



**HOME RULE CHARTER
COMMISSION MEETING**

Virtual Meeting
3 S. Timber Ridge Parkway, Severance, CO 80550

**AGENDA
MEETING 2021-01HRCC
Monday, January 4, 2020 - 6:00 p.m.**

Light Supper for the Commission (5:30)

A. CALL TO ORDER

1. Roll Call

2. Pledge of Allegiance

3. Approval of Agenda

4. Public Comment:

The purpose of the Public Comment is for members of the public to speak to the Home Rule Charter Commission on any subject not scheduled on the Agenda. To accomplish scheduled agenda items, comments should be limited to three minutes. The Home Rule Charter Commission shall make no decision or action on comments, except to schedule the matter for decision later. Those addressing the Home Rule Charter Commission are requested to state their name and address.

5. Approval of Minutes (pg. 3)

- 2020-03VHRC 12.21.2020

B. REGULAR MEETING

1. Home Rule Charter Article III (pg. 6)

- Discussion
- Action

2. Home Rule Charter Article IV (pg. 17)

- Discussion

3. Home Rule Charter Article V (pg. 21)

- Discussion

4. Home Rule Charter Article VI (pg. 23)

- Discussion



5. **Home Rule Charter Article VII (pg. 26)**
 - Discussion

6. **Home Rule Charter Article VIII-XIII (pg. 28)**
 - Possible Discussion

C. STAFF REPORTS

D. ADJOURN

*Virtual Home Rule Charter Commission Meeting 2021-01
Monday, January 4, 2020 6:00 PM (MDT)*

Registration URL

https://us02web.zoom.us/webinar/register/WN_77xid4pQQhuSViYOeJ9rg



**HOME RULE CHARTER
COMMISSION MEETING**

Hybrid Meeting
3 S. Timber Ridge Parkway, Severance, CO 80550

**MINUTES
MEETING 2020-03HRCC
Monday, December 21, 2020 - 6:00 p.m.**

Commissioners Present:

Julie Stout
Donald McLeod
Rodney Simpson
Frank Baszler
Matthew Fries
Dan Meyers
Joe Pirrone
Jennifer Nethery
Josh Green
Janet Deason
Melissa Wilson
Dave Bruen
Kerri Iserman

Absent:

Mercedes Hernandez

Staff Present:

Nicholas Wharton, Town Administrator
Lindsay Radcliff-Coombes, Assistant Town Administrator
Michael Jenner, Town Clerk
Kathryn Sellars, Town Attorney

A. CALL TO ORDER

1. Roll Call
2. Pledge of Allegiance

3. Approval of Agenda

MOTION WAS MADE BY COMMISSIONER PIROONE second by Commissioner Green to approve the agenda. All Commission members present voting **YES**,

MOTION PASSED

4. Public Comment:

The purpose of the Public Comment is for members of the public to speak to the Home Rule Charter Commission on any subject not scheduled on the Agenda. To accomplish scheduled agenda items, comments should be limited to three minutes. The Home Rule Charter Commission shall make no decision or action on comments, except to schedule the matter for decision later. Those addressing the Home Rule Charter Commission are requested to state their name and address.

- None

5. Approval of Minutes

- 2020-02VHRC 12.7.2020

MOTION WAS MADE BY COMMISSIONER McLEOD second by Commissioner PIRRONE to approve the 2020-02VHRC 12.7.2020 minutes. All Commission members present voting **YES**,

MOTION PASSED

B. REGULAR MEETING

1. Presentation by CML (Kevin Bommer)

- Commission Baszler came into the meeting at 6:38 pm

2. Article I

- Discussion
- Action

MOTION WAS MADE BY COMMISSIONER McLEOD second by Commissioner Green to approve Article I to the Home Rule Charter with additional changes to 1.04.3 to add to the addition of the vote of five for an approval of an Ordinance. All Commission members present voting **YES**,

MOTION PASSED

3. Article II

- Discussion
- Action

MOTION WAS MADE BY COMMISSIONER PIRRONE second by Commissioner McLeod to approve Article II as modified. All Commission members present voting **YES**,

MOTION PASSED

4. Article III

- Discussion

5. **Article IV**

- Discussion- The commission made it to Article 4.04.

MOTION WAS MADE BY COMMISSIONER McLEOD second by Commissioner Pirrone to adjourn the meeting at this time. All Commission members present voting **YES,**

MOTION PASSED

6. **Article V**

- Discussion- These topics were not discussed on this date.

7. **Article VI**

- Discussion- These topics were not discussed on this date.

8. **Article VII through XIII**

- Possible Discussion- These topics were not discussed on this date.

