

ORDINANCE NO. 09
(Series of 2025)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO,
AMENDING THE CITY OF ASPEN HOME RULE CHARTER BY AMENDING
SECTIONS 2.4, 3.1, 3.3, 3.5, 3.6, 3.7, 3.8, 3.9, 4.2, 4.7, 6.1, 6.2, 6.3, 6.5, 6.6, 6.8, 7.1, 7.2, 8.2, 9.12,
and 9.13, TO REPLACE GENDER SPECIFIC TERMS WITH GENDER NEUTRAL
TERMS.**

WHEREAS, the Aspen City Council (“Council”) desires to amend the City of Aspen Home Rule Charter (“Charter”) to eliminate the use of gender specific terms and to replace all such existing terms with gender neutral terms: and,

WHEREAS, at present, the Charter defaults to gender specific generics when discussing the powers and duties of councilmembers and other City officials including the Mayor, the City Manager, the City Attorney, the City Finance Director, and the Municipal Judge; and,

WHEREAS, gender specific generics are found in Sections 2.4, 3.1, 3.3, 3.5, 3.6, 3.7, 3.8, 3.9, 4.2, 4.7, 6.1, 6.2, 6.3, 6.5, 6.6, 6.8, 7.1, 7.2, 8.2, 9.12, and 9.13 of the Charter; and,

WHEREAS, the Council finds that modernization of the Charter is warranted at this time; and,

WHEREAS, Council further proposes amendments to ensure subject verb agreement with gender-neutral terms, however these amendments do not otherwise affect the Charter’s provisions; and,

WHEREAS, the proposed ordinance demonstrates all amendments via strikethroughs for terms to be removed from the Charter and additions in red text; and,

WHEREAS, pursuant to Section 13.10 of the Charter, the Charter may be amended at any time in the manner provided by the state constitution; and,

WHEREAS, Article XX, Section 5 of the Colorado Constitution authorizes Council, upon its own initiative, to submit any charter amendment at any general state or municipal

election held not less than 30 days after the effective date of the ordinance or resolution submitting such question; and,

WHEREAS, Article XX, Section 9 of the Colorado Constitution states that no municipal home rule charter amendment shall become effective until approved by a majority of the registered electorate and empowers the state legislature to provide by statute procedures under which the registered electors of a city may amend a municipal home rule charter; and,

WHEREAS, the state legislature enacted Section 31-2-210 of the Colorado Revised Statutes, which section sets forth the procedures for amending a city's home rule charter; and

WHEREAS, pursuant to Section 31-2-210, C.R.S., a governing body of a home rule city or town may propose charter amendments through the adoption of an ordinance, including a ballot title for the proposed amendment, and submission of the proposed amendment to the electorate; and,

WHEREAS, the Council now determines it is necessary to submit to the electors of the City, at the Election which will be held as a coordinated election with the County on November 4, 2025, the election question approving adoption of the Charter amendment set forth herein; and,

WHEREAS, the Council finds that the adoption of this Ordinance is necessary for the preservation of the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, THAT:

Section 1:

Section 2.4 of Article II of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 2.4. - Election commission.

An election commission is hereby created, consisting of the city clerk and two (2) 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. These two (2) members shall be appointed by the council in the first July following a regular city election for a term of two (2) years, and shall serve without compensation. The city clerk shall be chairman. The election commission shall have charge of all activities and duties required of it by statute and this 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 commission shall provide procedures to establish proof of residency qualification where residency is in question. Upon a showing for good cause, the commission may require proof of residency by any person registered to vote or attempting to register to vote in the City of Aspen. Said person shall not be qualified to vote in any municipal election until the commission is satisfied that ~~they have~~ ~~he has~~ presented sufficient proof of residency as required by law or by ordinance adopted pursuant to this Charter.

The election commission shall provide for ballots and sample ballots or voting machines, for determination of the winner in the event of a tie vote, for canvass of returns, and for issuance of appropriate certificates

Section 2:

Section 3.1 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.1. - The council.

