

**HOME RULE CHARTER COMMISSION**  
**January 30, 2019**  
**Castle Pines Community Center**  
**7404 Yorkshire Drive**  
**5:30-8:30 pm**

**AGENDA**

- 1) Convene Meeting
- 2) Roll Call
- 3) Public Comment (3 Minute limit)
- 4) Approval of Minutes from January 24, 2019
- 5) Discussion and Review of Charter
- 6) Public Hearing, Adoption of Home Rule Charter
- 7) Fair Campaign Practices
- 8) 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 City Hall, 7404 Yorkshire Drive, Castle Pines, CO 80108 Thursday, January 24, 2019 - 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 5:43 p.m.

### 2. ROLL CALL

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

**Also present with the Commission:**

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

### 3. PUBLIC COMMENT

- No Public Comment was presented.

### 4. APPROVAL OF MINUTES

- Minutes from the January 14, 2019 were approved.

### 5. STAFF PRESENTATION OF HOME RULE CHARTER

- Presentation of the Home Rule Charter given by City Manager Michael Penny and City Attorney Linda Michow.
  - a) Changes to alignment of numbers in the index
  - b) Proposed changes to Section 2.4 (b) Terms of Office
  - c) Proposed changes to Section 7.3 (h) Powers and Duties of City Manager

### 6. PUBLIC COMMENT

- Norm Cygan, 52 Toppler Court, commented on Section 2.7 (a) and an independent elected treasurer
- Dave Pearson, 319 High Ridge Way, spoke regarding sales taxes and which agency collects them
- Harley Rinorson, 16 Breamore Court, spoke regarding recall and who is entitled to vote
- Susan Johnson, 7468 Sugar Maple Court, commented on Section 2.13 and the possibility of placing the burden of removal on the voters

### 7. COMMISSION DISCUSSION AND DIRECTION

- a) Proposed changes to alignment of numbers in the index
- b) Proposed changes to Section 2.4 (b) Terms of Office



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

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c) Proposed changes to Section 7.3 (h) Powers and Duties of City Manager

### 8. ADJOURNMENT

- Meeting was adjourned at 7:30p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

\_\_\_\_\_  
Meghan White, City of Castle Pines Intern

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

**CITY OF CASTLE PINES HOME RULE CHARTER  
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**CERTIFICATE OF ADOPTION OF PROPOSED HOME RULE CHARTER**

The undersigned members of the City of Castle Pines Home Rule Charter Commission, under the authorization of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, do hereby certify that the following is the proposed Home Rule Charter as finally approved and adopted by the members of the Charter Commission on the 30<sup>th</sup> day of January 2019. The Charter Commission members would like to sincerely thank the citizens of Castle Pines for supporting the Commission through the election process and entrusting us with the privilege of drafting our community Charter. We believe that this Charter is a sustainable foundation for the future of our community and allows our elected officials the flexibility necessary to govern over time, while providing recourse for the citizenry to act if the actions of the City Council are outside the support of the community. For this reason, we whole heartily endorse this Charter and respectfully submit it to the voters at the Special Election to be held on May 14, 2019.

Signature Page

\_\_\_\_\_  
Geoffrey N. Blue, Chair

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Jeffrey Huff, Vice Chair/Secretary

\_\_\_\_\_  
Dave Brennan

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Erik Bowman

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Ron Cole

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James Coudeyras

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Doug Gilbert

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Bill Hodges

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Charley Heard

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Jean Henry

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Fredrick J Lee

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Carol Lewis

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Jim Mulvey

## PREFATORY SYNOPSIS

On November 6, 2018, the citizens of Castle Pines, Colorado, voted to create a thirteen-member Home Rule Charter Commission to draft a Home Rule Charter for the City. The vision of the Charter Commission was to create a foundation for the Castle Pines municipal government to be responsive, efficient and accountable to the citizens. The Castle Pines Home Rule Charter Commission drafted a proposed Charter and we are proud to submit it to the people for approval.