C. **ADJOURN**

-Meeting adjourned at 10:03 PM

**TOWN OF SEVERANCE
HOME RULE CHARTER COMMISSION**

Commissioner Matt Fries, Chair

ATTEST:

Joe Pirrone, Secretary



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Home Rule Charter Article III	Nicholas J. Wharton, MPA	Nicholas J Wharton, MPA
ACTION REQUESTED		
<p>Administration asks that the Home Rule Commission review and discuss Article III of the Home Rule Charter and take action:</p> <ul style="list-style-type: none"> • Actions that may be taken: <ul style="list-style-type: none"> • Move Approve Article III of the Home Rule Charter • Move Approve Article III of the Home Rule Charter with additional changes • Take no Action 		<ul style="list-style-type: none"> <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> <u>Discussion</u> <input type="checkbox"/> <u>Approval</u> <input type="checkbox"/> <u>Action Requested</u>
BRIEF SUMMARY		
<p>Included in this packet is Article III of the Home Rule Charter. This article reflects the following changes discussed at the previous December 7th and December 18th Commission Meetings:</p> <ul style="list-style-type: none"> • Rewording of Section 3.06 • Removal of Section 3.08 • Rewording of Section 3.09 (1) • Rewording of Section 3.11 (1) and Removal of Sections 3.11 (1)(a)-(h) • Rewording of Section 3.11 (3) <p>As the Commission approves Articles within this Home Rule Charter, Administration will provide an updated red-line version and an updated clean version at each following meeting.</p>		
ADMINISTRATION ANALYSIS AND RECOMMENDATION		
<p>Administration recommends that the Home Rule Commissioners review and discuss Article I of the Home Rule Charter and take action by approving Article III of the Home Rule Charter.</p>		
MATERIALS SUBMITTED		
<p>The following materials were submitted and included in this packet:</p> <ul style="list-style-type: none"> • Redline Version Home Rule Charter Article III • Proposed Home Rule Charter Article III 		

Article III
Town Council

3.01 Town Council.

- (1) The Council shall include a Mayor and six (6) Council Members. The positions of Mayor and Council Member are separate offices.
- (2) The Mayor and all Council Members shall be elected at large by the registered electors of the Town.
- (3) The Mayor and all Council Members shall be elected to serve four (4) year terms unless a two (2) year term is required to restore staggered positions on the Council. In such case, the four (4) year term(s) shall go to the candidate(s) with the highest number of votes, and the two (2) year term(s) shall go to the candidate(s) with the next highest number of votes.
- (4) No elected Mayor or Council Member shall serve more than two (2) consecutive terms in one office.
- (5) Terms shall not be considered consecutive if they are at least two (2) years apart or are for separate offices. For the purposes of this limitation, terms to which an individual is appointed shall not count as a term.

3.02 Authority of the Council.

- (1) The Council shall have the following authority:
 - (a) To enact and provide for the enforcement of all ordinances necessary to protect life, health, safety, welfare and property;
 - (b) To declare, prevent and summarily abate and remove nuisances in accordance with due process;
 - (c) To preserve and enforce good government, general welfare, order and security of the Town and the inhabitants thereof;
 - (d) To enforce ordinances and regulations by fines or imprisonment as permitted by state law, or by both fines and imprisonment for each and every offense; and
 - (e) To delegate to boards and commissions, within the limitations of the Constitution and this Charter, such functions and authority of the Town as the Council deems proper and advisable.
- (2) The Council shall deal with the administrative service solely and directly through the Town Manager. Neither the Mayor nor any Council Member shall dictate

the appointment of or direct or interfere with the work of any employee under the Town Manager.

(3) The Council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town.

(4) In the case of a vacancy on the Council, the Council shall declare a vacancy according to standards set forth by ordinance or by C.R.S. § 31-4-303, as amended. ~~The Council shall adopt by resolution procedures for filling any such vacancy. Council may determine whether to appoint an individual to the vacancy until the next regular election, unless Council determines to fill the vacancy by special election.~~

3.03 Qualifications to Serve on [Elected Council](#) and [Appointed Boards or Commissions](#).

(1) No person shall be eligible to be elected or appointed to the Council, or to remain seated on the Council, unless they are:

- (a) A citizen of the United States of America;
- (b) A registered elector of the Town [and eligible to vote](#);
- (c) A resident of the Town for a period of no less than twelve (12) consecutive months preceding the election; and

~~Currently eligible to vote in Colorado general elections.~~

(2) No person who is an employee of the Town may serve on the Council. Any Town employee elected to the Council shall be deemed to have resigned as an employee on the date of taking office on the Council.

- (a) No person may be a candidate for both Mayor and Council Member at the same election.
- (b) A person may be a candidate for the office of Mayor while serving as a Council Member and, if not elected Mayor, may serve out their term as a Council Member.

(3) The Town Clerk shall be the judge of all qualifications for candidates for Council, except as otherwise provided by ordinance.

3.04 Council Meetings.

(1) The Council shall meet regularly at least once each month, unless increased by ordinance, at a day and hour and place fixed by the Council.

