

**HOME RULE CHARTER COMMISSION**  
**December 10, 2018**  
**Castle Pines City Hall**  
**5:30-8:30 pm**

**AGENDA**

- 1) Convene Meeting
- 2) Roll Call
- 3) Public Comment (3 Minute limit)
- 4) Approval of Minutes from December 3, 2018
- 5) Review and Approval of Amended Sections
  - a. 3.7 Quorum
  - b. 6.1(c) Recall, Initiative and Referendum
- 6) Discussion of Proposed Provisions Concerning:
  - a) Section 7.1 Legislative Actions
  - b) Section 7.2 Ordinance Required
  - c) Section 7.3 Voting
  - d) Section 7.4 Form of Ordinance
  - e) Section 7.5 Procedure for Passage of Ordinance
  - f) Section 7.6 Procedure for Passage of Emergency Ordinance
  - g) Section 7.7 Enactment of Codes and Amendments Thereof by Reference
  - h) Section 7.8 Severability of Ordinances
  - i) Section 7.9 Official Records of Legislative Enactments
  - j) Section 8.1 Appointment and Qualifications of City Manager
  - k) Section 8.2 Dismissal of City Manager
  - l) Section 8.3 Powers and Duties of City Manager
  - m) Section 8.4 Chief Financial Officer
  - n) Section 8.5 City Clerk
  - o) Section 8.6 Relationship of City Council to Administrative Service
  - p) Section 9.1 Municipal Court
  - q) Section 9.2 City Attorney
- 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, December 3, 2018 - 5:30 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 5:33 p.m.

### 2. ROLL CALL

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

**Those absent were:** Doug Gilbert  
Jean Henry

### **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. PUBLIC COMMENT

- There was no public comment.

### 5. APPROVAL OF MINUTES

- Minutes from the November 29, 2019 meeting were amended to reflect the meeting date of November 29, 2018.

**Motion:** A motion was made by Jeffrey Huff, Vice Chairperson/Secretary to approve the minutes as amended. Geoff Blue, Chairperson, seconded.

### 6. REVIEW AND APPROVAL OF AMENDED SECTIONS

- 2.3 (a) Council Districts: Adopted without further changes.
- 2.4 (d) Terms of Office: Adopted without further changes.
- 2.7 (a) Qualifications: Adopted without further changes.
- 2.7 (c) Qualifications: Adopted without further changes.
- 2.8 (a) Vacancies: Adopted without further changes.
- 2.8 (b) Vacancies: Adopted without further changes.
- 2.8 (c) Vacancies: Adopted without further changes.
- 2.13 Removal from Office: Adopted without further changes.

### 7. INTRODUCTION AND DISCUSSION OF PROPOSED PROVISIONS

- Regular City Council meetings: Adopted without changes.
- Special Meetings: Adopted with changes.
- Emergency Meetings: Adopted with changes.
- Study Sessions: Adopted without changes.



## City of Castle Pines, Colorado – Minutes, cont'd

Meeting Date: November 29, 2018

- e) Open Meetings: Adopted without changes.
- f) Executive Sessions: Adopted with changes.
- g) Quorum: Tabled until December 10, 2019 Meeting
- h) Procedures and Rules of Order: Adopted without changes.
- i) Attendance Required: Section omitted.
- j) Posting of Meetings: Adopted without changes.
- k) Laws Governing Elections: Adopted without changes.
- l) Municipal Elections: Adopted without changes.
- m) Nonpartisan Elections: Adopted without changes.
- n) Right of Recall: Adopted with changes.
- o) Right of Initiative: Adopted without changes.
- p) Right of Referendum: Adopted without changes.

### 8. ADJOURNMENT

- The meeting was adjourned at 7:49 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

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

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

## **ARTICLE I GENERAL PROVISIONS**

### **Section 1.1. Name and Boundaries.**

The municipal corporation heretofore existing as the City of Castle Pines in Douglas County, State of Colorado, shall remain and continue as a political and corporate entity under this Charter and shall continue to be known as the City of Castle Pines, with boundaries the same as presently established, until changed in a manner authorized by law.

