AGENDA

CITY COUNCIL REGULAR MEETING

August 11, 2026

5:00 PM, City Council Chambers
427 Rio Grande Place, Aspen

ZOOM

Join from PC, Mac, iPad, or Android:

https://us06web.zoom.us/j/87035393942?pwd=0YUklaaeRavf8eGvb6I2inaSCborek.1

Passcode:81611

Join via audio:

+1 719 359 4580 US

Webinar ID: 870 3539 3942

Passcode: 81611

International numbers available: https://us06web.zoom.us/u/kdTHbU4zR1

I. Call to Order

II. Roll Call

III. Scheduled Public Appearances

IV. Citizens Comments & Petitions
(Time for any citizen to address Council on issues NOT scheduled for a public hearing. Please limit your comments to 3 minutes)

V. Special Orders of the Day
a) Councilmembers' and Mayor's Comments b) Agenda Amendments c) City Manager's Comments d) Board Reports

VI. Consent Calendar

(These matters may be adopted together by a single motion)

VI.A Resolution #099, Series of 2026 - Supporting a Housing Planning Grant Program Application
Resolution_99_Housing_Action_Plan_Grant_Support-_Staff_Report.docx
Resolution_99_-Housing_Action_Plan_Grant_Support.doc

VI.B Resolution #101, Series of 2026 - Water Treatment Facility Improvements: Ballot Language

STAFF_REPORT_WTFImpProject_BallotLanguage_03Aug2026_FINAL.docx
Aspen Resolution 101 2026 November Election (08.03.2026) FINAL.docx

VI.C Resolution #104, Series of 2026 - Calling for and Establishing the Date for the Coordinated Election and Authorizing the City Clerk to Execute the IGA with Pitkin County
memo_reso_104_coordinated_election_2026 (4).docx
Resolution_104_re_coordinated_election_2026.docx
Signed IGA.pdf

VII. Notice of Call-Up

VIII. First Reading of Ordinances

VIII.A Ordinance #14, Series of 2026 - C&D Debris Diversion Code Updates
Staff_Report_Ordinance #14, Series of 2026_C&D Debris Diversion Code Updates.docx
Ordinance #14, Series of 2026_C&D Debris Diversion Code Updates.docx

VIII.B Ordinance #17, Series of 2026 - Proposed Ordinances to Amend Charter to Change City of Aspen's Election from March to November
Staff Report - 1st reading (8-7-26) (final).docx
Ordinance #17 (8-6-26) (Alternative #1).docx
Ordinance__17__8-6-26___Alternative__2_ (1).docx
Ex. C Election_white_paper_FINAL__Amended_May_2025_.pdf
Ex. D - July 20, 2026 Staff_Report_Municipal_Election_Survey.pdf

IX. Public Hearings

IX.A Ordinance #15, Series of 2026 - Establishing Term Limits for the Wheeler Advisory Board
Staff Report -Second Reading Ordinance No. 15, Series of 2026.docx
Ordinance No. 15 Series of 2026 Establishing Term Limits for the Wheeler Advisory Board.docx
Ex. B Ordinance 002-2021.pdf

IX.B Ordinance #16, Series of 2026 - Establishing Term Limits for Kids First Advisory Board

Staff Report - Second Reading of Ordinance No. 16, Series of 2026 Establishing term limits for Kids FIrst Advisory Board.docx
Ex A- Ordinance Amending Ordinance No 16, Series of 2020 establishing Term Limits for Kids First Advisory Board (updated after 1st reading).docx
Ex. B - ordinance.council.016-2020 - Kids First Bylaws.pdf

X. Action Items

X.A Resolution #102, Series of 2026 - Request for Demolition Allotment - 82 Northway Drive
Staff Report_ 82 Northway Drive Demolition Allotment.pdf
Resolution #102, Series of 2026.docx
Attachment A _ Application.pdf

XI. Adjournment

CITY OF ASPEN

STAFF REPORT

TO: Mayor and City Council

FROM: Liz Axberg, Housing Policy Analyst

THROUGH: Diane Foster, Deputy City Manager

MEETING DATE: August 11th, 2026

SUBJECT: Resolution #099, Series 2026 – Supporting a Housing Planning Grant Program Application

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INTENDED OUTCOME: Council's support of Resolution #099 will enable staff to apply for a grant of $150,000. If the grant is received, it will provide up to 75% of the cost to create the state-mandated Housing Action Plan.

EXECUTIVE SUMMARY: The Housing Planning Grant Program enacted by SB24-174 provides grants to local governments and regional entities to help them better understand their housing needs and to develop actionable and compliant housing needs assessments (HNAs), housing action plans, and comprehensive plan elements.

The city of Aspen's grant application for $150,000 is intended to provide funding to support the creation of a Housing Action Plan. All local governments in Colorado are required by SB24-174 to complete Housing Action Plans by January 1, 2028.
DOLA grants require proof of an official action authorizing submission of this grant and acknowledging that if awarded, the jurisdiction is prepared to contribute the matching portion of the proposed budget.

DISCUSSION: In 2024, the Colorado Legislature enacted Senate Bill 24-174, requiring every local government in Colorado to complete and publish a Housing Needs Assessment by December 31, 2026, and a Housing Action Plan by January 1st, 2028.

To assist local governments in meeting these requirements, the senate legislation also created the Housing Planning Grant Program. City of Aspen staff are looking to utilize this grant funding to support creating a Housing Action Plan. Information on Housing Action Plans and Guidance can be found here. The city is applying for $150,000 in funding to support creating a fully compliant document and meeting the outreach requirements outlined within the guidance as well.

Housing Action Plans typically cost jurisdictions $70,000 to $80,000. The city is requesting additional funding to support community outreach and a survey to help inform plan strategies. A standalone survey generally costs $40,000 to $60,000. Staff will scale the scope of work based on the amount of funding awarded.

If awarded the grant, the city will go to RFP for the work. At that time, Council will have the opportunity to review the scope of work and contract as part of the contract approval process. Additionally, upon completion, the Housing Action Plan will require adoption by Aspen City Council. If not awarded the grant, staff will explore scaled back approaches to creating a compliant Housing Action Plan.

FINANCIAL IMPACTS: If awarded, the grant requires the city of Aspen to provide a match of 25% of the project's cost. Monies for this match would come from the City of Aspen Housing Development Fund.

RECOMMENDATIONS: Approval of Resolution #099, Series 2026. This grant and housing action plan would support housing initiatives across the city. This includes setting tangible housing goals and complying with the state legislation which could support additional financial support for affordable housing initiatives in the future.

ALTERNATIVES: Council could fully fund the Housing Action Plan through the 150 – Housing Development Fund rather than using grant funds. Council could also choose not to complete a Housing Action Plan, which would leave the city in violation of the SB24-174 law and may impact future funding requests from the state.

CITY MANAGER COMMENTS:

RESOLUTION #099
(Series of 2026)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, ACKNOWLEDGING AND SUPPORTING THE APPLICATION BY THE CITY OF ASPEN FOR A HOUSING PLANNING GRANT THROUGH THE STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS GRANT PROGRAM.

WHEREAS, the Colorado General Assembly passed Senate Bill 24-174, *Concerning State Support for Sustainable Affordable Housing*, establishing a statewide framework for housing needs planning and requiring local governments to develop housing needs assessments and housing action plans to support affordable housing planning and development; and

WHEREAS, the Colorado Department of Local Affairs (DOLA) has established a Housing Planning Grant Program to assist municipalities and counties in the creation and development of actionable and compliant housing needs assessments (HNAs), housing action plans, and comprehensive plan elements; and

WHEREAS, the City desires to apply for grant funding from the Colorado Department of Local Affairs to assist with the preparation of a Housing Action Plan and to reduce the financial burden of undertaking the planning, public engagement, analysis, and implementation strategy development necessary to satisfy the requirements of Senate Bill 24-174; and

WHEREAS, the City Council finds that pursuing grant funding to support preparation of a Housing Action Plan is in the best interests of the City and its residents because it will enable the City to undertake a comprehensive, data-driven, and community-informed planning process while leveraging available state resources.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO,

That the Aspen City Council City Council supports the submission of an application to the Colorado Department of Local Affairs for grant funding to assist with preparation of a Housing Action Plan pursuant to Senate Bill 24-174 and authorizes the City Manager, or designee, to execute and submit all documents necessary to apply for and administer such grant funding.

BE IT FURTHER RESOLVED, that, subject to annual appropriation, the City Council hereby commits to providing a local match equal to twenty-five percent (25%) of the total project cost, in cash, in-kind services, or a combination thereof as permitted by the grant program requirements and authorizes such matching funds to be identified in the grant application and associated project budget.

RESOLVED, APPROVED, AND ADOPTED FINALLY by the City Council of the City of Aspen on the 11th day of August 2026.

_____

Rachael Richards, Mayor

I, Nicole Henning, duly appointed and acting City Clerk do certify that the foregoing is a true and accurate copy of that resolution adopted by the City Council of the City of Aspen, Colorado, at a meeting held, August 11th, 2026.

_____

Nicole Henning, City Clerk

CITY OF ASPEN

STAFF REPORT

TO: Aspen City Council

FROM: Ryan Loebach, Deputy Utilities Director

THROUGH: Erin Loughlin Molliconi, Utilities Director
Tyler Christoff, Deputy City Manager

MEETING DATE: August 11th, 2026

SUBJECT: Water Treatment Facility Improvements: Ballot Language

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INTENDED OUTCOME & SUMMARY: Staff is requesting Council review and approve proposed language for a November 2026 ballot measure seeking voter approval for bond financing of the City's Water Treatment Facility (WTF) Improvements Project.

DISCUSSION: The City's WTF provides potable water to over 4,100 accounts within the City's water service area, producing between 1.1 to 1.7 billion gallons annually. Constructed in 1965 and expanded in 1986, most of the facility's equipment is nearly 40+ years old and the filtration media, replaced more than 15 years ago, is scheduled for replacement. Council previously approved the initial phases of the WTF Improvements Project hiring a design and construction professional to deliver the project (Resolution #016 Series of 2025 and Resolution #089 Series of 2024) and construction and construction monitoring services for the project's Early Work Package earlier in 2026 (Resolution #011 Series of 2026 and Resolution #012 Series of 2026).

FINANCIAL IMPACTS: The WTF Improvements Project reached the 90% design milestone in February 2026. The City's existing Construction Manager at Risk (CMAR) contractor, Haskell, went to market with the 90% documents and submitted a draft guaranteed maximum price (GMP) for the entire project in May 2026 to inform the project budget and bond measure amounts. The City's existing consultant engineer, Garver, provided a proposal for construction phase services for the duration of the project schedule from September 2026 to June 2029. The proposed project budget containing the GMP and professional services proposal is summarized below.

Table 1. Summary of CMAR, professional construction phase services, and contingency costs for entire proposed budget.

Direct Cost of Work	$72,489,803.69
Allowances	$4,490,392.00
Contractor's Contingency	$2,292,903.00
Builders Risk Insurance	$115,303.82
General Liability Insurance	$1,031,353.45
Performance and Payment Bond	$661,521.75
Overhead and Profit	$4,864,876.34
Haskell Recommended Owners Contingency	$3,332,668.00
Total CMAR (Haskell) Contract Cost	$89,278,822.05
Total Garver Construction Phase Services Cost	$3,201,368.00
Subtotal CMAR and Garver Construction Phase Services Cost	$92,480,190.05
Additional Owner Contingency (8%)	$7,398,415.20
Total Cost	**$99,878,605.25**

City staff and the project team are reviewing and negotiating a final GMP, finalizing project details, construction scope and sequencing this summer. City staff is recommending a project budget of up to $100,000,000.00 based upon the sum of costs provided by both vendors and added owner contingency of 8%, as shown in Table 1, to cover any additional out-of-scope items encountered between the 90% design milestone and completion of construction. A ballot measure seeking voter approval to bond finance the project is necessary to complete the project.

Council approved a 15% water rate increase in 2026 (Ordinance #013 Series of 2025), supported future out-year rate increases of 10% in 2027 and 2028, and project financing requiring a public vote in November 2026 during the October 13th, 2025 work session. City staff's projected water rate increase plan supports the WTF Improvements Project budget and bond repayment cost while still funding necessary capital and operating expenses within the water utility. City staff will confirm this in detail at future budget council sessions in October 2026.

Draft Ballot Language

Staff have collaborated internally and with external counsel to author ballot initiative language that is in accordance with applicable state law. A draft proposed resolution is attached as Exhibit A and contains the suggested ballot language shown below.

DEBT FOR WATER TREATMENT FACILITY PROJECT

WITHOUT INCREASING ANY TAXES, SHALL THE CITY OF ASPEN DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED $100,000,000, WITH A TOTAL REPAYMENT COST NOT TO EXCEED $255,000,000, FOR THE PURPOSE OF FINANCING THE EXPANSION, RENOVATION, IMPROVEMENT, REMODELING AND EQUIPPING OF ITS WATER TREATMENT FACILITY; SUCH DEBT TO BE ISSUED IN THE FORM OF REVENUE BONDS OR OTHER MULTIPLE FISCAL YEAR FINANCIAL OBLIGATION, WITH SUCH TERMS, AND BEARING INTEREST AT SUCH RATES AS MAY BE APPROVED BY CITY COUNCIL, PAYABLE SOLELY FROM THE WATER ACTIVITY ENTERPRISE REVENUE, AND TO COLLECT, RETAIN AND SPEND ALL REVENUE AND INTEREST FROM THESE FINANCIAL OBLIGATIONS AS A VOTER-APPROVED REVENUE CHANGE TO LIMITS UNDER COLORADO LAW, OR ANY OTHER LAW?

ENVIRONMENTAL IMPACTS: Council approval of this proposed ballot language supports the WTF Improvements Project, which allows staff to implement improvements to treat raw water more efficiently by potentially using fewer treatment chemicals and creating a smaller volume of process residuals. Reducing chemical usage and residual production quantities increases staff's ability to sustainably produce potable water for the City.

RECOMMENDATIONS: Staff is requesting Council approval of Resolution #101, Series of 2026, submitting to the electors at the coordinated election to be held on November 3 2026 the question of authorizing and issuing debt to finance the City's Water Treatment Project (WTP) Improvements Project.

ALTERNATIVES: Staff believe this is a critical project and a necessary expense to continue to produce and distribute water that is safe for human consumption. Alternatively, the city can choose to operate the treatment plant equipment and filter media to a failure point and risk unreliable potable water production in the event a failure occurs. Staff would then be required to procure replacement equipment, materials, and installation labor in an emergency procurement situation.

CITY MANAGER COMMENTS:

ATTACHMENTS:

Exhibit A – Resolution #101 Series of 2026, Draft Ballot Initiative Resolution

RESOLUTION NO. 101
(Series of 2026)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, SUBMITTING TO THE ELECTORATE OF THE CITY OF ASPEN AT THE NOVEMBER 3, 2026, COORDINATED ELECTION A CERTAIN QUESTION AUTHORIZING THE ISSUANCE OF DEBT FOR THE PURPOSES DESCRIBED IN THE BALLOT QUESTION.

WHEREAS, the members of the City Council (the "Council") of the City of Aspen, Colorado (the "City") have been duly elected and qualified; and,

WHEREAS, the Council desires to place before the electorate of the City certain ballot questions; and,

WHEREAS, the Council is authorized pursuant to Section 5.7 of the Aspen City Charter to, on its own motion, submit questions to a vote of the electorate; and,

WHEREAS, Article X, Section 20 of the Colorado Constitution ("TABOR") requires voter approval for any new tax, the creation of any debt and for spending certain moneys above limits established by TABOR; and,

WHEREAS, TABOR requires the City to submit ballot issues (as defined in TABOR) to the City's electors on limited election days before action can be taken on such ballot issues; and,

WHEREAS, November 3, 2026, is one of the dates at which ballot issues may be submitted to the eligible electors of the City pursuant to TABOR; and,

WHEREAS, the City owns and operates a municipal water treatment facility that provides water to residents, businesses, and visitors within the City; and,

WHEREAS, the Council has determined that the renovation, improvement, remodel and equipment upgrades to the City's water treatment facility (the "Project") are necessary to maintain a safe, reliable, and resilient public water system, meet current and future community needs, and preserve the City's ability to provide essential water service; and,

WHEREAS, the Council hereby determines that it is necessary to submit to the electors of the City, at the coordinated election to be held on November 3, 2026 (the "Election"), the question of authorizing and issuing debt to finance the Project, as provided herein (the "ballot question"); and,

WHEREAS, pursuant to Section 2.1 of the Aspen City Charter, all elections of the City are governed by the Colorado Municipal Election Code unless otherwise provided by ordinance; and,

WHEREAS, Sections 31-10-102.7 and 1-1-102(1), C.R.S., authorize a municipality, by ordinance or resolution, to utilize the requirements and procedures of the Uniform Election Code of 1992 in lieu of the Colorado Municipal Election Code of 1965, thereby permitting the City to participate in the coordinated election being conducted by Pitkin County (the "County") on November 3, 2026; and,

WHEREAS, the Council finds it necessary and in the public's interest to finance a portion of the costs of the Project through the issuance of municipal revenue bonds or other multiple fiscal year financial obligations; and

WHEREAS, the Council finds that financing the Project through the issuance of debt is in the best interests of the community because it will allow the City to complete the Project in a timely manner, while reducing the long-term financial risks associated with inflation, construction cost escalation, and extended phased construction; and,

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the Election; and,

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

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

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the Election and the objects and purposes herein stated, is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the "Uniform Election Code").

Section 3. Pursuant to TABOR and the Uniform Election Code, and all laws amendatory thereof and supplemental thereto, the City hereby determines that a coordinated Election shall be held within the City on November 3, 2026, and that there shall be submitted to the eligible electors of the City the election question set forth herein. Because the Election will be held as part of the coordinated election, the County Clerk and Recorder (the "Clerk") shall conduct the election on behalf of the City and officers of the City are hereby authorized to enter into one or more intergovernmental agreements with the County for the conduct of the Election pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the Election is hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the officers of the City to certify on or before September 4, 2026, the following election question in substantially the form hereinafter set forth to the Clerk, which such question shall be submitted to the eligible electors of the City at the Election:

CITY OF ASPEN
DEBT FOR WATER TREATMENT FACILITY PROJECT

WITHOUT INCREASING ANY TAXES, SHALL THE CITY OF ASPEN DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED $100,000,000, WITH A TOTAL REPAYMENT COST NOT TO EXCEED $255,000,000, FOR THE PURPOSE OF FINANCING THE EXPANSION, RENOVATION, IMPROVEMENT, REMODELING AND EQUIPPING OF ITS WATER TREATMENT FACILITY; SUCH DEBT TO BE ISSUED IN THE FORM OF REVENUE BONDS OR OTHER MULTIPLE FISCAL YEAR FINANCIAL OBLIGATION, WITH SUCH TERMS, AND BEARING INTEREST AT SUCH RATES AS MAY BE APPROVED BY CITY COUNCIL, PAYABLE SOLELY FROM THE WATER ACTIVITY ENTERPRISE REVENUE, AND TO COLLECT, RETAIN AND SPEND ALL REVENUE AND INTEREST FROM THESE FINANCIAL OBLIGATIONS AS A VOTER-APPROVED REVENUE CHANGE TO LIMITS UNDER COLORADO LAW, OR ANY OTHER LAW?

Section 5. Pursuant to the intergovernmental agreement entered by the City to participate in the Pitkin County coordinated election, the City Clerk of the City of Aspen (the "City Clerk") has been appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the Election.

Section 6. If a majority of the votes cast on the question authorize the issuance of bonds as described in the bond question set forth above, the City intends to issue such bonds in the approximate aggregate principal amount of $100,000,000 to pay the costs of the Project, including the reimbursement of certain costs incurred by the City prior to the execution and delivery of such bonds, upon terms acceptable to the City, as authorized in a resolution to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h). This resolution is intended to be a declaration of "official intent" to reimburse expenditures within the meaning of Treasury Regulation §1.150-2

Section 7. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 8. The officers of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 9. If any section, paragraph, clause or provision of this resolution 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 provisions of this resolution.

Section 10. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 11. The effective date of this resolution shall be immediately upon adoption.

RESOLVED, APPROVED, AND ADOPTED FINALLY by the City Council of the City of Aspen on the 11th day of August, 2026.

_____
Rachael Richards, Mayor

I, Nicole Henning, duly appointed and acting City Clerk do certify that the foregoing is a true and accurate copy of that resolution adopted by the City Council of the City of Aspen, Colorado, at a meeting held on the day hereinabove stated.

_____
Nicole Henning, City Clerk

CITY OF ASPEN

MEMORANDUM

TO: Mayor and City Council

FROM: Nicole Henning, City Clerk

THROUGH: Katharine Johnson, City Attorney
Alissa Farrell, Administrative Services Director

MEMO DATE: August 03, 2026

MEETING DATE: August 11, 2026

RE: Resolution #104, Series of 2026 – Calling for and establishing the date for the Coordinated Election and authorizing the City Clerk to execute an IGA with Pitkin County.

REQUEST OF COUNCIL: Staff is recommending Council establish participation in the Coordinated November Election and authorize the City Clerk to execute an Intergovernmental Agreement ("IGA") with Pitkin County establishing the responsibilities of the City and Pitkin County with respect to the coordinated election.

SUMMARY AND BACKGROUND: The attached resolution calls for and sets the date for the Coordinated General Election for November 3, 2026, and authorizes the City Clerk to execute the Intergovernmental Agreement with the Pitkin County Clerk and Recorder concerning that election. City Council will be asked on August 11, 2026, to approve one ballot question regarding the authorization of debt for purposes of financing improvements to the City's water treatment facility and may consider the submission of other ballot questions concerning amendments to the Home Rule Charter for the City of Aspen and other matters for the November 3, 2026, coordinated election.

DISCUSSION: To coordinate with the County for the November election there are several time deadlines that must be met. The first is calling for the election by resolution and execution of an intergovernmental agreement with the County prior to August 25, 2026. The second deadline to consider is that all ballot content must be delivered to the County by September 4, 2026. At the Council meetings on August 11 and August 25, Staff will recommend ballot language for the questions noted above. Council can still add ballot questions or issues, if needed, by holding a special meeting.

FINANCIAL IMPACTS: Pursuant to the proposed IGA, Political Subdivision (City of Aspen) shall pay to the County Clerk its pro rata share of the direct costs and expenses actually incurred and paid by the County Clerk in order to prepare for and conduct the election, including without limitation post-election activities such as the post-election audit, canvass and certification of official results. Political Subdivision's prorated share of such costs and expenses shall be based on a) the total number of registered electors

residing within the columnar length in inches, of ballot content certified to the County Clerk by the Political Subdivision. The minimum charge for participation in the election is $1,000.

ENVIRONMENTAL IMPACTS: None.

RECOMMENDATIONS: Staff is recommending Council adopt Resolution #104, Series of 2026 to set the election date for the coordinated general election and authorize the City Clerk to sign the IGA.

