CHAPTER 108

GOVERNMENT - MUNICIPAL

HOUSE BILL 98-1029

BY REPRESENTATIVE Takis;
also SENATORS Martinez and Rupert.

AN ACT

CONCERNING THE TERM OF OFFICE FOR MAYORS IN STATUTORY COUNCIL-MANAGER CITIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 31-4-207, Colorado Revised Statutes, is amended to read:

31-4-207. Mayor - selection. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, if the mayor is to be elected by and from among the members of the city council, then at the meeting of the city council at which their terms commence, as provided in section 31-4-105, the city council shall choose, by a majority vote, for a term of two years, one of its members as chairperson, who shall have the title of mayor, and shall also choose, by a majority vote, for a term of two years, one of its members as vice-chairperson, who shall act as mayor pro tem. In case of a vacancy in the office of the mayor, the city council shall choose a successor for the unexpired term.

(2) If the mayor is to be elected by popular vote, he OR SHE shall be elected by a plurality of the votes cast for that office at the regular election in the city. He THE MAYOR shall be a registered elector who has resided within the limits of the city for a period of at least twelve consecutive months immediately preceding the date of the election; except that, in the case of annexation, any person who has resided within the annexed territory for the time prescribed in this subsection (2) shall be deemed to have met the residence requirements for the city to which the territory was annexed. The mayor shall assume his OR HER office at the next regularly scheduled meeting of the city council following his OR HER election or upon such earlier date as the council may specify. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3) OF THIS SECTION, He THE MAYOR shall hold his OR HER office for a term of two years. At the same meeting of the city council, the city council shall choose, by a majority vote, one of its members to act as mayor pro tem in the temporary absence of the mayor. The city

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Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

council may appoint one of its members acting mayor in the event both the mayor and the mayor pro tem are temporarily absent from the city or unable to perform the duties of the mayor. In case of a vacancy in the office of the mayor, the city council shall choose his successor for the unexpired term.

(3) THE CITY COUNCIL MAY PROVIDE, BY ORDINANCE, FOUR-YEAR TERMS FOR THE OFFICE OF THE MAYOR. THE CITY COUNCIL MAY REINSTATE TWO-YEAR TERMS PROVIDED IN THIS SECTION BY ORDINANCE. ANY ORDINANCE PASSED PURSUANT TO THIS SUBSECTION (3) SHALL BE ENACTED AT LEAST ONE HUNDRED EIGHTY DAYS BEFORE THE NEXT REGULAR ELECTION AND SHALL BE SUBJECT, NOTWITHSTANDING ANY EMERGENCY DECLARATION, TO REFERENDUM BROUGHT PURSUANT TO SECTION 31-11-105 OR PURSUANT TO AN APPLICABLE ORDINANCE ENACTED IN ACCORDANCE WITH SECTION 1 OF ARTICLE V OF THE STATE CONSTITUTION. NO ORDINANCE ENACTED PURSUANT TO THIS SUBSECTION (3) SHALL EXTEND OR REDUCE THE TERM FOR WHICH ANY PERSON WAS ELECTED. IF A VACANCY OCCURS IN THE OFFICE OF THE MAYOR FOR WHICH A FOUR-YEAR TERM IS IN EFFECT PURSUANT TO THIS SUBSECTION (3), THE VACANCY SHALL BE FILLED AS PROVIDED IN SUBSECTIONS (1) AND (2) OF THIS SECTION.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 17, 1998