

**HOME RULE CHARTER COMMISSION**  
**December 3, 2018**  
**Castle Pines City Hall**  
**5:30-8 pm**

**AGENDA**

- 1) Convene Meeting
- 2) Roll Call
- 3) Public Comment (3 Minute limit)
- 4) Approval of Minutes from November 29, 2018
- 5) Review and Approval of Amended Sections
  - a. 2.3(a) Council Districts
  - b. 2.4(d) Terms Office
  - c. 2.7(a) Qualifications
  - d. 2.7(c) Qualifications
  - e. 2.8 (a) Vacancies
  - f. 2.8 (b) Vacancies
  - g. 2.8(c) Vacancies
  - h. 2.13 Removal from Office
- 6) Discussion of Proposed Provisions Concerning:
  - a) Regular City Council Meetings
  - b) Special Meetings
  - c) Emergency Meetings
  - d) Study Sessions
  - e) Open Meetings
  - f) Executive Sessions
  - g) Quorum
  - h) Procedures and Rules of Order
  - i) Attendance Required
  - j) Posting of Meetings
  - k) Laws Governing Elections
  - l) Municipal Elections
  - m) Nonpartisan elections
  - n) Right of Recall
  - o) Right of Initiative
  - p) Right of Referendum
  - q) Procedures for Initiative and Referendum
- 7) Adjourn

# City of Castle Pines, Colorado Minutes

## Home Rule Charter Commission

### Members

Geoff Blue  
David Brennan  
Erik Bowman  
Ron Cole  
James Coudeyras  
Doug Gilbert  
Bill Hodges  
Charley Heard  
Jean Henry  
Jeffrey Huff  
Fredrick Lee  
Carol Lewis  
James Mulvey

## MEETING OF THE HOME RULE CHARTER COMMISSION Castle Pines Community Center, 7404 Yorkshire Drive, Castle Pines, CO 80108 Monday, November 26, 2018 - 5:00 PM

### 1. CONVENE MEETING

The meeting of the Home Rule Charter Commission of the City of Castle Pines, Colorado, was called to order by Michael Penny, City Manager, at 5:04 p.m.

### 2. ROLL CALL

**Those present were:** Geoff Blue  
Dave Brennan  
Erik Bowman  
Ron Cole  
James Coudeyras  
Bill Hodges  
Charley Heard  
Jean Henry  
Jeffrey Huff  
Fredrick Lee  
Carol Lewis  
Jim Mulvey

**Those absent were:** Doug Gilbert

### **Also present with the Commission:**

Michael Penny, City Manager  
Linda Michow, City Attorney  
Tobi Basile, City Clerk  
Meghan White, City of Castle Pines Intern

### 3. OATH OF OFFICE

- Judge Louis Gresh administered the Oath of Office for the following:
  - Geoff Blue
  - Dave Brennan
  - Erik Bowman
  - Ron Cole
  - James Coudeyras
  - Bill Hodges
  - Charley Heard
  - Jean Henry
  - Jeffrey Huff
  - Fredrick Lee
  - Carol Lewis
  - Jim Mulvey

### 5. APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON

- Geoff Blue was nominated and appointed Chairperson.
- Jeffrey Huff was nominated and appointed Vice Chairperson/Secretary

### 6. DISCUSSION

- The Home Rule Charter Commission discussed the original intent for Home Rule, the process for creating the Home Rule Charter, and creating an enabling charter.

**7. PUBLIC COMMENT**

- Susan Helton stated she was excited about the creation of a Home Rule Charter and noted she is strongly in support of communications to the public in regards to the meetings.

**8. DISCUSSION AND ADOPTION OF SCHEDULE**

- The February 14, 2019 meeting has been cancelled
- The meeting start time will change to 5:30 p.m.
- The meeting end time will change to 8:30 p.m.
- The amended schedule was adopted.

**9. ORGANIZATIONAL RULES AND POLICIES DISCUSSION AND ADOPTION**

- The Organizational Rules and Policies were adopted as presented.

