

CITY OF CASTLE PINES HOME RULE CHARTER SUMMARY

Charter Language	Explanation
ARTICLE I: GENERAL PROVISIONS	
<p>Section 1.1. Name and Boundaries</p> <p>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.</p>	<p>Under state law, municipalities shall be bodies politic and corporate, under such name as they are organized.</p> <p>The City’s name and the boundaries as shown on the City’s official zoning map are reaffirmed in the Charter.</p>
<p>Section 1.2 Powers</p> <p>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.</p>	<p>This provision reflects the major purpose for seeking home rule status. The powers provision provides a blanket statement which will allow the City to legislate independently from state statute in matters of local concern.</p>
<p>Section 1.3 Rights & Liabilities</p> <p>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.</p>	<p>The existing rights and liabilities of the City will continue despite the change of corporate form to a home rule city. This is a mostly legalistic provision.</p>
<p>Section 1.4 Form of Government</p> <p>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.</p>	<p>Although the City currently operates as a Council-Manager form of government, converting to home rule status will allow the City to further define and refine City Council and City Manager roles and responsibilities.</p>

Charter Language	Explanation
ARTICLE II: ELECTIVE OFFICES	
<p>Section 2.1 City Council and Mayor</p> <p>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.</p>	<p>An at-large mayor and six council members from 3 different wards reflects the existing elective offices. The Charter proposes to change the word "Ward" to the word "District".</p>
<p>Section 2.2 Limits on City Elective Offices</p> <p>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.</p>	<p>State law already limits persons from holding more than 1 elective office, although statute does contemplate that one person can be the clerk and treasurer. Through a previous ballot measure, City voters eliminated the elected city clerk office and, through this Charter, will eliminate the elected Treasurer position at the end of the current Treasurer's term, or sooner in case of resignation.</p>
<p>Section 2.3 Council Districts</p> <p>(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.</p> <p>(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.</p>	<p>City must and will continue to follow constitutional principles on districts and redistricting. Current election precincts can be changed no earlier than 90 days prior to an election. The Charter will extend time frame from 90 days to 180 days prior to an election in which to make any district changes. The Charter will now require an ordinance for redistricting.</p>
<p>Section 2.4 Terms of Office – City Elective Offices</p> <p>(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.</p> <p>(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 have commenced.</p> <p>(c) The Mayor and each Council member shall be elected for a term of four (4) years.</p> <p>(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.</p>	<p>City currently operates under 4 year terms and applicable constitutional term limits. Terms of office currently commence in January.</p>

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<p>Section 2.5 Mayor – Powers and Duties</p> <p>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 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.</p>	<p>The Mayor will be the “presiding” officer and head of government rather than “chief executive officer”.</p>
<p>Section 2.6 Mayor Pro-Tem</p> <p>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.</p>	<p>Currently, City Council elects a person to serve as Mayor Pro Tem.</p>
<p>Section 2.7 Qualifications</p> <p>(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.</p> <p>(b) Except in the circumstance provided in Section 2.3(b) of this Charter, 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.</p> <p>(c) No person holding elective office, either by election or by appointment, shall be an employee of the City during their term of office.</p> <p>(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.</p>	<p>State law requires that a person must be a registered elector who has resided in the City and the district (applicable to Council members) for at least 12 months before the election. The Charter eliminates the twelve month residency requirement in a district, and only requires 12 month residency in the City at large. Elective offices will be limited to City Council and Home Rule Charter Commissioners. The Charter does not retain an elected Treasurer.</p>