The City shall be governed by a council of four (4) ~~councilmembers~~ ~~councilmen~~ and a mayor. All ~~councilmembers~~ ~~councilmen~~ and mayor shall be nominated and elected at large from the entire City.

Section 3:

Section 3.3 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.3 - Mayor.

The mayor shall be elected at large for the entire city for a term of two (2) years. The candidate receiving the highest number of votes shall be elected mayor, provided that the candidate receives fifty percent (50%) plus one vote, or more, of the votes cast for the office of mayor. In the event that no candidate shall have received fifty percent plus one

vote, or more, of the votes cast for the office of mayor, then a run-off election shall be held in accordance with Section 2.7.

The mayor shall preside at meetings of the Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon ~~them~~ him or her by this Charter or the ordinances of the City. ~~They~~ He or she shall have all of the powers, rights, privileges and obligations of a member of Council. ~~They~~ He or she shall be recognized as the head of the government for all ceremonial and legal purposes and ~~they~~ he or she shall execute and authenticate legal instruments requiring ~~their~~ his or her signature as such official.

Section 4:

Section 3.5 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.5. - Qualifications.

Each ~~councilmember~~ councilman and the mayor when nominated and elected shall be an elector of the City and a citizen of the United States for at least one (1) year and shall have resided in the City of Aspen for at least one (1) year. No ~~councilmember~~ councilman or the mayor shall be a salaried employee of the City during ~~their~~ his term of office, perform personal services for the City for which ~~they are~~ he is compensated other than as provided in Section 3.6. The council shall be the judge of election and qualifications of its own members.

Section 5:

Section 3.6 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.6. - Compensation.

The members of the council shall receive such compensation, and the mayor such additional compensation, as the council shall prescribe by ordinance; provided, however, that the compensation of any member during ~~their~~ his term of office shall not be increased or decreased. The mayor and ~~councilmembers~~ councilmen may, upon order of the council, be paid their actual and necessary expenses incurred in the performance of their duties of office.

Section 6:

Section 3.7 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.7. - Mayor pro-tem.

The mayor pro-tem shall be elected by council from its own membership. Said election shall take place at the organizational meeting following each general municipal election. The mayor pro-tem shall serve until the next organizational meeting unless sooner removed by a majority vote of the entire council. In the absence or disability of the mayor, the mayor pro-tem shall perform all duties and have all powers of the mayor. In the event of a vacancy in the office of mayor pro-tem, the council shall choose ~~their~~ his successor.

Section 7:

Section 3.8(a) of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.8. - Vacancies.

(a) An elected officer shall continue to hold ~~their~~ his office until a successor is duly qualified or until a vacancy is created as set forth herein. An elective office shall become vacant whenever any officer is recalled, dies, becomes incapacitated, resigns, commences or continues service as an elected official for another governmental entity including any county or state elected office, ceases to be a resident of the City, or is convicted of a felony.

Section 8:

Section 3.9 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.9. - Oath of office.

Before entering upon the duties of ~~their~~ his office, every ~~councilmember~~ ~~council~~man, the mayor and other city officers shall take, subscribe before, and file with the city clerk, an oath or affirmation that ~~they~~ ~~he~~ will support the Constitution of the United States, the Constitution of the State of Colorado, this Charter and the ordinances of the City and will faithfully perform the duties of the office.

Section 9:

Section 4.2 of Article IV of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 4.2. - Special meetings.

Special meetings shall be called by the city clerk on the written request of the mayor or of any two (2) members of the council, on at least twenty-four (24) hours written notice to each member of the council, served personally or left at ~~their~~ his usual place of residence; a special meeting, however, may be held on shorter notice if all members of the council are present or have waived notice thereof in writing.

Section 10:

Section 4.7 of Article IV of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 4.7. - Voting.