**10. INTRODUCTION AND DISCUSSION OF PROPOSED PROVISIONS**

- a) Names and Boundaries: Adopted without changes.
- b) Powers: Adopted without changes.
- c) Rights and Liabilities: Adopted without changes.
- d) Form of Government: Adopted without changes.
- e) City Council and Mayor: Adopted without changes.
- f) Limits of City Elective Offices: Adopted without changes.
- g) Council Districts: Tabled for discussion at a future meeting.
- h) Terms of Office-City Elective Offices: Changes were made for approval at the next meeting.
- i) Mayor—Powers and Duties: Adopted without changes.
- j) Mayor Pro-Tem: Adopted without changes.
- k) Qualifications: Changes were made for approval at the next meeting.
- l) Vacancies: Changes were made for approval at the next meeting.
- m) Compensation: Adopted without changes.
- n) Powers of City Council: Adopted without changes.
- o) Oath of Office: Adopted without changes.
- p) Standards of Conduct: Approved without changes.
- q) Removal from Office: Changes were made for approval at the next meeting.

**11. OTHER BUSINESS**

- There was no other business.

**12. ADJOURNMENT**

- The meeting was adjourned at 8:13 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

\_\_\_\_\_  
Tobi Basile, CMC, City Clerk

\_\_\_\_\_  
Geoff Blue, Chairperson

## Amended Sections

### Section 2.3. Council Districts.

(a) The City is hereby divided into three (3) districts. Changes in the boundaries of districts may be made by Ordinance adopted by the City Council, which changes shall be effective for purposes of any regular or special municipal election only if made at least one hundred and eighty (180) days prior to any such election. Districts shall be contiguous and compact and shall have approximately the same number of voters.

(b) No change in the boundary of any district shall operate to exclude any Council Member from office before the expiration of the term for which the incumbent was elected or appointed.

### Section 2.4. Terms of Office--City Elective Offices.

(a) Each person holding City Elective Office at the time of the effectiveness of this Charter shall continue to hold such City Elective Office for the term for which such person was elected or appointed and subject to the same limitations on terms of office in existence prior to the effectiveness of this Charter.

(b) The term of office for each person holding City Elective Office shall commence upon their taking the oath of office at the ensuing organizational meeting of the City Council held at the first regular meeting of the City Council in the January following the election and shall continue during the term for which they shall have been elected until their successors shall have been elected and duly qualified. An organizational meeting of the City Council shall be held at the first regular or special meeting of the City Council in January following the election year.

(c) The Mayor and each Council Member shall be elected for a term of four (4) years.

(d) The limitations on any elected office terms shall be a maximum of two (2) consecutive four (4) year terms imposed by Article XVIII, §11 of the Colorado Constitution, as amended, shall govern term limits in the City. Terms of office are considered consecutive unless they are at least four (4) years apart.

### Section 2.7. Qualifications.

(a) To be eligible to hold city elective office, either by election or by appointment, a person, at the time of their nomination and election or appointment, shall be a registered elector as defined by the laws of the State of Colorado, and registered elector of the City and, for those holding the office of Council Member, a resident of the district they represent. To be eligible to hold city elective office, a person shall have resided within the City at the time of election or appointment for one (1) year immediately preceding such election or appointment. ~~For those holding the office of Council Member, a person shall have resided within the district they represent for one (1) year immediately preceding election or appointment.~~

(b) Each person holding City Elective Office, either by election or by appointment, shall maintain their primary residency in the City and district (if elected by district), throughout their term of office. If any person holding City Elective Office shall move from the City or from the district (if elected by district), during their term of office, their seat shall be vacant and such vacancy shall be filled by the City Council as provided by this Charter.