### **Section 1.2. Powers.**

The City shall have all the power of local self-government and home rule and all power possible for a city to have under the Constitution of the State of Colorado except as provided by this Charter.

### **Section 1.3. Rights and Liabilities.**

By the name of the City of Castle Pines, the municipal corporation shall have perpetual succession; shall own, possess and hold all property, real and personal heretofore owned, possessed and held by the City and does assume and shall manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities of the City; shall acquire all benefits and does assume and shall pay all bonds, obligations and indebtedness of the City; may sue and defend, purchase, lease, receive, hold and enjoy or sell and dispose of real and personal property; may establish public works and provide public utilities and other public services as permitted by law; and shall have a common seal and alter the same at pleasure.

### **Section 1.4. Form of Government.**

The municipal government provided by this Charter shall be a "Council-Manager" form of government. Pursuant to the Charter provisions and subject only to limitations imposed by the Constitution of the State of Colorado, all powers shall be vested in an elected City Council, which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager who shall execute the laws and administer the City government. All powers of the City shall be exercised in the manner prescribed by this Charter or, if the manner be not so prescribed, then in such manner as may be prescribed by Ordinance, Resolution or Motion, or as provided by other applicable law.

## **ARTICLE II ELECTIVE OFFICES**

### **Section 2.1. City Council and Mayor.**

The City Council shall consist of the Mayor and six (6) Councilmembers, one (1) of whom shall serve as Mayor Pro-Tem. Two (2) of the Councilmembers shall be elected from each of the three (3) districts. The Mayor shall be elected at large from the entire City.

### **Section 2.2. Limits on City Elective Offices.**

In addition to the limits on other elective offices set forth in Section 2.7 of this Charter, no person shall be eligible to stand for election for more than one City Elective Office at any single City election. For purposes of this Section of the Charter only, "City Elective Office" shall include any 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. A candidate may hold any City Elective Office of any kind and run for another City Elective Office of any

kind at the same time, but if elected, the candidate must resign his current City Elective Office and fill the City Elective Office to which the candidate was subsequently elected.

**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 conform with constitutional requirements.

(b) No change in the boundary of any district shall operate to exclude any Councilmember 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 Councilmember shall be elected for a term of four (4) years

(d) The limitations on terms of office for Mayor and City Council. Terms of office are considered consecutive unless they are at least four (4) years apart.

**Section 2.5. Mayor--Powers and Duties.**

The Mayor shall preside at all meetings of the City Council and shall exercise such powers and perform such other duties as are or may be conferred and imposed upon them by this Charter or the Ordinances of the City. The Mayor shall have all the powers, rights and privileges of a Councilmember. The Mayor shall have no power of veto. The Mayor shall be recognized as the head of the City government for all ceremonial, dignitary and legal purposes, and the Mayor shall execute and authenticate legal instruments requiring the Mayor's signature as such official.

**Section 2.6. Mayor Pro-Tem.**

The City Council shall elect one of its Councilmembers to serve as Mayor Pro-Tem. The Mayor Pro-Tem shall be elected by a majority of the members of City Council present at said meeting and may be removed by a majority of members of City Council in office at the time a vote is taken. In the absence or disability of the Mayor, the Mayor Pro-Tem shall preside at meetings of City Council and shall have all powers and duties of the Mayor. The Mayor Pro-Tem shall have all the powers, rights and privileges of a Councilmember.

**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 Councilmember, 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.

(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 his term of office.

(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 their 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 his term, or retain qualification for City Elective Office as set forth in Section 2.7, or is recalled, removed, dies, becomes incapacitated, resigns, or is judicially declared incompetent or ceases to be a resident of the City and district (if elected by district).

(b) Within ninety (90) days of a vacancy in the office of Mayor, the City Council shall fill the vacancy by appointment or by calling for a special election 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) Within ninety (90) days 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 to fill the vacancy.

(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 such vacated office.

### **Section 2.9. Compensation.**

All persons holding City Elective Offices shall receive such compensation and associated benefits as are created by Ordinance and may be amended from time to time by

Ordinance; provided, however, that the compensation and associated benefits of any person holding City Elective Office shall not be increased or decreased in any term of office during which the increase or decrease is approved by the City Council.