RESOLUTION #104
(Series of 2026)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, CALLING FOR AND ESTABLISHING A DATE FOR THE CITY OF ASPEN TO COORDINATE WITH PITKIN COUNTY FOR THE 2026 COORDINATED ELECTION TO BE CONDUCTED ON NOVEMBER 3, 2026, AND AUTHORIZING THE CITY CLERK TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT CONCERNING THE 2026 COORDINATED ELECTION.

WHEREAS, there has been submitted to the City Council an intergovernmental agreement for the 2026 Coordinated Election, between the City of Aspen (referred to in the agreement as the "Political Subdivision") and Pitkin County Clerk and Recorder, a draft copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City Council desires to place before the Aspen electorate certain ballot questions; and

WHEREAS, the City Council may add such additional questions to the ballot as it may hereafter deem appropriate; and

WHEREAS, the City Council finds that participation in the 2026 Coordinated Election will promote the efficient and economical administration of the election and desires to enter into the intergovernmental agreement for said coordinated election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO,

Section 1:

The City of Aspen shall hold and hereby calls an election to be coordinated with the Pitkin County General Election established for Tuesday, November 3, 2026, for the purposes of submitting a ballot question regarding the authorization of debt for purposes of financing improvements to the City's water treatment facility and may consider the submission of other ballot questions concerning amendments to the Home Rule Charter for the City of Aspen concerning municipal elections, and submitting any other questions to be determined by the City Council at a future date.

Section 2:

Pursuant to Ordinance No. 31, Series of 1996, the coordinated election shall be conducted in accordance with the Uniform Election Code of 1992, as amended. The City Clerk shall take all steps necessary to negotiate with the Pitkin Clerk and Recorder for the preparation of an intergovernmental agreement in accordance with Section 1-7-116, C.R.S., concerning the conduct of the November 3, 2026, Coordinated General Election according to law,

substantially in the form of the draft attached hereto. The City Clerk shall be authorized to execute the intergovernmental agreement concerning the 2026 Coordinated General Election, subject to final approval of the City Attorney.

Section 3:

If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

RESOLVED, APPROVED, AND ADOPTED FINALLY by the City Council of the City of Aspen on the 11th day of August 2026.

Rachael Richards, Mayor

I, Nicole Henning, duly appointed and acting City Clerk do certify that the foregoing is a true and accurate copy of that resolution adopted by the City Council of the City of Aspen, Colorado, at a meeting held, August 11, 2026.

Nicole Henning, City Clerk

INTERGOVERNMENTAL AGREEMENT FOR CONDUCT OF 2026 GENERAL ELECTION

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made effective this 11th day of August, 2026, between the Pitkin County Clerk and Recorder (hereinafter referred to as "Clerk") and CITY OF ASPEN (hereinafter referred to as "Political Subdivision").

I. PURPOSE

The Political Subdivision desires to refer one or more candidate, contests, issues or questions on the Pitkin County ballot for the November 3, 2026 General Election (hereinafter referred to as "Election").

The Clerk will act as the coordinated election official and conduct the Election on behalf of the Political Subdivision and similarly situated participating entities.

The Clerk agrees to perform the services specified below in connection with the Election in consideration of Political Subdivision's timely payment of costs and performance of its other obligations as set forth herein.

This Agreement sets forth the responsibilities between the Clerk and Political Subdivision for the preparation and conduct of the Election.

The parties agree as follows:

II. APPLICABLE LAW

The Election is to be held in accordance with the Uniform Election Code of 1992, Title I of the Colorado Revised Statutes, Articles 1-13 ("Election Code"), the Colorado Secretary of State Election Rules ("CO SOS Rules"), Pitkin County Home Rule Charter ("HRC"), Article 6 and Colorado Constitution, Article X, Section 20 ("TABOR"). Statutory and administrative

requirements under the Election Code, CO SOS Rules, HRC and TABOR apply to the completion of any duties or tasks required under this Agreement. If any Political Subdivision encompasses territory in more than one county, this Agreement applies only to the portion of the Political Subdivision within Pitkin County.

III. DESIGNATION OF OFFICIALS

A. Clerk's Designated Election Official

The Clerk designates the following person as the Designated Election Official, i.e. contact person, to act as the Clerk's primary liaison with the Political Subdivision for all purposes relating to the Election. The Contact Officer acts under the authority of the Clerk.

Contact Officer: Madeleine Osberger, Elections Operations Administrator
Mailing Address: 530 E. Main Street, Suite 104, Aspen, CO 81611
Phone Number: 970-429-2711
Fax Number: 970-445-3007
Email Address: madeleine.osberger@pitkincounty.com

B. Political Subdivision's Designated Election Official

The Political Subdivision designates the following person as the Designated Election Official ("DEO") for purposes of the Election. The DEO is the primary liaison between the Political Subdivision and the Clerk.

DEO Name: Nicole Henning, City Clerk
Mailing Address: 427 Rio Grande Place
Phone Number: 970 429 2685
Fax Number: _____
Email Address: nicole.henning@aspen.gov

Alternate DEO: The Political Subdivision designates _____, phone _____ as an alternate DEO if the primary DEO is unavailable for unforeseen circumstances.

IV. DUTIES OF THE CLERK

a. **Election Preparation,** The Clerk must:

i. Provide Political Subdivision with an address library report which lists all residential street addresses situated within the Political Subdivision's boundaries according to the State of Colorado Registration and Election Management database ("SCORE").

ii. Manage and update all voter registration records and associated correspondence.

iii. Supply, deliver, and set up all voting equipment and other items necessary to conduct the Election.

iv. Appoint eligible electors as election judges, arrange for their compensation, and provide necessary election judge training in advance of the Election.

v. Include on the ballot all content timely certified by Political Subdivision.

vi. Contract for the printing of ballots, ballot envelopes, and other printed materials reasonably necessary to conduct the Election, and arrange for payment to the printing vendors(s).

vii. Perform all required acceptance testing, hardware diagnostic testing and logic and accuracy testing of Pitkin County's voting systems and components. (CO SOS Rule 11.3 Voting Systems)

viii. Designate the proper number of Voter Service and Polling Centers ("VSPC"), early voting centers, and mail ballots drop off locations, ensuring the VSPCs are accessible to electors with disabilities.

ix. Publish and post official Public Notice providing the date of the Election, and the dates, address(es), and hours of the VPSCs and drop-off location(s)

no later than 20 days before the Election. (C.R.S. § 1-5-205(1); 1-5-205(1.4))

b. **Election Conduct,** The Clerk must:

i. Issue mail ballots to and accept voted mail ballots from military and overseas voters in compliance with deadlines and delivery methods. (C.R.S., Article 8.3)

ii. Provide for the security, processing, and reconciliation of all mail ballots by receiving, verifying voter signatures, opening, duplicating if applicable, and counting of ballots.

iii. Provide for the security and reconciliation of official ballots supplied for or cast at the VSPCs.

iv. Provide and process provisional ballots. (C.R.S., Article 8.5; CO SOS Rule 17. Provisional Voting)

v. Conduct post-election Risk-Limiting Audit in compliance with Colorado Election Code and Rules. (CO SOS Rule 25. Post-Election Audit)

vi. Conduct any mandatory or permissive recount.

vii. Prepare and conduct the Canvass of Votes no later than 22 days after the Election. (C.R.S. § 1-10-102; CO SOS Rule 10. Canvassing)

viii. Certify and provide official results to all political subdivisions participating in the Election.

ix. Preserve all election records relating to the Election for at least 25 months. (C.R.S. §1-7-802)

V. DUTIES OF POLITICAL SUBDIVISION

a. **Election Preparation,** The Political Subdivision must:

i. Determine whether a ballot issue, ballot question, candidate contest, or candidate is eligible or properly certified for the ballot.

ii. Verify and certify to the Clerk the address library report the Clerk provides is accurate and complete at the earliest possibility time and no later than 4:30 p.m., 70 days before the Election. Political Subdivision will notify the Clerk of any address ranges or street names in the address library report that are inaccurate, incomplete, or omitted in its certification. Address changes will not be allowed after this date.

NOTE: If certification is not provided by 4:30 p.m., 70 days before the Election, the Political Subdivision may not participate in the Election, or alternatively, the Clerk, in her discretion, may build the Election on the assumption that the address library report is complete and accurate.

iii. If any annexations to the Jurisdiction have occurred between November 5, 2024 and the date of the signing of this IGA, the Jurisdiction is responsible for informing the County Clerk in writing by the date of the signing of this IGA.

iv. Deliver to the Clerk a certified copy of the ordinance or resolution, enacted or adopted by its governing board, authorizing the Political Subdivision to participate in the Election according to the terms of this Agreement by 4:30 p.m., 70 days before the Election, and identifying person(s) authorized to execute this Agreement.

v. Provide a certified copy to the Clerk of all ballot content in the format provided for in this Section under b. Ballot Content.

vi. Post or publish any legal notices required of the Political Subdivision not expressly agreed to be the responsibility of the Clerk in this Agreement.

b. **Ballot Content.** The Political Subdivision must:

i. Certify and email ballot content to the Clerk at the earliest possible time and no later than 4:30 p.m., 60 days before the Election. (C.R.S. § 1-5-203(3)(a))

ii. Use the exact language and order as such ballot content is to appear on the printed official and sample ballots for the Election for all certified ballot content.

iii. Limit ballot content to **250** words, including title, unless the Clerk provides written consent in advance. The ability to accommodate bullets points on a ballot is limited, please use paragraphs and indentations. Notwithstanding the foregoing, for ballot issues or ballot questions that will involve coordination with other counties beyond Pitkin County, the Political Subdivision will adhere to any smaller word limit that may be required by other county clerk and recorders.

iv. Submit and format the certified ballot content in the following format:

1. Microsoft Word '97 or later
2. Font Type: Arial
3. Font Size: 8 point
4. Justification: Left
5. Spacing: Single
6. All Margins: 0.5 inches
7. Language: English

8. Ballot Title: Bold and lower case (County Clerks determine numbering, CO SOS Rule 4. Coordinated Election)
    a. Definition of Ballot Issue and Ballot Question:
        i. "Ballot Issue" means a state or local government matter arising under section 20 of article X of the state constitution, as defined in C.R.S. § 1-41-102(4) and 1-41-103(4), respectively.
        ii. "Ballot Question" means a state or local government matter involving a citizen petition or referred measure, other than a ballot issue.
    b. Example of Ballot Title (Issue and Question): Each ballot issue or question must contain the name of the political subdivision at the beginning of the ballot issue or question; e.g.:
        i. Aspen Ambulance District Ballot Issue 6A
        ii. City of Aspen Ballot Question 2A - Amendment to City Charter Term Limits
    c. Ballot Issues or Questions will provide the following options:
        i. Yes/For
        ii. No/Against
    d. For Candidate Races, when identifying the term and number to vote for, please use the following example:
        i. Four-Year Term, Vote for up to Three (3)

9. Audio File Type: Wave Sound, file extension.wav, or mp3.
    a. A candidate in an election must provide an audio recording of his or her name exactly as it appears on the statement of intent. (CO SOS Rule 4.6.2 Coordinating Election)
    b. Each DEO will collect the recording of each candidate and provide the audio recording to the county no later than the deadline to certify the content of the race to the county clerk.

v. Designate an agent to appear in person at the Clerk's office to proofread and approve ballot content certified by Political Subdivision as it appears on ballot artwork before printing. This should take place within one business day after Clerk's notification. Notification to appear to approve ballot artwork will occur between 8:00 a.m. to 6:00 p.m. from the 57th day until the 47th day before the Election. The Political Subdivision designates the following as their agent to approve ballot artwork:

Name: Nicole Henning, City Clerk
Phone Number: 970 429 2685
Cell Phone Number: _____
Fax Number: _____
Email Address: nicole.henning@aspen.gov

NOTE: The Political Subdivision's **certified content will be final upon transmission to and receipt by the Clerk**. The Clerk will not be responsible for making any changes after Political Subdivision's certification of its ballot content. Changes will be made to ballot artwork only if ballot artwork does not match the certified ballot content provided by the Political Subdivision.

c. **Additional Duties for Special District Election,** The Special District must, if applicable:

i. Certify to the Clerk the list of property owners eligible to vote for Special District Elections by 3:00 p.m., 53 days prior to the Election. (C.R.S. § 32-1-806)

ii. Notify eligible property owners within the Political Subdivision of the option to contact the Clerk for a property owner mail ballot. Clerk will provide a draft of property owner affidavit to DEO for mailing.

VI. BALLOT ISSUE NOTICE ("TABOR NOTICE")

a. **Duties of the Clerk**

i. Prepare and mail a combined TABOR Notice no less than 30 days prior to the Election, pursuant to Colorado Constitution Article X, Section 20(3)(b).

ii. Mail TABOR Notice to eligible electors at each address in Pitkin County where one or more registered voters of the Political Subdivision and of any other participating political subdivision resides.

iii. Determine the least cost method for mailing the TABOR notice.

iv. Refer inquiries concerning the substance of ballot issues and ballot questions or Political Subdivision operations to the Political Subdivision DEO named in this Agreement.

b. **Duties of the Subdivision**

i. Ensure timely preparation, accuracy, and legal sufficiency of any TABOR Notice content.

ii. Provide a local office address and telephone number to incorporate in the TABOR Notice.

iii. Email pro and con statements and required fiscal information to the Clerk by 4:30 p.m., no later than 43 days prior to the Election. (C.R.S. § 1-7-904)

iv. Submit pro and con statements in the following format:

1. Microsoft Word '97 or later
2. Font Type: Arial
3. Font Size: 8 point
4. Justification: Left
5. Spacing: Single
6. All Margins: 0.5 inches
7. Language: English

v. Designate an agent to proofread and approve via email Political Subdivision's TABOR Notice content before printing within four hours after receiving TABOR Notice artwork from the Clerk. Due to production time constraints, the agent designated by the Political Subdivision must be available from the 41st day prior to the election until the 39th day prior to the Election. The Political Subdivision designates the following as their agent to approve TABOR notice artwork:

Name: Nicole Henning, City Clerk

Phone Number: 970 429 2685

Cell Phone Number: _____

Fax Number: _____

Email Address: nicole.henning@aspen.gov

vi. Mail its TABOR Notice content to all property owners within the Political Subdivision who are eligible to vote on the ballot issue, except for electors to whom the Clerk mails the combined TABOR Notice.

vii. Pay the prorated amount of the total cost to produce and mail the complete TABOR Notice, based on the total number of active registered voters residing within the Political Subdivision, as reflected by the voter registration records and count used by the Colorado Secretary of State for the Election, and by the columnar length in inches, rounded to the nearest quarter inch, the Political Subdivision content occupies in the TABOR Notice.

VII. ELECTION COSTS

i. The Clerk will keep accurate accounts of all costs incurred to conduct the Election, including, but not limited to, costs for supplies, printing, ballot mailing, TABOR Notice, election notice(s), temporary labor, compensation of election judges, and other expenses attributable to conducting the Election on behalf of the Political Subdivision.

ii. The Clerk will determine the cost allocation for each Political Subdivision participating in the Election. In the event that the state certifies any ballot content, the amount reimbursed by the state will be deducted prior to cost allocation for the participating political subdivisions. The cost will then be determined on the basis of the total number of active registered voters within each Political Subdivision and the amount of space, by the columnar length in inches, the Political Subdivision uses on the ballot or TABOR Notice.

iii. The Clerk will charge and allocate to the Political Subdivision its share of expenses incurred by the Clerk, without regard to whether the Political Subdivision rescinds its intent to participate in the Election or Political

Subdivision's failure or omission to timely perform any of its obligations under the Agreement.

iv. There will be a minimum charge for participation in the Election of $1000, and in no event will any district pay less than $1000.

v. The Clerk will submit to the Political Subdivision an invoice, within 90 days of the Election, for their pro rata share of costs incurred in participating in the Election.

vi. The Political Subdivision must reimburse the Clerk for Election costs as allocated within 30 days of receiving the invoice of its pro rata costs.

vii. In the event of a recount, mandatory or permissive, of a candidate contest, ballot issue, or ballot question certified by the Political Subdivision, the Clerk will charge expenses reasonably incurred to conduct any such recount or ballot contest to the Political Subdivision. If more than one Political Subdivision participating in the Election is involved in any such recount or election contest, the costs will be prorated between the Political Subdivision and other participating entities.

VIII. CANCELLATION OF THE ELECTION

i. If the Political Subdivision opts to cancel its Election, the Political Subdivision must notify the Clerk immediately.

ii. The Political Subdivision must pay the Clerk all amounts due, including production and mailing costs incurred before and after the Clerk received cancellation notice.

iii. The Political Subdivision must provide notice of publication of the cancellation of its Election. A copy of the publicized notice must be posted

in the office of the Clerk, office of the D.E.O., and if the Political Subdivision is a special district in the office of the Division of Local Government. (C.R.S. § 1-5-208(6))

iv. The Political Subdivision cannot cancel its participation in the Election after the 25th day prior to the Election. (C.R.S. § 1-5-208(2))

IX. ADDITIONAL TERMS

i. In the event a court of competent jurisdiction finds the Election for the Political Subdivision was void or otherwise defective as the sole result of the failure of the Clerk to perform in accordance with this Agreement or laws applicable to the Election, the Political Subdivision will be entitled to recover expenses or losses caused by such breach or failure up to the maximum amount paid by the Political Subdivision to the Clerk. This will be the exclusive remedy for breach available to the Political Subdivision. The Clerk will not be held liable for any expenses, damages, or losses in excess of the amounts paid by Political Subdivision under this Agreement.

ii. If requested by Clerk, Political Subdivision shall designate eligible electors to participate and/or serve as election judges, on various election judge boards, and on various boards and panels convened to oversee the Election.

iii. In the event the Clerk does not request the Political Subdivision to designate eligible electors under this section, all election judges, boards and panels will be comprised of registered electors affiliated with the major political parties and recommended by the county chairpersons thereof; provided, however, that Clerk reserves the right to appoint unaffiliated electors or electors affiliated with minor political parties if the county chairpersons of

the major political parties are unable or fail to recommend a sufficient number of registered electors affiliated with the major political parties. (C.R.S., Article 6)

iv. No portion of this Agreement creates a cause of action to anyone who is not a party to this Agreement.

v. Any proposed Political Subdivision not identified by a tax code in the Pitkin County Assessor records must provide the Clerk with a certified legal description, map and locator, identifying all "high/low" ranges for street addresses within the proposed Political Subdivision, no later than 180 days before the Election. If the locator data is not provided by 180 days, the proposed Political Subdivision will not participate in the Election.

vi. The Clerk agrees to perform the services specified in this Agreement in consideration of the Political Subdivision's timely payment of costs and performance of its other obligations as set forth.

vii. The Political Subdivision warrants it has sufficient funds available in its approved budget to pay all amounts due to the Clerk.

viii. The signatory for the Political Subdivision warrants that they have power and authority to bind the Political Subdivision to this Agreement.

ix. Should any provision of this Agreement be determined by a court of competent jurisdiction to be unconstitutional or otherwise null and void, it is the intent of the parties hereto that the remaining provisions of this Agreement shall be of full force and effect.

x. Unless otherwise agreed in writing, this Agreement and the interpretation thereof shall be governed by the laws of the State of Colorado. Venue for

any and all legal actions arising under this IGA shall lie in the District Court in and for the County of Pitkin, State of Colorado.

This agreement must be signed and delivered to the Clerk by 4:30 p.m., no later than 70 days prior to the Election, and is effective as of the day of signing.

CLERK AND RECORDER
530 E. MAIN STREET, ASPEN, CO 81611
PITKIN COUNTY, COLORADO

Ingrid K Grueter 8/3/26
Ingrid K Grueter Date

POLITICAL SUBDIVISION

Nicole Hennig, CITY OF ASPEN
Print or type name of Political Subdivision

By: 8/3/26
Date

Title: City Clerk

Appendix A

CALENDAR OF EVENTS AND DEADLINES FOR NOVEMBER 3, 2026, GENERAL ELECTION

This calendar may not include all election dates but some key dates are identified for reference. Political subdivisions planning to coordinate with the Clerk's office should be aware of the following deadlines:

- **Friday, July 24, 2026,** 100 days prior to the election. Last day for a political subdivision to notify the county clerk in writing that it has taken formal action to participate in the 2026 General Election. (100 days before the General Election). 1-7-116(5), 1-1-106 (5) C.R.S.
- **Friday, August 14, at 10:30 a.m.,** Meeting at the Clerk & Recorder's office conference room for Special District DEOs for instruction on address libraries, TABOR, property owners, etc.
- **Tuesday, August 25, 2026, by 3 p.m. MST,** 70 days prior to the election. Political Subdivisions participating in the election must return signed IGAs to the Clerk. Political Subdivisions must also verify and certify that all address ranges situated in the Political Subdivision are accurate and complete in SCORE, per the report you will receive from Elections. 1-5-203(3)(1) C.R.S.
- **Friday, September 4, 2026, by 3 p.m. MST,** Last day for the DEO from each Political Subdivision to certify the ballot order and content and provide audio recordings of candidate names to the Clerk. **The deadline is 3 p.m. but please submit sooner if possible.** 1-5-203(3)(a) C.R.S.
- **Friday, September 11, 2026,** Last day for Political Subdivisions with property owner ballots to certify the revised Assessor's property owner list to the Clerk by "scrubbing" the list of voters who are already included in the voter roll. **If possible, please submit before this date.**
- **Friday, September 11, 2026,** First day the DEO or representative must appear in the Clerk's office to proofread the ballot. Section V(b)Iv) of the IGA states, "Notification to appear to approve ballot artwork will occur between 8 a.m. and 6 p.m. from the 57th day until the 47th day before the Election."
- **Friday, Sept. 18, 2026, by noon MST,** Last day for voters to file pro/con comments about local ballot issues with the political subdivision DEO (not the Clerk) in order to be included in the ballot issue notice. 45th day before the election. Article X, Section 20(3)(b)(v), 1-7-901(4) C.R.S.
- **Monday, Sept. 21, 2026, by 3 p.m. MST,** 43 days to election. Political Subdivisions shall deliver the full text of any required TABOR Notice information, fiscal information, and pro-con statement summaries to the Clerk to be included in the TABOR Notice mailing. 1-7-904 C.R.S.

- **Friday, October 2, 2026.** Deadline for special district DEO to mail TABOR Notice to property owners. 1-5-304(2).
- **Friday, October 9, 2026, 25 days to election.** Last day for Political Subdivision to cancel the election or withdraw ballot issue or question. 1-5-208(2) C.R.S.
- **Tuesday, November 3, 2026,** Election Day. Polls open from 7 a.m. – 7 p.m. All ballots (except UOCAVAs) must be received by Pitkin County Elections by 7 p.m. MST to be counted.
- **Wednesday, November 25, 2026,** Deadline to certify election results. Official results will be forwarded to Political Subdivisions. 1-10-102(1), 1-10-103(1) C.R.S.
- **Monday, February 1, 2027,** Deadline for Clerk to mail invoices to Political Subdivisions for their share of the election, as well as any recount costs.
- **Friday, February 28, 2027,** Last day for Political Subdivisions to submit payment to the Clerk's office for the election and recount costs.

