



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

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

7. INTRODUCTION AND DISCUSSION OF PROPOSED PROVISIONS

- a) Regular City Council meetings: Adopted without changes.
- b) Special Meetings: Adopted with changes.
- c) Emergency Meetings: Adopted with changes.
- d) 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:

DocuSigned by:

AD03A3B02032499

Tobi Basile, CMC, City Clerk

APPROVED:

DocuSigned by:

B640FF982956439

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 Councilmember 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.