The vote by "Yes" and "No" shall be taken upon the passage of all ordinances and resolutions, and entered upon the minutes of the council proceedings. Every ordinance shall require the affirmative vote of a majority of the entire council for final passage. Resolution and motions shall require the affirmative vote of a majority of the members present. No member of the council shall vote on any question in which ~~they have~~ ~~he~~ has a substantial personal or financial interest, other than the common public interest, or on any question concerning ~~their~~ ~~his~~ own conduct, and in said instances the member shall disclose this interest to the council. On all other questions each member who is present shall vote when ~~their~~ ~~his~~ name is called. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

Section 11:

Section 6.1 of Article VI of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 6.1. - Manager.

The city manager shall be the chief administrative officer of the City. The council, by a majority vote, shall appoint a city manager within a reasonable time whenever a vacancy exists in such position. Such appointment shall be without definite term and shall be at a salary to be fixed by council. The manager shall be appointed without regard to any consideration other than ~~their~~ ~~his~~ fitness, competency, training and experience as a manager. At the time of his appointment, ~~they~~ ~~he~~ need not be a resident of the City or State, but during tenure of office ~~they~~ ~~he~~ shall reside within the City except at the discretion of the council. No member of the council shall be appointed manager during the term for which ~~they~~ ~~he~~ shall have been elected, nor within one year after the expiration of their term.

Section 12:

Section 6.2 of Article VI of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 6.2. - Acting manager.

The council may appoint an acting city manager during the period of vacancy in the office, or during the absence or disability of the city manager. Such acting city manager shall, while ~~they are~~ ~~he is~~ in such office, have all the responsibilities, duties, functions and authority of the city manager.

Section 13:

Section 6.3 and 6.3 parts (e),(f),(g), and (l) of Article VI of the Home Rule Charter of the City of Aspen are hereby amended to read as follows:

Section 6.3. - Powers and duties.

The manager shall be responsible to the council for the proper administration of all affairs of the City placed in ~~their~~ his charge, and to that end ~~they~~ he shall have the power and duty and be required to:

- (e) Prepare and submit to the council as of the end of the fiscal year a complete report on finances and administrative activities of the City for the preceding year, and upon request of the council make written or verbal reports at any time concerning the affairs of the City under ~~their~~ his supervision;
- (f) Keep the council advised of the financial condition and future needs of the City and make such recommendations to the council for adoption as ~~they~~ he may deem necessary or expedient;
- (g) Exercise supervision and control over all executive and administrative departments, and recommend to the council any proposal ~~they~~ he think advisable to establish, consolidate or abolish administrative departments;
- (l) Perform such other duties as may be prescribed by this Charter, or by ordinance, or required of ~~them~~ him by council which are not inconsistent with this Charter.

Section 14:

Section 6.5 of Article VI of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 6.5. - Relationship of council to administrative service.

Neither the council, its members, the mayor, nor any council committee shall dictate the appointment of any person to office by the city manager except as otherwise provided in this Charter or in any way interfere with the city manager or other city officer to prevent ~~them~~ him from exercising ~~their~~ his judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the council, its members, the mayor, and any council committee shall deal with the administrative service solely through the city manager and neither the council, its members, the mayor, nor any council committee thereof shall give orders to any of the subordinates of the city manager.

Section 15:

Section 6.6 of Article VI of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 6.6. - City clerk.

The manager with the approval of council shall appoint a city clerk, who shall be custodian of the city seal and who shall keep a journal of council proceedings and record in full all ordinances, motions and resolutions. ~~They~~ ~~He~~ shall have power to administer oaths and take acknowledgments under seal of the City, and shall perform such other duties as required by this Charter, the council, or the manager.

Section 16:

Section 6.8 of Article VI of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 6.8. - Duties and powers of director of finance.