(2) Four (4) members of the Council shall constitute a quorum, but, in the absence of a quorum, a lesser number may continue any meeting or hearing to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting.

(3) All regular and special meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard. Written minutes of the proceedings of each meeting shall be kept by the Town Clerk and signed by the Mayor.

3.05 Voting.

(1) Votes by each Council Member and the Mayor for and against shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the Council proceedings.

(2) To be adopted, every non-emergency ordinance shall require the affirmative vote of a majority of the Council present, and every emergency ordinance shall require the affirmative vote of two-thirds (2/3) of the Council present.

Commented [NW1]: Review after completion of Article 6

(3) To be adopted, every resolution and motion shall require the affirmative vote of a majority of the Council present.

(4) Every Council Member present and the Mayor if present shall vote on every matter unless the Council Member or the Mayor is excused from voting due to a conflict of interest as provided in Section 3.06 below. If a Council Member or the Mayor refuses to vote without being excused, the Town Clerk shall consider the refusal as an affirmative vote.

3.06 Code of Conduct and Ethics. ~~After every election, the Council shall adopt by resolution a Code of Conduct and Ethics, which shall address Council conflicts of interest and behavior. No Council Member or Mayor shall vote on any question in which they have a conflict of interest. A conflict of interest occurs when a Council Member or Mayor has a substantial personal or financial interest in the outcome of the question, whether direct or indirect, or on any questions concerning their own conduct, as may be further defined in the adopted Code of Conduct and Ethics.~~ The adopted Code of Conduct and Ethics shall specify penalties for violations of its provisions as well as for violations of this Charter. The previous Code of Conduct and Ethics Resolution will be in effect until the newly elected council adopts a new Resolution.

3.07 Compensation of Mayor and Council Members.

(1) The Mayor and Council Members shall receive such compensation as the Council shall by ordinance prescribe.

(2) The Council shall neither increase nor decrease the compensation of the

Mayor or any Council Member during their term of office.

(3) The Mayor and Council Members may, upon order of the Council, be paid such necessary *bona fide* expenses incurred in service on behalf of the Town as are authorized by the Council.

~~3.08 Oath of Office. Before entering upon the duties of the office of Mayor or Council Member, every person shall take, subscribe before, and file with the Town Clerk the following an oath or affirmation:~~

~~I, (name), swear (or affirm), that I will support the Constitution of the United States, the Constitution of the State of Colorado, the Charter and the ordinances of this Town, and will faithfully perform the duties of my office.~~

~~3.093.08~~ Mayor Pro Tem and Acting Mayor.

(1) A Mayor Pro Tem shall be elected by the Council from its own membership ~~at the first Council meeting following the final certification of each biennial election annually each January.~~ The Mayor Pro Tem shall serve until the Council meeting following the final certification of the next regular Town election and shall act as Mayor during the absence of the Mayor.

(2) In the event of absence of both the Mayor and the Mayor Pro Tem, the Council shall designate another Council Member by majority vote to serve as Acting Mayor during such absence.

(3) Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all authority granted herein to Council Members and may, at the conclusion of their service as Mayor Pro Tem or Acting Mayor, serve out the remainder of their original term.

3.10 Special Meetings.

(1) Special meetings of the Council shall be called by the Town Clerk on the verbal request of a majority of the entire Council or the Mayor, on at least twenty- four (24) hours' notice to each Council Member and the Mayor.

(2) Written notices of any special meeting and the topic of any special meeting shall be posted consistent with the posting of notice for regular Council meetings. No business shall be transacted at any special meeting of the Council unless such business has been stated in the notice of such meeting.

3.11 Executive Sessions.

(1) Any Council meeting may be recessed into an executive session by ~~the~~

~~affirmative majority vote of two thirds (2/3) of the quorum council present and may be closed to the public for the purpose of considering any matter authorized under the Colorado Open Records Act, C.R.S. § 24-6-401, et seq. of the following matters:~~

~~(a) — The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.~~

~~(b) — Conferences with an attorney for the Town for the purposes of receiving legal advice on specific legal questions.~~

~~(c) — Matters required to be kept confidential by federal or state law or rules and regulations. The Council shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.~~

~~(d) — Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.~~

~~(e) — Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.~~

~~(f) — Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.~~

~~(g) — Consideration of any documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, C.R.S. § 24-72-200.1, et seq., as amended.~~

~~(h) — Any other matter authorized by the Colorado Open Meetings Law, C.R.S. § 24-6-401, et seq., as amended.~~

(2) The general subject matter of every executive session shall be stated in the motion calling for the session, unless doing so would compromise the purpose of the executive session. No formal action, no final policy decision, no rule, regulation, resolution, or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any executive session.