CITY OF ASPEN

STAFF REPORT

TO: Mayor and City Council

FROM: Elisabeth Richardsen, Construction Debris Coordinator

THROUGH: Aaron Reed, Engineering Plans and Construction Supervisor
Tricia Aragon, City Engineer
Daniel Lawson, Public Works Director
Tyler Christoff, Deputy City Manager

MEETING DATE: August 11th 2026

SUBJECT: Second Reading of Ordinance #14, Series of 2026 – C&D Debris Diversion Program Updates

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INTENDED OUTCOME: Staff is requesting Council approval on second reading of Ordinance #14 Series of 2026 amending Chapter 29.02 – Construction and Demolition Debris Diversion. The proposed amendments remove the Diversion Compliance Deposit requirement and add roofing projects to the exemption section of the code. The intent is to reduce administrative burden, improve program efficiency, and align requirements with local recycling conditions.

EXECUTIVE SUMMARY: First reading of Ordinance #14, Series of 2026 was completed on July 14, 2026. Staff is returning for second reading to answer Council's questions and request approval of the proposed amendments to Chapter 29.02 – Construction and Demolition Debris Diversion.

DISCUSSION: During first reading, Council requested additional information for staff to bring back at second reading. Staff will address the following questions:

How does the City's C&D Debris Diversion Program differ from the Pitkin County program besides the Diversion Compliance Deposit?

	Pitkin County	City of Aspen	Difference
Applicability	Any projects deemed worthy of diversion.	Projects > 2,000 sq. ft. of Construction Mitigation area.	City sets threshold higher.
Requirements	Recycle 100% all recoverable materials.	Recycle 100% all recoverable materials.	None
Unsorted Load Fee	$270 x ton	$495 x ton	City charges additional $495 x ton.
Stop Work Order	None	Enforced if project continues with Unsorted Loads.	City can enforce Stop Work Order.
Administration	Full time employee & Green Halo waste tracking software.	Full time employee, Green Halo waste tracking software & inspections.	City requires inspections.

Are there still good reasons for those differences, and where should the programs align to reduce confusion?

The City sets a higher applicability threshold to focus the program on projects that generate the most amount of C&D material, while also reducing staff time spent on additional permit review for smaller projects. This threshold also supports the inspection-based structure of the City's program and helps ensure that one full-time staff member can reasonably manage the volume of required inspections.

The City's unsorted load fee is based on the Social Cost of Carbon and is not automatically applied when a load passes through the scale house. Instead, staff reviews each situation before determining whether enforcement is appropriate, including whether to apply the fee or pursue a stop work order.

Staff finds these differences appropriate because they reflect how each jurisdiction administers its program. Pitkin County's C&D program is managed through the Pitkin County Solid Waste Center, while the City's program is embedded within the Engineering Department and connected to the City's permit review and inspection process. As a result, some procedural differences are expected. However, the overall goal remains the same: to recycle 100% of all locally recoverable materials. Staff does not recommend changing the City's program to align one-to-one with the County program at this time.

Why can cedar shake roof shingles not be shredded and composted?
Cedar shake shingles are not accepted for shredding or composting at the Pitkin County Solid Waste Center because they may have been treated, stained, painted, or contaminated over time. The clean lumber stream needs to remain suitable for beneficial reuse, including wood chips for landscaping or, if needed, composting. To protect that option, materials such as particle board, plywood, painted wood, treated wood, fencing, and shingles are kept out of the clean lumber pile unless staff can confirm they are untreated.

Where do diverted C&D materials go after they leave a project site?
Concrete may be reused as backfill on the same project site, hauled to another project for use as backfill, or taken to the Pitkin County Solid Waste Center or other privately owned aggregate facilities in the valley. At these facilities, concrete can be crushed into road base and sold as a recycled aggregate product. This is classified as recycling.

Corrugated cardboard may be reused by delivery companies to wrap or protect future orders, which is classified as reuse. When cardboard is dropped off at the Pitkin County Solid Waste Center, it is typically placed in the single-stream recycling pile, where it is co-mingled with other recyclables such as plastic bottles, aluminum cans, and glass. These materials are then hauled to the Front Range to a Materials Recovery Facility, where they are separated by material type, baled, and shipped to recycling facilities to be made into new products or blended with virgin materials to increase recycled content.

Porcelain materials, such as tile, toilets, bathtubs, and similar fixtures, may be reused when they are in good condition. Reuse options may include working with local reuse outlets such as Motherload Mercantile or Habitat for Humanity, listing materials on Facebook Marketplace, or allowing contractors or homeowners to repurpose the materials. If reuse is not feasible, porcelain may be added to the concrete stream and crushed into road base.

Metal appliances may be reused through available end markets, taken home for reuse, or recycled with scrap metal. When recycled, appliances are hauled to metal recycling facilities, where the metal is processed, melted, and turned into new products.

Asphalt follows a similar pathway as concrete. It may be reused on site, hauled to another project for reuse, or taken to an aggregate recycling facility.

Rock and dirt may be reused on the same site or another project, or recycled at the Pitkin County Solid Waste Center. Rock can be crushed into a natural stone product,

and clean dirt can be used as cover soil if it is free from contamination, including metals and other regulated materials.

Scrap metal is recycled through metal recycling facilities, where it is sorted, processed, and prepared for use in new metal products.

Single-stream recyclables follow the same recycling pathway as cardboard. These materials are hauled to a Materials Recovery Facility, separated by material type, baled, and shipped to recycling facilities for processing into new products.

Organic materials may be aerobically composted and turned into finished compost, or, depending on the material type, shredded into wood chips.

Untreated lumber and pallets, meaning wood with no stain, paint, or chemical treatment, may be reused on site, repurposed for other projects, upcycled into furniture or other products, or regraded for use in new structural projects where appropriate. If reuse is not feasible, untreated wood may be recycled by shredding it into wood chips.

Based on this information, staff recommends moving forward with the proposed code amendments.

RECOMMENDATIONS: Staff recommends approval on first reading of the ordinance amending Chapter 29.02 to remove the Diversion Compliance Deposit and exempt roofing projects.

CITY MANAGER COMMENTS:

ATTACHMENTS:

Attachment A – Ordinance #14 Series of 2026

ORDINANCE NO. 14
SERIES OF 2026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING TITLE 29 OF THE ASPEN MUNICIPAL CODE TO UPDATE CHAPTER 29.02 "CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION" TO REMOVE DEPOSIT REQUIRMENTS AND EXEMPT CERTAIN ROOF REPLACEMENT PROJECTS.

WHEREAS, on January 14, 2025, Aspen City Council passed Ordinance #21, Series of 2024 establishing a Construction and Demolition Debris Diversion Program codified at Chapter 02 of Title 29 of the City of Aspen Municipal Code ("Code"); and

WHEREAS, the purpose of the Construction and Demolition Debris Diversion Program (the "Program") is to reduce the landfilling of materials that could be locally recycled, reused or reprocessed into new goods or materials; and

WHEREAS, the Program furthers the City of Aspen's greenhouse house reduction goals and supports the longevity of the Pitkin County Solid Waste Center; and

WHEREAS, the Program has been in place for more than one year, and staff have discovered inefficiencies and unintended outcomes; and

WHEREAS, this Ordinance is intended to address the Program's inefficiencies and improve the customer experience; and

WHEREAS, certain project types, including roofing projects, generate material streams for which no viable recycling facilities currently exist within a reasonable hauling distance; and

WHEREAS, projects that generate only roofing material debris cannot consistently meet the minimum diversion thresholds required by the Program due to the absence of qualifying recycling facilities for roofing materials; and

WHEREAS, requiring Program compliance for projects that generate only roofing debris is unduly burdensome for the applicant and does not advance the Program's purpose; and

WHEREAS, exempting projects that only generate roofing debris aligns program requirements with current regional recycling capabilities while maintaining the integrity of the City's diversion goals; and

WHEREAS, under the Program, applicants are required to provide a deposit to ensure compliance; and

WHEREAS, the Program's deposit requirement adds time and complexity to the permit review process, increasing administrative review times and inefficiencies for City staff; and

WHEREAS, processing, tracking, and returning a deposit requires ongoing coordination across multiple systems and departments; and

WHEREAS, the deposit requirement has not proven necessary to achieve high rates of program compliance; and

WHEREAS, the City consistently observes high compliance with diversion requirements through education, plan review, and inspection practices; and

WHEREAS, the deposit is routinely returned in full and is not typically retained as an enforcement mechanism; and

WHEREAS, alternative enforcement tools, including unsorted load fees, stop work orders, and inspection-based compliance, have proven more effective in ensuring adherence to program requirements; and

WHEREAS, these existing enforcement mechanisms provide sufficient accountability without the need for a financial deposit; and

WHEREAS, members of the development, construction, and trades industries, as well as property owners, have raised concerns regarding the amount of the compliance deposit and the duration for which funds are held; and

WHEREAS, the deposit requirement is creating financial burdens, particularly for smaller contractors and projects; and

WHEREAS, removing the deposit requirement supports a more accessible and equitable program while maintaining program goals; and

WHEREAS, the City Council has determined that the health, safety, and general welfare of the citizens, residents, and visitors of Aspen will be served by this Ordinance, which will improve the Program's efficiency, reduce unnecessary administrative burden, and better align the Program's requirements with real-world conditions while continuing to support the City's goals concerning the reduction of greenhouse gas emissions.

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

Section 1:
Chapter 29.02.020 of the Municipal Code of the City of Aspen is hereby repealed and replaced in its entirety with the following Chapter 29.02.020:

Sec. 29.02.020. - Definitions

As used in this Chapter, unless the context otherwise requires, the following terms shall be defined as follows:

C&D Diversion Approval is an approval issued by the City Engineer, or their designee, when all documents, reports, and plans required by this Chapter have been submitted as part of a permit application and deemed complete by the City Engineering Department.

Construction and Demolition (C&D) Debris is solid waste generated by or resulting from construction or demolition-related activities including, but not limited to, building, construction, deconstruction, demolition, improvement, reconstruction, remodeling, renovation, repair, or site clean-up.

Construction Mitigation Disturbance Square Footage means the combined square footage of the building work area in addition to all the soil disturbance area as demonstrated in a City of Aspen permit

application for construction, development, redevelopment, modifications and additions to existing developments undertaken within the City of Aspen.

Construction Management Plan (CMP) means the Construction Management Plan associated with a building permit approved pursuant to the Construction Management Plan Requirements of Sec. 29.01.030. - Adoption of construction management plan requirements.

Debris Management Plan (DMP) means the Debris Management Plan submitted in the City's designated waste tracking software. This plan requires the applicant to estimate the total tons of debris generated from the project, materials anticipated for recovery and disposal, the means by which the materials will be transferred to a local recycling facility and facilities intended to accept the Recoverable Materials. The plan shall also estimate the amount of non-Recoverable Materials. The DMP is approved prior to permit issuance by the City Engineer, or designee.

Diversion Reports is a diversion status report submitted by the permittee through the City's waste tracking software for the City Engineer, or their designee. A Report is required to be filed prior to Building Inspections and prior to Final Building Inspections. The Diversion Report must include receipts or other documentation showing the amount of Recoverable diverted or salvaged, the means by which the material was diverted or salvaged, and the amount of material deposited in the landfill. The final Diversion Report will be used by City of Aspen staff to determine if the permittee met the requirements of this Chapter.

Locally available recycling or recovery facilities is a recycling and recovery facilities located within the region of Aspen, as defined by the City Engineer, or their designee, where the environmental benefit of recovering, recycling, or rehoming is not voided by the emissions impact of transportation over extended distances. The Pitkin County Solid Waste Center accepts all Recoverable Materials listed in this Chapter for recycling or reuse.

Recoverable Management Practice means a practice approved by the City that prevents Recoverable Materials from end-of-life disposal through the reuse or recycling of said materials. Examples of practices include recycling of divertible materials, donation or rehoming of goods, and reuse of materials onsite for building and construction purposes.

Recoverable Materials means construction and demolition debris for which there is a local option to reuse, recycle, or otherwise divert such debris from the landfill. Recoverable Materials includes all materials that the Pitkin County Solid Waste Center accepts for recycling and reuse.

Social Cost of Carbon for C&D Materials is a dollar estimate of the economic damages caused by emitting carbon dioxide into the atmosphere from landfilling one ton of Unsorted Load. This cost is set forth in section 2.12.051. - Engineering Department fees and amended from time to time to reflect financial changes in environmental accounting.

Trash means substances designated for end-of-life disposal in a landfill, or other end-of-life disposal practice, from which the substances can never be recovered. Recoverable Materials are not trash.

Unsorted Load means the comingling of at least ten percent (10%) of Recoverable Material in any one load of trash designated for end-of-life disposal in a landfill.

Section 2:

Chapter 29.02.050 of the Municipal Code of the City of Aspen is hereby repealed and replaced in its entirety with the following Chapter 29.02.050:

29.02.050 - Exemptions

The following are exempt from the provisions of this Chapter:

a) To the extent a Recoverable Material tests positive for asbestos, as determined by a state certified asbestos inspector, it shall be exempt from the requirements of this Chapter. Upon removal of all asbestos contaminated materials, the remaining Recoverable Materials are expected to follow the requirements of this Chapter.

b) Projects unable to meet the minimum diversion requirements of this Chapter due to an absence of Recoverable Materials may ask the City Engineer, or their designee, for an exemption to the minimum requirements of this code upon demonstration to the satisfaction of the City Engineer, or their designee that no Locally available recycling or recovery facilities exist for the materials generated from the project's construction activity.

c) Right-of-Way Permits: Projects permitted for alterations in the public right-of-way as determined by the City Engineer shall be exempt from the requirements of this Chapter.

d) Projects that apply solely for a roofing permit: Projects that are permitted for the sole purpose of replacing a roof and for which there are no Locally available recycling or recovery facilities as determined by the City Engineer shall be exempt from the requirements of this Chapter.

Section 3:
Chapter 29.02.070 of the Municipal Code of the City of Aspen is hereby repealed and replaced in its entirety with the following Chapter 29.02.070:

29.02.070 - C&D Approval Process

For all construction and demolition activities subject to the diversion requirements set forth herein, at permit submittal, the applicant shall submit a Debris Management Plan (DMP) in the City's designated waste tracking software. Incomplete or insufficient DMPs may be deemed incomplete by the City Engineer or their designee. Permits for any development on a parcel requiring a DMP will not be issued until a C&D Approval is granted by the City Engineer, or their designee.

Section 4:
Chapter 29.02.100 is hereby repealed.

Section 5:
Any scrivener's errors contained in the code amendments herein, including but not limited to mislabeled subsections or titles, may be corrected administratively following adoption of the Ordinance.

Section 6:
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 7:

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 8:
A public hearing on this ordinance was held on the 11th day of August 2026, at a meeting of the Aspen City Council at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED as provided by law, by the City Council of the City of Aspen on the 14th day of July 2026.

ATTEST:

_____ _____
Nicole Henning, City Clerk Rachael Richards, Mayor

FINALLY, adopted, passed and approved this _____day of _____2026.

_____
Rachael Richards, Mayor

ATTEST: **APPROVED AS TO FORM:**

_____ _____
Nicole Henning, City Clerk Katharine Johnson, City Attorney

STAFF REPORT

TO: **Mayor and City Council**

FROM: **James R. True, Special Counsel**
Nicole Henning, City Clerk

THROUGH: **Alissa Farrell, Administrative Services Director**
Kate Johnson, City Attorney

MEETING DATE: **August 11, 2026**

SUBJECT: **Proposed Ordinances to Amend the Home Rule Charter for the City of Aspen, Colorado to Change the City of Aspen's General Election from March to November**

INTENDED OUTCOME:

In order to place a Charter Amendment before the voters in November, an ordinance must be passed by Council. This is the first reading of proposed ordinances to change the City's General Election from March to November of even years. Given the timing of providing a ballot issue to the Pitkin County Clerk and Recorder for inclusion on the November ballot, the ordinance must be adopted at second reading by August 25th.

If more than one ordinance is passed at first and second reading, then the item or items will appear on the ballot in November. If not, Council can place the items on the ballot in March 2027 or at any other subsequent election, if it so chooses at a later time.

EXECUTIVE SUMMARY:

On May 13, 2025, staff presented to Council a White Paper titled "A Review of Consideration for City of Aspen's Participation in Coordinated County Election Process in November." On July 27, 2026, staff presented to Council at a work session specific alternatives to possibly present to the voters at the upcoming Pitkin County coordinated general election in November. Based on discussions during that work session and following the work session, staff is presenting two ordinances for Council to consider at first reading.

One ordinance moves the general election to November of even years beginning in November 2028, to be part of a coordinated election with Pitkin County. This ordinance requires a runoff if a candidate or candidates do not receive a specific threshold. The runoff would be conducted by the City in December.

The second ordinance is substantially identical to the ordinance presented with the White Paper. This ordinance would also move the general election to November but does not provide for a runoff. Staff recognizes that there was a majority of Council supporting maintaining a runoff, but some staff members are concerned about conducting this runoff for a number of reasons that are outlined in the White Paper and herein.

In addition, this memo will briefly discuss ranked choice voting. There did not appear to be support for ranked choice voting among council members. However, some individuals have asked that we explain this voting process a little further.

DISCUSSION:

The move of the general election to November has been previously considered from time to time. As we noted in the work session, there was even a vote in the 1990's that moved the general election to November, then another vote shortly thereafter that returned it to May before a November vote could ever happen.

The most recent formal discussions regarding the move of the election commenced in May of 2025, following the White Paper that was prepared by staff. This White Paper, which is attached, analyzed voter turnout and options for the City's General Election that would optimize voter turnout and reduce costs to the City. The conclusions set forth in the White Paper was that the optimal scenario was a move of the general election to November to be run by the County but without a runoff.

The White Paper also acknowledged the objections to the participation in an even year November election. Chief among those objections is that the City candidates and issues are at the end of a lengthy ballot and that discussion of City candidates and issues can get buried in the overwhelming noise of contentious presidential, senatorial or gubernatorial elections.

The White Paper included a significant discussion of the issues surrounding the runoff system. As noted therein, in the twenty plus years that it has been employed, it has changed the outcome that would have occurred if it were a simple plurality system twice. However, it also cannot be ignored that without a runoff, it is possible to elect an individual who has very limited support.

The math is simple. Consider four candidates for Mayor, one thousand votes split fairly equally: Alec Guinness receives 254 votes, Julie Christie receives 252 votes, Omar Sharif receives 248 votes and Geraldine Chaplin receives 246 votes. Alec Guinness wins over Julie Christie by two votes with 25.4% of the vote. Seventy-four point six percent (74.6%) of the voters participating in the election voted for someone other than Alec Guinness.

Although there are no current examples of this in this community, it has certainly occurred in systems without runoffs in numerous communities throughout the state and the country.

Another issue that was briefly raised in the work session but not significantly discussed were aspects of the hybrid system that would have a coordinated election run by the County in November then a runoff run by the City in December. Although it has been discussed how this could reduce the cost savings of participating in the coordinated election, the Clerk's office wishes to emphasize their concern that it will lead to significant confusion for the voters. Already many wish to conflate the City and County. That will just be exacerbated by two elections within a month on essentially the same subject conducted by different entities.

At the recent work session, council discussed other alternatives for moving the general election, including moving it back to May or to November in odd years. Those alternatives are not presented here.

Finally, the proposed ordinances would submit to voters for approval, the move of the general election of the City from March to November. Although the discussion has generally focused on the election of the Mayor and Council Members, it should be noted that it also involves other another key item. Pursuant to TABOR, municipal financing and tax matters may be considered only in municipal general elections or in special elections in November during a statewide election. Thus, moving the general election to November would eliminate one opportunity to consider TABOR matters.

Rank Choice Voting:

Ranked Choice Voting is an election system that is designed to determine which candidate, or candidates have the broadest support among the voters. It is essentially a form of the instant runoff system that was utilized by the City in the 2009 election. In any ranking system, a voter is allowed to rank the candidates as 1st choice, 2nd choice, 3rd choice, etc. Some systems can extend the rankings to the total number of candidates; but most systems require at least three rankings. Again, a voter is **allowed** to rank all candidates, but a voter does not have to do so.

As was mentioned in the previous work session, there are several methods of tabulation. However, most systems determine the winner by tabulating all of the 1st choice rankings. If a candidate receives a set threshold in the initial count of the 1st choice rankings, then that candidate is elected and no further counts are necessary. If no candidate reaches that threshold, then the candidate with the fewest 1st choice rankings is eliminated and 1st and 2nd choice rankings are tabulated for the remaining candidates. The candidate with the fewest 1st and 2nd choice rankings is eliminated and 1st, 2nd, and 3rd, choices are

tabulated. This continues with eliminations until a candidate or candidates reach the set threshold.

Colorado has enacted certain rules for conducting ranked choice elections. These rules include educational requirements, certain specific procedures, as well as a requirement that a county allow a ranked choice municipal election in its coordinated November election. If there are additional expenses related to the tabulation of a ranked choice election, then the municipality must pay for those additional expenses, if the County is not otherwise conducting a ranked choice election.

As noted above, ranked choice voting is essentially the same as the instant runoff voting that the City conducted in 2009. In 2009 it was relatively novel. Over these past seventeen years, there have been refinements to the processes and some more widespread acceptance. Some of that led Colorado into adopting legislation addressing the process. However, staff believes that if Council wishes to pursue this voting system, that further study be conducted and a decision on placing that on the ballot take place at a later date.

Ordinance Alternatives:

Alternative #1 (Runoff option)

The substantive distinction between this ordinance and the ordinance that was submitted with the White Paper and is submitted here as Alternative #2, is the runoff. This Alternative #1 has a runoff to be conducted on the first Tuesday in December.

The move is rather straight forward with changes to five Charter sections. Council, however, should consider the transition that is proposed in this Alternative #1. The terms of the Mayor and Council members that have previously been elected cannot be extended or shortened. Consequently, there must be an election in March for the Mayor, who was elected for a two-year term in 2025 ending in April 2027 and council members, who were elected for a four-year term in 2023, also ending in April 2027. However, if this Charter Amendment is passed this November the Mayor and Council Members terms can be shortened for the individuals elected in the first applicable November elections.

Nonetheless, this ordinance proposes that the Mayor elected in 2027, would serve from April 2027 to April 2029, a full two years. The Mayor elected in November 2028, would not take office until April of 2029, a gap of approximately five months. That Mayor would then serve until January 2031, a term that is approximately three months short of a full two years.

This ordinance is submitted in this manner because Council Members elected in 2025 must serve until April 2029. The transition set forth above would allow the new Mayor

and new Council Members elected in 2028 to all commence their terms at the same time in April 2029. Again, the Council Members elected in 2028 will have a term that is approximately three months shorter than a full four years, serving from April 2029 through January 2033. Also, Council members elected in March 2027, who will serve until January 2031, will also have terms that are three months shorter than the full four years. All terms will be equalized in 2033 following the election in November 2032.

There is no way to avoid a transition that has shorter terms. Council members elected in March 2027 and in November 2028 will have shorter terms. For the Mayor, however, the question is which election creates the shorter term, commencing in 2027 or 2029. To have a transition, where everyone is sworn in at the same time, it is proposed for the Mayor's shorter term to take place for the term that commences with the election in 2028, not 2027.