**Section 2.10. Powers of City Council.**

The City Council shall constitute the legislative and governing body of the City and shall have all legislative powers and functions of municipal government, except as otherwise provided in the Constitution of the State of Colorado or this Charter and shall have the power and authority to adopt such Ordinances, Resolutions and Motions, as it shall deem proper.

**Section 2.11. Oath of Office.**

Every person holding elected office, before entering upon the duties of such office, shall take an oath or affirmation of office that the officer will support the Constitution and the laws of the United States and of the State of Colorado and this Charter and the Ordinances of the City and will faithfully perform the duties of his office upon which the officer is about to enter.

**Section 2.12. Standards of Conduct.**

The City Council shall adopt an Ordinance governing disclosure of conflicts of interest, recusals from voting and other standards or code of conduct or ethics that shall supersede statutory or constitutional provisions governing or addressing the same matters.

**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 a charge in writing and the facts upon which the charge is based and an opportunity of a public hearing before the City Council, which public hearing shall be held no sooner than ten (10) calendar days after the date the notice is given.

## Amended Sections

### 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. A majority of members of the City Council in office shall constitute a quorum. Except for study sessions, a quorum shall be required at all City Council meetings where business is conducted.~~

### 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, but in no case shall a recall petition be signed by less than one hundred (100) registered electors.

# PROPOSED PROVISIONS

## ARTICLE VII COUNCIL ACTIONS

### **Section 7.1. Legislative Actions**

The City Council shall have the authority to enact ordinances consistent with this Charter to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the City and its residents.

### **Section 7.2. Ordinance Required**

In addition to such acts of the City Council as are required by other provisions of this Charter to be by ordinance, the following actions shall also require an ordinance: borrowing of money, levying new taxes, increasing an existing tax, increasing existing franchise fees, creating new franchise fees, or establishing a rule or regulation for the violation of which a penalty is imposed.

### **Section 7.3. Voting**

For passage, every action shall require the affirmative vote of a majority of the City Council present. Every member of the City Council, when present, shall vote upon ordinances, resolutions and motions unless such member of the City Council shall have a legally recognized conflict of interest.

### **Section 7.4. Form of Ordinance**

The enacting clause of all Ordinances shall be: "THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ORDAINS".

### **Section 7.5. Procedure for Passage of Ordinances**

The procedure for passage of an ordinance, other than an emergency ordinance, shall be as follows.

- a. Introduction (first reading) at any regular or special meeting and vote by the City Council in accordance with the voting requirements established by this Charter to move the proposed legislation forward to second reading.
- b. If passed upon first reading, publicizing in accordance with the requirements, methods and procedures for publicizing ordinances as adopted by the City Council by ordinance.
- c. Consideration on second reading at a meeting not earlier than six (6) days after first reading.
- d. Public hearing.
- e. Vote of the City Council.
- f. After final passage, publicizing in accordance with the requirements, methods and procedures for publicizing ordinances as adopted by the City Council by Ordinance.

g. Unless a later date is specified in the text of the Ordinance, an Ordinance other than an Emergency Ordinance shall take effect and be enforced thirty (30) days after final publication.

**Section 7.6. Procedure for Passage of Emergency Ordinances**

Emergency ordinances are legislative enactments for which immediate effectiveness is deemed necessary for the preservation of the public peace, health or safety. Emergency ordinances shall take effect immediately upon passage, after one reading, by an affirmative vote of three-fourths (3/4) of the members of the City Council.

**Section 7.7. Enactment of Codes and Amendments Thereof by Reference**

In accordance with statutes relative to adoption by reference now or hereafter in effect, the City Council may enact any appropriate Colorado Statute or any standard code promulgated or enacted by any municipality, county, state or federal agency, or by a recognized trade or professional organization, by reference thereto in an enacting Ordinance and without publishing such statutes or codes in full. In the event that any such statute or code, after being adopted by reference, is revised or amended by the agency or organization by which it was enacted or promulgated, then any such revision or amended version may be adopted by reference by an ordinance passed in the manner provided by this Charter.