In drafting this Charter, the Charter Commissioners researched data compiled from the Colorado Municipal League on charters from across the State of Colorado, considered best practices in municipal government, invited the opinions and views of citizens, and utilized the advice and expertise of legal and municipal professionals.

We believe this Charter will allow Castle Pines to flourish and reach its full potential while addressing local issues through its elected municipal government. The Charter assures the rights and power of the citizens for self-government under Article XX of the Colorado Constitution and the Home Rule Act of 1971, as amended.

### **Commissioners drafted the Charter based on the following principals:**

- Governance processes should be open, accountable, and responsive to the citizens.
- Elected officials should have the ability to develop processes that allow them to make decisions and act quickly and responsibly.
- Checks and balances are necessary to protect the citizens' right to be heard, including providing citizens with mechanisms to overturn City Council decisions and recall their elected representatives.
- City staff should work in a system that encourages efficiency, effectiveness and professionalism, while being subject to the oversight and control of the City's elected leaders.
- A Charter should support Castle Pines' citizens' vision for the future and provide the City the flexibility to grow, evolve and respond to future circumstances.

### **Key provisions of the proposed Charter:**

- Recognize the Council-Manager form of government, with flexibility in organizational structure to allow Castle Pines to adjust to new demands and changing circumstances as the City grows and prospers;
- Require voter approval to implement or increase any City-collected tax, consistent with the Taxpayer's Bill of Rights ("TABOR"), regardless of whether TABOR may be repealed or amended at some future date by Colorado's voters;
- Implement effective checks and balances by providing broad powers of recall, initiative and referendum;
- Ensure responsible use of public funds and provide for the conduct of the City's business through a comprehensive budgeting and procurement process;
- Establish a structure for the efficient and orderly conduct of the City government while also providing for and encouraging citizen participation in the affairs of the City.

The Commission believes this Charter fosters a sound and lasting government for the people of Castle Pines.



## **PREAMBLE**

We, the people of the City of Castle Pines, Colorado, under the authority of the Constitution of the State of Colorado, and in order to exercise the rights, privileges and responsibilities of self-government granted to us by said Constitution, do ordain and establish this Home Rule Charter for the City of Castle Pines, Colorado.

## **ARTICLE I GENERAL PROVISIONS**

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

The municipal corporation of 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) Council members, one (1) of whom shall serve as Mayor Pro Tem. Two (2) of the Council members 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. 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 their current 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 shall 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 disqualify 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**

(a) Each person holding City elective office as of the effective date of this Charter shall continue to hold such 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 effective date of this Charter.

(b) The term of office for each Council member and Mayor shall commence upon their taking the oath of office 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 ~~the terms of office of their successors shall have been elected and duly qualified.~~ **the terms of office of their successors have commenced**.

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

(d) The limitations on terms of office of Mayor and City Council shall be a maximum of two (2) consecutive four (4) year terms. 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 the Mayor by this Charter or the ordinances of the City. The Mayor shall have all the powers, rights and privileges of a Council member. 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 Council members to serve as Mayor Pro Tem. The Mayor Pro Tem shall be elected by a majority of the members of the City Council present at the organizational 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 Council member.

### **Section 2.7 Qualifications**

(a) To be eligible to hold 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 a 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 elective office, a person shall have resided within the City at the time of election or appointment for at least one (1) year immediately preceding such election or appointment.

(b) Except in the limited circumstance provided in Section 2.3(b) of this Charter, ~~E~~each person holding 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 elective office shall move from the City or from the district (if elected by district), during their term of office, their seat shall be deemed vacant and such vacancy shall be filled by the City Council as provided by this Charter.

(c) No person holding elective office, either by election or by appointment, shall be an employee of the City during their 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) Each person holding elective office shall continue to hold said office until the term of office of their successor has commenced, ~~their successor is duly qualified~~ except when such office is vacated as set forth in this Section. An elective office shall be deemed vacant whenever any person fails to qualify within thirty (30) days after the commencement of their term, or fails to retain qualification for City elective office as set forth in Section 2.7, or is recalled or removed, dies, becomes incapacitated, resigns, ceases to be a resident of the City, or is judicially declared incompetent.