Alternative #2 (November election without runoff)

As noted above, this is substantially the same as was presented to Council with the White Paper. It eliminates the runoff, creating a plurality system. It uses the transition set forth in Alternative #1.

There is an alternative for this proposal that was raised in discussions on these topics. The Charter Amendment could set forth that a runoff would only occur if there were five or more certified candidates for Council or three or more for Mayor. Although there is not a runoff for these lesser numbers, because there are less candidates, the likelihood that this ends up electing someone with minimal support, is less likely. If Council wishes to pursue this, it can be moved forward with an amendment to the Alternative #1 ordinance.

FINANCIAL IMPACTS:

Financial impacts were described in the White Paper. The significant change to note is that if rank choice voting is used, the expense of a runoff in December is avoided, although additional expense may be incurred to pay the County. Also, although the City may be required to conduct a special election other than in an odd year November, outside systems can be utilized at a significant savings over maintaining equipment for internal use. Given the timing of a runoff, approximately thirty days after the initial election, it is not known whether outside sources will be available.

ALTERNATIVES:

As noted throughout, alternatives are available and any one or more may be selected by Council for presentation to the voters. If more than one proposed ordinance is submitted to the voters, the one that receives the most votes of all items that have passed prevails.

RECOMMENDATIONS:

Although different staff members may have different opinions regarding this matter, collectively, staff has no recommendation for Council. This is a decision for Council at its absolute discretion.

CITY MANAGER COMMENTS:

ATTACHMENTS:

Attachment A – Ordinance # 17 (Series of 2026) [Alternative #1]

Attachment B – Ordinance #17 (Series of 2026) [Alternative #2]

Attachment C – "A Review of Consideration for City of Aspen's Participation in Coordinated County Election Process in November" (White Paper)

Attachment D – Memo Dated July 20, 2026

ORDINANCE NO. 17
(SERIES OF 2026)
[Alternative #1]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING THE CITY CHARTER OF THE CITY OF ASPEN BY AMENDING SECTIONS 2.2, 2.7, 3.2, 3.3, AND 4.1 TO MOVE THE CITY GENERAL ELECTION FROM MARCH TO NOVEMBER OF EVEN NUMBERED YEARS COMMENCING NOVEMBER 2028 TO BE CONDUCTED AS A COORDINATED ELECTION WITH PITKIN COUNTY, COLORADO.

WHEREAS, the City Council desires to submit to the voters of the City of Aspen an amendment to the City of Aspen Home Rule Charter that would move the general election of the City of Aspen from March of odd numbered years to November of even numbered years to be conducted as a coordinated election with Pitkin County, Colorado; and

WHEREAS, Article XX, Section 10 of the Colorado Constitution authorizes home rule municipalities to amend their home rule charters through such procedures as may be enacted by the state general assembly; and

WHEREAS, the state legislature has enacted Section 31-2-210, C.R.S., which section sets forth the procedures for amending a city's home rule charter requiring the adoption of an ordinance, including a ballot title for the proposed amendment, and submission of the proposed amendments to the electorate; and

WHEREAS, Section 13.10 of the City Charter of the City of Aspen authorizes amendments to the City Charter in the manner prescribed by the state constitution.

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

Section 1:

Section 2.2 of Article II of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 2.2 – Municipal Elections.

Commencing in the year 2028 and biennially thereafter, the City of Aspen's general municipal election shall be held on the first Tuesday after the first Monday of November in the Pitkin County Coordinated Election.

The Mayor elected in the general election in March 2027 shall serve until the first regular meeting of City Council in April 2029. The Mayor elected in November 2028 shall serve a term from the first regular meeting in April 2029 until the first regular meeting in January 2031. Thereafter, the term of the Mayor shall commence at the first regular meeting of January.

The two Council Members elected in the General Election in March 2027 shall serve until the first regular meeting of City Council in January 2031. Two Council Members elected in November 2028 shall serve a term from the first regular meeting in April 2029 until the first regular meeting in January 2033.

Thereafter, the term of all council members shall start at the first regular meeting of January following the election of such council member in the prior November election.

Any special municipal election may be called by resolution or ordinance of the council at least sixty (60) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. One or more vote centers for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on election day.

Section 2:

Section 2.7. Run-off elections shall be amended by changing the word April, wherever such word appears to December with no other changes to the remainder of the section.

Section 3:

Section 3.2 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.2 Terms of office for members of Council.

Except during the transitional period from April 2027 through January 2033, the terms of office for members of Council shall be for four (4) years. Each voter shall be allowed

to vote for two candidates for the office of member of Council. At all municipal elections, the two (2) candidates receiving the highest number of votes shall be elected for a four year term, provided that the candidate receives forty-five percent (45%) plus one vote, or more, of the votes cast for the office ("votes cast for the office" shall be calculated by dividing the sum of all votes cast for all city council candidates by two (2).) In the event that the number of elected candidates shall be less than the number of vacancies following the municipal election, the run-off election shall be held in accordance with Section 2.7.

Section 4:

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.

Except during the transitional period from April 2029 through January 2031, 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 him or her by this Charter or the ordinances of the City. He or she shall have all of the powers, rights, privileges and obligations of a member of Council. He or she shall be recognized as the head of the government for all ceremonial and legal purposes and he or she shall execute and authenticate legal instruments requiring his or her signature as such official.

Section 5:

Section 4.1 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 4.1 Regular Meetings.

The council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of council. The council shall determine the rules of procedure governing meetings. The first regular meeting in the month of April following each general municipal election shall be known as the organizational meeting of the council. Commencing in January of 2031 and continuing thereafter, the first regular meeting in the month of January following each general municipal election shall be known as the organizational meeting of the council.

Section 6:

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 ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 7:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 8:

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 3, 2026, of a ballot question in substantially the form that follows:

> CITY OF ASPEN REFERENDUM NO. ____
> AMENDMENT TO CITY CHARTER – MOVING THE CITY GENERAL ELECTION FROM MARCH TO NOVEMBER OF EVEN NUMBERED YEARS COMMENCING NOVEMBER 2028 TO BE CONDUCTED AS A COORDINATED ELECTION WITH PITKIN COUNTY.
>
> Shall Ordinance No. 17, Series of 2026, be approved? Ordinance No. 17, Series of 2026, if approved, amends sections 2.2, 2.7, 3.2, 3.3, and 4.1 of the City of Aspen Home Rule Charter to provide that the City of Aspen General Election will be held in November of even numbered years commencing in 2028, to be conducted as a coordinated election with Pitkin County.
>
> Yes [ ]
> No [ ]

A public hearing on this ordinance shall be held on the 25th of August 2026, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado

Section 9:

The City Clerk is directed, upon the adoption of this Ordinance, to publish a copy of this ordinance in a newspaper of general circulation within ten (10) days, or as soon as possible thereafter as possible.

INTRODUCED, READ AND SCHEDULED FOR SECOND READING as provided by law, by the City Council of the City of Aspen on the 11th day of August 2026.

Attest:

_____ _____

Nicole Henning, City Clerk Rachael Richards, Mayor

FINALLY adopted, passed and approved this 25th day of August 2026.

Attest:

_____ _____

Nicole Henning, City Clerk Rachael Richards, Mayor

ORDINANCE NO. 17
(SERIES OF 2026)
[Alternative #2]

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ASPEN, COLORADO, AMENDING THE CITY CHARTER OF THE CITY OF ASPEN BY AMENDING SECTIONS 2.2, 2.7, 3.2, 3.3 and 4.1, TO MOVE THE CITY GENERAL ELECTION FROM MARCH TO NOVEMBER OF EVEN NUMBERED YEARS COMMENCING NOVEMBER 2028 TO BE CONDUCTED AS A COORDINATED ELECTION WITH PITKIN COUNTY, COLORADO AND REMOVING THE RUNOFF SYSTEM.

WHEREAS, the City Council desires to submit to the voters of the City of Aspen an amendment to the City of Aspen Home Rule Charter that would move the general election of the City of Aspen from March of odd numbered years to November of even numbered years to be conducted as a coordinated election with Pitkin County, Colorado; and

WHEREAS, Article XX, Section 10 of the Colorado Constitution authorizes home rule municipalities to amend their home rule charters through such procedures as may be enacted by the state general assembly; and

WHEREAS, the state legislature has enacted Section 31-2-210, C.R.S., which section sets forth the procedures for amending a city's home rule charter requiring the adoption of an ordinance, including a ballot title for the proposed amendment, and submission of the proposed amendments to the electorate; and

WHEREAS, Section 13.10 of the City Charter of the City of Aspen authorizes amendments to the City Charter in the manner prescribed by the state constitution.

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

Section 1:

Section 2.2 of Article II of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 2.2 – Municipal Elections.

Commencing in the year 2028 and biennially thereafter, the City of Aspen's general municipal election shall be held on the first Tuesday after the first Monday of November in the Pitkin County Coordinated Election.

The Mayor elected in the general election in March 2027 shall serve until the first regular meeting of City Council in April 2029. The Mayor elected in November 2028 shall serve a term from the first regular meeting in April 2029 until the first regular meeting in January 2031. Thereafter, the term of the Mayor shall commence at the first regular meeting of January.

The two Council Members elected in the General Election in March 2027 shall serve until the first regular meeting of City Council in January 2031. Two Council Members elected in November 2028 shall serve a term from the first regular meeting in April 2029 until the first regular meeting in January 2033.

Thereafter, the term of all council members shall start at the first regular meeting of January following the election of such council member in the prior November election.

Any special municipal election may be called by resolution or ordinance of the council at least sixty (60) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. One or more vote centers for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on election day.

Section 2:

Section 2.7. Run-off elections shall be deleted in its entirety.

Section 3:

Section 3.2 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 3.2 Terms of office for members of Council.

Except during the transitional period from April 2027 through January 2033, the terms of office for members of Council shall be for four (4) years. Each voter shall be allowed

to vote for two candidates for the office of member of Council. At all municipal elections, the two (2) candidates receiving the highest number of votes shall be elected for a four-year term.

Section 4:

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.

Except during the transitional period from April of 2027 through January 2031, 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.

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 him or her by this Charter or the ordinances of the City. He or she shall have all of the powers, rights, privileges and obligations of a member of Council. He or she shall be recognized as the head of the government for all ceremonial and legal purposes and he or she shall execute and authenticate legal instruments requiring his or her signature as such official.

Section 5:

Section 4.1 of Article III of the Home Rule Charter of the City of Aspen is hereby amended to read as follows:

Section 4.1 Regular Meetings.

The council shall meet regularly at least twice each month at a day and hour to be fixed by the rules of council. The council shall determine the rules of procedure governing meetings. The first regular meeting in the month of April following each general municipal election shall be known as the organizational meeting of the council. Commencing in January of 2031 and continuing thereafter, the first regular meeting in the month of January following each general municipal election shall be known as the organizational meeting of the council.

Section 6.

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 ordinances repealed or amended as herein provided, and the same shall be conducted and concluded under such prior ordinances.

Section 7:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 8:

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 3, 2026, of a ballot question in substantially the form that follows:

> CITY OF ASPEN REFERENDUM NO. ____
> AMENDMENT TO CITY CHARTER – MOVING THE CITY GENERAL ELECTION FROM MARCH TO NOVEMBER OF EVEN NUMBERED YEARS COMMENCING NOVEMBER 2028 TO BE CONDUCTED AS A COORDINATED ELECTION WITH PITKIN COUNTY AND REMOVING THE CITY'S RUNOFF SYSTEM.
>
> Shall Ordinance No. 17, Series of 2026, be approved? Ordinance No. 17, Series of 2026, if approved, amends sections 2.2, 2.7, 3.2, 3.3, and 4.1 of the City of Aspen Home Rule Charter to provide that the City of Aspen General Election will be held in November of even numbered years commencing in 2028, to be conducted as a coordinated election with Pitkin County and removing the City's Runoff system.
>
> Yes [ ]
> No [ ]

A public hearing on this ordinance shall be held on the 25th of August 2026, at a meeting of the Aspen City Council commencing at 5:00 p.m. in the City Council Chambers, Aspen City Hall, Aspen, Colorado

Section 9:

The City Clerk is directed, upon the adoption of this Ordinance, to publish a copy of this ordinance in a newspaper of general circulation within ten (10) days, or as soon as possible thereafter as possible.

INTRODUCED, READ AND SCHEDULED FOR SECOND READING as provided by law, by the City Council of the City of Aspen on the 11th day of August 2026.

Attest:

_____	_____
Nicole Henning, City Clerk	Rachael Richards, Mayor

FINALLY adopted, passed and approved this 25th day of August 2026.

Attest:

_____	_____
Nicole Henning, City Clerk	Rachael Richards, Mayor

Review of Consideration for City of Aspen's Participation in Coordinated County Election Process in November

(Amended April 25, 2025)

Prepared by:

Nicole Henning, City Clerk
James R. True, Special Counsel
Kate Johnson, City Attorney
Alissa Farrell, Administrative Services Director

Introduction

The City of Aspen is currently evaluating whether to maintain the management of municipal elections under the City Clerk's Office or explore the possibility of transitioning to Pitkin County's Elections division to conduct the City's regular election as part of the November Federal, State and Local general election. This white paper examines the operational aspects and opportunities associated with each option. In this context, it is necessary to consider also the existing strengths of the city's election management and the potential operational improvements that can be achieved under local control.

This analysis aims to explore both perspectives by highlighting the advantages of keeping municipal elections under the City Clerk's Office while acknowledging the operational opportunities that may arise from transitioning to county-run elections. By comprehensively evaluating all considerations and ensuring efficient, transparent, and inclusive electoral processes, the city is able to make an informed decision.

In this discourse, the argument for keeping the City of Aspen municipal elections as they are will be presented first, emphasizing the benefits of localized management and community cohesion. Then, this white paper delves into the operational shortcomings of the existing system, shedding light on the challenges faced by the City Clerk's Office. Subsequently, operational opportunities that can be pursued by local control are explored, offering recommendations for enhancing the existing system. In closing, the argument for Pitkin County-run elections is considered, focusing on the potential operational advantages such as increased voter turnout, improved accessibility, and significant cost savings, which could pave the way for a more efficient and inclusive electoral process.

By considering both the merits and drawbacks of each approach, the City of Aspen and elected officials, with the input of its residents, can make a well-informed decision that aligns with its commitment to an efficient, transparent, and inclusive electoral process. The goal is to ensure

that the operational considerations and other relevant factors are thoroughly examined to preserve the integrity of the electoral system while meeting the needs and aspirations of Aspen's residents and community.

Current status of City of Aspen municipal elections

The City of Aspen has held general elections since adopting the Aspen Municipal Charter in 1970. Aspen registered voters in March elect a mayor and council members every two years and decide ballot measures presented by either the City Council or citizen petition(s). Candidates who fail to acquire the designated majority vote enter a runoff election held in April.

Aspen is a home-rule municipality, meaning changing how and when elections are conducted requires a vote from the citizenry. The City Clerk's Office administers all regular and most special municipal elections under the auspices of the Election Commission. City elections are conducted nonpartisanally under the provisions of the Home Rule Charter, the City of Aspen Municipal Code, and the Colorado Election Laws.

The concept of coordinated elections is not new to the City of Aspen and Pitkin County. For decades, the city has coordinated with Pitkin County on elections with municipal questions placed on the November ballot. A coordinated election, authorized by state statute, is conducted pursuant to an Intergovernmental Agreement (IGA) between the city and the county.

Operational shortcomings in the existing system

Operational inefficiencies: The complexities of organizing and managing elections challenge the limited resources of the Aspen City Clerk's Office. With an office of four full-time equivalents and a part-time administrative assistant, this department provides critical functions to support citizen boards, commissions and City Council, legal record retention requirements, and liquor licenses while balancing the high priority of the election cycle.

The City Clerk and staff manage the election six months out of the election year. Preparation for the March election begins in early November with the call for petitions and candidate packets. Over the holidays, in the month of December, candidates are petitioning and collecting signatures, which are due the day after Christmas. During the holiday month, the City Clerk's Office performs updates to election computers in preparation for the upcoming election. The Clerk's Office also coordinates with the election management company (Dominion) and a printing company for ballot production. Additionally, the Clerk's Office begins ensuring the absentee request forms are available.

In January, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) ballots are sent. Furthermore, a ballot lottery is conducted, documents for election judges are prepared, special absentee ballots are mailed, diagnostic tests are performed, and the ballot test deck is acquired.

During the month of February, the election equipment undergoes a pre-logic and accuracy test. Then, an official logic and accuracy test is performed, with election judges in attendance. Finally, the ballots are obtained and mailed. Additionally, the first campaign reports are due, early voting begins in the Clerk's Office, the election judges are appointed, and ballot processing begins.

Voting continues through election day, during the first week of March, and ends the following Friday if there is no runoff. If there is a runoff, the Clerk's Office must perform a rapid turnaround and start the entire process over for a runoff election in the first week of April.

This work coincides with other timely, deadline-oriented projects like year-end business requirements. Business operations activities running parallel to the election may include but are not limited to liquor and marijuana licensing hearings, departmental budget oversight, and management and coordination of applications for Saturday Market vendors in conjunction with assistance to the Commercial Core and Lodging Commission (CCLC).

Additionally, election rules continually evolve, requiring staff resources to evaluate them and incorporate the statutes into the process.

Below is a chart providing a summary of the City of Aspen's Election Process:

Elections Overview Timeline							
City Clerk Election Process							
	Nov	**Dec**	**Jan**	**Feb**	**March**	**April**	
Election Preparation							
Preparation of Candidate Packets							
Call for Petitions							
Launch Elections Communications Plan							
Coordination with Election Management & Printing Companies							
Ballot Lottery							
Hardware and Diagnostic Test Performed							
Overseas Ballots are Sent Out							
Test Ballots Obtained							
Logic and Accuracy Test Performed							
Official Ballots - Picked up & Mailed Out							
Campaign Report Due							
Early Voting							
Ballot Processing Begins							
Election Day							
Management of Voting Center							
Management of Elections Judges							
Ballot Processing & Scanning							
Determination of Election Results							
Post-Election Audit							

Low voter turnout: The city of Aspen municipal elections consistently struggle to reach 50% voter turnout. Historically, turnout for municipal elections has been substantial when voters feel a question or candidate race on the ballot is significant. Conversely, election turnout numbers decrease when voters do not feel an issue is important.

Moreover, despite city communication efforts, voters tend to be confused about where to drop their ballots because of dueling governments conducting elections. This confusion leads to some ballots not being counted because they were dropped off at the wrong location at the last minute.

Furthermore, when voters need to update their registration, they are required to do so online, which is not immediately shared with city election staff. Voters may also visit the Pitkin County

Clerk's Office to update their registration in person and then return to the city to cast their vote. Often, voters are discouraged by the additional steps.

Accessibility issues: The city does not have access to Ballot Trax because it is only a county elections tool. This online system tracks the status of an elector's mail ballot and sends a series of alerts notifying the voter where their ballot is in the election process, from the point of receipt by the Clerk to the point counted. Pitkin County uses Ballot Trax, which provides an added layer of convenience and transparency. Additionally, current State Statute accessibility requirements are under evaluation, which may increase the costs of the city elections significantly.

Resource constraints: Municipal elections require substantial resources when conducted by a city-level entity. These include additional workload management, equipment, software, and the logistical components inherent to any electoral process. In 2023, the total cost of the city election amounted to $69,337 (*Appendix A*). Annually, municipal elections cost the City of Aspen between $50,000 and $70,000 to conduct the election, which will continue to increase in future years. In 2026, the city will be required to replace its election equipment, which is estimated to cost $100,000**. For 2025, the** March 4th Regular Election and the April 1st Run off Election cost $72,728 (*Appendix D*).

Specifically, in 2023, the Clerk's Office worked an additional 180 hours above the standard workweek in the 22 days leading up to and on Election Day. Starting in November, the Clerk's Office prioritizes the election over the next five months, while other work receives lower prioritization.

When the City of Aspen elections are coordinated with Pitkin County, the costs incurred by the city to the county range from $3,760 to approximately $15,000. The large variance is due to the amount the county charges the city per word on the ballot.

The argument for Pitkin County-run elections

Enhanced operational efficiencies: Colorado counties are required to establish infrastructures and systems for organizing, managing, and conducting elections. State law also requires them to allow municipalities within the county to participate in the county's general and special elections. Due to its broader reach, experience, staffing, and financial resources, Pitkin County Elections division may have additional resources.

Increased voter turnout is an important rationale to consider for coordinating municipal elections with Pitkin County Elections. Although there has been a measurable increase in voter turnout with the initiation of mail ballots in 2013 for municipal elections, turnout is significantly higher in Pitkin County elections in most cases. The registered voter values below contain active and inactive voters, all eligible to vote. The total number voted values represent the sum of ballots cast for an election.

The table shows significantly higher voter turnout in the county versus the city during even election years and some odd election years.

	May 2017	Nov 2017	Nov 2018	Mar 2019	Nov 2019	Nov 2020	Mar 2021	Nov 2022	Mar 2023
Registered Voters	6,445	6,400	5,883	6,096	6,048	6,127	6,161	6,288	6,146
Total # Voted	2,413	3,735	3,810	3,243	2,113	4,673	2,354	3,686	2,811
% Turnout	37%	58%	65%	53%	35%	76%	38%	59%	46%

If the city chose to coordinate its general election with Pitkin County's general election, the city's general election would be held in November of even years, making it more consistent for voters and reducing existing confusion. Having elections held in Pitkin County at the same time of year allows government agencies and candidates to provide consistent and well-organized messaging to the public.

There have been some discussions regarding moving to the November election in odd years. This would be impractical since odd year elections are not mandatory and only set if there are ballot initiatives.

Currently, the city's election cycle occurs during the high season, including Christmas and New Year's holidays. This results in difficulties for potential candidates and the electorate, with distractions negatively affecting the ability to pay close attention to campaigns and facts around ballot measures. Candidates have even pointed out that winter campaigning is negatively affected by short daylight hours and winter weather. November and the months leading up to it are a quieter time for the candidates and the electorate to engage in campaigns and educate themselves about the issues.

Greater voter accessibility: Given their larger election budgets, counties usually have access to more sophisticated, user-friendly voting systems and election technology enhancements. Additionally, the State of Colorado and Pitkin County have full-time dedicated staff who have more capacity to analyze, test, implement, and support new technologies to improve the voter experience.

The City of Aspen voters also would have access to Ballot Trax to track their ballots via an online system, which sends a series of alerts notifying the voter where their ballot is in the election process. They also would have electronic ballot access for accessible voting.

Cost savings: Transitioning the administration of elections to the county would provide the advantage of shared resources. The city may realize significant cost savings by capitalizing on the economies of scale inherent in more extensive operations.

Operational Opportunities for Enhanced Municipal Elections

This section of the white paper examines various operational opportunities that can substantially improve the management of municipal elections within the City Clerk's Office. By exploring the potential for expanding staff and resources, collaborating with external partners, and implementing technology upgrades, the City Clerk's Office can further strengthen its capacity to deliver efficient, accurate, and satisfactory electoral processes for the residents of the City of Aspen. This balanced approach considers the benefits, challenges, and potential long-term outcomes of these operational enhancements.

