



OFFICE OF THE CITY CLERK

June 30, 2017

Mr. David Noblitt  
Colorado Springs Professional Firefighters  
3265 W. Carefree Circle, Building C  
Colorado Springs, Colorado 80917

Dear Mr. Noblitt,

I am in receipt of your June 21, 2017 letter and attachments. Your letter and attachments refer to Senate Bill 13-025, codified at C.R.S. § 29-5-201 *et seq.*, which addresses mandatory collective bargaining for firefighters in Colorado. The City of Colorado Springs ("City"), a home rule municipality existing pursuant to Article XX of the Colorado Constitution, does not recognize Senate Bill 13-025 as the applicable process for initiatives for City ballot measures, including collective bargaining measures. Any electors of the City desiring to pursue an initiated measure are required to follow all City initiative requirements, including those found in City Charter Article XII, City Code § 5.1.401 *et seq.*, and, if applicable, C.R.S. § 31-2-101 *et seq.* Your June 21 letter is not a sufficient Petitioner's Committee affidavit as required by City Charter § 12-20.

It is the City's position that Senate Bill 13-025 is not applicable to a home rule municipality. Home rule municipalities have exclusive authority over municipal elections pursuant to Article XX § 6(d) of the Colorado Constitution. The procedures of Senate Bill 13-025 would constitute improper interference with home rule authority governing the calling and manner of City elections and impose unfunded state financial mandates on the City. Colo. Const. art. XX, § 6(d); Colo. Const. art. X, § 20(9); C.R.S. § 29-1-304.5(1); *Gosliner v. Denver Election Comm'n*, 552 P.2d 1010, (Colo. 1976). Additionally, the act itself appears to recognize inapplicability in C.R.S. § 29-5-206(1), providing an exception to its petition process where "petition requirements are otherwise outlined by city charter or local ordinance."

Senate Bill 13-025 also impermissibly infringes on the authority granted to home rule municipalities under Article XX, § 6(a) of the Colorado Constitution to regulate the duties and terms of their officers and employees. *City & Cty. of Denver v. State*, 788 P.2d 764, 766 (Colo. 1990). As such, the City's initiative procedures, not Senate Bill 13-025, apply to any initiative regarding collective bargaining for City firefighters.

If you have any questions about the proper procedures for following the City's initiative process requirements, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Sarah B. Johnson".

Sarah B. Johnson, City Clerk