**Section 7.8. Severability of Ordinances**

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the Ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable.

**Section 7.9. Official Records of Legislative Enactments.**

a. All ordinances shall be kept and maintained by the City Clerk in such form as is sufficient to assure reasonable access to the public. It shall be the duty of the Mayor and City Clerk to authenticate such records by their official signatures thereon, but the failure to so authenticate any ordinance shall not invalidate it or suspend its operation.

b. The City Council shall cause the permanent ordinances to be codified.

**ARTICLE VIII  
ADMINISTRATIVE AND OTHER OFFICIALS**

**Section 8.1. Appointment and Qualifications of City Manager**

The City Council shall hire a City Manager who shall be the chief administrative officer of the City and who shall serve at the pleasure of the City Council. The City Manager shall be chosen by the City Council on the basis of executive and administrative qualifications with particular emphasis on experience and training with respect to the duties of the office and shall have the minimum qualifications, if any, as may be set by the City Council by Ordinance. No person holding or who has held City Elective Office shall be hired as City Manager during or within one (1) year after the termination of the term of such elected official.

**Section 8.2. Dismissal of City Manager**

The City Council may terminate the employment of the City Manager upon the affirmative vote of a majority of the City Council at any regular or special meeting called for that purpose and subject to the City Manager’s employment agreement, if any. The

action of the City Council in removing the City Manager shall be final, it being the intention to vest all authority and fix all responsibility for such removal in the City Council.

**Section 8.3. Powers and Duties of City Manager**

The City Manager shall be responsible to and report directly to the City Council on the proper administration of all affairs of the City placed in his charge, and to that end the City Manager shall have the powers and duties as set forth by the City Council by Ordinance, including, but not limited to:

- a. Enforcing or supervising the enforcement of all laws of the City; and
- b. Supervising and overseeing all aspects of City functions and activities, service contracts and personnel and departments that report to the City Manager; and
- c. Performing or supervising the performance of budget-related duties, accounting duties and financial and risk planning, reporting and management; and
- d. Reporting regularly to the City Council on the functioning of all City departments, services, activities and financial matters; and
- e. Performing such other duties as set forth in the Ordinances of the City or by direction of the City Council.

**Section 8.4. Chief Financial Officer**

The City Manager shall retain a chief financial officer. The chief financial officer shall perform such duties as may be prescribed by the City Manager.

**Section 8.5. City Clerk.**

The City Manager shall retain a City Clerk. The City Clerk shall perform such duties as may be prescribed by the City Manag

**Section 8.6. Relationship of City Council to Administrative Service.**

Neither the City Council nor any member thereof shall have authority to require the hiring, promotion, suspension, transfer or termination of any person by the City Manager. Except for the purpose of making specific inquiries, all members of the City Council shall deal with administrative personnel or consultants through the City Manager and no member of the City Council shall give orders to any employee of the City.

**ARTICLE IX  
JUDICIARY AND LEGAL**

### **Section 9.1. Municipal Court**

a. There shall be a Municipal Court of record that shall have exclusive original jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the City. The powers of and the procedure in such Municipal Court and the manner of enforcement of its orders and judgments, shall be such as is provided for under this Charter, the laws of the State of Colorado and the ordinances of the City with respect to municipal courts of records.

b. In accordance with state law, the Municipal Court shall be presided over and its functions exercised by one (1) or more municipal judges, who shall be attorney(s)-at-law authorized to practice in Colorado and otherwise qualified and appointed by the City Council. A municipal judge shall receive compensation not dependent upon the outcome of the matters to be decided by him and as fixed by the City Council by Resolution or Ordinance from time to time.

c. The City Council shall provide for the enforcement of its Ordinances by fine or imprisonment or both, within the limits established from time to time by State law.

### **Section 9.2. City Attorney**

a. The City Attorney shall be appointed by and shall serve at the pleasure of a majority of the City Council. The City Attorney shall be the legal representative of the City as directed by the City Council.

b. The City Attorney shall be an attorney-at-law authorized to practice in Colorado.

c. The City Attorney may supervise one (1) or more assistant attorneys to handle any matter in which the City has an interest or to assist and counsel with the City Attorney therein.