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Colorado Supreme Court Decision Reverses Lower Court Decision on Term Limits Thornton Charter Reaffirmed

THORNTON, CO... Today, the Colorado Supreme Court released its decision regarding term limits in the Colorado Constitution for Mayor Jan Kulmann and the interpreted intent of the Thornton City Charter. The case is referred to as ***Jan Kulmann, in her official capacity as Mayor of the City of Thornton; and the City of Thornton, Colorado versus Cherish Salazar***. Under the Colorado Constitution, a person is limited to two terms in office for elected positions in state and local government. The Colorado Supreme Court reversed the decision of the Adams County District Court, which had agreed with Cherish Salazar, a Thornton resident, who contended that the office of Mayor and Councilmember were the same when it came to determining term limits. However, the Colorado Supreme Court, in a 5 to 2 decision, disagreed and issued the following statement as part of its ruling:

“Based on the plain language of the Thornton City Charter (“Charter”) and Thornton Municipal Code (“Code”), we now conclude that the Mayor and Councilmembers in Thornton serve in distinct offices. Accordingly, we reverse the district court’s ruling declaring, as a matter of law, that the Mayor’s seat and Councilmembers’ seats are part of one elected body and constitute the same office for purposes of section 11’s term limit restrictions.”

The Colorado Supreme Court also issued the following as part of its conclusion:

“...Accordingly, on the undisputed facts before us, we further conclude that Kulmann will soon complete her first term as Thornton Mayor, and, consistent with section 11, she may seek one more consecutive term in that office.”

Based on the language of the decision provided, residents of Thornton now have clarity on the intent in the City Charter and Code and the flexibility to serve the City of Thornton in capacities as Mayor and or Councilmember for two consecutive terms in each position. Thornton had argued in the case that this interpretation preserves the original intent of the City Charter and this was reaffirmed by the Colorado Supreme Court.

The Colorado Municipal League (CML) had also filed an Amicus Brief in support of the Thornton’s interpretation of its Charter and the intent of voters in Colorado when it comes to term limits. Thornton is appreciative of the support from CML.

Mayor Jan Kulmann issued the following statement:

“I am thankful for the thoughtful consideration of the Colorado Supreme Court and that this decision preserves the original intent of those who wrote our City Charter. We can now move forward with the assuredness that those serving the City of Thornton are doing so in adherence to both the City Charter and the state Constitution. Serving in city government is an honor and responsibility I take with great importance and I look forward to continuing to serve.”

This decision by the Colorado Supreme Court ends the case.

For more information on the city of Thornton visit www.ThorntonCO.gov.

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