



charter
of the
city of durango
colorado

RFL

Durango Doings

Chapter 8: Durango's Form of Government

approved by the
durango charter commission
july 6, 1978

approved by the
citizens of durango
november 7, 1978

Documentary evidence from City Council meeting minutes, et al.

A history of Durango's system of home rule:

Durango, Colorado, county seat of La Plata County, is a home rule city with the council/manager form of government. According to the Colorado Constitution, "home rule" means that the citizens have "the full right of self-government in local and municipal matters." September 3, 2012 marked the centennial of the charter election in which the voters, by a large margin, adopted a **home rule** form of government and changed the title of its governing officials from alderman to commissioner. Durango was the fourth city in Colorado to adopt a home rule charter. Its switch to home rule was preceded only by Denver in 1904 and Colorado Springs and Grand Junction in 1909.

When the Colorado Municipal League's *Home Rule Matrix* book was published in 2008, 96 of the 265 CML's municipal members were home rule. These were the earliest home rule cities (by year of their charter adoption):

1904 Denver
1909 Colorado Springs and Grand Junction
1912 Durango [i.e., 4th in the State]
1917 Boulder
1922 Monte Vista

Actual changes in Durango's form of government were not seen until 1913 and 1915; the 1912 home rule charter election started the ball rolling. The first municipal elections to select commissioners under the terms of the charter were held in April of 1913. The next month, Durango switched from having nine aldermen (a mayor and four pairs of elected council members who represented the four wards of the city) to having just three commissioners, each representing the whole of the city. On May 1, 1913, Council held its last meeting under the **Aldermanic form of government** and its first meeting under the **Commissioner form of government**. The presence of two council members constituted a quorum. The three commissioners elected a Mayor from among themselves.

The change to having a hired administrator manage the City:

This bare-bones Commissioner form of government didn't last long; in the general municipal election on April 6, 1915 (as noted in the minutes of the Council meeting of April 7, 1915, handwritten on page 528 of a red leather-bound ledger), citizens voted by a large majority to change the City Charter to move to a **Commissioner-Manager form of government**. Thus, Durango became one of the first municipalities in the nation to have an appointed City Manager, rather than an elected Mayor, as its chief administrator to manage the day-to-day operations of the city. The Council selected Andrew Hood as its first City Manager on July 6, 1915. Mr. Hood was an undertaker by profession; his company, Hood Mortuary, is still in business in Durango today at the north end of East Third Avenue.

According to Wikipedia, "Sumter, South Carolina has the distinction of being the first city in the United States to implement council–manager government successfully [on June 11, 1912, just 3 months ahead of Durango], although Staunton, Virginia is credited as the first American city appointing a city manager in 1908.^[7] Some have traced the first occurrence of the manager position to as early as 1904 in Ukiah, California, however, but it seems clear that all experts in the field credit the Staunton position as the one, which began to focus the light on the fledgling profession and caught the eye of Richard S. Childs, who would become known, somewhat, as the "father" of the council-manager form of government and the *Model City Charter*.^{[6][8]} The first large city to adopt the council–manager form was Dayton, Ohio, in 1913." Staunton has posted a bronze plaque to stake its claim, as shown at <http://www.staunton.va.us/about-staunton/about-staunton>

The number of elected Commissioners changed from three to five on July 7, 1915 (though the minutes made no particular mention of that change). Two of the five Commissioners had titles of President and Vice President (elected from among themselves).

The *Commissioner-Manager* form of government lasted until the election of November 7, 1978 when voters refined the system by adopting the **Council-Manager form of government** as a result of the work of the City's second charter convention. City Council minutes reflect that the Council members were being called **Councilmen** (rather than Commissioners) by December 5, 1978. The Council members chose among themselves the Mayor and Mayor Pro-Tem —as they still do today.

A chronology of decisions by City Council and the voters re: the form of government, and City Charter elections to the current day:

The regular Council meeting minutes of 1/3/1911 listed (on pages 564-566 of Minutes Book number 7) 180 names on a Durango Board of Trade petition to conduct a

special election for a charter convention, as allowed by Sections 4, 5 and 6 of Article 20 of the Constitution of the State of Colorado.

At its regular meeting on 1/9/1911 City Council deferred action on an ordinance calling for a charter convention/special election.

At the meeting on 1/17/1911 Council heard a request by the signers of the original petition for charter government to have that petition annulled, to present a new petition for a general election charter convention question, for the proposed Commissioner form of government.