The director of finance shall also be the city treasurer. ~~They~~ ~~He~~ shall keep and supervise all accounts; receive and have custody of all monies of the City; collect special city taxes, electric and water fees and charges; issue licenses and collect fees therefor; make and keep public records of the City not specifically entrusted to any other department by this Charter or by ordinance; and perform such other duties pertaining to the department of finance as required by this Charter, the council or the manager.

Section 17:

Section 7.1 of Article VII of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 7.1. - City attorney.

The council shall appoint a city attorney to serve at the pleasure of council. ~~They~~ ~~He~~ shall be an attorney-at-law admitted to practice in Colorado. The city attorney shall be the legal representative of the City and ~~they~~ ~~he~~ shall advise the council and city officials in matters relating to their official powers and duties and perform such other duties as council may prescribe by ordinance or resolution. The council may provide the city attorney such assistants as council may deem necessary, and may on its own motion or upon request of the city attorney in special cases employ special counsel to serve under the direction of the city attorney. Council shall establish compensation for the city attorney, ~~their~~ ~~his~~ assistants and special counsel.

Section 18:

Section 7.2(b), and (d) of Article VII of the Home Rule Charter of the City of Aspen are hereby amended to read as follows:

Section 7.2. - Judiciary.

- (b) Deputy judges. Council may appoint one or more deputy judges as it deems necessary. The deputy municipal judges shall all have the powers of the municipal

judge when called upon to act by the municipal judge or the council. In the event that more than one municipal judge is appointed, the council shall designate a presiding municipal judge, who shall serve in is capacity during the terms for which ~~they were~~ ~~he was~~ appointed. The deputy municipal judges shall be attorneys admitted to practice in the State of Colorado and serve at the pleasure of the council.

(d) Removal. Any municipal judge may be removed during ~~their~~ his term of office only for cause. A judge may be removed for cause if:

- (1) ~~They are~~ ~~His~~ is found guilty of a felony or any other crime involving moral turpitude;
- (2) ~~They have~~ ~~He has~~ a disability which interferes with the performance of their duties, and which is, or is likely to become, of a permanent character;
- (3) ~~They have~~ ~~He has~~ willfully or persistently failed to perform their duties; or
- (4) ~~They are~~ ~~He is~~ habitually intemperate.

Section 19:

Section 8.2 of Article VIII of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 8.2. - Composition of boards and commissions.

No member of the city council, the mayor, any city employee, nor any appointed city official shall serve on any permanent board or commission heretofore established or hereafter established by council during his or her tenure as ~~councilmember~~ ~~councilman~~, mayor, city employee or appointed official. Every member of a permanent board or commission established by this Charter and appointed by council shall be a resident of the City of Aspen for at least one (1) year and shall be a qualified elector, with the exception of the board of appeals and examiners which shall be composed of members who are either residents of the City of Aspen or of the Pitkin County for at least two (2) years. Terms of appointment to such boards and commissions shall not exceed four (4) years. There shall be no limitation on the number of terms a member may serve on any permanent board or commission.

Section 20:

Section 9.12(c) of Article IX of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 9.12. - Amendments after adoption.

(c) Reduction of appropriations. If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, ~~they~~ ~~he~~ shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by ~~them~~ ~~him~~ and ~~their~~ ~~his~~ recommendation as to any other steps to be taken. The council shall then take such

further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Section 21:

Section 9.13(a) and (b) of Article IX of the Home Rule Charter of the City of Aspen are hereby amended to read as follows:

Section 9.13. - Administration of budget.

- (a) Work programs and allotments. The manager may require each department, office or agency to submit work programs for the ensuing fiscal year showing the requested allotment of its appropriation by periods within the year. The manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. ~~They~~ ~~He~~ may revise such allotments during the year if ~~they deem~~ ~~he deems~~ it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriation made pursuant to Section 9.12.
- (b) Payments and obligations prohibited. No payments shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the manager first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation, and ~~they~~ ~~he~~ shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds, or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such act was made or approved by ordinance.