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

(1) If the vacancy is filled by appointment, the person appointed to fill the vacated office shall hold such office only until the next regular City election.

(2) If the vacancy is filled by special election, the person elected to fill the vacated office shall hold such office until the expiration of the full remaining term of office that was vacated.

### **Section 2.9 Compensation**

City Council shall receive such compensation and associated benefits as are created by ordinance ~~and may be amended from time to time by ordinance~~. The compensation or associated benefits of any member of City Council 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 elective office, before entering upon the duties of such office at the first regular meeting of the City Council in the January following the election, 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 their office upon which the officer is about to enter.

### **Section 2.12 Standards of Conduct**

The City Council shall adopt an ordinance, ~~as may be amended from time to time~~, 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**

The City Council shall not be authorized to remove the Mayor or any City Council member from office. The Mayor and members of City Council may only be removed from office through recall as provided in Section 5.1 of this Charter.

## **ARTICLE III PUBLIC MEETINGS**

### **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 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. Special meetings shall be called in accordance with the procedures and rules of order of the City Council, 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 of City Council 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 exists. 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 and City boards and commissions shall:

- (a) Be open to the public.
- (b) Provide reasonable opportunity for the public to be heard except for those meetings that are designated as study sessions.

(c) Be held in compliance with 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 3.6 Posting Requirements**

The City Council shall adopt by resolution public meeting notice and posting requirements to include two or more methods of communication and designation of public places for such postings, in accordance with the Colorado Open Meetings Law, as now in effect and as may be amended from time to time. Such designation of public places 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 3.7 Executive Sessions**

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

**Section 3.8 Quorum**

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 3.9 Procedures and Rules of Order**

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

**ARTICLE IV  
ELECTIONS**

**Section 4.1 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 4.2 Municipal Elections**

(a) A general municipal election shall be held in November of each odd-numbered year on the date 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 4.3 Nonpartisan Elections**

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

**ARTICLE V  
RECALL, INITIATIVE AND REFERENDUM**

**Section 5.1 Right of Recall**

(a) Any person holding 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 all votes cast at the last preceding regular City election for such incumbent's office, but in no case shall a recall petition be signed by less than one hundred (100) registered electors entitled to vote for a successor.

**Section 5.2 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 to refer an ordinance at a regular election and shall be signed in a number equal to at least fifteen percent (15%) of the registered electors to refer an ordinance 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 5.3 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 5.4 Procedures for Initiative and Referendum**

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.

## **ARTICLE VI COUNCIL ACTIONS**

### **Section 6.1 Legislative Actions**

The City Council shall have the authority to **enact and amend** 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 6.2 Ordinance Required**

In addition to other provisions of this Charter requiring City Council action 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. **Ordinances levying a new tax or increasing an existing tax shall require prior voter approval as required by Section 10.2 of this Charter.**

### **Section 6.3 Voting**

Except as otherwise provided in this Charter or by ordinance, every action shall require the affirmative vote of a majority of the City Council present for passage. 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 6.4 Form of Ordinance**

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

### **Section 6.5 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 that shall include:
  - (1) Public hearing; and
  - (2) Vote of the City Council.
- (d) After final passage, publicizing in accordance with the requirements, methods and procedures for publicizing ordinances as adopted by the City Council by ordinance.



(e) 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 6.6 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 present. A public comment period during a regular or special City Council meeting shall be required within thirty (30) days following adoption of an emergency ordinance for the sole purpose of providing an opportunity for public comment.

### **Section 6.7 Enactment of Codes by Reference**

In the manner provided in Section 6.5 of this Charter, the City Council may enact any 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 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. Any penalty clause in any code or statute to be adopted by reference shall be set forth in full and published in the enacting ordinance in order to be effective.