2/7/1911: Council minutes topics include charter convention petitions in form. Names were struck from the original petition, and a second petition was filed on 1/17/1911, for Ordinance No. 502 providing for submission of a proposal for a Charter Convention by a vote of qualified electors at the next general election.

2/21/1911: Ordinance No. 502 was adopted, to hold a Charter convention.

4/18/1911: Council decided that City officers would only serve until Commissioners were duly elected under the newly adopted Charter. There was open voting on candidates by roll call (5 voted aye, 3 opposed; the motion passed). The Charter Convention Ordinance was prepared. Democrat Mayor Hood gave his maiden speech; he was not sold on the idea of the Commissioner form of city government.

5/16/1911: Proposed Ordinance No. 505 for a Charter Convention was introduced — but never passed.

6/20/1911: The proposed Ordinance No. 505 for a Charter Convention was killed.

11/21/1911: Council received a signed petition circulated by Alderman Hanno asking to defer action on the Commission form of government. Alderman Wingate moved a resolution to lay that petition on the table because it disregarded the vote at the last election, but his proposed resolution was defeated. Ordinance No. 507 regarding a Charter Convention special election was introduced, but lost.

1/2/1912: Council received voters' petition to hold a special election to repeal the vote cast at the 4/4/1911 election concerning the move to a Commission or Charter form of government.

3/5/1912: Ordinance No. 508, An Ordinance Calling a Special Election for the Purpose of Electing Members of a Charter Convention for the City of Durango and Fixing the Time when the Proposed Charter Shall be Submitted to the Qualified Electors for Their Approval or Rejection.

5/21/1912: Council decided that the Charter Convention would hire a stenographer. Members of the Charter Convention took their oaths of office, and the election results were posted.

7/2/1912: Alderman Hanno reported that less than \$500 would remain in the City's treasury after paying current bills. He urged the strictest economy in all departments. The Charter Convention delegates agreed to serve without pay.

7/16/1912: The City of Durango charter as drafted by the Charter Convention was filed, and an election to adopt or reject it was set for 9/3/1912. The City Clerk was instructed to procure election supplies.

8/20/1912: Council decided that the proposed Charter would be printed one time in the *Durango Herald*. Council also appointed election judges to fill vacancies for the Special Election for the vote on the City Charter on 9/3/1912.

10/1/1912: Certificate of posting election notices, holding of election and abstract of votes on the **Charter election 9/3/1912**; 464 voted in favor of adopting the proposed charter, but 202 were opposed; certificate of filing two copies of Charter with State Secretary of State.

Section 106, Article XII, on page 24 of the 1912 Charter [we have the physical original in the City Hall records vault] reads,

CITY MANAGER: The City Council by a majority vote thereof, shall appoint a City Manager, who shall be the executive head of the municipal government. He need not be a resident of the City of Durango when appointed. He may be discharged only by a vote of not less than four members of the Council [i.e., 5 Commissioners, as provided by the Charter] and shall be subject to recall as herein provided for elective officers. [It continues, on pages 24-25, sections 107-109, including details of his powers and duties, a prohibition on his making any expenditures of more than \$100 except as authorized by Council, and designation of a salary not to exceed \$1,800 per year.]

3/11/1913: A proposition to have extra copies of the Charter printed was defeated.

3/18/1913: 500 copies of the City Charter would be printed for free distribution.

5/1/1913: (page 304 of Minutes Book 8) These minutes document the last meeting of City Council meeting under the Aldermanic form of government (A. F. Hood, Mayor), and (page 306) the organization of the first Council under the Commissioner form of governance (Council was now just 3 people, including Mayor Scouton).

4/7/1915: Results of the general municipal election, canvass of votes, Durango mortician Andrew F. Hood was elected over Henry R. Scouton by a vote of 521 to 367; 557 voted for the **Charter amendments providing for the Commissioner-Manager form of government** (336 voted against the charter amendment).

6/30/1915: Regular Council meeting minutes of 6/30/1915 reported (on page 555 of minutes book 8) that a vote on a home rule amendment to amend the 1912 charter to allow the issuance of saloon licenses after 1/1/1916 failed (299 for, 420 against).

7/1/1915: Certificate of posting election notices and holding election on 6/28/1915, proof of publication of election notices, oath of office for Commissioners-elect, Commissioner Willson resigned, asked to be released from office from this date and that his bond be discharged. Council adjourned Sine Die; the organization of the new Council under the recently adopted amendment to the City Charter happened at this meeting. [The meeting date was incorrectly written in the Council meeting minutes as June 29, 1915.] Cyrus G. Graden was elected President of the Council, John Morelock as Vice President, and Herman Hanno was elected as the temporary City Clerk until the next regular meeting of Council to fill the office that had been rendered vacant by the expiration of the term of ex-Commissioner Willson. **A. F. Hood was elected the temporary City Manager** [the first Durango City Manager] in accordance with the recent amendment to the City Charter until a successor could be elected at next regular meeting of Council.