Expansion of Staff and Resources: The City Clerk's Office could explore the possibility of expanding its staff and allocating additional resources to manage municipal elections. By increasing staffing and further investing in additional hardware, software, and logistical components, the City Clerk's Office can enhance its operational capacity and improve the efficiency of the electoral process. This would involve assessing the budgetary requirements and working with the City Manager's Office and City Council to secure the necessary resources to support the expansion.

Considering these operational opportunities, the City Clerk's Office may further strengthen its capacity to manage municipal elections. While these options may require additional resources, the potential benefits in terms of improved efficiency, accuracy, and voter satisfaction are options to explore if the city maintains the election process. Working closely with the key stakeholders, the City Clerk's Office would develop a comprehensive plan to implement these operational enhancements and ensure the continued success of the City of Aspen municipal elections under local control.

The argument for keeping the City of Aspen municipal elections as they are

Managing municipal elections at the city level ensures a nimble and localized approach. Municipal elections, when managed at the city level, are an embodiment of Aspen's commitment to local democracy, civic participation, and community cohesion. With its intimate understanding of the local electorate and ability for rapid adaptation, the City Clerk's Office has been conducting elections with efficiency, integrity, and transparency for decades. By retaining control of its municipal elections, the city can ensure that the electoral process remains responsive and transparent,

Personalized Service: The Aspen City Clerk's Office, with its understanding of the local electorate, is well-equipped to provide customized service tailored to the specific needs of Aspen residents. For instance, the office can offer voter registration assistance, answer inquiries related to local election rules and regulations, and provide guidance on campaign finance reporting. This localized and customizable approach ensures that residents receive dedicated support and access to resources specifically tailored to the unique requirements of the Aspen community.

Down Ballot Status: Down Ballot Status is a concern that results from the location on a crowded ballot. Although beneficial at times, in the November general elections, numerous items may draw a great deal of attention, resulting in city issues and candidates being at the end of the ballot. Maintaining the current election schedule avoids the down ballot status of Aspen's municipal elections, ensuring that local issues and candidates receive the appropriate amount of attention. By keeping the municipal election separate from high-profile state and national races, Aspen residents have the opportunity to thoroughly evaluate local candidates and ballot measures. They can focus on the specific challenges and opportunities faced by the

city, allowing for a more informed decision-making process and greater accountability of local representatives.

Local Expertise and Knowledge: The Aspen City Clerk's Office possesses expertise and knowledge specific to the local electoral process. Their experience in managing municipal elections in Aspen, combined with their understanding of local election laws, regulations, and procedures, contributes to the smooth operation and integrity of the electoral system. Retaining local control ensures that this expertise remains accessible and utilized to effectively address any issues that may arise during the electoral process.

Addressing resource constraints

Leveraging external funding: The city may research the feasibility of applying for various state and federal grants designed to support local election infrastructure. This additional funding may alleviate some of the financial burdens on local taxpayers.

Collaborative resource sharing: The City of Aspen may jointly explore partnerships with nearby cities to procure election-related services and technologies, thereby achieving economies of scale and shared efficiencies.

Potential challenges and strategies to transition to coordinated elections

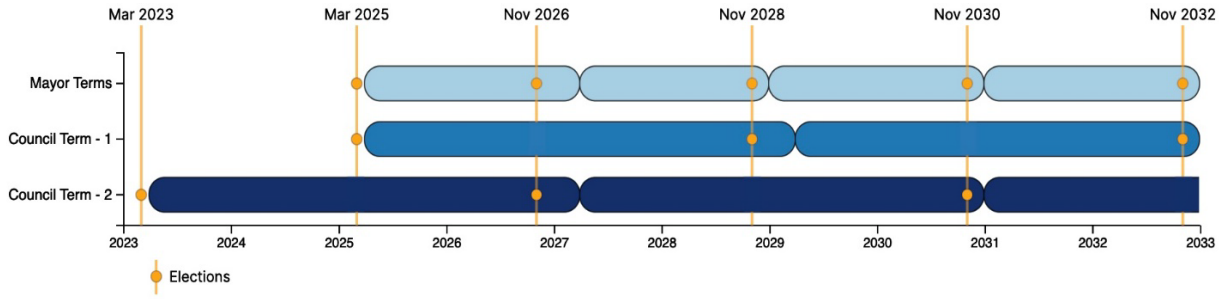
While the benefits of a transition to Pitkin County are evident, it is equally important to consider potential challenges.

Transitioning phase: The transition from a city-run March general election to a county-run November general election will present logistical and operational challenges. A subsequent election cannot reduce the term of an elected official. Thus, when the general election was moved from May to March, a transitional period had to be set out in the ballot initiative. , all of these transitional issues can be managed by developing a comprehensive transition plan, ensuring minimal disruption to the electoral process.

Ensuring local needs are met: The unique characteristics of Aspen's electorate need to be considered. This can be achieved through close collaboration between the city and Pitkin County, focusing on community engagement and feedback.

Timing scenario:

1. Placing the item on the ballot in the next coordinated county election in November of 2025 would allow for public education, outreach, engagement, and community debate. The diagram below outlines the transition of Council and Mayoral terms.



2. This would allow the first election to occur in November 2026.
3. If the transition of the city election to the county is decided to be placed on the ballot, the transition plan would be set forth in the ballot issue itself.

Runoff: Currently, the city's Home Rule Charter specifies that if candidates do not receive a certain threshold, they must enter a runoff, and the candidate with the most votes in the runoff election wins. To be consistent with the City's current system, with a November general election, the runoff would be in December. However, the county does not have an election in December. The County and the State employ a primary system, Thus, the city would have to consider alternatives. Those alternatives could include abandoning the runoff system, conducting the runoff election itself, participating in the county's primary system, or adopting a ranked voting system. Before proposing any of these alternatives, other than abandoning the runoff system, the city would need to discuss these alternatives with Pitkin County to evaluate how to best proceed.

When evaluating and considering alternatives, it is important to consider when a runoff changed the voter outcome from the initial results. There have been only two instances in the city's runoff history when the outcome altered from the initial voter results because of a runoff, the most recent being this last election.

As everyone will recall, in the last election, no one received the necessary threshold; thus, four individuals entered the run-off. The results of the general election were as follows:

Kolbe	1067^
Woolley	630
Benedetti	1018^
Torre	825^
Pitt	47
Ray	307
Doyle	1091^

The caret (^) indicates the runoff candidates. The threshold was 1123.

The results of the runoff were as follows:

Kolbe	1156
Benedetti	1334
Torre	546
Doyle	1235

In the 2017 general election, only two candidates went into a runoff. In the general election Torre received 973 votes, while Ward Haunstein received 895 votes. However, in the runoff election, Ward Haunstein received 932 votes, and Torre received 905 votes.

There have been 13 general elections since the adoption of the runoff system. In that time there have been 9 runoffs in either the Mayor's race or the Council race or both. In three of those years there was no runoff, 2011, 2021 and 2023. In 2009, the City used an Instant Runoff (ranked choice) system. 2017 and 2025 are the only two times in which the results would have been different without the runoff system.

It should also be noted that there is a significant drop off in participation in the runoff election. In 2025, there were 2718 ballots cast in the General Election with 2269 cast in the runoff. A drop of 16%. In 2017, the drop was from 2413 to 1840, a 23% drop.

Recommendations: If City Council is considering modifying the general election date to coordinate with the county, it is crucial to undertake a thorough examination of the potential benefits and considerations associated with such a change. This comprehensive analysis will enable City Council to make an informed decision about the potential modification.

If considering a transition, city and county election officials may wish to collaborate to create a well-designed transition plan. This plan would outline the procedural aspects of transferring the responsibility of managing municipal elections from the City Clerk to the Pitkin County Elections division. Addressing potential challenges and prioritizing local needs within the transition plan will ensure a seamless shift of responsibilities and minimize disruption to the electoral process.

Engaging in a comprehensive analysis, creating a well-designed transition plan (if applicable), strengthening local expertise, promoting community engagement and education, conducting regular evaluations, and collaborating with stakeholders will contribute to the effectiveness, integrity, and transparency of Aspen's municipal electoral system.

Conclusion & Future Perspective

As the City of Aspen contemplates the future of its municipal elections, important factors must be considered when evaluating whether to transition the management of elections to the County Elections Division or maintain local control within the Aspen City Clerk's Office. Both options present potential benefits and considerations that deserve careful examination.

Transitioning the responsibility for municipal elections to the County Elections Division offers the prospect of increased operational efficiency, cost savings, and potentially higher voter turnout. The county's established robust infrastructure and resources may provide streamlined election management, leveraging economies of scale and a broader reach. This transition could lead to improved administrative processes and enhanced coordination with county-level elections, benefiting the city and Aspen residents.

Moreover, consolidating election administration under the County Elections Division may allow for greater standardization of procedures and access to advanced voting technologies. Counties often have access to more sophisticated voting systems, which could improve voter accessibility and satisfaction with the electoral process. Furthermore, by combining efforts and emphasizing efficiencies instead of redundant election security measures, the city can better protect and streamline election security processes and infrastructure by supporting the County Elections Division. Regardless, maintaining the integrity of the election and the security of the election is of paramount importance to the city of Aspen.

On the other hand, maintaining local control over municipal elections offers distinct advantages. The Aspen City Clerk's Office possesses local knowledge and expertise. This localized approach promotes a responsive and nimble electoral system that can quickly adapt to changing circumstances and address specific regional concerns. It also fosters community engagement, as residents feel a direct connection to the electoral process and may have a greater sense of ownership in selecting their local representatives.

Preserving local control enables Aspen to tailor the electoral process to its unique circumstances. The ability to choose a specific election date, such as March, may allow for flexibility to ensure that the electoral timeline is tailored to Aspen's specific context, maximizing community participation and minimizing conflicts.

Furthermore, preserving independent municipal elections and avoiding the down ballot status of the even-year general election allows for focused attention on local candidates and ballot measures. Separating local elections from higher-profile state or national races ensures that local issues receive appropriate scrutiny and consideration from voters. This preserves the integrity of the local democratic process and allows for in-depth deliberation on Aspen-specific matters.

In conclusion, the future of Aspen's municipal elections necessitates a thorough evaluation of the potential benefits and considerations associated with transitioning to county-run elections or maintaining local control. While a transition could offer operational efficiencies and broader resources, local control promotes community engagement, tailored electoral processes, and preserves the distinctiveness of Aspen's elections. Ultimately, the decision should be made in the best interest of the community, with careful deliberation, collaboration between city and county officials, and consideration of the unique needs and aspirations of Aspen's residents.

Appendix A:

Election Payments 2023			
Company	**Amount**		**Services**
Dominion Voting System	$	15,550.79	Election Equipment/Software Licensing
Dominion Voting System	$	29,048.00	Equipment and On-site Services
Peak Performance	$	1,000.00	Election Software Laserfiche
The Aspen Times	$	3,221.34	Campaign Reporting/Election Judges
Aspen Daily News	$	1,147.50	Election Judges/Election Notice
Gran Farnum Printing	$	11,144.00	Ballot Printing
US Postmaster	$	3,000.00	Load Election Permit
Aspen Locksmith	$	1,912.00	Change Locks for Election
Election Judges	$	2,918.50	Ballot Processing/Election Day Vote Center
Amazon	$	395.22	Election Supplies
Total	**$**	**69,337.35**	

Appendix B

Key Findings: City of Aspen Voter Analysis December 2023

The purpose of this effort is to create a clear picture of the current voters within the City of Aspen, based on a review of available data. This involved looking at the demographics of registered voters and their voting patterns in coordinated, regular municipal, and special elections compared to November General Elections, and how they have changed from 2012 to 2023. This report will be utilized by the City of Aspen to evaluate opportunities to increase voter participation.

Methodology

Magellan Strategies primarily looked at the length of residency, age, partisan registration, geography (living inside or outside the roundabout), and timing of the election (odd vs even, spring vs Nov). Magellan builds a voter file database from the Colorado Secretary of State multiple times a year, which includes data for Pitkin County and the City of Aspen. These "snapshots" each year show the true number of voters at that moment in time. Having such rich datasets allowed Magellan to analyze the City of Aspen voter demographics beyond today's universe. Today's universe would be limited to the demographics of current registered voters. Having the "snapshots" allows us to look at the demographics of the voters at that moment, taking into account those voters who have since then moved out, are now deceased, or stopped voting.

This analysis of historical voter demographics, profiles, and behavior using voter data from 2012 through 2023 clearly shows that there is higher voter participation, or turnout, during November of an even year as opposed to November or spring of an odd year.

Turnout in Municipal Elections

Turnout is measurably higher in even year, General Elections compared to odd-year elections and Municipal Elections.

	Nov 2012	Nov 2013	Nov 2014	Nov 2015	Nov 2016	May 2017	Nov 2017	Nov 2018	Mar 2019	Nov 2019	Nov 2020	Mar 2021	Nov 2021	Nov 2022	Mar 2023	Nov 2023
ASPEN	66%	29%	51%	44%	74%	37%	27%	69%	53%	37%	81%	38%	37%	61%	46%	34%
PITKIN	68%	32%	54%	39%	75%		25%	70%		38%	82%		37%	63%		36%

Age

The older age bracket consistently has a higher turnout percentage in General Elections than younger age brackets, as shown here in the City of Aspen as well as Pitkin County.

ASPEN General Elections 2016, 2018, 2020, and/or 2022			
		Voted in 0 or 1	Voted in 2, 3 or 4
Age Range	**18 - 34**	14%	10%
	34 - 44	7%	13%
	45 - 54	4%	12%
	55+	5%	34%

PITKIN General Elections 2016, 2018, 2020, and/or 2022			
		Voted in 0 or 1	Voted in 2, 3 or 4
Age Range	**18 - 34**	14%	10%
	34 - 44	6%	12%
	45 - 54	4%	12%
	55+	6%	36%

Older residents vote in odd-year elections more than younger residents, but across all age ranges, more voters participate in even years. To show this trend, below is the turnout percentage by age bracket for the City of Aspen from a November mid-term (or even year) compared to a Municipal or a November odd-year election.

ASPEN Voted in 2022 General Election			
Age Range	**18 - 34**	554	15%
	34 - 44	676	18%
	45 - 54	660	18%
	55 - 64	780	21%
	65+	1,093	29%

ASPEN Voted in 2019 Municipal Election			
Age Range	**18 - 34**	502	16%
	34 - 44	541	17%
	45 - 54	653	20%
	55 - 64	652	20%
	65+	865	27%

ASPEN Voted in 2023 General Election			
Age Range	**18 - 34**	204	10%
	34 - 44	323	15%
	45 - 54	362	17%
	55 - 64	456	22%
	65+	769	36%

Length of Residency

Length of residency was analyzed with the assumption that citizens living longer in Aspen would be more invested in their community and, therefore, have higher voter participation. We could not necessarily prove this relationship. Length of residency is highly correlated with age, and an older voter is more likely to vote whether they live in Aspen or not. Likewise, lower turnout, particularly in odd-year elections, is characteristic of the younger age bracket, not newness to Aspen. Relating length of residency and voter participation is difficult to calculate since the state only records vote history if the new resident was not new to Colorado. If a resident is new to Aspen from within the state, from Mesa County for example, we can see that they participated (or not) in Colorado elections. If a resident is new to Colorado from California, we do not have any record of their past participation in elections. We believe this participation is more tied to their age not length of residency in Aspen.

Partisanship & Timing of the Election

There is no real correlation between partisan registration and voter turnout, which is not unique to the City of Aspen. The timing of an election has little to no effect on the partisan composition of the electorate, as shown in the tables below. The numbers below show the composition of those who voted by party.

ASPEN	Nov 2018	Mar 2019	Nov 2020	Nov 2022	Nov 2023	Spring 2023
Unaffiliated	42%	42%	44%	47%	48%	48%
Democrat	43%	43%	42%	40%	41%	40%
Republican	13%	14%	12%	11%	10%	12%
Other	1%	2%	1%	1%	1%	1%

PITKIN	Nov 2018	Nov 2020	Nov 2022	Nov 2023
Unaffiliated	43%	45%	49%	49%
Democrat	41%	40%	37%	38%
Republican	14%	13%	13%	12%
Other	1%	2%	1%	1%

Geography

Magellan Strategies used street addresses from the voter-provided resident address on the statewide voter file provided by the Colorado Secretary of State. We compared these addresses to a list of streets provided by the City of Aspen and flagged voters as inside or outside the roundabout. We found no measurable difference in voter participation between the population that lives inside the roundabout and the population living outside.

Summary

After looking at elections from 2012 to 2023, both March/May elections as well as November elections, it is clear that the highest voter participation occurs during November of an even year. Even with the high publicity and energy surrounding the "Lift One Lodge" project in 2019, voter participation was 15% lower than the average November even-year turnout. This election saw higher participation than other November odd-year elections, but still lower than even-years.

Appendix C

November 2025 Charter Amendment Election

Section 2.2 – Municipal Elections shall be deleted in its entirety and replaced with the following:

Commencing in the year 2026 and biennially thereafter, the City of Aspen's General Municipal Election shall be held on the first Tuesday after the first Monday of November in the Pitkin County Coordinated Election.

The Mayor elected in the General Election in March of 2025 shall serve until the first regular meeting of City Council in April 2027. The Mayor elected in November 2026 shall serve a term from the first regular meeting in April 2027 until the first regular meeting in January 2029. Thereafter, the term of the Mayor shall commence at the first regular meeting of January following election and shall end two years thereafter at the first regular meeting of January.

The two Council Members elected in the General Election in March of 2025 shall serve until the first regular meeting of City Council in April 2029. Two Council Members elected in November 2028 shall serve a term from the first regular meeting in April 2029 until the first regular meeting in January 2033.

The two Council Members elected in March 2023 shall serve a term from the first regular meeting in April 2023 until the first regular meeting in April 2027. Two Council Members shall be elected in November 2026 and shall serve a term from the first regular meeting in April 2027 until the first regular meeting in January 2031.

Thereafter, the term of all council members shall start at the first regular meeting of January following the election of such council member in the prior November election.

Any special municipal election may be called by resolution or ordinance or ordinance of the council at least sixty (60) days in advance of such election. The resolution or ordinance calling a special municipal election shall set forth the purpose or purposes of such election. One or more vote centers for all municipal elections shall be open from 7:00 a.m. to 7:00 p.m. on election day.

Section 2.7 Run-off Elections., shall be deleted in its entirety.

Section 3.2 - Terms of office for members of Council, shall be deleted in its entirety and replaced with the following:
Except during the transitional period from April 2025 through April 2033, the terms of office for members of Council shall be for four (4) years. Each voter shall be allowed to vote for two candidates for the office of member of Council. At all municipal elections, the two (2) candidates receiving the highest number of votes shall be elected for a four-year term.

Section 3.3 – Mayor, shall be deleted in its entirety and replaced with the following:

Except during the transitional period from April of 2025 through April of 2027, 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.

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 him or her by this Charter or the ordinances of the City. He or she shall have all of the powers, rights, privileges and obligations of a member of Council. He or she shall be recognized as the head of the government for all ceremonial and legal purposes and he or she shall execute and authenticate legal instruments requiring his or her signature as such official.

Section 4.1, Regular Meetings., shall be amended by changing the word April, wherever such word appears to January with no other changes to the remainder of the section.

Appendix D - Election Costs for 2025

Regular Election	
Gran Farnum-ballot printing	9708
USPS-Ballot postage	1657
Dominion-Day of services	6948
Dominion-other	22928
Newspaper Ads	5424
Food/supplies	1968
Judges	2451
Total	**51,084**
Run Off	
Gran Farnum-ballot printing	9655
USPS-Ballot postage	1043
Dominion-Day of services	6948
Newspaper Ads	1239
Food/supplies	1310
Judges	1449
Total	**21,644**
Total for both	**$72,728**

MEMORANDUM

TO: **Mayor and City Council**

FROM: **James R. True, Special Counsel**
Nicole Henning, City Clerk
Kate Johnson, City Attorney
Alissa Farrell, Administrative Services Director

DATE OF MEMO: **July 20, 2026**

MEETING DATE: **July 27, 2026**

RE: **Consideration of a ballot issue or issues regarding future City elections**

On Monday, July 27, 2026, Council will have a work session to discuss the possibility of proposing to the voters of the City of Aspen in an upcoming election an amendment to the Aspen Municipal Charter regarding the date of the City's Municipal election.

BACKGROUND:

On May 13, 2025, staff presented to Council a White Paper titled "A Review of Consideration for City of Aspen's Participation in Coordinated County Election Process in November." Staff has been asked to bring this issue back to Council for further consideration. It is staff's understanding that Council would like to consider the possibility of putting before the voters a specific Charter amendment on the November 2026 ballot. If the Council wishes to do so, then ballot language will need to be set by ordinance no later than August 25th, 2026.

The White Paper is attached without amendment.

For this discussion, staff must note that there is an outstanding biennial community survey seeking feedback on this issue that was not part of the White Paper or any previous discussion. This survey requests a gradation of support as to how the municipal elections should be administered, with grades of "Strongly support" to "Strongly oppose," for the following choices:

a. Coordinate a single election in November, combining the City of Aspen election with Pitkin County

b. Keep a standalone City of Aspen municipal election in March

c. Keep a standalone City of Aspen municipal election, but move to May.

It also asks to specifically state a top choice for the three alternatives.

Preliminary results from the survey, which remains open until August 3, 2026, are available for Council's consideration. Currently, 330 online responders show 91% support for a coordinated election in November, 40% support keeping it in March and 32% support moving back to May (Question #19).

When asked to select their top choice (Question #20), 78% chose a coordinated election with Pitkin County, 16% chose to keep a standalone election in March, and 6% prefer to keep a standalone election but revert to the previous May timing.

Another finding of note is that only 10% of respondents oppose coordinating an election with Pitkin County, while more than 50% of respondents oppose the other two options (also Question #19).

It is important to highlight that while these preliminary results represent a statistically valid sample of the Aspen population, they do not include several hundred survey responses received via paper, and the responses shown here have not yet been weighted to be representative of Aspen's overall demographics as will be done in the final community survey results.

Details regarding the preliminary results of these questions are included below:

CITY OF ASPEN

19. The City of Aspen is exploring how its municipal elections are administered. Please indicate your level of support for the following alternatives.