~~(3) — Only the Mayor and members of the Town Council shall attend executive sessions provided; however, that other persons may be invited to attend executive sessions by the Mayor and Council. The Mayor, Council Members, the Town Manager,~~

~~and the Town Attorney may attend executive sessions. Other persons may be invited to attend an executive session upon the affirmative vote of a majority of the Council present, and the Town Manager or Town Attorney may be excluded upon the affirmative vote of a majority of the Council present.~~

(4)(3) The provisions of this Section are specifically intended to supersede any conflicting provisions of Colorado statutes governing open meetings and executive sessions.

Article III
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 - (a) To enact and provide for the enforcement of all ordinances necessary to protect life, health, safety, welfare and property;
 - (b) To declare, prevent and summarily abate and remove nuisances in accordance with due process;
 - (c) To preserve and enforce good government, general welfare, order and security of the Town and the inhabitants thereof;
 - (d) To enforce ordinances and regulations by fines or imprisonment as permitted by state law, or by both fines and imprisonment for each and every offense; and
 - (e) To delegate to boards and commissions, within the limitations of the Constitution and this Charter, such functions and authority of the Town as the Council deems proper and advisable.
- (2) The Council shall deal with the administrative service solely and directly through the Town Manager. Neither the Mayor nor any Council Member shall dictate

the appointment of or direct or interfere with the work of any employee under the Town Manager.

(3) The Council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town.

(4) In the case of a vacancy on the Council, the Council shall declare a vacancy according to standards set forth by ordinance or by C.R.S. § 31-4-303, as amended. Council may determine whether to appoint an individual to the vacancy until the next regular election, unless Council determines to fill the vacancy by special election.

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(1) No person shall be eligible to be elected or appointed to the Council, or to remain seated on the Council, unless they are:

- (a) A citizen of the United States of America;
- (b) A registered elector of the Town and eligible to vote;
- (c) A resident of the Town for a period of no less than twelve (12) consecutive months preceding the election; and

(2) No person who is an employee of the Town may serve on the Council. Any Town employee elected to the Council shall be deemed to have resigned as an employee on the date of taking office on the Council.

- (a) No person may be a candidate for both Mayor and Council Member at the same election.
- (b) A person may be a candidate for the office of Mayor while serving as a Council Member and, if not elected Mayor, may serve out their term as a Council Member.

(3) The Town Clerk shall be the judge of all qualifications for candidates for Council, except as otherwise provided by ordinance.

3.04 Council Meetings.

(1) The Council shall meet regularly at least once each month, unless increased by ordinance, at a day and hour and place fixed by the Council.

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(3) All regular and special meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard. Written minutes of the proceedings of each meeting shall be kept by the Town Clerk and signed by the Mayor.

3.05 Voting.

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(2) To be adopted, every non-emergency ordinance shall require the affirmative vote of a majority of the Council present, and every emergency ordinance shall require the affirmative vote of two-thirds (2/3) of the Council present.

(3) To be adopted, every resolution and motion shall require the affirmative vote of a majority of the Council present.

(4) Every Council Member present and the Mayor if present shall vote on every matter unless the Council Member or the Mayor is excused from voting due to a conflict of interest as provided in Section 3.06 below. If a Council Member or the Mayor refuses to vote without being excused, the Town Clerk shall consider the refusal as an affirmative vote.

3.06 Code of Conduct and Ethics. After every election the Council shall adopt by resolution a Code of Conduct and Ethics, which shall address Council conflicts of interest and behavior. The adopted Code of Conduct and Ethics shall specify penalties for violations of its provisions as well as for violations of this Charter. The previous Code of Conduct and Ethics Resolution will be in effect until the newly elected council adopts a new Resolution.

3.07 Compensation of Mayor and Council Members.

(1) The Mayor and Council Members shall receive such compensation as the Council shall by ordinance prescribe.

(2) The Council shall neither increase nor decrease the compensation of the Mayor or any Council Member during their term of office.

(3) The Mayor and Council Members may, upon order of the Council, be paid such necessary *bona fide* expenses incurred in service on behalf of the Town as are authorized by the Council.

3.08 Mayor Pro Tem and Acting Mayor.

(1) A Mayor Pro Tem shall be elected by the Council from its own membership annually each January. The Mayor Pro Tem shall serve until the Council meeting following the final certification of the next regular Town election and shall act as Mayor during the absence of the Mayor.

(2) In the event of absence of both the Mayor and the Mayor Pro Tem, the Council shall designate another Council Member by majority vote to serve as Acting Mayor during such absence.

(3) Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all authority granted herein to Council Members and may, at the conclusion of their service as Mayor Pro Tem or Acting Mayor, serve out the remainder of their original term.

3.9 Special Meetings.

(1) Special meetings of the Council shall be called by the Town Clerk on the verbal request of a majority of the entire Council or the Mayor, on at least twenty- four (24) hours' notice to each Council Member and the Mayor.