4//**1923**: a Charter amendment proposal (not named in the minutes) failed (439 for; 628 against) at the General Municipal Election, per minutes of 3/6/1923 and 4/5/1923.

4/7/**1925**: General Municipal Election approved a Charter Amendment to allow the City Council to set the salary of the City Manager. Per the minutes of 2/3/1925 and 4/21/1915, his salary was increased from \$1,800 per year to \$2,500 effective as of 5/1/1925. (In today's dollars, that would be \$64,473.76; his actual salary today —not including allowances and benefits —is more than three times that amount.)

4/18/**1944**: amending the Charter to allow a special election to vote on issuing bonds for repair of the airport.

4/2/**1957**: Charter amendments re: Council members' compensation, changing the name of the office of Mayor to President of the Council, correcting a clerical error in the Charter so it would refer to five Commissioners, not three, and authorizing City Council to create public improvement districts; proposed Ordinance O-1957-901 failed by 141 votes (per minutes of 2/26/1957, 3/26/1957 and 4/3/1957).

4/21/**1959** election approved several charter amendments pertaining to the City's powers regarding creating and funding public works and public improvements by land acquisition, construction, public improvement districts, etc. (per minutes of 2/26/1957, 3/26/1957 and 4/21/1959).

11/21/**1978** minutes: the City's new 1978 Charter was adopted and was in effect as of 11/7/1978; Council members were called Councilmen thereafter, not Commissioners, and the President became the Mayor. The Vice President became the Mayor Pro Tem.

4/6/**1993**: six of the seven proposed Charter amendments were approved (one of them, Question 3 on the ballot, was the change to require 24 hours of noticing prior to a special meeting, rather than just 12); only the 4th amendment (a proposal to removing the required formatting in amended or repealed ordinances) was defeated (per the 4/20/1993 minutes and election results).

4/4/1995: voters “de-Bruced,” authorizing the City to spend in excess of TABOR limits with no tax increases (Charter amendments pertaining to Article VII).

4/1/1997: three Charter amendments were approved (per the 4/15/1997 minutes).

7/31/2012: voters approved two Charter amendments, removing the requirement that a voter in a City franchise election also be a taxpaying elector of the city, and modifying references in the City Charter to the City Treasurer, when they pertained to the City Clerk.

This preceding list shows how infrequently the City’s Charter has been changed—especially in the last century.

Since it is the most recently adopted new Charter, we have included this view of the synopsis in the front of the 1978 Charter (that booklet’s cover, with the initials of City Manager Robert Ledger, is at the start of this chapter on page 137).

PREFATORY SYNOPSIS

On March 14, 1978, the citizens of Durango voted for the creation of a special Charter Commission and selected a diversified group of citizens to revise and update the Durango City Charter of 1912. The 21 elected members of the Charter Commission submit to the voters of the City their proposed new Home Rule Charter which has been framed in conformity with Article XX of the Constitution of the State of Colorado and the Municipal Home Rule Act of 1971. The Commission members have drafted a document which is designed to achieve a simple and direct form of local government, based upon what we believe to be sound principles. It is designed to meet the present and future needs of the City of Durango.

Because Durango has operated as a Home Rule City since its inception in 1912, the drafting of this document by The Charter Commission has attempted to continue the best aspects of the previous Charter. Like its predecessor, this Charter provides for the Council-Manager form of government, with a five member Council elected at large, from whose membership shall be elected a Mayor who shall serve for a one-year term. The present four-year term for each Council member has been retained. This Charter provides that all elections are to be non-partisan and are to be conducted in accordance with the Colorado Municipal Election Law.

This Charter also establishes a variety of procedures and responsibilities for the City Council, especially in the area of personnel, financing, and planning. Likewise, it requires a budgetary format which is designed to keep the public abreast of the development of the budget, and to make the City departments more responsive to public inquiries concerning their expenditures. In an effort to remove the City Manager from political influence, the proposed Charter eliminates the recall of the City Manager and replaces it with an annual evaluation of the City Manager.

The 1978 Charter is designed to encourage involvement and participation in matters of local government. We believe that when citizens are active participants in government, it best insures the protection of the public interest. The proposed Charter is a document of consensus and compromise. The significant consideration is the Charter itself and there is no substitute for reading it in its entirety.