

**HOME RULE CHARTER COMMISSION**  
**January 7, 2019**  
**Castle Pines City Hall**  
**360 Village Square Lane**  
**5:30-8:30 pm**

**AGENDA**

- 1) Convene Meeting
- 2) Roll Call
- 3) Public Comment (3 Minute limit)
- 4) Approval of Minutes from December 17, 2018
- 5) Review and Approval of Amended Sections
  - a) Section 11.7 Scope of Annual Budget
  - b) Section 11.14 Capital Program
- 6) Discussion of Proposed Provisions Concerning:
  - a) Article XII Bonded Indebtedness
  - b) Article XIII Eminent Domain
  - c) Section 14.1 Existing Franchises
  - d) Section 14.2 Term; Non-exclusivity
  - e) Section 14.3 Franchise Fees Not an Exemption
  - f) Section 15.1 Existing Legislative Actions and Determinations and Voter Approvals
  - g) Section 15.2 Continuation of Present Appointed Officers and Employees; Treasurer Position
  - h) Section 15.3 Existing Contractual Obligations
  - i) Section 15.4 Bequests, Gifts, and Donations
  - j) Section 15.5 Contracts for Purchases, Leases, Services and Construction of Public Works
  - k) Section 15.6 Conveyance of Interests in Real Property
  - l) Section 15.7 Amendment
  - m) Section 15.8 Severability
  - n) Section 15.9 Interpretation
  - o) Section 15.0 Effective Date of Charter
- 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**  
**HOA Community Center, 7233 Tenby Way, Castle Pines, CO 80108**  
**Monday, December 17, 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 Chairperson Geoff Blue at 5:35 p.m.

**2. ROLL CALL**

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

**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 December 10, 2018 were approved.

**6. REVIEW AND APPROVAL OF AMENDED SECTIONS**

- a) Section 7.6 Procedure for Passage of Emergency Ordinances: Adopted without further changes.
- b) Section 7.9 Official Records of Legislative Enactments: Adopted without further changes.
- c) Section 8.1 Appointment and Qualifications of City Manager: Adopted without further changes.

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

- a) Section 10.1 Right to Establish: Adopted without changes.
- b) Section 10.2 Membership: Adopted with changes.
- c) Section 11.1 Revenue: Adopted without changes.
- d) Section 11.2 Prior Voter Approval: Adopted without changes.
- e) Section 11.3 Setting Fees for City Services: Adopted with changes.
- f) Section 11.4 Fiscal Year: Adopted without changes.
- g) Section 11.5 Proposed Annual Budget: Adopted without changes.
- h) Section 11.6 Budget Hearing: Adopted without changes.
- i) Section 11.7 Scope of Annual Budget: Changes were made for approval at the next meeting.
- j) Section 11.8 Certification of Tax Levy: Adopted without changes.



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

- k) Section 11.9 General Fund: Adopted without changes.
- l) Section 11.10 Special Funds: Adopted without changes.
- m) Section 11.11 Adoption of Budget and Appropriation: Adopted without changes.
- n) Section 11.12 Amendments to Appropriations: Adopted with changes.
- o) Section 11.13 Publicizing of Expenditures: Adopted without changes.
- p) Section 11.14 Capital Program: Changes were made for approval at the next meeting.
- q) Section 11.15 Independent Audits: Approved without changes.

### 8. ADJOURNMENT

- The meeting was adjourned at 7:37 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

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

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

**Previous Sections for Final Review:**

**Section 11.7 Scope of Annual Budget**

- (a) The City shall adopt a ~~balanced~~ budget in accordance with State laws.
- (b) The budget adopted by the City Council shall contain, at minimum:
  - (1) an estimate of anticipated revenue from all sources for the ensuing year;
  - (2) an estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;
  - (3) The estimated expenditures necessary for the operation of the departments, offices and agencies of the City;
  - (4) debt service requirements for the ensuing fiscal year; and
  - (5) an estimate of the sum required to be raised by the tax levy for the ensuing fiscal year and the rate of levy necessary to produce such sum.
- (c) All estimates shall be in detail showing revenues by source and expenditures by departments, organizational units, activities, character and object.

**Section 11.14 Capital Program**

- (a) The City ~~Council shall adopt a~~ Manager shall prepare and submit to the City Council a multi-year capital program in conjunction with the annual budget, no later than the date of submission of the proposed annual budget.
- ~~(b) The capital program plan shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.~~
- ~~(c)~~(b) Copies of the capital program plan shall be ~~public records and shall be~~ made available for public inspection to the public.

**Sections for Commission Consideration:**

**ARTICLE XII – BONDED INDEBTEDNESS**

The City may, subject to applicable limitations in the Colorado Constitution, borrow money or enter into other obligations and issue securities or other evidences of such obligations in such form and manner as determined by the City Council to be in the best interests of the City.