(2) Written notices of any special meeting and the topic of any special meeting shall be posted consistent with the posting of notice for regular Council meetings. No business shall be transacted at any special meeting of the Council unless such business has been stated in the notice of such meeting.

3.10 Executive Sessions.

(1) Any Council meeting may be recessed into an executive session by majority vote of the council present and may be closed to the public for the purpose of considering any matter authorized under the Colorado Open Records Act, C.R.S. § 24-6-401, et seq.

(2) The general subject matter of every executive session shall be stated in the motion calling for the session, unless doing so would compromise the purpose of the executive session. No formal action, no final policy decision, no rule, regulation, resolution, or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any executive session.

(3) Only the Mayor and members of the Town Council shall attend executive sessions provided; however, that other persons may be invited to attend executive sessions by the Mayor and Council.

(4) The provisions of this Section are specifically intended to supersede any conflicting provisions of Colorado statutes governing open meetings and executive sessions.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Home Rule Charter Article IV	Nicholas J. Wharton, MPA	Nicholas J Wharton, MPA
ACTION REQUESTED		
Administration asks that the Home Rule Commission review and discuss Article IV of the draft Home Rule Charter and provide staff with proposed changes for adoption.	<input type="checkbox"/> Presentation <input checked="" type="checkbox"/> <u>Discussion</u> <input type="checkbox"/> Approval <input type="checkbox"/> Action Requested	
BRIEF SUMMARY		
<p>Included in this packet is Article IV of the draft Home Rule Charter. This article was created by the Town of Eagle Home Rule Commission, includes no changes by Administration, and Administration recommends that the Commission focus on the following topics and any additional topics the Commission sees fit to discuss:</p> <ul style="list-style-type: none"> • Town Attorney <ul style="list-style-type: none"> ○ Section 4.03(1): Currently the Attorney’s term length and compensation is decided by contract • Municipal Judge <ul style="list-style-type: none"> ○ Section 4.03(1): Currently the Judge’s term length and compensation is decided by contract <p>As the Commission approves Articles within this Home Rule Charter, Administration will provide an updated red-line version and an updated clean version at each following meeting.</p>		
ADMINISTRATION ANALYSIS AND RECOMMENDATION		
Administration recommends that the Home Rule Commissioners provide staff with proposed changes to Article IV of the draft Home Rule Charter for adoption at the January 18 th HRC Meeting.		
MATERIALS SUBMITTED		
<p>The following materials were submitted and included in this packet:</p> <ul style="list-style-type: none"> • Home Rule Charter Article IV 		

Article IV
Town Administration, Appointed Officials and Town Departments

4.01 Mayor. The Mayor shall be the presiding officer of the Council and the recognized head of the Town government for all legal and ceremonial purposes. The Mayor, or anyone acting as Mayor as provided for in Section 3.09 of this Charter, shall have the following duties, authorities, and responsibilities:

(1) To vote in the same manner as a Council Member without veto power upon any question;

(2) To sign all contracts binding the Town, all conveyances of interests in land by the Town, all ordinances and resolutions, and any other documents requiring their signature except as may be delegated by ordinance to the Town Manager or as otherwise provided by ordinance and attested by the Town Clerk under the seal of the Town; and

(3) To have such other authority as may be conferred upon the Mayor by the Council so long as that grant of authority is not in conflict with the provisions of this Charter.

(4) In case of emergency, the Mayor shall assume the authority to execute any action necessary for the protection of life and property.

(a) Such authority shall include without limitation establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor shall convene the Council which may take such action as it deems necessary.

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(b) Any unilateral action taken by the Mayor during an emergency shall be temporary in nature and duration and shall be effective only until the Council is convened to ratify the action.

(5) In the event it becomes necessary, the line of succession provided in this Charter shall be followed. The Council shall have the authority to provide for the continuity of government of the Town in the event of disaster. Such authority shall be employed in a manner that will preserve representative government to the Town and that will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor and the Mayor Pro Tem, and shall then revert to senior Council Members, then through an orderly line of succession of administration and then administrative department heads.

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4.02 Town Manager. The Town Manager shall be the chief executive officer of the Town and shall serve at the will of the Council.

(1) The Council, by a majority vote of those then in office, shall appoint a Town Manager.

(2) The Town Manager shall be accountable to the Council and shall perform such duties as provided by ordinance or resolution, or at the direction of the Council, so long as such direction is not contrary to this Charter, state or federal law or the ordinances of the Town.

(3) The Town Manager may only delegate to others the authority and duties prescribed to their position to the extent allowed by ordinance or resolution.

(4) The Town Manager may appoint an employee to function in their capacity during short absences.

(5) The Town Manager may hire staff as such are provided for in the Town's budget.

(6) The Town Manager shall prepare an annual budget and submit it to the Council.

4.03 Town Attorney. The Town Attorney shall be an attorney licensed to practice law in the State of Colorado and shall be appointed to the position by a majority vote of the Council then in office.

(1) The Town Attorney shall serve at the will of the Council.

(2) The Town Attorney shall be responsible to the Council and shall perform such duties as provided by ordinance or resolution, or at the direction of the Council or Town staff, so long as such direction is not contrary to this Charter, state or federal law or the ordinances of the Town or the ethical rules applicable to the legal profession.

4.04 Municipal Judge. The Municipal Judge shall be an attorney licensed to practice law in the State of Colorado and shall be appointed to the position by a majority vote of the Council then in office.

(1) The Municipal Judge shall serve at the will of the Council.

(2) The Municipal Judge shall be responsible to the Council and shall perform such duties as provided by ordinance or resolution.

4.05 Town Clerk. Town Clerk shall be hired by the Town Manager as an employee of the Town. The Town Clerk or designee shall attend all meetings of the Council, shall keep a permanent record of its proceedings, and shall have the following other duties and responsibilities:

Commented [KMS1]: I just wanted to reiterate the means of employment/appointment (contract versus no contract) is probably too details for the charter. I would also recommend leaving out any reference to the condition of employment (such as evaluation, etc.).

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Commented [KMS3]: Consider changing for consistency with Town Attorney and Municipal Judge

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Commented [GB5]: What does this mean? Any member? Council as a whole giving direction? The Mayor? Can the Town administrator ask for services?

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(1) To be custodian of the Town Seal, affix it to all documents and instruments requiring the seal, and attest to the same.

(2) To be custodian of all papers, documents and records pertaining to the Town, the custody of which is not otherwise provided for.

(3) To certify by their signature all ordinances and resolutions enacted or passed by the Council.

(4) To provide and maintain in the Town Clerk's office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder.

(5) To review the sufficiency of all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder. Yet, nothing contained herein shall require the Town Clerk to advise any petitioner as to how petitions shall be completed prior to their submittal to the Town Clerk.

(6) To administer oaths of office.

(7) To perform such other duties as may be prescribed by this Charter or by the Town Manager.

4.06 Town Departments.

(1) The Council may by ordinance create, consolidate or dissolve any Town department.

(2) All departments and department heads of the Town, except as otherwise provided in this Charter, shall be under the supervision and control of the Town Manager.

(3) All department heads hired after the effective date of this Charter shall be hired by the Town Manager and shall be considered, at all times, at-will employees of the Town. The provisions of this Section are specifically intended to supersede conflicting state law on this matter, including C.R.S. § 31-4-307.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Home Rule Charter Article V	Nicholas J. Wharton, MPA	Nicholas J Wharton, MPA
ACTION REQUESTED		
Administration asks that the Home Rule Commission review and discuss Article V of the draft Home Rule Charter and provide staff with proposed changes for adoption.	<input type="checkbox"/> Presentation <input checked="" type="checkbox"/> <u>Discussion</u> <input type="checkbox"/> Approval <input type="checkbox"/> Action Requested	
BRIEF SUMMARY		
<p>Included in this packet is Article V of the draft Home Rule Charter. This article was created by the Town of Eagle Home Rule Commission, includes no changes by Administration, and Administration recommends that the Commission focus on any topics the Commission sees fit to discuss.</p> <p>As the Commission approves Articles within this Home Rule Charter, Administration will provide an updated red-line version and an updated clean version at each following meeting.</p>		
ADMINISTRATION ANALYSIS AND RECOMMENDATION		
Administration recommends that the Home Rule Commissioners provide staff with proposed changes to Article V of the draft Home Rule Charter for adoption at the January 18 th HRC Meeting.		
MATERIALS SUBMITTED		
<p>The following materials were submitted and included in this packet:</p> <ul style="list-style-type: none"> • Home Rule Charter Article V 		

Article V
Boards and Commissions

5.01 Existing Boards and Commissions. All boards and commissions existing at the time this Charter is adopted shall continue as established by ordinance, except as otherwise provided by this Charter or subsequent ordinance.

Commented [GB1]: Why even say this – aren't we possibly requiring them to continue long after they are no longer useful? Just do this by ordinance under 5.02

5.02 Right to Establish, Amend and Abolish.

(1) The Council may create any boards or commissions, including advisory and appeal boards, provided that no such board or commission shall have authority to perform functions or duties otherwise assigned in this Charter or to interfere with any function or duty otherwise assigned in this Charter. Unless otherwise required by law or this Charter, all boards and commissions shall be created by ordinance, which shall prescribe the duties delegated by the Council and the qualification of members.

(2) Each board and commission shall elect its own chair and vice-chair from among its members. Each board and commission shall operate in accordance with its own rules of procedure, except as otherwise directed by the Council. All board and commission meetings shall be open to the public, and copies of all records and minutes of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Council as the Council shall require.

Deleted: ,

(3) The Council may increase, reduce or change by ordinance any or all of the duties and procedures of any board or commission existing at the time of the adoption of this Charter or as created by ordinance thereafter.

(4) Any board or commission that is not required by statute or this Charter may be abolished by the Council at any time.

(5) Terms and conditions of appointment and composition of all boards and commissions shall be determined by ordinance, except that appointment of a member to any board or commission shall require a majority vote of the Council, and removal of any member from a board or commission shall require a two-thirds (2/3) affirmative vote by the entire Council and, in no case, fewer than five (5) affirmative votes for removal, following notice and an opportunity to be heard.

Commented [GB2]: I would agree – different Boards may need different levels of formality in removing members – I suggest you create this with each Board.

Commented [KMS3]: Consider whether you want to have a detailed process in the Charter. While this process is fair, it is often messy. It is unlikely that appointing board and commission members have a protected interest in their appointment that would trigger the requirements of due process this provision provides. However, there is nothing wrong with leaving it in.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Home Rule Charter Article VI	Nicholas J. Wharton, MPA	Nicholas J Wharton, MPA
ACTION REQUESTED		
Administration asks that the Home Rule Commission review and discuss Article VI of the draft Home Rule Charter and provide staff with proposed changes for adoption.	<input type="checkbox"/> Presentation <input checked="" type="checkbox"/> <u>Discussion</u> <input type="checkbox"/> Approval <input type="checkbox"/> Action Requested	
BRIEF SUMMARY		
<p>Included in this packet is Article VI of the draft Home Rule Charter. This article was created by the Town of Eagle Home Rule Commission, includes no changes by Administration, and Administration recommends that the Commission focus on the following topics and any additional topics the Commission sees fit to discuss:</p> <ul style="list-style-type: none"> • Adoption Procedure for Ordinance <ul style="list-style-type: none"> ○ Section 6.03 (1): Should Ordinances be required to have one or two reading before adoption ○ Section 6.03 (5): Should Ordinances take effect in 10 days (Currently it is 30 days) <p>As the Commission approves Articles within this Home Rule Charter, Administration will provide an updated red-line version and an updated clean version at each following meeting.</p>		
ADMINISTRATION ANALYSIS AND RECOMMENDATION		
Administration recommends that the Home Rule Commissioners provide staff with proposed changes to Article VI of the draft Home Rule Charter for adoption at the January 18 th HRC Meeting.		
MATERIALS SUBMITTED		
<p>The following materials were submitted and included in this packet:</p> <ul style="list-style-type: none"> • Home Rule Charter Article VI 		

Article VI Ordinances

- 6.01 Action by Ordinance Required. In addition to such acts of the Council that are required by other provisions of this Charter to be by ordinance, every act creating indebtedness, authorizing borrowing of money, levying a tax, establishing any rule or regulation for the violation of which a penalty is imposed, or placing any burden upon or limiting the use of private property shall be by ordinance. However, this Section shall not apply to the budget adoption or other appropriations as defined in Section 8.05 of this Charter.
- 6.02 Form of Ordinance. Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO. Every ordinance introduced shall be deemed to contain a severability clause, whether stated therein or not.
- 6.03 Adoption Procedure for Ordinances. With the exception of emergency ordinances, the following procedure shall be followed in adopting any ordinance:
- (1) The ordinance shall be introduced at a regular or special meeting of the Council and read by title.
 - (2) If required by law, the Council shall conduct a public hearing on the ordinance.
 - (3) After the public hearing, if applicable, and any discussion or deliberation, the Council shall vote to amend, adopt, or reject the ordinance, or take other action as it deems appropriate.
 - (4) If the ordinance is adopted by the Council, either as presented or as amended, it shall be published and available for public inspection.
 - (5) Each ordinance shall be effective ten (10) days after publication or at such later date as specified in the ordinance.
 - (6) The method of official Town publication of ordinances shall be set by ordinance.
 - (7) Each ordinance shall be signed by the Mayor and attested to by the Town Clerk, and affidavits of publication shall be retained with the ordinance in the Town's records.
- 6.04 Emergency Ordinances.
- (1) The Council may adopt an emergency ordinance if necessary for the immediate preservation of public property, health, welfare, peace, or safety.

Determination by the Council as to the existence of an emergency shall be final and conclusive.

(2) Emergency ordinances shall also meet the following criteria:

(a) The facts determining the emergency shall be specifically stated in the ordinance.

(b) No ordinance granting, renewing, or amending any franchise, or imposing any new tax, tax rate increase, mill levy above that for the prior year, valuation for assessment ratio increase for a property class, extension of an expiring tax, or tax policy change directly causing a net tax revenue gain to the Town shall be adopted as an emergency ordinance.

(3) An emergency ordinance may be introduced and adopted at any regular or special meeting. An emergency ordinance shall take effect upon adoption. Following adoption, an emergency ordinance shall be published in full.

6.05 Codification.

(1) The Council shall cause the ordinances of a general and permanent character to be codified and thereafter maintained in current form.

(2) Any ordinance that is not of a general and permanent nature shall not be codified.

6.06 Adoption of Codes by Reference. The Council by ordinance may adopt by reference any code published by the federal government, State of Colorado or by any agency of either of them, or by any municipality, or by recognized trade or professional organizations, or amendments or revisions thereof. The procedure of adoption of a code by reference shall be as provided in the Colorado Revised Statutes applicable to the adoption of codes by reference.

6.07 Public Records. All public records of the Town shall be open for inspection by any person at reasonable times in accordance with applicable law.

6.08 Fines and Penalties for Ordinance Violations. Penalties for the violation of Town ordinances shall be established by ordinance. No fine or sentence for such violation shall exceed the maximum established by Colorado Revised Statutes for municipal ordinance violations.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Home Rule Charter Article VII	Nicholas J. Wharton, MPA	Nicholas J Wharton, MPA
ACTION REQUESTED		
Administration asks that the Home Rule Commission review and discuss Article VII of the draft Home Rule Charter and provide staff with proposed changes for adoption.	<input type="checkbox"/> Presentation <input checked="" type="checkbox"/> <u>Discussion</u> <input type="checkbox"/> Approval <input type="checkbox"/> Action Requested	
BRIEF SUMMARY		
<p>Included in this packet is Article VII of the draft Home Rule Charter. This article was created by the Town of Eagle Home Rule Commission, includes no changes by Administration, and Administration recommends that the Commission focus on any topics the Commission sees fit to discuss.</p> <p>As the Commission approves Articles within this Home Rule Charter, Administration will provide an updated red-line version and an updated clean version at each following meeting.</p>		
ADMINISTRATION ANALYSIS AND RECOMMENDATION		
Administration recommends that the Home Rule Commissioners provide staff with proposed changes to Article VII of the draft Home Rule Charter for adoption at the January 18 th HRC Meeting.		
MATERIALS SUBMITTED		
<p>The following materials were submitted and included in this packet:</p> <ul style="list-style-type: none"> • Home Rule Charter Article VII 		

**Article VII
Municipal Court**

7.01 Created.

- (1) There shall be a Municipal Court that shall have jurisdiction to hear and determine all cases arising under this Charter or the ordinances of the Town. The scope of the Municipal Court's jurisdiction is hereby expressly declared not to be exclusive, original jurisdiction over matters arising under this Charter and ordinances.
- (2) The Council shall provide a suitable place and all supplies and personnel necessary for the proper functioning of the Court.
- (3) The Council shall provide by ordinance for the enforcement of its ordinances by fine or imprisonment.
- (4) The Municipal Court shall be presided over by the Municipal Judge, who shall be appointed by the Council as provided [by Section 4.04 of this Charter](#).

Deleted: by state law

7.02 Powers.

- (1) The powers of and the procedure in the Municipal Court and the manner of enforcement of its orders and judgments shall be as provided for by ordinance presently enacted or hereafter enacted. The Municipal Court shall be a qualified Municipal Court of record and all proceedings therein and evidence at trials shall be kept by verbatim record.
- (2) The Municipal Court may provide for the granting of probation and the conditional suspension of sentences.
- (3) The Municipal Court may order restitution as the Municipal Court deems appropriate.

Commented [GB1]: May want to specifically add a provision allowing it exclusive jurisdiction to resolve all land use matters arising under the Severance Land Use Code (See Town of Frisco Case)
Town of Frisco v. Baum, 90 P.3d 845



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
<p style="text-align: center;">Home Rule Charter Articles VIII through XIII</p>	<p style="text-align: center;">Nicholas J. Wharton, MPA</p>	<p style="text-align: center;">Nicholas J Wharton, MPA</p>
ACTION REQUESTED		
<p>Administration asks that the Home Rule Commission review and discuss Articles VIII through XIII of the draft Home Rule Charter, if time allows, and provide staff with proposed changes for adoption.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> <u>Discussion</u> <input type="checkbox"/> Approval <input type="checkbox"/> Action Requested 	
BRIEF SUMMARY		
<p>If time permits, the Home Rule Commission may begin reviewing Articles VIII through XIII of the draft Home Rule Charter. These articles were created by the Town of Eagle Home Rule Commission and include no changes by Administration.</p> <p>As the Commission approves Articles within this Home Rule Charter, Administration will provide an updated red-line version and an updated clean version at each following meeting.</p>		
ADMINISTRATION ANALYSIS AND RECOMMENDATION		
<p>Administration recommends that the Home Rule Commissioners provide staff with proposed changes to Articles VIII through XII of the draft Home Rule Charter, if time allows, for adoption at the January 18th HRC Meeting.</p>		
MATERIALS SUBMITTED		
<p>The following materials were submitted and included in this packet:</p> <ul style="list-style-type: none"> • No materials included 		