### **Section 6.8 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 6.9 Official Records of Council Enactments**

(a) All ordinances and resolutions 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, 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 VII ADMINISTRATIVE SERVICES**

### **Section 7.1 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 7.2 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 7.3 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 the City Manager's 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.
- (b) Hiring and supervising personnel, overseeing all aspects of City functions and activities, service contracts, and departments that report to the City Manager.
- (c) Performing or supervising the performance of budget-related duties, accounting duties and financial, and risk planning, reporting and management.
- (d) Reporting regularly to the City Council on the functioning of all City departments, services, activities, performance measures, and financial matters.
- (e) Developing a plan for Council approval, that outlines the efficient operation of City business in instances where the City Manager may be temporarily unavailable due to illness or incapacity.
- (f) Hiring or retaining a chief financial officer who shall perform such duties as may be prescribed by the City Manager.
- (g) Hiring or retaining a City Clerk who shall perform such duties as may be prescribed by the City Manager.
- (h) Performing such other duties as set forth in the ordinances of the City or by direction of the City Council.

### **Section 7.4 Relationship of City Council to Administrative Services**

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 VIII JUDICIARY AND LEGAL**

### **Section 8.1 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 Colorado 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.

(c) A municipal judge shall receive compensation not dependent upon the outcome of the matters to be decided by them and as fixed by the City Council by resolution or ordinance ~~from time to time~~.

(d) 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 Colorado State law.

### **Section 8.2 City Attorney**

(a) The City Attorney shall be appointed by and shall serve at the pleasure 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 and be otherwise qualified as determined by City Council.

## **ARTICLE IX BOARDS AND COMMISSIONS**

### **Section 9.1 Right to Establish**

The City Council shall have authority to create and disband boards, commissions and committees and confer upon the same such powers and duties as it deems advisable by resolution or by ordinance.

### **Section 9.2 Membership**

Members of City boards, commissions and committees shall be appointed in accordance with a resolution or an ordinance setting forth the number of members, qualifications, terms, appointment and removal procedures and compensation, if any, for each board, commission or committee.

## **ARTICLE X FINANCIAL MANAGEMENT**

### **Section 10.1 Revenue**

Subject to applicable limitations in the Colorado Constitution and in this Charter, the City Council shall have all powers now or hereafter granted to municipalities of any kind to raise revenue, including but not limited to taxes, rates, fees, licenses, tolls, penalties and charges. Any voter approvals waiving or amending any requirements of the Colorado Constitution in force as of the effective date of this Charter shall continue in force and effect.

### **Section 10.2 Prior Voter Approval**

No tax rate increase or levy of any new tax shall be effective without prior voter approval.

### **Section 10.3 Setting Fees for City Services**

In adopting any new City-imposed fee or changing the amount of any existing City-imposed fee for any service rendered by the City (specifically excluding franchise fees), the City Council shall determine the amount of such fee by resolution based on the direct and indirect costs incurred by the City in providing the service for which the fee is charged.

### **Section 10.4 Fiscal Year**

The fiscal year of the City and all of its agencies shall begin on the first day of January and end on the thirty-first (31<sup>st</sup>) day of December of each year.

### **Section 10.5 Proposed Annual Budget**

A proposed budget for the ensuing fiscal year shall be presented to the City Council by September 30<sup>th</sup> of each year.

### **Section 10.6 Budget Hearing**

The City Council shall hold a public hearing on the proposed budget each year. Copies of the proposed budget shall be available to the public at least seven (7) days prior to such hearing. Notice of the time and place of such hearing shall be published once at least seven (7) days prior to such hearing in accordance with Article III, Section 3.6.

### **Section 10.7 Scope of Annual Budget**

- (a) The City shall adopt a 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 10.8 Certification of Tax Levy**

In accordance with the requirements of Colorado law, the City Council shall fix the amount of tax levy, which shall be assessed upon each dollar of assessed valuation of all taxable property within the corporate limits of the City and shall cause the same to be certified to the County as required by law.