Expand all / Collapse all

Strongly support | Somewhat support | Somewhat oppose | Strongly oppose

Coordinate a single election in November, combining the City of Aspen election with Pitkin County



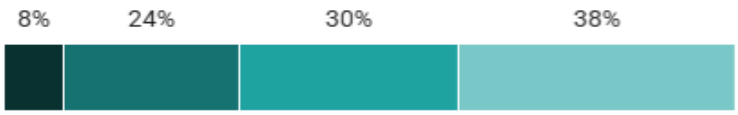
Strongly support	68% (187)
Somewhat support	23% (64)
Somewhat oppose	5% (13)
Strongly oppose	5% (13)

Keep a standalone City of Aspen municipal election in March



Strongly support	12% (31)
Somewhat support	28% (70)
Somewhat oppose	33% (83)
Strongly oppose	26% (65)

Keep a standalone City of Aspen municipal election, but move to May



Strongly support	8% (18)
Somewhat support	24% (57)
Somewhat oppose	30% (72)
Strongly oppose	38% (91)

20. Please select your top choice for municipal election administration in Aspen.

Coordinate a single election in November, combining the City of Aspen election with Pitkin County	78% (235)
Keep a standalone City of Aspen municipal election in March	16% (48)
Keep a standalone City of Aspen municipal election, but move to May	6% (19)

DISCUSSION:

The White Paper set forth all of the pertinent statistics and theoretical alternatives. At this point, staff would like to present specific alternatives for the Council to consider.

I. Leave general election in March.

The pros and cons of this are set forth in detail in the White Paper. Obviously, this would require no action on the part of City Council at this time.

II. Move Election back to May.

Moving the Election back to May has been advocated by a number of citizens. As noted in the White Paper, the turnout difference between May and March, which was the primary reason to move to March, has turned out not to be significant. However, May has fewer of the drawbacks to the March election, e.g. submission of paperwork over the Christmas/New Years Holiday and winter campaigning. Also, a move back to May does not raise the complications of timing and other issues that are faced with a move to November.

III. Move the Election to November

This will require consideration of several other issues that have been debated, particularly our use of a runoff system. We will address each alternative below.

A. Without runoff

The White Paper included a proposed Charter Amendment that simply eliminated the runoff system. The County Clerk has made it clear that they will not conduct a runoff election in December. The County Clerk is required to conduct a municipal election in a November general election. It cannot be forced to conduct a special election. Thus, the City would have to conduct any runoff election itself. As noted in the White Paper, a runoff has changed the plurality result only twice since a runoff system was adopted in 2000. Nonetheless, many people consider a runoff system as extremely valuable in selecting a Mayor and Council Members.

B. With runoff

The City can certainly conduct the initial election through the coordinated election with the County in November. However, if it chooses to maintain the runoff system, as noted above, it will have to conduct the runoff in December on its own.

Although this would seem to defeat the purpose of coordinating the election by saving all of the equipment requirements and infrastructure for conducting an election, it is unlikely that this can actually be avoided. The Colorado Constitution retains the power or referendum and initiative, as well as recall of elected officials, to the people. See, Colorado Const. Art. 5, §1 (9) and Art. 21 §1. Although there are not many examples in City elections, these powers may be exercised through a special election outside of the standard time frame. Thus, the City must retain some ability to conduct a special election at unspecified times throughout a year. Simply stated, not all special elections can wait until November.

C. Coordinating with the County in both the Primary and the General election.

Colorado has a partisan primary system that is currently conducted on the last Tuesday in June. This past year it was June 30th.[1] The advantage of the Colorado primary system is that it can act identical to a runoff. Granted, the primary has a lower turnout than a general election. However, the general election between or among candidates who make it through the primary, would have a far greater citizen participation.

A negative is that this would extend the election cycle. Under this scenario, the election cycle would easily extend from early May to November, with an elected individual taking office in January. Our current cycle is from early December through early April, with candidates taking office at the first meeting in April.

Unfortunately, the County is not required to coordinate the primary election with the City. The requirement to conduct a coordinated election only involves the November general elections. See, C.R.S.

[1] In the past the primary has been conducted in August. That was ultimately deemed too short of time between the primary and general election. It is unknown as to whether it will ever return to August.

Section 1-7-116(1)(a). Nonetheless, since the county does conduct county official primaries, Commissioner, Sheriff, etc., it may be appropriately assumed that the County would be willing to add a City primary onto that ballot.

D. With Rank Choice Voting

Colorado law now requires a County Clerk to conduct a rank choice election if that is adopted by a municipality.[2] However, any additional expense in conducting the rank voting must be paid by the City. See, C.R.S. Section 1-7-118.

The theory of rank choice voting is that it theoretically chooses a candidate or candidates who have the greatest overall support of the electorate. It can be complicated to tabulate, particularly with two open seats and multiple candidates. Nonetheless, such complications can be overcome.

IV. Election in November versus March to Propose a Change.

There is a distinction to consider as to whether Council wishes to put this on the ballot this November or next March. Either is available at this time. However, although, with either election date, the first November election for Council would be November of 2028, there are nuances with regard to the transition of the officials elected in March, 2027 and November of 2028. It becomes complicated but we will try our best to explain.

The Mayor and two Council members have terms that end next April 2027. Those terms can neither be reduced nor extended. Thus, there has to be an election in March of 2027, with those elected then taking office in April of 2027. However, if the Charter Amendment is passed in November, it can limit the term of those three elected officials, elected in March. The November ballot issue could state that the mayor serves from April 2027 through January 2029, three months short of a full two years. A new mayor elected in November of 2028, would take office in January of 2029 and would serve a full two-year term. The Council members elected in March of 2027, would serve a term going from April of 2027 to January of 2031, again, three months short of a full term. The new Council members elected in 2030, would take office in January of 2031 and serve a full four-year term, until January of 2035.

[2] Rank choice voting is essentially the same as the instant runoff election that the City conducted in 2009.

If the election is in March, it is arguable that it would be inappropriate to shorten the term of an official elected under a Charter provision that has not yet been adopted. There are counter arguments, but we believe that the proper way would be to have the term of the Mayor elected in March of 2027, even if the change passes, to serve a full two year term, i.e. until April 2029. I would also note this scenario creates a significant gap between when a person is elected and when that person starts serving. Specifically, if the Mayor is elected in March of 2027 and serves until April of 2029 and the next election for Mayor is November of 2028, then the newly elected Mayor does not take office for five months after the election.

However, that length of gap has to occur for the Council members who were elected in 2025. Their term cannot end until April of 2029. Thus, with their replacements elected in November of 2028, those replacements will not take office until April 2029.

Frankly, it makes the most sense to have the Mayor elected in 2027 serve until April 2029, and be replaced with the incoming coming council members elected in November of 2028.

V. Alternative Ballot Issues.

The ballot issues have been addressed primarily as if there are either/or selections. This is not necessarily the case. The Charter allows for alternative ballot issues. Specifically, Section 13.10 of the Charter states:

> If provisions of two (2) or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

Subtle alternatives, e.g., two to move to November, one with a runoff and one without, are possible but could lead to confusion with voters, with both failing. The most logical alternative amendments would be one to move to November, with the other to move to May. If both fail, the election would remain in March.

SUMMARY:

If Council wishes to pursue Charter amendments this November, specific ballot language based on these discussions will be presented to Council for formal adoption by ordinance at appropriate meetings in August. A final decision would be required by the end of August or early September in order to get one or more issues on the ballot in November.

Staff has no recommendation for Council. Citizens can certainly petition for a Charter Amendment. However, at this moment, it would be too late to start a petition drive that could get on the November ballot. Thus, for the November election, this is a decision for Council at its absolute discretion.

CITY OF ASPEN

STAFF REPORT

TO: Mayor and City Council

FROM: Kate Johnson, City Attorney
Nicole Henning, City Clerk

MEETING DATE: August 11, 2026

SUBJECT: Second Reading of Ordinance No. 15, Series of 2026 – Establishing Term Limits for the Wheeler Advisory Board

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INTENDED OUTCOME: Passage of Ordinance No. 15, Series of 2026 will establish term limits for the Wheeler Advisory Board. The proposed term limits are intended to support Council's goal of recruiting and appointing members who represent diverse perspectives and are inclusive of the community. Establishing term limits will help create opportunities for additional qualified individuals to serve on the Wheeler Advisory Board while preserving Council's flexibility to maintain continuity when necessary.

DISCUSSION:
The Wheeler Advisory Board has evolved over time through several ordinances, including changes clarifying the Board's advisory role, modifying its powers and duties, and adjusting its membership structure.

In 2021, City Council adopted Ordinance No. 2, Series of 2021, to codify pertinent provisions from prior ordinances, provide direction for the Wheeler Advisory Board to be guided by the adopted Wheeler Mission and Goal Statements, and acknowledge the Board's role as a board of advisors to City Council. Ordinance No. 2, Series of 2021 did not limit the number of terms Wheeler Advisory Board members may serve.

The proposed ordinance amends Section 2 of Ordinance No. 2, Series of 2021, regarding the composition, terms, and qualifications of the Wheeler Advisory Board. The Board would continue to consist of seven regular members and one alternate member, all serving overlapping three-year terms, with members appointed by City Council as at-large appointees.

The ordinance establishes that no member may serve more than three consecutive three-year terms. Terms are not considered consecutive if separated by at least three years, and a former member who has served three consecutive terms may be reappointed after a break in service of at least three years.

The ordinance also includes a limited exception allowing City Council to reappoint a member who has reached the term limit if Council finds that no qualified applicant is willing and able to serve in the vacant position. Any such reappointment may not exceed three years, and additional reappointments may be made upon the same finding.

At a work session held on May 11, 2026, Council discussed term limits for its Boards and Commissions and directed staff to present an ordinance establishing term limits for the Wheeler Advisory Board.

The Wheeler Advisory Board current membership is as follows:

- Chip Fuller, Chair - (Term expires 10/2028)
- Amy Mountjoy, Vice Chair - (Term expires 3/2028)
- Dr. Tom Kurt, Secretary - (Term expires 2/2029)
- Sarah Pelch - (Term expires 2/2028)
- Bob Ephlin - (Term expires 2/2028)
- Nina Gabianelli - (Term expires 8/2026)
- Ziska Childs - (Term expires 8/2026)
- Bryan Weingarten, Alternate - (Term expires 2/2028)
- Kate Northfield Lanich, AMFS ex-officio member

Changes Since First Reading:

During its review at first reading, Council requested changes intended to further its objective of encouraging broader community participation and regular Board turnover while balancing the need to maintain continuity and preserve valuable experience during implementation of the new term-limit framework. In response to this feedback, an additional section was added to the amendments made to Section 2 – Composition; Term; and Qualification to read as follows:

> (d) Any member who, as of the effective date of Ordinance No. 15, Series of 2026, has already served nine (9) or more consecutive years on the Board shall be eligible for reappointment to no more than one (1) additional term. Upon completion of such additional term, the member shall be ineligible for reappointment unless the member has been separated from Board service for at least three (3) years, or unless otherwise authorized under the provisions of this section.

As revised, the ordinance allows those members who have served for nine (9) consecutive years or longer to be considered for 1 additional term, after which they become subject to the same limits and separation requirements applicable to all Board members.

RECOMMENDATIONS:

This ordinance is presented pursuant to a request by Council made at the May 11, 2026, Council work session.

ALTERNATIVES:

City Council can direct staff to amend or revise the proposed ordinance, including the number of years of each term, or the number of terms members may serve. Council could also decline to pass the ordinance and refrain from establishing term limits for the Wheeler Advisory Board.

CITY MANAGER COMMENTS:

ATTACHMENTS:

Attachment A – Ordinance No. 15, Series of 2026

Attachment B – Ordinance No. 2, Series of 2021

ORDINANCE NO. 15
(Series of 2026)

AN ORDINANCE OF THE CITY OF ASPEN, COLORADO, AMENDING ORDINANCE NO. 2, SERIES OF 2021 TO ESTABLISH TERM LIMITS FOR THE MEMBERS OF THE WHEELER ADVISORY BOARD

WHEREAS, the City of Aspen owns the historic structure known as the Wheeler Opera House, located at the corner of South Mill Street and East Hyman Avenue in the City of Aspen, Colorado, and has the right and responsibility to manage the same; and

WHEREAS, the City Council appointed a Board of Directors of the Wheeler Opera House to undertake the management of the Wheeler Opera House in accordance with Ordinance No. 10 (Series of 1982); and

WHEREAS, the City Council repealed Ordinance No 10 (Series of 1982) and re-enacted an ordinance (Ordinance No. 63, Series of 1992) to clarify that the Board of Directors is to function as an advisory board and not a managing board; and

WHEREAS, the City Council repealed Ordinance No. 63 (Series of 1992) and re-enacted an ordinance (Ordinance No. 5, Series of 2004) to change the powers and duties of the Board of Directors to clarify its role in establishing policies for the Wheeler Opera House and to expand the membership of the Board of Directors from seven (7) to nine (9) members; and

WHEREAS, the City Council repealed Ordinance No. 5 (Series of 2004) and re-enacted an ordinance (Ordinance No. 48, Series of 2005) to decrease the membership of the Board of Directors from nine (9) to seven (7) members, one of which was designated as a youth representative, and modified the qualification requirements to eliminate members or candidates that have a conflict of interest as described in the City Charter (Section 4.7) as "a substantial personal or financial interest" in the Wheeler Opera House; and

WHEREAS, Ordinance no. 50 (Series of 2013), removed the designation of one of the voting members as a youth representative and returned such board seat to another community representative; and

WHEREAS, the City Council, at the request of the Wheeler Board, repealed Ordinance No. 50 (Series of 2013) and adopted Ordinance No. 02 (Series of 2021) to codify all pertinent provisions outlined in the previous ordinances, provide direction for the Wheeler Board to be guided by the adopted Wheeler Mission and Goal Statements, and to acknowledge their position as a Board of Advisors to the City Council; and

WHEREAS, the City Council did not limit the number of terms Wheeler Advisory Board members may serve in Ordinance No. 02 (Series of 2021); and

WHEREAS, upon the expiration of each member's term, the City solicits applications for membership; and

WHEREAS, the City Council receives numerous applications in response to the City's request for applications; and

WHEREAS, several members of the Wheeler Advisory Board have served many terms; and

WHEREAS, the City Council desires to recruit and appoint members that represent diverse perspectives and are inclusive of the community; and

WHEREAS, the City Council finds that the establishment of term limits will encourage broader community participation by creating opportunities for additional qualified individuals to serve on the Wheeler Advisory Board and contribute new perspectives and experiences; and

WHEREAS; the City Council now desires to amend Ordinance No. 02 (Series of 2021) to establish term limits for the members of the Wheeler Advisory Board; and

WHEREAS, the City Council finds that this Ordinance furthers and is necessary for the promotion of 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 of Ordinance #02 (Series of 2021) shall be repealed and replaced as follows:

Section 2. Composition; Term; Qualification.

(a) The Board of Advisors of the Wheeler Opera House shall consist of seven (7) regular members and one (1) alternate member, all of whom shall serve overlapping three (3)-year terms. The Board shall be appointed by the City Council with all appointees designated as at-large appointees who shall be selected primarily for their knowledge of and experience in the performing arts and/or financial, management or marketing capabilities.

(b) Except for appointments made to fill vacancies, all appointments shall be for three-year terms commencing upon appointment. No member shall serve more than three (3) consecutive three-year terms. For purposes of this section, terms shall not be considered consecutive if separated by at least three (3) years. A former member who has served three (3) consecutive terms may be reappointed after a break in service of at least three (3) years.

(c) Notwithstanding subsection (b), the City Council may reappoint a member who has reached the term limit if the Council finds that no qualified applicant is willing and able to serve in the vacant position. Any such reappointment shall be for a term not to exceed three (3) years, and additional reappointments may be made upon the same finding.

(d) Any member who, as of the effective date of Ordinance No. 15 (Series of 2026), has already served nine (9) or more consecutive years on the Board shall be eligible for reappointment to no more than one (1) additional term. Upon completion of such additional term, the member shall be ineligible for reappointment unless the member has been separated from Board service for at least three (3) years, or unless otherwise authorized under the provisions of this section.

(e) The Aspen Music Festival and School (AMFS) or its successor organization that may have the right to the exclusive use of the Wheeler Opera House during the summer season, as per contract through August 2034, shall appoint a representative to fill a permanent, non-voting, ex-officio seat on the Board of Advisors. By virtue of AMFS's Wheeler Opera House management responsibilities for a significant portion of the year, the AMFS representative shall be entitled to participate in any of the activities and deliberations of the Board but shall not vote.

(f) All members of the Board of Advisors shall serve at the pleasure of the City Council and may be removed by majority vote thereof.

(g) The Board of Advisors is declared not to be a permanent board within the meaning of Section 8.2 of the Charter of the City of Aspen and, therefore, there shall be imposed no age or residency requirement for membership on the Board of Advisors nor shall candidates for appointment be required to be qualified electors.

Section 2:

Except as expressly amended by this Ordinance, all provisions of Ordinance No. 02 (Series of 2021) shall remain in full force and effect and are hereby ratified and reaffirmed.

Section 3:

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

Section 4:

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 5:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 6:

A public hearing on the ordinance shall be held on the 11th day of August, 2026, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED AND READ, as provided by law, by the City Council of the City of Aspen on the 28th day of July 2026.

ATTEST:

_____ _____

Nicole Henning, City Clerk **Rachael Richards, Mayor**

FINALLY, adopted, passed and approved this 11th day of August, 2026.

ATTEST:

_____ _____

Nicole Henning, City Clerk **Rachael Richards, Mayor**

APPROVED AS TO FORM:

_____

Katharine A Johnson, City Attorney

ORDINANCE NO. 2
(Series of 2021)

AN ORDINANCE OF THE CITY OF ASPEN, COLORADO, REPEALING ORDINANCE NO. 50 (SERIES OF 2013) AND RE-ENACTING AN ORDINANCE TO PROVIDE THE AUTHORITY AND DIRECTION FOR THE WHEELER BOARD TO BE GUIDED BY THE ADOPTED WHEELER MISSION AND GOAL STATEMENTS, TO RECONFIRM THE COMPOSITION OF THE WHEELER BOARD AND TO ACKNOWLEDGE THEIR POSITION AS A BOARD OF ADVISORS OF THE WHEELER OPERA HOUSE TO THE CITY COUNCIL.

WHEREAS, the City of Aspen owns the historic structure known as the Wheeler Opera House, located at the corner of South Mill Street and East Hyman Avenue in the City of Aspen, Colorado, and has the right and responsibility to manage the same; and

WHEREAS, the City Council did appoint a Board of Directors of the Wheeler Opera House to undertake the management of the Wheeler Opera House in accordance with Ordinance No. 10 (Series of 1982); and

WHEREAS, the City Council repealed Ordinance No 10 (Series of 1982) and re-enacted an ordinance (Ordinance 63 of 1992) to clarify that the Board of Directors is to function as an advisory board and not a managing board; and

WHEREAS, the City Council repealed Ordinance No. 63 (Series of 1992) and re-enacted an ordinance (Ordinance No. 5, Series of 2004) to change the powers and duties of the Board of Directors to clarify its role in establishing policies for the Wheeler Opera House and to expand the membership of the Board of Directors from seven (7) to nine (9) members; and

WHEREAS, the City Council repealed Ordinance No. 5 (Series of 2004) and re-enacted an ordinance (Ordinance No. 48, Series of 2005) to decrease the membership of the Board of Directors from nine (9) to seven (7) members, one of which was designated as a youth representative, and modified the qualification requirements to eliminate members or candidates that have a conflict of interest as described in the City Charter (Section 4.7) as "a substantial personal or financial interest" in the Wheeler Opera House; and

WHEREAS, Ordinance #50, Series of 2013, removed the designation of one of the voting members as a youth representative and returned such board seat to another community representative; and

WHEREAS, the City Council, at the request of the Wheeler Board, desires to readopt and codify all pertinent provisions outlined in the previous ordinances and provide within this Ordinance the authority and direction for the Wheeler Board to be guided by the adopted Wheeler Mission and Goal Statements and to acknowledge their position as a Board of Advisors to the City Council.

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

Ordinance #50, Series of 2013, is hereby repealed, and the following is enacted:

Section 1. Establishment of the Board of Advisors.

There is hereby established the Board of Advisors of the Wheeler Opera House for the City of Aspen, Colorado, which Board of Advisors shall serve for an indefinite term and at the pleasure of the City Council. This board shall also be known as The Wheeler Advisory Board.

Section 2. Composition; Term; Qualification.

The Board of Advisors shall be constituted as follows:

(a) Board of Advisors of the Wheeler Opera House shall consist of seven (7) regular members and one (1) alternate member, all of whom shall serve overlapping three (3)-year terms. The Board shall be appointed by the City Council with all appointees designated as at-large appointees who shall be selected primarily for their knowledge of and experience in the performing arts and/or financial, management or marketing capabilities.

(b) Except for the filling of vacancies, all terms of appointment shall be for three-year periods, commencing at the time of appointment.

(c) The Aspen Music Festival and School (AMFS) or its successor organization that may have the right to the exclusive use of the Wheeler Opera House during the summer season, as per contract through August 2034, shall appoint a representative to fill a permanent, non-voting, ex-officio seat on the Board of Advisors. By virtue of AMFS's Wheeler Opera House management responsibilities for a significant portion of the year, the AMFS representative shall be entitled to participate in any of the activities and deliberations of the Board but shall not vote.

(d) All members of the Board of Advisors shall serve at the pleasure of the City Council and may be removed by majority vote thereof.

(e) The Board of Advisors is declared not to be a permanent board within the meaning of Section 8.2 of the Charter of the City of Aspen and, therefore, there shall be imposed no age or residency requirement for membership on the Board of Advisors nor shall candidates for appointment be required to be qualified electors.

Section 3. Powers and Duties.

Generally, the Board of Advisors is empowered to advise the City of Aspen on the planning and policy related to the daily and long-term operations of the Wheeler Opera House, guided by the adopted Wheeler Mission and Goal Statements, as may be amended from time to time by the Board of Advisors and approved by City Council . These advisement duties shall include the following:

(a) Recommend scheduling policy, priorities and rates for the theatre operations; and

(b) Recommend operating policy and rental rates for the commercial space in the Opera House building.

Section 4. Rules of Procedure.

(a) A quorum to transact the business of the Board of Advisors shall consist of four (4) members.

(b) At its first meeting (which shall be called by the City Manager), the Board of Advisors shall elect a chairperson, vice-chairperson, and secretary.

(c) The Board of Advisors shall establish regular meeting times and days. Special meetings may be called by the chairperson or at the request of any two (2) members on at least twenty-four (24) hours written notice to each member of the Board of Advisors, provided that a special meeting may be held on shorter notice if all members of the Board of Advisors waive notice in writing. No business shall be transacted at any special meeting unless it has been stated in the notice of such meeting. Notice by email shall be deemed acceptable.

(d) All regular and special meetings of the Board of Advisors shall be open to the public except for executive (closed door) meetings as are permitted by law. Citizens shall have a reasonable opportunity to be heard and all minutes and other records of action of the Board of Advisors shall be made available to the public.

(e) The Board of Advisors may adopt by-laws for the conduct of its business not inconsistent with this ordinance and the Charter of the City of Aspen and shall adopt such rules of procedures as it deems necessary.

Section 5. Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

Section 6. Public Hearing

A public hearing on the ordinance shall be held on the 9th day of February 2021, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the 26th day of January 2021.

Torre, Mayor

ATTEST:

Nicole Henning, City Clerk

FINALLY adopted, passed and ordered published this 9th day of February 2021.

