



CANDIDATE GUIDELINES

A source of general information about the basic requirements of candidacy for individuals interested in being elected to the office of City Council, Board of Water Works or the Civil Service Commission in the City of Pueblo



General Municipal Election
November 3, 2009

ORGANIZATION MEETING

Each newly elected Council member shall take office at noon on January 1, and hold its first meeting on the second Monday following January 1 of the year following its election. Term of office for the City Council Members elected at the November 3, 2009 General Municipal Election will begin at noon on January 1, 2010 and hold its first meeting on January 11, 2010. At that meeting, City Council will elect a President and Vice-President of the City Council for the year 2010. The newly elected Council members will take an oath or affirmation of office before entering the duties of their office.

REGULAR COUNCIL MEETINGS

All meetings of the City Council shall be held in the Council Chamber at City Hall. Regular meetings of the City Council shall be held on the second and fourth Mondays of each month commencing promptly at 7:00 p.m. in the Council Chambers.

SPECIAL COUNCIL MEETINGS

Special meetings may be called by the President or at the request in writing of the chairman of the Executive Committee or of a majority of the Council.

WORK SESSIONS

Work Sessions are held every Monday evening beginning at 5:30 p.m.

AGENDAS

Agendas and packets outlining matters to be decided by Council are delivered to the City Council no later than five (5) days prior to the each Council meeting to afford Council Members an opportunity before the meetings to review the issues that they are being asked to consider. It takes an average of three hours to review each Council agenda packet. Agendas are also available on the City's website at www.pueblo.us.

POWERS

The City Charter defines the powers and responsibilities of the City Council.

The Council shall have all legislative powers and functions of Municipal Government conferred by general law, except as provided in this in this Charter.

PRESIDENT OF THE COUNCIL

The President of the Council shall preside over meetings of the Council and have the same right to speak and vote therein as any other member. He or She shall be recognized as head of the City Government for all ceremonial purposes. He or She shall execute and authenticate legal instruments requiring signature as such an official. The President shall in no case have the power of veto. (Section 3-4 City Charter)

VICE-PRESIDENT OF THE COUNCIL

The Vice-President shall become acting President with the same duties as provided for the President in his/her absence or disability. (Section 3-4 City Charter)

Some actions the City Council takes are to:

- Appoint and provide direction to the City Manager, Presiding Municipal Judge and all Board and Commission members
- Determine the annual budget and tax levy
- Hold public hearings on annexation and zoning matters
- Adopt and/or modify City ordinances as needed
- Approve all Contracts and Inter-governmental Agreements (IGA)
- Provide direction for the City of Pueblo by determining short and long-term goals.

FORM OF GOVERNMENT

The chosen form of government is Council-Manager. The City Council is the legislative and governing body, which determines laws and policy for Pueblo. The City Manager is the Chief Administrative Officer of the City charged with carrying out the policies and decisions of City Council and for directing the day-to-day activities required for the operations of the City. There are seven Council members. Each of Pueblo's Four Councilmanic Districts has one Council representative and three members represent the City At-large. Four-year terms are staggered and at each municipal election (odd numbered years) Councilpersons are elected. Staggered terms are as follows: Election of District One, District Three and two At-large seats AND District Two, District Four and one At-large seat.

Section 11, Article XVIII of the Colorado Constitution imposes term limitations. Members of the City Council of the City of Pueblo may not serve more than two (2) consecutive terms in office.

YOUR ROLE AND RESPONSIBILITY

As a City Council member of a growing and developing community, you will be faced with many challenging situations. It is important to work through these situations in a collective and concerted fashion. You will represent your constituents and make legislative and quasi-judicial decision.

The overall general premise or mission of a local governing body is to support the "Health, Safety and Welfare" of the community. This notion for the community is paramount when decisions are made.

As a Council member you will be required to wear many hats. These hats will likely include the roles of lawmaker, financier, employer, constructive critic, intergovernmental relations and public relations representative. You are the Board of Directors of this municipal Corporation.

The Council is responsible for adopting laws, regulations, ordinances, resolutions that establish *policy* for the city and the organization. Staff is then charged with the

responsibility of carrying out and implementing the adopted policy of the council. In carrying out this responsibility, staff develops procedures for the implementation of policy.

Council is expressly prohibited by the City Charter from interfering in the appointment or removal of all personnel except the Municipal Judge and may not direct any employee either publicly or privately. The City Manager's Office is happy to assist with all inquiries with departmental personnel. (Section 4-4 City Charter)

The City Manager is the liaison between City Council and daily activities. Council members are encouraged to contact the City Manager with questions or concerns about departmental activities. Council members are also encouraged to contact the City Manager with questions regarding agenda items prior to the meetings.

ADDITIONAL DUTIES

Council also attends numerous meetings within the community in regard to issues of mutual concern. In addition to the Monday evening meetings, Council members also serve on various boards and commissions such as the Planning and Zoning Commission, the Regional Building Commission, the Urban Renewal Authority, PEDCO Board of Directors, and the Historic Arkansas Riverwalk of Pueblo Board of Directors.

CONFLICTS OF INTEREST

A Council member should refrain from voting on any issue when a conflict of interest exists. A conflict normally involves you or your family having a financial or personal interest in the matter at hand. If in doubt, consult with the City Attorney prior to voting or taking part in any discussion and voting. If you find that a conflict exists, it may be appropriate to refrain from participating in discussion. Past practice has been to move the particular item to the end of the agenda and the Council member with the conflict asks to be excused from the meeting. Once the President excuses the Council member from the meeting he or she **may not** return to the meeting. Again, consult with the City Attorney for guidance.