(c) No person holding City Elective Office, either by election or by appointment, shall be an employee of the City during their term of office. ~~or perform personal services for~~

~~the City for which such elected official is compensated other than as provided in this Charter.~~

(d) No person holding City Elective Office, either by election or by appointment, shall hold any other elective position with a federal, state, county or municipal governmental entity, including an office on a new charter commission to be formed in accordance with Part 2 of Article 2 of Title 31, C.R.S., as may be amended from time to time, during their term of office.

### **Section 2.8. Vacancies.**

(a) An official shall continue to hold their City Elective Office until his successor is duly qualified except when such office is vacated as set forth in this Section. A City Elective Office shall become vacant whenever any officer fails to qualify within thirty (30) days after the commencement of their term, or retain qualification for City Elective Office as set forth in Section 2.7, or is recalled, removed, dies, becomes incapacitated, resigns, ~~refuses to serve~~ or is judicially declared incompetent or ceases to be a resident of the City and district (if elected by district).

(b) In the event of a vacancy in the office of Mayor, the City Council shall fill the vacancy by appointment or order a special election within a period of ninety (90) days as soon as practicable to fill the vacancy.

(1) If filled by appointment, the person appointed to fill the vacated office of Mayor shall hold such office only until the term of office of a successor elected at the next Regular City Election has commenced.

(2) If filled by special election, the person elected to fill the vacated office of Mayor shall hold office only until the expiration of the term of office held by the Mayor whose office was vacated.

(c) In the event of a vacancy in the office of a Council Member, the City Council shall fill the vacancy by appointment or by calling for a special election within a period of ninety (90) days to fill the vacancy as soon as practicable.

(1) If filled by appointment or special election, the person appointed or elected to fill the vacated office of Council Member shall hold such office until the expiration of the term of office, only until the term of office of a successor elected at the next Regular City Election has commenced. At the next Regular City Election, in order to retain staggered terms of office for Council Members, the successor elected to fill the office of Council Member which was filled by appointment shall be nominated and elected to a term of either two (2) years or four (4) years.

~~(2) If filled by special election, the person elected to fill the vacated Council Member office shall hold office only until the expiration of the term of office held by the Council Member whose office was vacated.~~

### **Section 2.13. Removal from Office.**

(a) By an affirmative roll call vote of two-thirds (2/3) of the members of the City Council in office at the time of such vote, the Mayor or any Council Member may be removed from office for good cause as defined by Ordinance.

(b) No removal shall be made without notice to such elected official which contains the charge in writing and the facts upon which the charge is based and an opportunity of a hearing before the City Council, which hearing shall be held no sooner than ten (10) calendar days after the date the notice is given.

## Proposed Provisions

### **Section 3.1. Regular City Council Meetings.**

The City Council shall meet regularly at least once each month at a day and hour and place to be fixed by the procedures and rules of order of each City Council.

### **Section 3.2. Special Meetings.**

Special meetings of the City Council shall be called by the City Clerk with at least twenty-four (24) hours' notice to each member of the City Council and to the public. Called and delivered in accordance with the procedures and rules of order of the City Council and the requirements of this Charter and the Colorado Open Meetings Law, as now in effect and as may be amended from time to time.

### **Section 3.3. Emergency Meetings.**

An emergency meeting may be called in the event of an immediate danger or threat to the public health, welfare, peace, safety or property for the purpose of preservation or protection of the public health, welfare, peace, safety or property. Unless it is impractical, all members of the City Council shall be notified of such meeting and such meeting may be held if a Quorum consents. Maximum practical notice, including posted notice, shall be given to the public stating the purpose, time, place and manner of any such meeting.

### **Section 3.4. Study Sessions.**

The City Council may hold study sessions as deemed necessary in accordance with its procedures and rules of order. No Quorum shall be required at any study session and no legally binding or formal action shall be taken at any such session.

### **Section 3.5. Open Meetings.**

All meetings of the City Council shall be open to the public. At City Council meetings, the public shall have a reasonable opportunity to be heard except for those meetings that are designated as study sessions. In compliance with the Colorado Open Meetings Law, as now in effect and as may be amended from time to time, the City Clerk shall keep a record of the proceedings of each meeting.