Torre, Mayor

ATTEST:

Nicole Henning, City Clerk

CITY OF ASPEN

STAFF REPORT

TO: Mayor and City Council

FROM: Kate Johnson, City Attorney
Nicole Henning, City Clerk

MEETING DATE: August 11, 2026

SUBJECT: Second Reading of proposed Ordinance No. 16, Series of 2026 – Establishing Term Limits for the Kids First Advisory Board

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INTENDED OUTCOME: Passage of Ordinance No. 16, Series of 2026 will establish term limits for the Kids First Advisory Board. The proposed term limits are intended to support Council's goal of recruiting and appointing members who represent diverse perspectives and are inclusive of the community. Establishing term limits will help create opportunities for additional qualified individuals to serve on the Kids First Advisory Board while preserving Council's flexibility to maintain continuity when necessary.

DISCUSSION:
Ordinance No. 16, Series of 2020, created the Kids First Advisory Board. The proposed ordinance amends Ordinance No. 16, Series of 2020 to establish term limits for Board members, require City Council approval of appointments and reappointments, and preserve Council discretion in determining whether a member should be reappointed at the expiration of a term. Ordinance No. 16, Series of 2020 did not limit the number of terms Kids First Advisory Board members may serve.

The proposed ordinance repeals and replaces Section 2 of Ordinance No. 16, Series of 2020, concerning the composition, terms, and qualifications of the Kids First Advisory Board. The amended section maintains the Board's current composition of seven regular members and two alternate members serving overlapping three-year terms.

The proposed term-limit structure allows a member to serve up to three consecutive three-year terms. Terms will not be treated as consecutive if separated by at least three years, and a former member who has served three consecutive terms may be reappointed after a break in service of at least three years.

The ordinance also preserves flexibility for City Council by allowing reappointment of a member who has reached the term limit if Council finds that no qualified applicant is willing and able to serve in the vacant position. Any such reappointment may not

exceed three years, and additional reappointments may be made upon the same finding.

Other provisions of Ordinance No. 16, Series of 2020 remain unchanged. The ordinance continues to provide that all members of the Kids First Advisory Board serve at the pleasure of the City Council and may be removed by a majority vote of the Council. In addition, the ordinance retains the Board's status as a non-permanent board under Section 8.2 of the Aspen City Charter, meaning there are no age or residency requirements for membership and applicants are not required to be qualified electors of the City

At a work session held on May 11, 2026, Council discussed term limits for its Boards and Commissions and directed staff to present an ordinance establishing term limits for the Kids First Advisory Board.

The Kids First Advisory Board current membership is as follows:

- Stefan Reveal, Co-Chair - (Term expires 6/2027)
- Sue Way, Co-Chair - (Term expires 8/2026)
- Chad Schmit - (Term expires 10/2026)
- Michaela Idhammar-Ketpura - (Term expires 2/2027)
- Mimi Hauenstein - (Term expires 3/2028)
- Sara Lowe - (Term expires 6/2026)
- Katherine Coleman - (Term expires 8/2027)
- Emily Kolbe, 1st Alternate - (Term expires 9/2027)
- Jacqueline Matthews, 2nd Alternate - (Term expires 10/2028)

Changes Since First Reading:

During its review at first reading, Council requested changes intended to further its objective of encouraging broader community participation and regular Board turnover while balancing the need to maintain continuity and preserve valuable experience during implementation of the new term-limit framework. In response to this feedback, an additional section was added to the amendments made to Section 2 – Composition; Term; and Qualification to read as follows:

> (d) Any member who, as of the effective date of Ordinance No. 16, Series of 2026, has already served nine (9) or more consecutive years on the Board shall be eligible for reappointment to no more than one (1) additional term. Upon completion of such additional term, the member shall be ineligible for reappointment unless the member has been separated from Board service for at least three (3) years, or unless otherwise authorized under the provisions of this section.

As revised, the ordinance allows those members who have served for nine (9) consecutive years or longer to be considered for 1 additional term, after which they become subject to the same limits and separation requirements applicable to all Board members.

RECOMMENDATIONS:

This ordinance is presented pursuant to a request by Council made at the May 11, 2026, Council work session.

ALTERNATIVES:

City Council can direct staff to amend or revise the proposed ordinance, including the number of years of each term, or the number of terms members may serve. Council could also decline to pass the ordinance and refrain from establishing term limits for the Kids First Advisory Board.

CITY MANAGER COMMENTS:

ATTACHMENTS:

Attachment A – Ordinance No. 16, Series of 2026

Attachment B – Ordinance No. 16, Series of 2020

ORDINANCE NO. 016
(Series of 2026)

AN ORDINANCE OF THE CITY OF ASPEN, COLORADO, AMENDING ORDINANCE NO. 16, SERIES OF 2020 TO ESTBALISH TERM LIMITS FOR MEMBERS OF THE KIDS FIRST ADVISORY BOARD

WHEREAS, the City Council for the City of Aspen created the Kids First Advisory Board pursuant to Ordinance No. 16, Series of 2020; and,

WHEREAS, City Council desired to recruit and appoint members to the Kids First Advisory Board that represent diverse perspectives and are inclusive of the community; and

WHEREAS, the Kids First Advisory Board consists of seven (7) regular members and two (2) alternate members, all of whom shall serve overlapping three (3) year terms; and

WHEREAS, City Council authorized the Kids First Advisory Board to establish by-laws not inconsistent with Ordinance #16; and

WHEREAS, the Bylaws of the Kids First Advisory Board provide that "each member shall be appointed for a three-year term, a member will have the option to serve another 3-year term or rotate off the Kids First Advisory Board"; and

WHEREAS, City Council did not limit the number of terms Kids First Advisory Board members may serve or establish procedures for reappointment; and

WHEREAS, there have often been more applicants than open positions on the Kids First Advisory Board; and

WHEREAS, the City Council finds that the establishment of term limits will encourage broader community participation by creating opportunities for additional qualified individuals to serve on the Kids First Advisory Board and contribute new perspectives and experiences; and

WHEREAS, City Council desires to amend Ordinance #16, Series of 2020 to establish term limits and to require City Council approval of all appointments and reappointments; and

WHEREAS, the Aspen City Council finds that this Ordinance furthers and is necessary for the promotion of 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 of Ordinance #16, Series of 2020, shall be repealed and replaced as follows:

Section 2. Composition; Term; Qualification.

(a) The Kids First Advisory Board shall consist of seven (7) regular members and two (2) alternate members, all of whom shall serve overlapping three-year terms. The Board shall be appointed by the City Council, with all appointees designated as at-large members selected primarily for their knowledge of and experience in early childhood education and/or their financial, management, or marketing expertise.

(b) Except for appointments made to fill vacancies, all appointments shall be for three-year terms commencing upon appointment. No member shall serve more than three (3) consecutive three (3) year terms. For purposes of this section, terms shall not be considered consecutive if separated by at least three (3) years. A former member who has served three (3) consecutive terms may be reappointed after a break in service of at least three (3) years.

(c) Notwithstanding subsection (b), the City Council may reappoint a member who has reached the term limit if the Council finds that no qualified applicant is willing and able to serve in the vacant position. Any such reappointment shall be for a term not to exceed three (3) years, and additional reappointments may be made upon the same finding.

(d) Any member who, as of the effective date of Ordinance No. 16, Series of 2026, has already served nine (9) or more consecutive years on the Board shall be eligible for reappointment to no more than one (1) additional term. Upon completion of such additional term, the member shall be ineligible for reappointment unless the member has been separated from Board service for at least three (3) years, or unless otherwise authorized under the provisions of this section.

(e) Upon expiration of a member's term, the member may apply for reappointment, subject to the term limits set forth herein. All reappointments to the Kids First Advisory Board shall be made by the City Council in its sole discretion in the same manner as original appointments. No member shall have any right or expectation of reappointment upon expiration of a term.

(f) All members of the Kids First Advisory Board shall serve at the pleasure of the City Council and may be removed by majority vote thereof.

(g) The Kids First Advisory Board is declared not to be a permanent board within the meaning of Section 8.2 of the Charter of the City of Aspen and, therefore, there shall be no age or residency requirement for membership on the Board, nor shall candidates for appointment be required to be qualified electors.

Section 2:

Except as expressly amended by this Ordinance, all provisions of Ordinance No. 16, Series of 2020, shall remain in full force and effect and are hereby ratified and reaffirmed.

Section 3:

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

Section 4:

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 5:

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions thereof.

Section 6:

A public hearing on the ordinance shall be held on the 11th day of August 2026, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED AND READ, as provided by law, by the City Council of the City of Aspen on the 28th day of July 2026.

ATTEST:

_____	_____
Nicole Henning, City Clerk	**Rachael Richards, Mayor**

FINALLY, adopted, passed and approved this 11th day of August 2026.

ATTEST:

_____ **_____**

Nicole Henning, City Clerk **Rachael Richards, Mayor**

APPROVED AS TO FORM:

_____

Katharine A Johnson, City Attorney

ORDINANCE NO. 16
(Series of 2020)

AN ORDINANCE OF THE CITY OF ASPEN, COLORADO, CREATING A KIDS FIRST ADVISORY BOARD, DESCRIBING THE COMPOSITION, TERM AND QUALIFICATION OF MEMBERS, AND THEIR POWERS AND DUTIES.

WHEREAS, the City of Aspen administers the childcare portion of the .45% sales tax dedicated to affordable housing and daycare; and

WHEREAS, the mission of Kids First is to promote the availability of quality, affordable early childhood care & education; Provide access to early childhood information and resources, and

WHEREAS, Kids First community goals are to:

1. Increase the quality of early childhood education and care
2. Maintain affordability of programs and provide information regarding the true cost of childcare
3. Increase and maintain the availability of childcare programs
4. Increase public education and awareness about the importance of early childhood education.
5. Increase knowledge of early childhood development and parenting for families with young children, and

WHEREAS, the City Council will appoint Kids First Advisory Board members to undertake the mission and community goals related to access quality, affordable childcare, and

WHEREAS, it is the desire of City Council to seek Kids First Advisory Board members that represent diverse perspectives and are inclusive of the community that we serve, and

WHEREAS, the staff and board recommend making this an advisory, not a permanent managing board, and

WHEREAS, the City Council will set the Kids First Advisory Board membership of seven (7) members and two (2) alternate members, and

WHEREAS, the City Council, at the request of the Kids First Advisory Board, desires to provide within this Ordinance the authority and direction for the Kids First Advisory Board to be guided by the adopted Kids First Mission and Goal Statements.

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

Section 1. Establishment of the Kids First Advisory Board.

There is hereby established the Kids First Advisory Board for the City of Aspen, Colorado, which members shall serve at the pleasure of the City Council.

Section 2. Composition; Term; Qualification.

The Kids First Advisory Board shall be constituted as follows:

(a) The Kids First Advisory Board shall consist of seven (7) regular members and two (2) alternate members, all of whom shall serve overlapping three (3)-year terms. The

Board shall be appointed by the City Council with all appointees designated as at-large appointees who shall be selected primarily for their knowledge of and experience in the early childhood education, and/or financial, management, or marketing capabilities.

(b) Except for the filling of vacancies, all terms of appointment shall be for three-year periods, commencing at the time of appointment.

(c) All members of the Kids First Advisory Board shall serve at the pleasure of the City Council and may be removed by majority vote thereof.

(d) The Kids First Advisory Board is declared not to be a permanent board within the meaning of Section 8.2 of the Charter of the City of Aspen and, therefore, there shall be imposed no age or residency requirement for membership on the Board of Directors nor shall candidates for appointment be required to be qualified electors.

Section 3. Powers and Duties.

Generally, the Kids First Advisory Board is empowered to advise the Kids First executive director, and provide recommendations to city council as needed on the planning and policy related to the daily and long-term operations of Kids First, guided by the Kids First Mission and Goal Statements, as may be amended from time to time by the Kids First Advisory Board and approved by City Council . These advisement duties shall include the following:

(a) Recommend programming priorities; and

(b) Recommend operating policy.

Section 4. Rules of Procedure.

(a) A quorum to transact the business of the Kids First Advisory Board shall consist of four (4) members.

(b) At its first meeting (which shall be called by the City Manager), the Kids First Advisory Board shall elect a two (2) co-chairpersons.

(c) The Kids First Advisory Board shall establish regular meeting times and days. Special meetings may be called by the chairperson or at the request of any two (2) members on at least twenty-four (24) hours written notice to each member of the Board, provided that a special meeting may be held on shorter notice if all members of the board waive notice in writing. No business shall be transacted at any special meeting unless it has been stated in the notice of such meeting.

(d) All regular and special meetings of the Kids First Advisory Board shall be open to the public except for executive (closed door) meetings as are permitted by law. Citizens shall have a reasonable opportunity to be heard and all minutes and other records of action of the Kids First Advisory Board shall be made available to the public.

(e) The Kids First Advisory Board may adopt by-laws for the conduct of its business not inconsistent with this ordinance and the Charter of the City of Aspen and shall adopt such rules of procedures as it deems necessary.

Section 5. Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any

reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

Section 6. Public Hearing

A public hearing on the ordinance shall be held on Oct 13th 2020, in the City Council Chambers, Aspen City Hall, Aspen, Colorado.

INTRODUCED, READ, AND ORDERED PUBLISHED as provided by law by the City Council of the City of Aspen on the Oct 13th, 2020

TOPPR
_____, Mayor

ATTEST:

_____, City Clerk

FINALLY adopted, passed and ordered published this October 27th, 2020

TOPPR
_____, Mayor

ATTEST:

_____, City Clerk

CITY OF ASPEN

STAFF REPORT

TO: Mayor Richards and Aspen City Council

FROM: Brianna Dolbin, Planner II

THROUGH: Ben Anderson, Community Development Director

MEETING DATE: August 11, 2026

SUBJECT: Resolution 102, Series of 2026, Request for Demolition Allotment 82 Northway Drive

---

INTENDED OUTCOME: Council is asked to review a request for a GMQS Demolition Allotment submitted by Christopher D. Bryan of Garfield & Hecht, P.C, on behalf of Cooper Dooper, LLC for the property at 82 Northway Drive.

Council, should they desire grant the issuance of allotment, could take one of two actions:

1. Utilize an available 2027 allotment, or
2. Make a one-time increase to the current year's allotment

EXECUTIVE SUMMARY: Ordinance #13, Series of 2022 (the primary ordinance resulting from the residential building moratorium in 2022), established 6 annual Demolition Allotments and an additional two allotments for long-time locals (35 years of ownership and residency).

Council intended for all allotment requests to be initially considered within the six annual allotments, and then if none were available, eligible applications could then be considered for the additional two long-time local allotments.

The Community Development Department does not intend to schedule a lottery for 2026, as all 2026 Demolition Allotments have been entirely allocated by City Council through multi-year demo allotments. Two of the 2027 regular Allotments remain available.

The Demolition Allotment application for 82 Northway Drive was handled in a manner consistent with the process outline in the pre-application summary. The initial application for 82 Northway Drive was denied due to unavailability of 2026 Allotments. The applicants appealed this denial and now request a demolition allotment be granted by either a one-

time increase of the annual development allotment, or by Council utilizing an available 2027 allotment. The applicant does not meet the threshold for long time local allotment consideration as the property was purchased by the current owner in 2023.

The application reflects the submission requirements, was deemed complete, and was reviewed under the provisions of the LUC, specifically, 26.470.090.c, 26.470.110.g and 26.470.160.c.

DISCUSSION:

When an application for a GMQS allotment is denied due to unavailable allotments, Council is granted broad discretion in the appropriate response.

1) Council can deny the “appeal”.
2) Council can grant an allotment from a future year.
3) Council can make a one-time increase to the current year’s allotments.

Since all six of the 2026 GMQS Demolition Allotments have been granted, Staff recommend granting a 2027 demolition allotment for 82 Northway Drive.

Staff does not recommend increasing the current year’s allotment total. In staff’s view, this would undermine the intent of the policies surrounding the demolition allotment program.

If Council were to grant a 2027 allotment (non-local) to 82 Northway Drive, one 2027 allotment (non-local) would be left remaining in addition to one long-time local allotment.

RECOMMENDATION:

Staff recommends approval of Resolution #102, Series of 2026. As written, this would grant a 2027 GMQS Demolition Allotment.

PROPOSED MOTION: “I move to approve Resolution #102, Series of 2026”

ATTACHMENTS:
Resolution #102, Series of 2026
Attachment A – Application

RESOLUTION #102
SERIES OF 2026

A RESOLUTION OF THE CITY OF ASPEN CITY COUNCIL APPROVING A DEMOLITION ALLOTMENT PER LAND USE CODE SECTION 26.470.160.C FOR 82 NORTHWAY DRIVE, LEGALLY DESCRIBED AS: LOT 9, BLOCK 5, KNOLLWOOD SUBDIVISION, ACCORDING TO THE PLAT THEROF RECORDED SEPTEMBER 23, 1972 IN BOOK 4 AT PAGE 488. COUNTY OF PITKIN, STATE OF COLORADO.

PARCEL ID: 2737-181-20-015

WHEREAS, on April 21, 2026, a Pre-application Summary was issued to Christopher Bryan of Garfield and Hecht, P.C on behalf of Cooper Dooper, LLC for the property at 82 Northway Drive, describing the Land Use process to apply for a 2026 GMQS Demolition Allotment for single family and duplex residential structures; and,

WHEREAS, a Land Use Application was submitted to Community Development on May 26, 2026, by Christopher Bryan of Garfield and Hecht, P.C on behalf of Cooper Dooper, LLC for the property at 82 Northway Drive and on June 9, 2026, a Letter of Completeness was sent after reviewing the application for compliance; and,

WHEREAS, A Notice of Denial was issued by the Community Development Director in response to the Land Use application on June 18, 2026, due to no available 2026 Demolition Allotments; and,

WHEREAS, an appeal of the Notice of Denial was filed on July 1, 2026; and,

WHEREAS, Community Development staff have reviewed the application and have provided a memorandum for City Council consideration recommending approval of the request; and,

WHEREAS, City Council at a regular meeting on August 11, 2026, considered Community Development's recommendation, reviewed application materials and heard testimony from the owner of the property and/or their representative; and,

WHEREAS, by a vote of xxx to xxx (x-x) City Council approved Resolution #102, Series of 2026, granting approval of a Demolition Allotment to 82 Northway Drive; and,

WHEREAS, the City Council finds that this Resolution furthers and is necessary for the promotion of public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASPEN AS FOLLOWS:

Section 1:

A. A 2027 GMQS Demolition Allotment is granted to Cooper Dooper, LLC for the property at 82 Northway Drive. The Demolition Allotment is granted per *26.470.160.C.*

B. The allotment is subject to the following conditions:
   - All requirements of the *Residential Demolition and Redevelopment Standards* in place on August 8, 2022, must be met prior to building permit issuance.
   - The building permit submission must include a signed and notarized affidavit the property owner, or successors, will comply with the requirements of the Building IQ program.
   - The building permit submission must include a signed and notarized affidavit the property owner, or successors, will comply with the requirements of the Embodied Carbon requirement prior to receiving a Certificate of Occupancy.
   - Approval and related vesting are limited to the issuance of a GMQS Demolition Allotment and Residential Demolition and Redevelopment Standards. The property is subject to all other requirements of the Land Use and Building Codes in effect at the time of building permit submission.

Section 2:

This resolution 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 3:

If any section, subsection, sentence, clause, phrase, or portion of this resolution is for any reason held invalid or unconstitutional in a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions thereof.

FINALLY, adopted this 11 day of August, 2026.

_____

Rachael Richards, Mayor

ATTEST:

_____

Nicole Henning, City Clerk

APPROVED AS TO FORM:

_____

Katharine Johnson, City Attorney

Aspen Office
625 East Hyman Avenue, Suite 201
Aspen, Colorado 81611
Telephone (970) 925-1936
Facsimile (970) 925-3008

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July 1, 2026

Christopher D. Bryan
cbryan@garfieldhecht.com

Via E-mail
Mayor and City Council, City of Aspen
c/o Brianna Dolbin (brianna.dolbin@aspen.gov)
c/o Harry Valentine-Wilson (harry.valentinewilson@aspen.gov)
Aspen City Hall
427 Rio Grande Place
Aspen, Colorado 81611

Re: Notice of Appeal Pursuant to Land Use Code Section 26.470.160(c) of the June 18, 2026, Notice of Denial of Cooper Dooper LLC's Application for a Demolition Allotment (LPA-26-053) – 82 Northway Drive, Aspen, Colorado 81611 (the "Property").

Dear Mayor and City Councilmembers:

Garfield & Hecht, P.C. represents Cooper Dooper, LLC ("Owner"), which owns the above-defined Property. The Property includes a single-family residence on Northway Drive that was built in 1988 (though the build-date was inadvertently listed as 2018 in the Demolition Allotment Application cover letter), with an effective year-built date of 1988 as well. *See* **Exhibit 1** (Pitkin County Assessor Page for the Property). This letter constitutes Owner's formal Notice of Appeal of the June 18, 2026, Notice of Denial from the Community Development Department ("ComDev"), a true and accurate copy of which is attached hereto as **Exhibit 2**. Due to the fact that there are no demolition allotments available for 2026 (as City Council had previously given them away by allotting them to 2025 applicants), ComDev denied Owner's application, dated May 26, 2026, for one growth management (single-family) demolition redevelopment allotment ("Demolition Allotment") for the Property ("Application"). A true and accurate copy of the Application is attached hereto as **Exhibit 3**.

This Notice of Appeal is submitted pursuant to Chapters 26.470 and 26.316 of the City of Aspen Municipal Code (the "Code") and requests one single-family GMQS demolition-redevelopment allotment for the Property under Code Section 26.470.160(c) (the "Appeal Provision.") That section, in pertinent part, provides as follows:

> Insufficient development allotments. Any property owner within the City who is prevented from developing a property because that year's development allotments have been entirely allocated may appeal to the City Council for development approval. An application requesting allotments must first be denied due to lack of necessary allotments. The appeal procedures set forth at Section 26.316 of the Code shall apply. The City Council may take any such action

> determined necessary, including but not limited to making a one-time increase of the annual development allotment sufficient to accommodate the application.

Under Code Chapter 26.316, a hearing on this appeal is to be held before the City Council at a public meeting. We understand from ComDev that the appeal hearing for this matter has been scheduled for August 11, 2026. Please confirm with the City Clerk and City Attorney to ensure the appeal hearing is properly and timely noticed on the City Council meeting agenda. This appeal letter should be included in the packet.

I. FACTUAL BACKGROUND

A. BACKGROUND OF ORDINANCE 13, SERIES OF 2022

On June 28, 2022, Aspen City Council adopted Ordinance 13, Series 2022 ("Ordinance 13"), which adopted numerous changes to the Code that had been developed during the City-wide moratorium on new residential construction and land use applications. As is relevant here, Ordinance 13 expanded the Code's growth management quota system to apply to single-family and duplex redevelopment or expansion that triggers "demolition" as defined in Chapter 26.580 of the Code (the "Demolition Allotments") and limited the total number of residential Demolition Allotments to six per year, subject to certain exceptions not relevant here. *See* Code Sec. 26.470.040(b), Table 2. These amendments also stated that eligibility for Demolition Allotment would be on a first come, first served basis (the "FCFS Process").