### **Section 10.9 General Fund**

There is hereby established a fund to be known as the general fund. All revenues not specifically allocated to any other fund shall be placed in the general fund. All general functions of the City shall be financed by expenditures from the general fund.

**Section 10.10 Special Funds**

Additional funds, which shall be known as special funds, may be created by ordinance to provide for monies to be held or used for special purposes as the City Council may determine, including but not limited to enterprise funds or special purpose funds.

**Section 10.11 Adoption of Budget and Appropriations**

Not later than the fifteenth (15<sup>th</sup>) day of December of each year, the City Council shall adopt a resolution for the budget and for the annual appropriations. No budget shall be deemed adopted unless a public hearing is held prior to the vote of the City Council and there is an affirmative vote of a majority of the City Council to adopt such budget and appropriations. Copies of the budget as adopted shall be public records and shall be made available to the public and shall be publicized in accordance with an ordinance adopted by the City Council.

**Section 10.12 Supplemental Appropriations**

The City Council may make supplemental appropriations in accordance with procedures set forth by ordinance.

**Section 10.13 Publicizing of Expenditures**

Authorized expenditures need not be published, but the City shall maintain a record of such expenditures, which shall at all times be available for public inspection.

**Section 10.14 Capital Program**

- (a) The City Council shall adopt a multi-year capital program in conjunction with the annual budget.
- (b) Copies of the capital program plan shall be made available for public inspection.

**Section 10.15 Independent Audit**

The City Council shall provide for an annual independent audit of all accounts of the City to be performed by a certified public accountant experienced in municipal accounting. The auditor selected to perform any audit on behalf of the City shall have no direct personal interest in the financial affairs of the City or of any person holding elective office. Unless another date is provided by ordinance, the annual audit shall be completed within six (6) months of the close of the fiscal year. Copies of any audit undertaken in accordance with this Section shall be available for public inspection.

**ARTICLE XI  
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 XII  
EMINENT DOMAIN**

The City shall have the power of eminent domain, within and outside the limits of the City, for all public purposes subject to constitutional limitations. Any exercise of the power of eminent domain by the City Council shall be authorized by ordinance. 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.

## **ARTICLE XIII FRANCHISES**

### **Section 13.1 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 13.2 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 13.3 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 XIV MISCELLANEOUS PROVISIONS**

### **Section 14.1 Existing Legislative Actions, 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 14.2 Continuation of Present Appointed Officers and Employees; Elimination of Treasurer Position**

(a) All employees and appointed officers and all board, commission, or committee 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.

(b) The elective office of Treasurer shall terminate upon the completion of the term of office of the elected Treasurer holding office as of the effective date of this Charter, or in the event of a vacancy in the office of Treasurer, whichever occurs first. Duties of the Treasurer shall be assumed by the City Manager as set forth in Section 7.3.

### **Section 14.3 Existing Contractual Obligations**

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

### **Section 14.4 Bequests, Gifts and Donations**

The City Council, on behalf of the City, may receive bequests, gifts and donations of all types of property, 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 donation.

### **Section 14.5 Procedures for Entering into Contracts**

The City Council may establish by resolution or ordinance the procedures for entering into contracts of any type.

### **Section 14.6 Conveyance of Interests in Real Property**

The City Council by ordinance may purchase, sell or exchange any interest in real property.

### **Section 14.7 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 14.8. 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 14.9 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.

Except as otherwise specifically provided in or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement of which provision is made herein. The singular number shall include the plural, the plural shall include the singular, the masculine gender shall include the feminine gender and neuter and vice versa, and the word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as individuals. The term "City" shall refer to the City of Castle Pines; the terms "City Council" and "Council" shall include members of the City Council and the Mayor except where the context specifically indicates

otherwise or would produce an unintended result; and other capitalized terms herein shall have their ordinary meanings except where the context specifically indicates otherwise. References to statutes herein shall include subsequent amendments thereto if not inconsistent with the intent of this charter, and the City Council shall have power to construe the intent hereof as respects any future amendments to said statutes.

**Section 14.10 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.