**ARTICLE XIII - EMINENT DOMAIN**

The City shall have the power of eminent domain, within and outside the limits of the City, for all public purposes. In invoking the power of eminent domain, the City Council shall recognize that the taking of private property for a public purpose is a serious action that should be invoked only after careful consideration of its effect on the rights of affected property owners.

Any ordinance authorizing the exercise of the power of eminent domain by the City shall require an affirmative vote of the City Council.

## **ARTICLE XIV - FRANCHISES**

### **Section 14.1 Existing Franchises**

All franchise ordinances of the City in effect at the time that this Charter is adopted shall remain in full force and effect, according to their provisions and terms, until the expiration date provided in such ordinances.

### **Section 14.2 Term; Non-exclusivity**

No franchise shall be granted for a period of longer than twenty (20) years. Upon the expiration of any franchise, the right to use the public streets, ways or places granted thereby shall cease unless a new or extended franchise is granted. No exclusive franchise shall ever be granted.

### **Section 14.3 Franchise Fees Not an Exemption**

Nothing contained herein shall exempt any grantee or assignee of a franchise from any lawful assessment upon such grantee's property or from any lawful licenses, charges or other impositions levied by the City Council not related to the franchise privilege. Failure to pay any franchise fee may result in forfeiture of the franchise at the option of the City Council.

## **ARTICLE XV - MISCELLANEOUS PROVISIONS**

### **Section 15.1 Existing Legislative Actions and Determinations and Voter Approvals**

All prior actions, including resolutions, ordinances, bylaws and rules and regulations taken by the City Council or bylaws, rules or regulations or decisions or determinations adopted by any appointed board, authority or commission of the City, are hereby ratified and approved and shall be considered the lawful action of said City Council or board, authority or commission. All ordinances and resolutions of the City in force at the time this Charter becomes effective shall continue in force except insofar as they conflict with the provisions of this Charter, or shall be amended or repealed by ordinance enacted under authority of this Charter. In the event of any apparent inconsistencies between this Charter and said ordinances or resolutions, this Charter shall prevail. Any voter approvals affecting any actions of the City in force at the time this Charter becomes effective shall continue in force and effect except insofar as they conflict with the provisions of this Charter.

### **Section 15.2 Continuation of Present Appointed Officers and Employees; Treasurer Position**

All employees and appointed officers and all board, commission, committee or authority members of the City at the time of the effectiveness of this Charter shall continue in such employment or office under the terms of the original employment or appointment.

- a) The elective office of Treasurer shall terminate upon the completion of the term of office of the currently elected Treasurer or in the event of a vacancy in the office of Treasurer, whichever occurs first.

### **Section 15.3 Existing Contractual Obligations**

This Charter shall not affect any contractual relationships of the City existing on the effective date of this Charter.

#### **Section 15.4 Bequests, Gifts and Donations**

The City Council, on behalf of the City, may receive bequests, gifts and donations of all kinds of property in fee simple or in trust, for public, charitable or other purposes, and do all things and acts necessary to carry out the purposes of such bequests, gifts and donations, with the power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift or trust.

#### **Section 15.5 Contracts for Purchases, Leases, Services and Construction of Public Works**

The City Council may establish by resolution or ordinance the procedure for entering into contracts for purchases, contracts for leases, contracts for services and contracts for construction of public works.

#### **Section 15.6 Conveyance of Interests in Real Property**

The City Council by ordinance may purchase, sell or exchange any fee interest in real property. Any conveyance of real property interests less than a fee interest shall be effected in the manner as set forth by ordinance adopted by the City Council.

#### **Section 15.7 Amendment**

This Charter may be amended in the manner provided by Article XX of the Constitution of the State of Colorado at any general election or special election called for such purpose (1) upon questions that may be submitted to the electors by a majority of the City Council or (2) upon questions that may be submitted by the electors. Unless the procedures are amended by the City Council by ordinance, the Charter may be amended in accordance with the procedures set forth in State statute. If provisions of two (2) or more proposed amendments adopted or approved at the same election conflict, the amendment receiving the highest affirmative vote shall become effective.

#### **Section 15.8. Severability**

If any provision, article, section, sentence, clause or part of this Charter, or the application thereof to any person or circumstances be held by any court of competent jurisdiction to be unconstitutional or invalid, such holding shall not affect, impair or invalidate the Charter as a whole or any part hereof other than the part so held to be invalid, and to this end the provisions of this Charter are declared to be severable.

#### **Section 15.9 Interpretation**

Where any question exists as to the meaning of any portion of this Charter, it shall be interpreted consistently with the Charter's purpose to reserve to the City and its citizens the broadest possible powers of home rule and self-government available under the Constitution, as limited only by the specific language of this Charter and the Constitution of the State of Colorado.

#### **Section 15.10 Effective Date of Charter**

This Charter shall become effective immediately upon voter approval and canvassing at a regular or special election held for the purpose of considering this Charter.