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<p>Section 2.8 Vacancies</p> <p>(a) Each person holding elective office shall continue to hold said office until the term of office of their successor has commenced, 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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>The method of filling vacancies – appointment and/or special election – reflects the provisions of state statute. The Charter extends the time frame for such appointment or call for special election from 60 days to 90 days to allow time for Council to make such decision.</p>
<p>Section 2.9 Compensation</p> <p>City Council 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 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.</p>	<p>City Council members currently receive no compensation and no change in compensation is currently proposed.</p> <p>In the future, if compensation of Council members is approved, the Charter prohibits seated Council members from increasing their compensation, including any benefits.</p>
<p>Section 2.10 Powers of City Council</p> <p>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.</p>	<p>State law vests legislative authority in City Council.</p>
<p>Section 2.11 Oath of Office</p> <p>Every person holding elective 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 their office upon which the officer is about to enter.</p>	<p>State law requires elected officers to take an oath of office and authorizes Council to declare a vacancy in office of a person who fails to take the oath within 10 days after person has been notified of their appointment or election. The Charter spells out the content of the oath.</p>

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<p>Section 2.12 Standards of Conduct</p> <p>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.</p>	<p>Currently, City officials and staff are governed by the ethics standards in the Colorado Constitution known as Amendment 41. Amendment 41 exempts home rule municipalities that have adopted Charters, ordinances or resolutions that address the matters covered in the constitution. Recognizing that ethics are a matter of local concern, this provision exempts the City from Amendment 41 but requires the City to adopt an ordinance governing ethics standards.</p>
<p>Section 2.13 Removal from Office</p> <p>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.</p>	<p>State statute allows removal from elected office for good cause – although statute provides that the number of votes required for removal is $\frac{2}{3}$ of the members elected to council. Charter does not allow for removal or expulsion from office. It is the intent of the Charter to rest this power exclusively with the registered electors.</p>
ARTICLE III: MEETINGS OF CITY COUNCIL	
<p>Section 3.1 Regular City Council Meetings</p> <p>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.</p>	<p>Charter requires at least one regular meeting per month to ensure proper governance and functioning of the City.</p>
<p>Section 3.2 Special Meetings</p> <p>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 and the requirements of this Charter and the Colorado Open Meetings Law, as now in effect and as may be amended from time to time.</p>	<p>Under state law, the Mayor and any 3 Council members may call a special meeting by notice personally served to each member of Council or left at each member’s residence. Charter would allow greater flexibility in calling and noticing special meetings.</p>
<p>Section 3.3 Emergency Meetings</p> <p>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.</p>	<p>State statute is currently unclear whether an emergency meeting of Council may be held without 24 hours advance notice. Charter defines an emergency meeting and clarifies the ability of Council to hold an emergency meeting, but requires “maximum practical notice” to the public.</p>

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<p>Section 3.4 Study Sessions</p> <p>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.</p>	<p>Colorado Open Meetings Law requires all meetings of Council to be held in public, even study sessions. Charter clarifies that no legally binding action may be taken at a study session.</p>
<p>Section 3.5 Open Meetings</p> <p>All meetings of the City Council and City boards and commissions shall:</p> <ul style="list-style-type: none"> (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. 	<p>Colorado Open Meetings Law declares that all meetings of 3 or more members of any City board, commission or committee at which public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times. Charter requires that all meetings, whether or not public business is discussed or whether formal action is taken, are public.</p>
<p>Section 3.6 Posting Requirements</p> <p>The City Council shall adopt by resolution public meeting notice and posting requirements to include two or more methods of communication and designating 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.</p>	<p>State law provides that City must establish one posting place to post all public meetings adopted annually. Charter expands posting and notice requirements to include two or more methods of communication consistent with the city's current practice.</p>
<p>Section 3.7 Executive Sessions</p> <p>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.</p>	<p>Colorado Open Meetings Law allows City Council to conduct "closed door" meetings in very limited circumstances. The Charter preserves the limitations on executive sessions.</p>
<p>Section 3.8 Quorum</p> <p>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.</p>	<p>A quorum is proposed to be a majority of members of City Council in office to allow, in rare circumstances, business to be conducted when necessary.</p>
<p>Section 3.9 Procedures and Rules of Order</p> <p>The City Council shall prescribe the procedures and rules of order governing meetings.</p>	<p>State statute does not address this issue. City Council currently has adopted rules of order and procedure. Charter requires City Council to adopt procedures and rules of order to ensure efficient functionality of Council meetings.</p>

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ARTICLE IV: ELECTIONS	
<p>Section 4.1 Laws Governing Elections</p> <p>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.</p>	<p>Currently, under the Colorado Municipal Election Code, City Council calls every election by resolution and designates whether coordinated election or not. Charter confirms the City will follow the Municipal Election Code (relevant only when not coordinating the election with the County).</p>
<p>Section 4.2 Municipal Elections</p> <p>(a) A general municipal election shall be held on the date in November of each odd-numbered year to coincide with the election date of the Douglas County coordinated election.</p> <p>(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.</p>	<p>State law allows Councils to change election dates between even/odd years in November by vote. City currently holds municipal elections in odd numbered years to take advantage, whenever possible, of cost efficient use of coordinated elections.</p>
<p>Section 4.3 Nonpartisan Elections</p> <p>All municipal elections shall be nonpartisan. No municipal election ballot shall contain any language referring to any political party affiliation</p>	<p>State law recognizes that candidates for municipal office are to be nominated without regard for political party affiliation.</p>
ARTICLE V: RECALL, INITIATIVE, AND REFERENDUM	
<p>Section 5.1 Recall</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>State law allows recall of any municipal elected officer after 180 days in office and requires signatures on a recall petition in a number equal to 25% of the vote cast in the last election for all candidates for that office. Charter requires a minimum of 100 registered electors to sign a recall petition to address the circumstance of a write-in candidate who is elected with a nominal number of votes.</p>

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<p>Section 5.2 Right of Initiative</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>Under current law, an initiative petition must be signed by no more than 15% of all registered electors of the City. The Charter requires 10% of registered electors signing an initiative petition to refer ordinance at a regular election and requires 15% if the election on the initiated ordinance would have to be a special election (in recognition of the increased costs to the City to hold special elections).</p> <p>At least 35 home rule municipalities have adopted 15% as the threshold and approximately 28 home rule municipalities have adopted 10% as the threshold.</p>
<p>Section 5.3 Right of Referendum</p> <p>(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.</p> <p>(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.</p>	<p>Under the Colorado Constitution § 1, referendum petitions are required to be signed by no more than 10% of all registered electors of the City. Charter proposes 10% threshold for signatures on referendum petition due to City's population and size. This threshold has been adopted by over 40 home rule municipalities.</p>
<p>Section 5.4 Procedures for Initiative and Referendum</p> <p>The procedures for initiative and referendum shall be those set forth in Title 31, Article 11, Colorado Revised Statutes, as may be amended from time to time, except that Council may, by ordinance and consistent with this Charter, amend such procedures.</p>	<p>The procedures for initiative and referendum reflect current state law except as noted above regarding number of signatures.</p>

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ARTICLE VI: COUNCIL ACTIONS	
<p>Section 6.1 Legislative Actions</p> <p>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.</p>	<p>Current law authorizes City Council to adopt ordinances, which are the legislative enactments of the City.</p>
<p>Section 6.2 Ordinance Required</p> <p>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 rate, 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 rate shall require prior voter approval as required by Section 10.2 of this Charter.</p>	<p>This provision identifies actions required to be done by ordinance and emphasizes that tax increases and new taxes are also subject to voter approval.</p>
<p>Section 6.3 Voting</p> <p>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.</p>	<p>State statute allows ordinances to be passed upon vote of a majority of a quorum present for most items. Exceptions where a supermajority is required include: emergency ordinances, appropriations, executive session. The Charter creates additional flexibility for Council to act and proposes a majority of a quorum, unless an ordinance or the Charter provides otherwise.</p>
<p>Section 6.4 Form of Ordinance</p> <p>The enacting clause of all ordinances shall be: "THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO, ORDAINS".</p>	<p>State law requires the following language in ordinances: "Be it ordained by the city council..."</p>

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<p>Section 6.5 Procedure for Passage of Ordinances</p> <p>The procedure for passage of an ordinance, other than an emergency ordinance, shall be as follows:</p> <p>(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.</p> <p>(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.</p> <p>(c) Consideration on second reading at a meeting not earlier than six (6) days after first reading that shall include:</p> <p>(1) Public hearing; and</p> <p>(2) Vote of the City Council.</p> <p>(d) After final passage, publicizing in accordance with the requirements, methods and procedures for publicizing ordinances as adopted by the City Council by ordinance.</p> <p>(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.</p>	<p>Statutory cities are required to have two readings of ordinances, the first of which is simply to introduce the ordinance and the second reading is to take final action. Ordinances become effective 30 days following adoption and final publication. The Charter continues to provide for two readings but enhances public participation. The Charter includes a public hearing requirement for ALL ordinances, which is not currently required in Castle Pines.</p>
<p>Section 6.6 Procedure for Passage of Emergency Ordinances</p> <p>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 (¾) 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.</p>	<p>State law requires two readings of emergency ordinances with an immediate effective date upon final adoption. The Charter allows for one reading of emergency ordinances and encourages additional public input through a mandatory comment period within 30 days of adoption. Public input on emergency ordinances is not currently required.</p>
<p>Section 6.7 Enactment of Codes and Amendments Thereof by Reference.</p> <p>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.</p>	<p>State law currently allows other state or agency codes to be adopted “by reference” meaning that such codes do not have to be published in full in a newspaper. This allows municipalities to avoid expensive publication costs but requires municipalities to conduct a public hearing, preceded by two-times newspaper publication of such hearing. The Charter is intended to simplify the state procedure by eliminating the two-time publication requirement. A public hearing is still required.</p>

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<p>Section 6.8 Severability of Ordinances</p> <p>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.</p>	<p>Where sections of an ordinance are found invalid by a court, a severability clause allows the remainder of the ordinance to remain effective.</p>
<p>Section 6.9 Official Records of Council Enactments</p> <p>(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.</p> <p>(b) The City Council shall cause the permanent ordinances to be codified.</p>	<p>The current practice of the City, consistent with state law, is to maintain a record of all ordinances and resolutions and to codify permanent ordinances.</p>
ARTICLE VII: ADMINISTRATIVE SERVICES	
<p>Section 7.1 Appointment and Qualifications of City Manager</p> <p>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.</p>	<p>The Charter reflects the current state of things: The City Manager is appointed by and reports to the Council.</p>
<p>Section 7.2 Dismissal of City Manager</p> <p>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.</p>	<p>No current state law counterpart.</p>

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<p>Section 7.3 Powers and Duties of City Manager</p> <p>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:</p> <ul style="list-style-type: none"> (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 City Council approval, which 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. 	<p>No current state law counterpart, but employment agreement with City Manager identifies scope of authority and duties.</p>
<p>Section 7.4 Relationship of City Council to Administrative Service</p> <p>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.</p>	<p>City Council does not interfere with the City Manager’s decisions regarding supervision of staff.</p>

Charter Language	Explanation
ARTICLE XIII: JUDICIARY AND LEGAL	
<p>Section 8.1 Municipal Court</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>State law requires the establishment of a municipal court. The Charter expands the jurisdiction of municipal court to include all cases arises under the Charter or ordinances.</p>
<p>Section 8.2 City Attorney</p> <p>(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.</p> <p>(b) The City Attorney shall be an attorney-at-law authorized to practice in Colorado and be otherwise qualified as determined by City Council.</p>	<p>State law requires appointment of a city attorney.</p>
ARTICLE IX: BOARDS AND COMMISSIONS	
<p>Section 9.1 Right to Establish</p> <p>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.</p>	<p>State law specifically authorizes Council to establish certain boards and commissions, including Board of Adjustment and Planning Commission. The Charter provides a broad grant of authority to Council to establish and disband boards and commissions as determined by the Council to be in the City's best interests.</p>
<p>Section 9.2 Membership</p> <p>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.</p>	<p>The City currently operates under an ordinance governing board and commission appointment and membership and the Charter would not require any change to this ordinance.</p>

Charter Language	Explanation
ARTICLE X: FINANCIAL MANAGEMENT	
<p>Section 10.1 Revenue</p> <p>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.</p>	<p>Power to raise revenue is granted to home rule and statutory municipalities.</p>
<p>Section 10.2 Prior Voter Approval</p> <p>No tax rate increase or levy of any new tax shall be effective without prior voter approval.</p>	<p>This Charter provision will guarantee that voter approval for new taxes or tax rate increase will be required even if TABOR is repealed or amended to eliminate this requirement.</p>
<p>Section 10.3 Setting Fees for City Services</p> <p>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.</p>	<p>The Colorado courts have ruled that city fees be based on the direct and indirect costs of the service to avoid indiscriminate fee-setting by government. The Charter now incorporates existing case law to require a correlation between the amount of a service fee and the costs to provide the service.</p>
<p>Section 10.4 Fiscal Year</p> <p>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 (31st) day of December of each year.</p>	<p>State law defines fiscal year as January 1 through December 31.</p>
<p>Section 10.5 Proposed Annual Budget</p> <p>A proposed budget for the ensuing fiscal year shall be presented to the City Council by September 30 of each year.</p>	<p>State budget law requires submittal of the draft budget before October 15. Charter requires submittal of draft budget earlier consistent with current practice and sound fiscal policy.</p>
<p>Section 10.6 Budget Hearing</p> <p>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.</p>	<p>State law requires a public hearing but does not define the time period for notice of such public hearing. Charter requires a minimum of 7 day advance notice of the public hearing.</p>

Charter Language	Explanation
<p>Section 10.7 Scope of Annual Budget</p> <p>(a) The City shall adopt a budget in accordance with State laws.</p> <p>(b) The budget adopted by the City Council shall contain, at minimum:</p> <ol style="list-style-type: none"> (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. <p>(c) All estimates shall be in detail showing revenues by source and expenditures by departments, organizational units, activities, character and object.</p>	<p>State law imposes minimum requirements for budget contents and prohibits expenditures in excess of the available revenues and fund balances. Charter provides more specificity on budget.</p>
<p>Section 10.8 Certification of Tax Levy</p> <p>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.</p>	<p>State law requires municipalities to certify their mill levy.</p>
<p>Section 10.9 General Fund</p> <p>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.</p>	<p>No state law defining general or special funds.</p>
<p>Section 10.10 Special Funds</p> <p>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.</p>	<p>No state law defining general or special funds. Allows Council to determine nature of special funds to be used for special purposes.</p>

Charter Language	Explanation
<p>Section 10.11 Adoption of Budget and Appropriations</p> <p>Not later than the fifteenth (15th) 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.</p>	<p>State law requires adoption of the budget on or before December 15.</p>
<p>Section 10.12 Supplemental Appropriations</p> <p>The City Council may make supplemental appropriations in accordance with procedures set forth by ordinance.</p>	<p>State law authorizes supplemental appropriations throughout the fiscal year in accordance with budget hearing procedures. Charter allows Council to adopt an ordinance specifying procedures for supplement appropriations.</p>
<p>Section 10.13 Publicizing of Expenditures</p> <p>Authorized expenditures need not be published, but the City shall maintain a record of such expenditures, which shall be available for public inspection at all times.</p>	<p>Charter confirms City is not required to publish statement of bills paid, but acknowledges such records to be public.</p>
<p>Section 10.14 Capital Program</p> <p>(a) The City Council shall adopt a multi-year capital program in conjunction with the annual budget.</p> <p>(b) Copies of the capital program plan shall be made available for public inspection.</p>	<p>State law currently requires a capital program.</p>
<p>Section 10.15 Independent Audit</p> <p>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.</p>	<p>State law requires an annual independent audit be performed.</p>

Charter Language	Explanation
ARTICLE XI: BONDED INDEBTEDNESS	
<p>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.</p>	<p>City may borrow money or issue debt subject to TABOR.</p>
ARTICLE XII: EMINENT DOMAIN	
<p>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.</p> <p>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.</p>	<p>State and constitutional law allows government to exercise the power of eminent domain for public purposes subject to limitations expressed through court interpretation. Charter recognizes that the City values private property rights and will only undertake eminent domain where it has given due consideration on the rights of private property owners.</p>
ARTICLE XIII: FRANCHISES	
<p>Section 13.1 Existing Franchises</p> <p>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.</p>	<p>Charter confirms that existing franchises shall remain in effect.</p>
<p>Section 13.2 Term; Non-exclusivity</p> <p>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.</p>	<p>State law does not impose any restriction on length of franchise agreements. Charter imposes a 20-year limit.</p>
<p>Section 13.3 Franchise Fees Not an Exemption</p> <p>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.</p>	<p>This provision clarifies the grant of a franchise does not relieve the franchisee from other tax obligations. It also allows the City to terminate a franchise if franchise fees aren't paid.</p>

Charter Language	Explanation
ARTICLE XIV: MISCELLANEOUS PROVISIONS	
<p>Section 14.1 Existing Legislative Actions, Determinations, and Voter Approvals</p> <p>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.</p>	<p>Recognizes ongoing effectiveness of legislative acts upon adoption of the Charter.</p>
<p>Section 14.2 Continuation of Present Appointed Officers and Employees; Elimination of Treasurer Position</p> <p>(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.</p> <p>(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.</p>	<p>Charter acknowledges retention of current officers and employees and effects the termination of the elective office of Treasurer upon resignation or at end of the current term.</p>
<p>Section 14.3 Existing Contractual Obligations</p> <p>This Charter shall not affect any contractual relationships of the City existing on the effective date of this Charter.</p>	<p>Under state law, the adoption of a Charter shall not be construed to destroy any property right, contract right or right of action.</p>
<p>Section 14.4 Bequests, Gifts and Donations</p> <p>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.</p>	<p>The City is authorized to accept gifts and donations. Charter clarifies that it is City Council that will accept gifts and donations.</p>

Charter Language	Explanation
<p>Section 14.5 Procedures for Entering into Contracts</p> <p>The City Council may establish by resolution or ordinance the procedures for entering into contracts of any type.</p>	<p>City Council will establish the procedures for entering into contracts.</p>
<p>Section 14.6 Conveyance of Interests in Real Property</p> <p>The City Council by ordinance may purchase, sell or exchange any interest in real property.</p>	<p>Charter grants broad authority to Council to purchase and sell property.</p>
<p>Section 14.7 Amendment</p> <p>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.</p>	<p>State law provides the procedure to amend or repeal a Charter.</p>
<p>Section 14.8 Severability</p> <p>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.</p>	<p>A severability clause in an ordinance or constitution states that its terms are independent of one another, so the rest of the contract will remain in force should a court declare one or more of its provisions void or unenforceable.</p>

Charter Language	Explanation
<p>Section 14.9 Interpretation</p> <p>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.</p> <p>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.</p>	<p>Rules of statutory construction assist judges in interpreting laws and Charters. Charter adopts standard rules of interpretation.</p>
<p>Section 14.10 Effective Date of Charter</p> <p>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.</p>	<p>Under state law, a Charter approved by voters becomes effective at such time as the Charter provides. This section declares the Charter effective immediately after a vote and canvassing has occurred.</p>