Section 22:

Section 13.8, 13.8(b) and (d) of Article VI of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 13.8. - Emergency powers.

In case of riot, insurrection or extra-ordinary emergency, the mayor, or in ~~their~~ ~~his~~ absence, the manager, shall assume general control of the city government and all

branches and be responsible for the suppression of disorders and the restoration of normal conditions. At any time of threatened or actual civil insurrection, the mayor shall:

- (b) Request the governor's proclamation at ~~their~~ his discretion if ~~they believe~~ he believes that the resources and ability of the community are inadequate to cope with the peril;
- (d) Execute all ~~their~~ his normal powers and all ~~their~~ his special powers lawfully conferred upon ~~them~~ him including, but not limited to, establishing written rules and regulations governing conduct and activities reasonably related to the protection of life and property and to the suppression of the civil insurrection.

Section 23:

Any scrivener's errors contained in the Charter amendments herein, including but not limited to mislabeled subsections or titles, may be corrected administratively following adoption of the Ordinance.

Section 24:

This ordinance shall not affect any existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions or ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior resolutions or ordinances.

Section 25:

If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining portions thereof.

Section 26:

This ordinance shall become effective only upon approval of the electorate of the City of Aspen at the special municipal election to be held on November 4, 2025, of a ballot question in substantially the form that follows:

CITY OF ASPEN REFERENDUM NO. _____

AMENDMENT TO CITY CHARTER – REPLACE GENDER SPECIFIC TERMS WITH GENDER NEUTRAL TERMS

SHALL ORDINANCE NO. 09, SERIES OF 2025, BE APPROVED? ORDINANCE NO. 09, SERIES OF 2025, IF APPROVED, AMENDS THE CITY OF ASPEN CHARTER, SECTIONS 2.4, 3.1, 3.3, 3.5, 3.6, 3.7, 3.8, 3.9, 4.2, 4.7, 6.1, 6.2, 6.3, 6.5, 6.6, 6.8, 7.1, 7.2, 8.2, 9.12, and 9.13 TO REPLACE GENDER SPECIFIC TERMS WITH GENDER NEUTRAL TERMS.

YES _____

NO _____

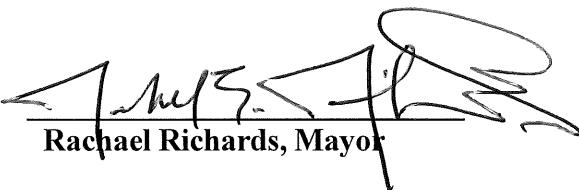
Section 27:

A public hearing on this ordinance will be held on the 26th day of August 2025, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado, prior to which the ordinance and notice of public hearing shall be published in accordance with the Home Rule Charter of the City of Aspen.

INTRODUCED AND READ, as provided by law, by the City Council of the City of Aspen on the 12th day of August, 2025.

ATTEST:

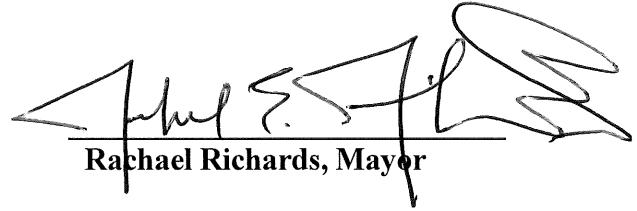

Nicole Henning, City Clerk


Rachael Richards, Mayor

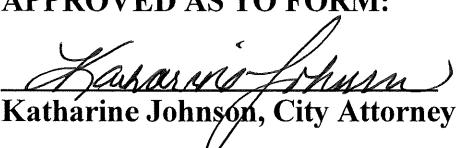
FINALLY, adopted, passed and approved this 26th day of August, 2025.

ATTEST:


Nicole Henning, City Clerk


Rachael Richards, Mayor

APPROVED AS TO FORM:


Katharine Johnson, City Attorney