENT TO REMAIN IN OFFICE.

(4) THE CITY CLERK SHALL THEN PROMPTLY FORWARD THE REQUEST TO THE CITY COUNCIL FOR ITS REVIEW. THE CITY COUNCIL SHALL DETERMINE THE AMOUNT OF AUTHORIZED EXPENSES THAT WILL BE REIMBURSED PURSUANT TO SUBSECTION (1) ABOVE.

(5) THE CITY SHALL REIMBURSE THE INCUMBENT FOR ALL APPROVED AND AUTHORIZED EXPENSES WITHIN SIXTY (60) DAYS OF THE CITY CLERK'S RECEIPT OF THE REQUEST.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

DIANA L. LENTZ, CMC
City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney