

Bond Case Briefs

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TERM LIMITS - COLORADO

Kulmann v. Salazar

Supreme Court of Colorado - December 19, 2022 - P.3d - 2022 WL 17748017 - 2022 CO 58

City resident brought action against city and mayor seeking a declaration as to whether the offices of mayor and of ward councilmember were separate and distinct offices for purposes of constitutional term limits for elected government officials.

The District Court granted summary judgment for resident in part. Resident, city, and mayor appealed, and appeals were consolidated. Thereafter, city and mayor petitioned for writ of certiorari, which was granted.

The Supreme Court held that:

- Phrase “in office” in constitutional term limit provision referred to a specific office and not to an institution or governing body, and
- Offices of mayor and of ward councilmember were separate and distinct offices for purposes of constitutional term limits.

Phrase “in office,” in state constitutional provision stating that no nonjudicial elected official of any city shall serve more than two consecutive terms in office, referred to a specific office held by a nonjudicial elected official, and not to an institution or governing body.

Under plain and unambiguous terms of city charter and code, the offices of mayor and of ward councilmember were separate and distinct offices for purposes of term limitations under state constitutional provision stating that no nonjudicial elected official of any city shall serve more than two consecutive terms in office; charter and code made clear that the mayor could exercise various powers unilaterally without involvement or consent of ward councilmembers, no such powers or responsibilities were delegated to any individual councilmember, and charter and code provisions addressed mayor and councilmembers separately with the disjunctive “or” in provisions outlining limits and requirements that applied to both offices.