QUASI-JUDICIAL DECISIONS

Applying constitutional due process (fair hearing) requirements, state and federal courts have characterized certain governmental entity decisions as legislative and others as “quasi-judicial.” It is important to understand the differences between legislative and quasi-judicial decisions because the courts require that special procedures be followed for “quasi-judicial” matters.

City Council normally operates as a policy-making body, but most land-use matters are quasi-judicial. Very strict rules have been imposed by state judges on quasi-judicial matters. Since the City Council is acting like a judge, Council must make its decisions based on the evidence presented at the public hearing. Just like a judge, Council is not allowed to hear evidence outside of the public hearing. The Council, acting like a judge, must listen to the oral testimony that is presented in reaching its decision. Council must then weight that evidence against legal criteria and reach a decision whether the criteria are met. Council members are required to come into the hearing without an opinion. Outside information and opinions are called *ex parte* contact. Colorado state courts have ruled that such *ex parte* contact contaminates the hearing. The result may be that a district court would overturn the decision of City Council because of these *ex parte* contacts. If a district court judge overturned the decision of City Council, it could result in legal and financial liability for the City.

COMPENSATION

By Charter, City Council Members receive compensation in the amount of \$700.00 per month. The President of the City Council receives \$900.00 per month.

Council members are eligible for coverage for both dental and health insurance under the City’s insurance provider; however, the full amount of the premium is the responsibility of the Council member.

FAIR CAMPAIGN PRACTICES ACT

The City of Pueblo has adopted by reference the Fair Campaign Practices Act. Every candidate for any city office in the City, and every candidate committee, issue committee and political committee supporting or opposing any candidate for any city office of the City or supporting or opposing any City initiative, referendum or other ballot issue, shall comply with the requirements of the Fair Campaign Practices Act, Section 1-45-101 et seq., C.R.S. adopted by the People of the State of Colorado on November 5, 1996.

Every such candidate, candidate committee, issue committee and political committee shall timely file with the City Clerk the registration statements, disclosures and reports required by the Fair Campaign Practices Act on forms approved for such use by the Colorado Secretary of State.

It shall be unlawful and a Class 1 Municipal Offense for any person to violate any provision of this Section or the Fair Campaign Practices Act with respect to any election for any city office of the City, or with respect to any City initiative, referendum or other ballot issue, and upon conviction thereof.

The City Clerk shall impose an additional late charge of ten dollars (\$10.00) per day for each day that a statement, report or other information required to be filed by this Section or the Fair Campaign Practices Act is not filed.

ANNOUNCING YOUR CANDIDACY

Candidate Affidavit

The Candidate Affidavit must be filed with the City Clerk’s Office within 10 days of publicly announcing an intention to run for office and subsequently receiving a contribution or making an expenditure in support of the candidacy. The City Clerk’s Office recommends that the Candidate Affidavit be filed as soon as possible after announcing candidacy to ensure compliance with the Fair Campaign Practices Act.

CANDIDATE COMMITTEES

Committee Registration Form

The Committee Registration form must be submitted no later than 10 days after accepting or making a contribution or expenditure or twenty days prior to the election, whichever is earlier. A candidate committee, or persons with the common purpose of receiving contributions and making expenditures under the authority of a candidate. A candidate can only have one candidate committee.

Bank Accounts

All contributions received by a candidate committee must be deposited and maintained in a financial institution in a separate account, the title of which must include the name of the committee.

All records pertaining to the account must be maintained by the committee for 60 days after the submission of the final report unless a complaint is filed.

IMPORTANT TELEPHONE NUMBERS

Election Related Questions:

Gina Dutcher, City Clerk 719-553-2669

gdutcher@pueblo.us

Sign Code Questions and Complaints Regarding Placement of Election Signs in the Public Right of Way:

Tracy Erickson

Code Enforcement Officer 719-553-2592

terickson@pueblo.us

Voter Registration Questions

Pueblo County Elections 719-583-6622

www.co.pueblo.co.us/clerk/elections

2009 GENERAL MUNICIPAL ELECTION

OFFICES TO BE ELECTED 4 YEAR TERMS EXPIRING DECEMBER 31, 2013

2 City Council members, At-Large
1 City Council member, District #1
1 City Council member, District #3

1 Civil Service Commissioner
6 -Year Term Expiring December 31, 2015

2 Member of the Board of Water Works
6 -Year Terms Expiring December 31, 2015

NOMINATING PETITIONS: (Section 17-5 City Charter, As Amended)

August 4, 2009 First day to Pick Up Petitions (91 days before election)

August 24, 2009 5:00 pm Last day to File Petitions (71 days before election)

OTHER IMPORTANT DATES:

September 1, 2009
Drawing of Candidates for *Ballot Position*

September 4, 2009
Certify Ballot content to County Clerk

NUMBER OF SIGNATURES REQUIRED (City Charter Section 17-4):

Council member, At-Large
Not LESS than 100 - Nor MORE than 200

Council member, By-District
Not LESS than 50 - Nor MORE than 100

Water Board Members
Not LESS than 100 - Nor MORE than 200

Civil Service Commissioners
Not LESS than 100 - Nor MORE than 200

Affidavit of Acceptance Forms must be completed by the Candidate and returned at the same time when filing Nominating Petitions. Nominating Petition Forms must be completed and NOTARIZED before filing