### **Section 3.6. Executive Sessions.**

Executive sessions may be held in compliance with the Colorado Open Meetings Law, as now in effect and as may be amended from time to time.

### **Section 3.7. Quorum.**

In order for the City Council to conduct business, a quorum shall be required at all meetings of the City Council except for study sessions. In the absence of a quorum, a lesser number may reschedule any meeting to a later date and time.

### **Section 3.8. Procedures and Rules of Order.**

The City Council shall prescribe the procedures and rules of order governing meetings, which rules shall remain in effect until amended in accordance with the provisions of the adopted procedures and rules of order.

### **Section 3.9. Attendance Required.**

Three (3) or more unexcused absences by a member of the City Council in any one (1) calendar year shall constitute grounds for sanctions. The procedures for excusing absences, including which types of meetings require attendance hereunder and appropriate sanctions, shall be as set forth in the procedures and rules of order of the City Council, as may be amended from time to time.

## **POSTING OF MEETINGS**

The City Council shall adopt a Resolution which establishes public notice and posting requirements in accordance with the Colorado Open Meetings Law, as now in effect and as may be amended from time to time, including designating public places for such postings and such designation shall be deemed automatically readopted at the City Council's first regular meeting of each calendar year unless otherwise determined by the City Council.

### **Section 5.1. Laws Governing Elections.**

Special and general municipal elections shall be governed by the Colorado Municipal Election Code of 1965 as now in effect and as may be amended from time to time, except as the City Council may prescribe by Ordinance or Resolution calling an election.

### **Section 5.2. Municipal Elections.**

(a) A general municipal election shall be held on the date in November of each odd-numbered year to coincide with the election date of the Douglas County coordinated election.

(b) Any special municipal election may be called by Resolution or Ordinance of the City 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.

### **Section 5.4 Nonpartisan Elections.**

All municipal elections shall be nonpartisan. No municipal election ballot shall contain any language referring to any political party affiliation.

### **Section 6.1. Right of Recall.**

(a) Any person holding City Elective Office may be recalled at any time after one hundred eighty (180) days in office by the electors entitled to vote for a successor of such incumbent.

(b) The procedures for recall shall be those set forth in Title 31, Article 4, Part 5, C.R.S., as now in effect and as may be amended from time to time, except that the City Council may, by Ordinance and consistent with this Charter, amend such procedures.

(c) A recall petition shall be signed by registered electors entitled to vote for a successor to the incumbent in number equal to at least twenty-five percent (25%) of the entire vote cast at the last preceding Regular City Election for all candidates for the office to which the incumbent sought to be recalled was elected.

### **Section 6.2. Right of Initiative.**

(a) The power of initiative to propose any legislative ordinance to the City Council is reserved to the voters of the City in accordance with the provisions of Article V, Section 1 of the Constitution of the State of Colorado insofar as such provisions are applicable.

(b) For ordinances to be referred by initiative, a petition shall be signed in a number equal to at least ten percent (10%) of the registered electors for a regular election and shall be signed in a number equal to at least fifteen percent (15%) of the registered electors for a special election.

(c) After a final determination of petition sufficiency, the City Council shall have forty-five (45) days to adopt the proposed ordinance or refer the proposed ordinance to the registered electors of the City at an election.

**Section 6.3. Right of Referendum.**

(a) The power of referendum to require reconsideration by the City Council of any legislative ordinance, except an emergency ordinance passed in accordance with this Charter, is reserved to the voters of the City in accordance with the provisions of Article V, Section 1 of the Constitution of the State of Colorado insofar as such provisions are applicable.

(b) A petition for a referendum shall be signed in a number equal to at least ten percent (10%) of the registered electors of the City.

**Section 6.4. Procedures for Initiative and Referendum.**

(a) The procedures for initiative and referendum shall be those set forth in Title 31, Article 11, C.R.S., as may be amended from time to time, except that the City Council may, by Ordinance and consistent with this Charter, amend such procedures.