As you know, the FCFS Process was an unmitigated disaster. Therefore, the City Council adopted Ordinance 23, Series of 2023 (Ordinance 23), creating a lottery system for City Council to allocate Demolition Allotments. Owner filed an Administrative Application pursuant to Section 26.470.090 of the Code as is required to be eligible to participate in the 2026 lottery. However, since all six 2026 Demolition Allotments have been allocated by City Council through multi-year allotments, ComDev is not scheduling a 2026 lottery, as set forth in the denial letter, and thus, Owner is submitting this appeal.

Since the lottery system was adopted, as demand each year exceeds availability, the City has utilized the multi-year allotments to satisfy the appeals filed by those applicants who did not receive an allotment. Despite several work session discussions, even as late as July 2025, City Council, has continuously neglected to further amend the Code with regard to the number of residential Demolition Allotments available each year or the process by which Demolition Allotments are distributed. However, City Council did adopt Ordinance No. 14, Series of 2024 ("Ordinance 14"), which substantially amended Section 26.470.040 of the Code, ostensibly to comply with HB 23-1255 described below. We respectfully request that these public documents are made part of the record for this matter.

B. COLORADO LAW LIMITS MUNICIPALITIES' ABILITY TO ENFORCE ANTI-GROWTH LAWS.

On June 7, 2023 Governor Polis signed House Bill 23-1255 ("HB 23-1255"), which is

codified in the Colorado Revised Statutes at C.R.S. §§ 29-20-104.2, *et seq*., a copy of which is attached hereto as **Exhibit 4**. Notably, C.R.S. § 29-20-104.2(3) states that "a governmental entity shall not enact or enforce an anti-growth law affecting property." C.R.S. § 29-20-104.2(2)(a) states: "'Anti-growth law' means a land use law that explicitly limits either the growth of the population in the governmental entity's jurisdiction or the number of development permits or building permit applications for residential development or the residential component of any mixed use development submitted to, reviewed by, approved by, or issued by a governmental entity for any calendar or fiscal year. As used in this subsection (2)(a), 'land use law' means any statute, resolution, ordinance, code, rule, regulation, plan, policy, procedure, standard, initiative, guideline, requirement, or law that regulates the use or division of property or any interest in property."

Section 26.470.040 of the City's Land Use Code certainly violates this statutory provision, even with the amendments approved in December 2024, and thus denies Owner due process with regard to the ability to redevelop the Property. This appeal provides the City the opportunity to avoid being in violation of state law.

II. ARGUMENT

City Council must grant this administrative appeal and allocate one Demolition Allotment to Owner for the Property for the following reasons:

1. The City's current demolition allotment system violates HB 23-1255/C.R.S. § 29-20-104.2(2);
2. To deny Owner a Demolition Allotment would deny Owner equal protection rights afforded under the United States Constitution;
3. To deny Owner a Demolition Allotment would be an unconstitutional taking in violation of the United States Constitution;
4. To deny Owner a Demolition Allotment for the Property would result in a due process violation.
5. Section 26.470.160(c) allows Council to increase the number of demolition allotments available in 2026 and thus issue Owner the Demolition Allotment;
6. The City has exceeded its jurisdiction or acted outside the scope of its authority by failing to repeal the Code provisions limiting the residential Demolition Allotments to only six per year in derogation of state law.

A. LEGAL STANDARD

This appeal is governed by Code Sections 26.316.010, *et seq.* To wit, Code Section 26.316.030(e) provides:

> Unless otherwise specifically stated in this Title, the decision-making body authorized to hear the appeal shall decide the appeal based solely upon the record established by the body from which the appeal is taken. A decision or determination shall not be reversed or modified unless there is a finding that there was a denial of due process or the administrative body has exceeded its jurisdiction or abused its discretion.

This is substantially similar to the standard of review in C.R.C.P. 106 actions, which provides relief when a government body exercising quasi-judicial authority "has exceeded its jurisdiction or abused its discretion." Relief under C.R.C.P. 106 is also available when, for example, a governmental body acts arbitrarily and capriciously by arbitrarily limiting the number of demolition allotments available for a calendar year. Thus, the case law interpreting C.R.C.P. 106 is instructive. An abuse of discretion results when a governmental body misconstrues or misapplies the applicable law. *BOCC v. Conder*, 927 P.2d 1339, 1343 (Colo. 1996). Importantly, land use codes are reviewed *de novo*. *No Laporte Gravel Co. v. Bd. of Cnty. Comm'rs of Larimer Cnty.*, 507 P.3d 1053, 1060 (Colo. App. 2022).[1] Therefore, City Council basically has no discretion when it comes to arguments relating to interpretations of the Code or C.R.S. § 29-20-104.2. A reviewing court will review those legislative pronouncements *de novo*, and City Council will have abused its discretion and exceeded its jurisdiction if it misapplies them. Moreover, aggrieved homeowners such as Owner may have legal recourse under C.R.C.P. 57 and Colorado's Uniform Declaratory Judgments Act (codified at C.R.S. §§ 13-51-101, *et seq.*) to seek declaratory relief from the Pitkin County District Court.

B. THE DEMOLITION ALLOTMENT SYSTEM VIOLATES C.R.S. § 29-20-104.2.

In interpreting a statute, a court must aim to effectuate the legislature's intent. *Cisneros v. Elder*, 506 P.3d 828, 832 (Colo. 2022). In doing so, the court must review the entire statutory scheme to give "consistent, harmonious, and sensible effect" to each part. *Id.* Courts must assign words their plan and ordinary meanings. *Id*. If the statutory language is clear and unambiguous, it must be applied as written, and the reviewing court need not resort to any other rules of statutory construction. *Oakwood Holdings v. Mortg. Inv. Enter.*, 410 P.3d 1249, 1252 (Colo. 2018). If the statute is ambiguous, the reviewing tribunal (in this case, Council) may resort to tools of interpretation to determine legislative intent. *St. Vrain Valley Sch. Dist. v. Loveland*, 395 P.3d 751, 754 (Colo. 2017). However, the reviewing court "must respect the legislature's choice of language." *Oakwood*, 410 P.3d at 1252.

This statutory scheme is straightforward. A governmental entity cannot enact or enforce an "anti-growth law affecting property." C.R.S. § 29-20-104.2(3). The question, therefore, is whether the Demolition Allotment system in the Code (i.e., LUC Section 26.470.040) is an "anti-growth" law. An anti-growth law is statutorily defined as follows:

> a land use law that explicitly limits either the growth of the population in the governmental entity's jurisdiction or the number of development permits or building permit applications for residential development or the residential component of any mixed use development submitted to, reviewed by, approved by, or issued by a governmental entity for any calendar or fiscal year.

[1] *De novo* review means that a reviewing court does not give any deference. *See* BLACK'S LAW DICTIONARY (10th ed. 2014) 976 (defining *de novo* judicial review as "[a] court's nondeferential review of an administrative decision, usually through the review of the administrative record plus any evidence the parties present").

C.R.S. § 29-20-104.2(2)(a).

The question, therefore, becomes whether Ordinances 13 and 23 "explicitly limit . . . the number of . . . building permit applications for residential development." This entire case rests on whether a Demolition Allotment is within the ambit of a "building permit" under the statute, and Council's decision will receive no deference in a C.R.C.P. 106 action or in a C.R.C.P. 57 challenge.

Although neither "Development Permit" nor "Building permit" are defined terms in the statute, these terms are defined in the Code. "Building permit," is defined in the Code as a permit "authorizing an applicant under this Code to undertake construction *or other development activity*." Code § 26.104.100 (emphases added). The "other development activity" clearly contemplates "development activity" such as obtaining a Demolition Allotment. Moreover, a Demolition Allotment is a prerequisite to obtaining a building permit. *See* Code § 26.470.090(c)(3)(b) ("The project shall meet the requirements of the Residential Demolition and Redevelopment Standards prior to building permit issuance."). Thus, the Demolition Allotment system is a *de facto* express limitation on building permits (and, frankly, development permits). The Demolition Allotment limitations and system appear within the GMQS section of the Code; GMQS is clearly a limitation on growth and the issuance of building and development permits.

As set forth above, in response to HB 23-1255, Council adopted Ordinance 14. The stated purpose of Ordinance 14 was to bring the GMQS system into compliance with HB 23-1255 by amending Section 26.470.040 of the Code significantly in order to do so. Those amendments included the deletion of any reference to annual allotments for Residential Free Market or New Residential. However, Table 2 thereof oddly keeps the second column showing those numbers and *keeps the Residential Demolition Allotments* at 6 (see p. 11 of Ordinance 14). The end result in the Code now looks like this:

As such, in Table 2 thereof, the two columns say the following:

Development Type	***Annual Allotment***
	19 units divided as follows:
	13 units
Single-Family and Duplex Demolition and Redevelopment	6 units *
Residential — Affordable Housing	No annual limit
Commercial	33,000 net leasable square feet
Lodging	112 pillows
Essential public facility	No annual limit

Development Type	*Annual Allotment*
* Six (6) Demolition and Redevelopment Allotments represent City Council direction related to an annual average of Single Family and Duplex demolition permits issued between 2013 and 2021.	

It is difficult to understand how this complies with C.R.S. § 29-20-104.2, especially when keeping the total residential allotment numbers with no labels – does this mean that more than 19 new residential units can be constructed within a year, without any quotas, yet if a property owner wants do a major remodel that rises to the level of "demolition" under the Code or scrape and replace an aging home, that is limited to six permits? The City cannot have it both ways. Either the entire residential GMQS system must be eliminated to comply with the statute, including the limitation on Demolition Allotments, or the City is still out of compliance with the statutory mandate and therefore in violation of state law.

In response to HB 23-1255, the City of Boulder completely eliminated its Residential Growth Management System ("RGMS"), which included demolition allotment limitations. *See* City of Boulder Staff Memorandum and Ordinance 8600 attached hereto as **Exhibit 5** at p. 6 of Staff Memo. The City of Lakewood is sunsetting the provisions of Section 14.27 of its Code regarding Residential Growth Limits; however, it is important to note that Section 14.27.020(C) specifically states that "a dwelling unit may be replaced with another dwelling unit without obtaining an allocation, provided that the replacement unit is located on the same parcel, tract, or lot." *See* City of Lakewood City Code, Section 14.27 attached hereto as **Exhibit 6**. The City of Golden also repealed its residential growth limitations, *which never included* allotments for demolition.

Certain members of Council may not like the state statute, but state law trumps local ordinances, so Council nevertheless needs to review this appeal quasi-judicially and be fair and impartial. If Council gets it wrong, a state court judge will not provide any deference to Council's decision. Moreover, because C.R.S. § 29-20-104.2 is relatively new, there is no case law interpreting it. If Council incorrectly interprets the statute, by continuing to uphold its limitations on Demolition Allotments, and therefore precipitates a C.R.C.P. 106 action or C.R.C.P. 57 challenge, it faces the prospect of creating case law to which every other municipality in Colorado will be bound.

C. Effect of Ordinance No. 21, Series of 2024 – Waste Diversion Requirements

From the Ordinance 13 recitals, it is clear that one of the main stated reasons for adoption of the residential Demolition Allotment program was to reduce waste going to the Pitkin County landfill. In further Council work session discussions regarding the Demolition Allotment program, Council has continued to emphasize this environmental benefit. In Council's work session on February 26, 2024, Staff's memorandum to Council states that the Demolition Allotment program as to address impacts from "demolition and construction waste impacts at the landfill" and "the carbon impacts related to demolition, construction and long-term operations and maintenance of redeveloped single-family and duplex homes." (a copy of the Staff memorandum is attached hereto

as **Exhibit 7**). That Staff memorandum also states that "[f]ive years from now, as 15 or more of the allotted demolition projects are complete . . . and no tangible benefits are identified – *staff would likely be advocates for getting rid of the demolition allotment program*," but that Staff felt such was premature and that there was "potential" for the program to deliver community benefits. During the work session, Staff and Council members both discussed the fact that the City had adopted the 2021 IBC Building Codes with more stringent energy efficiencies and additional carbon impact requirements. Mayor Torre specifically spoke of his concerns regarding waste diversion and that if there was a 75% diversion rate such would address the major concerns that resulted in the Demolition Allotment program. The outcome for this discussion was for Staff to prepare a Policy Resolution to allow for potential changes to the Demolition Allotment program in the Code yet no such changes were officially proposed in 2024, 2025 or 2026, just discussed at work sessions.

Council adopted Ordinance No. 21, Series of 2024 ("Ordinance 21") in December 2024 – creating major changes in the Code for waste diversion and other programs to reduce the environmental and carbon impacts of all redevelopment, not just residential redevelopment. For ease of reference, a copy of Ordinance 21. Council did not then engage in conversation regarding the Demolition Allotment program until its July 14, 2025, work session, wherein there was another lengthy conversation that the waste diversion and enhanced building code changes can easily address the purported negative impacts of residential development/redevelopment. In fact, at the work session, Staff also emphasized how the waste diversion/code changes have had a positive effect on the redevelopment of homes (*see* Staff memorandum attached hereto as **Exhibit 8**). Council members requested definitive benefits resulting from the Demolition Allotment program (now in its third year), yet Staff could not produce the same. This failure to actually be able to specifically describe tangible benefits from the program goes to Staff's statement in February 26, 2024, that Staff would support elimination of the program.

Throughout all of these discussions at the Council level, it has been clear that an inordinate amount of City Staff and City Attorney time have been spent on the Demolition Allotment program, its uneven and exception-riddled application, the constant appeals due to the flaws in the program, and its embarrassing legacy as an idea that failed from the beginning. Yet, the discussions have also highlighted that now there is less of a need than ever for the Demolition Allotment program with the recent Code changes for waste diversion requirements and updated building codes. In light of the City's adoption of Ordinance 21, Staff's decision to recommend continuing the Demolition Allotment program in July 2025 is arbitrary and capricious and exceeds its jurisdiction.

D. COUNCIL WILL VIOLATE OWNER'S EQUAL PROTECTION RIGHTS IF A DEMOLITION ALLOTMENT FOR THE PROPERTY IS NOT GRANTED.

The United States Constitution guarantees that no state "shall deny any person within its jurisdiction the equal protection of the laws. U.S. CONST. amend. XIV. At its core, the equal protection clause requires that "all persons similarly situated should be treated alike." *Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). Equal protection claims essentially consist of two elements. First, the plaintiff must prove disparate treatment compared to another similarly situated party. *Henry v. Jefferson Cnty. Planning Comm'n*, 148 F. Supp. 2d 698, 715 (N.D. W. Va. 2001).

If that element is satisfied, then the plaintiff must prove that there was not a rational basis for the disparate treatment. *Id; see also Congregation Kol Ami v. Abington Twp.*, 161 F. Supp. 2d 432, 436 (E.D. Pa. 2001) (municipal legislation must be rationally related to a legitimate and lawful state interest).

In this case, Ordinance 14 deleted all references to residential allotments through the GMQS system *yet retained the six allotment limitation for Demolition Allotments*. If Owner owned a vacant lot, it would not be limited by GMQS. Therefore, retaining the Demolition Allotment quota violates Owner's equal protection rights.

E. NOT GRANTING A DEMOLITION ALLOTMENT FOR THE PROPERTY WILL RESULT IN AN UNCONSTITUTIONAL TAKING.

The Fifth Amendment to the United States Constitution proscribes unconstitutional takings. Whether a taking occurs requires an "essential ad hoc, factual inquir[y]." *Tahoe Pres. Council v. Tahoe Reg'l Plan. Agency*, 535 U.S. 302, 322 (2002) (quoting *Penn Cent. Transp. Co. v New York City*, 438 U.S. 104, 124 (1978)). *Penn Cent.* requires courts (and Council) to analyze the following factors:

1. The economic impact of the regulation;
2. The extent to which the regulation interferes with investment-backed expectations;
3. The "character" of the governmental action.

Penn Cent., 438 U.S. at 124.

Here, Owner took title to the Property in 2023 expecting that it might be able to renovate the home. However, in commencing design to do so, Owner realized that it would be better for the environment, neighborhood impacts and overall design to demolish this dated, environmentally inefficient structure, which has reached the end of its useful life, and rebuild a more functional and energy-efficient home, especially due to the issues with the roof and structural support. Demolition allows for a more streamlined construction process, reducing the duration of on-site activity and minimizing neighborhood impacts, using a building system that offers cost efficiencies and environmental benefits. The character of the governmental action – limitation on Demolition Allotments - also reinforces that a taking occurred. The current system is completely arbitrary, especially in light of the adoption of Ordinances 14 and 21, requiring Owner to keep and maintain (and pay taxes on) an old, aging, environmentally-unfriendly, and potentially dangerous structure that does not serve Owner's needs or comport with the community's values. If Owner is forced into working with the existing structure, the excessive overframing and intense construction needed to do will outweigh any benefits that might be accomplished by creating a more environmentally sustainable home.

F. DENYING OWNER A DEMOLITION ALLOTMENT FOR THE PROPERTY WOULD BE A DUE PROCESS VIOLATION.

The United States Supreme Court has held:

> The governmental power to interfere by zoning regulations with the general rights of the land owner by restricting the character of his use, is not unlimited and, other questions aside, such restriction cannot be imposed if it does not bear a substantial relation to the public health, safety, morals, or general welfare. Legislatures may not, under the guise of the police power, impose restrictions that are unnecessary and unreasonable upon the use of private property or the pursuit of useful activities.

Washington v. Roberge, 278 U.S. 116, 121 (1928).

City staff may argue that Ordinance 14 brought the City's Land Use Code into compliance with C.R.S. § 29-20-104.2 and that maintaining the Demolition Allotment program and limitations is a "rational carve out" from the statute's prohibitions. That is not true. Staff's recommendation to Council that it can delete any reference to "residential allotments" but retain this *type* of residential allotment makes no sense. As stated above, anyone purchasing a vacant lot does not have to go through GMQS to build a home.

Cleburne is instructive. In that case, a zoning regulation required special use permits to operate a group home for the disabled but did not require such permits for apartments, boarding houses, dormitories, and nursing homes. 473 U.S. at 447. The Court determined there was no rational basis for regulating the group home but not the other permissible uses. *Id.* at 450. The same logic applies here. There is no rational basis to deny Owner the ability to demolish the existing structure on the Property—particularly when other property owners are allowed to develop residential properties without being subject to the GMQS system and when the City continues to try and band aid its flawed process of distributing the Demolition Allotments by consistently allocating future year allotments to current applicants such that each year owners are forced through the "process" of having to submit a full blown application, receive a notice of denial and appeal to City Council.

Moreover, due process requires fair procedure. *See Hyde Park Co. v. Santa Fe City Council*, 226 F.3d 1207, 1210 (10th Cir. 2000) ("Procedural due process ensures that the state will not deprive a party of property without engaging in fair procedures to reach a decision."). The current GMQS Demolition Allotment provisions of the Code are anything but fair.

G. THE STRUCTURE ON THE PROPERTY SHOULD BE DEMOLISHED.

As noted above, the structure is a 38-year-old house. For reference, the Pitkin County Assessor's photograph of the Property is included below:



The Pitkin County Assessor describes the construction quality of the home on the Property as "fair." It currently has a cedar shake roof which is highly flammable, and it uses natural gas for heating. The Pitkin County Assessor describes the construction quality as "average." Several aspects of the home are dangerous and create more of a carbon impact than new construction would. This appeal provides an opportunity for the City to act on its of-stated goal of allowing and encouraging green development. Owner has provided conceptual design standards that meet all single-family dwelling and residential design review standards. There is no rational basis for the City to require Owner to continue to maintain a nearly-forty-year-old structure on the Property that has not been designated for historic preservation. Instead, Council should allow Owner to build a safer, more energy-efficient structure in accordance with the City's progressive and environmentally friendly building code.

III. COUNCIL'S OPTIONS

The Code gives Council considerable discretion. Council may "take any such action determined necessary, including but not limited to making a one-time increase of the annual development allotment sufficient to accommodate the application." Code § 26.470.160(c). Council may again borrow from future years, or it may make a one-time increase for 2026. If Council does not exercise that discretion and provide a demolition allotment to Owner here, yet another lawsuit against the City will result. That would be unfortunate, as it will waste valuable City staff and

attorney time, and put the City in legal jeopardy that could otherwise be easily avoided.

IV. CONCLUSION

Council should tread lightly here and give real consideration to the relief requested herein. If a C.R.C.P. 106 action or C.R.C.P. 57 challenge becomes necessary, the Pitkin County District Court will not give any deference to Council when it reviews C.R.S. § 29-20-104.2 and the City's attempt to comply with the same while retaining the Demolition Allotment program. Council presumably does not want to create binding case law that will negatively impact all Colorado municipalities, especially since C.R.S. § 29-20-104.2 has not been tested in the courtroom. Owner hopes not to have to sue the City but will have no choice if Council errs in ruling on this appeal. The Demolition Allotment limitation system is broken and affirmatively hinders the creation of additional housing – a single-family home cannot be demolished to create a duplex or triplex (if allowed by zoning) because there are too few, or no, demolition allotments available. In this instance, a dated, unsafe home cannot be demolished and replaced a safer, energy efficient structure. Council should grant Owner a Demolition Allotment and further work to fix this arbitrary system. Based on our extensive research, the City appears to be the only municipality in the United States of America that imposes an annual demolition allotment cap. That fact should not be a point of pride but rather an indication that being an outlier means the program is the result of poor policymaking that is unlawful and dysfunctional.

The signed Land Use Application Form, Agreement to Pay Application Fees, HOA Form, and Title Commitment are part of the record for this Notice of Appeal and are in the ComDev files. Those materials, too, should be included in the packet for the August 11, 2026, appeal hearing. The fee for this Notice of Appeal will be paid upon acceptance of this Notice of Appeal by the City. Please do not hesitate to contact me if you have any questions, and please advise as soon as possible with proposed dates as to when, within thirty days, this appeal can be heard by Council.

Owner reserves all rights, including the ability to submit additional written materials at or before the appeal hearing, and to deliver an oral presentation at the appeal hearing.

All referenced exhibits, which are enumerated in the Table below, are emailed herewith via a OneDrive link, including a link to the exhibits referenced in the Application, and should be included in the packet for the August 11, 2026, City Council meeting at which this appeal will be heard.

Very truly yours,

GARFIELD & HECHT, P.C.

/s/ Christopher D. Bryan
Christopher D. Bryan

cc: Kate Johnson, Esq.
Ben Anderson
Nicole Henning
Mary Elizabeth Geiger, Esq.

TABLE OF EXHIBITS

Exhibit Number	Description
Exhibit 1	Pitkin County Assessor Page for the Property
Exhibit 2	June 18, 2026, Notice of Denial from the Community Development Department
Exhibit 3	Application for Demolition Allotment
Exhibit 4	Colorado Revised Statutes at C.R.S. §§ 29-20-104.2, *et seq*.
Exhibit 5	City of Boulder Staff Memorandum and Ordinance 8600
Exhibit 6	City of Lakewood City Code, Section 14.27
Exhibit 7	2/26/24 Staff Memorandum
Exhibit 8	7/14/25 Staff Memorandum

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