

**ORDINANCE NO.  
2021-**

**AN ORDINANCE AMENDING CHAPTER 2.14 BOARDS AND COMMISSION OF  
THE CASTLE ROCK MUNICIPAL CODE REGARDING BOARD AND  
COMMISSION MEMBERSHIP, TERM LIMITS AND BYLAWS AND ADDING  
CHAPTER 2.18 OATH OF OFFICE**

**WHEREAS**, Town Council desires to provide clarity and updates to the Castle Rock Municipal Code (the “Code”) regarding Board and Commission membership, term limits, and bylaws; and

**WHEREAS**, Town Council directed staff to propose amendments to the Code to achieve the aforementioned direction; and

**WHEREAS**, Town Council wishes to codify a standard Oath of Office for Board and Commission Members already taken by Council Members and various Town employees; and

**WHEREAS**, the Town Council has determined that an amendment to the Code is necessary to provide said clarity, updates, and codified Oath of Office.

**NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Amendment.** Section 2.14.010(A) of the Castle Rock Municipal Code is hereby amended to read as follows:

2.14.010(A) General.

A. All boards and commissions of the Town of Castle Rock including, but not limited to, Planning Commission, Historic Preservation Board, Board of Adjustments, Board of Building Appeals, Election Commission, Public Safety Commission, Castle Rock Water Commission, Public Works Commission, Parks and Recreation Commission, Public Art Commission, Design Review Board, AND DOWNTOWN DEVELOPMENT AUTHORITY shall serve at the pleasure of the Town Council.

**Section 2. Amendment.** Section 2.14.010(C) of the Castle Rock Municipal Code is hereby amended to read as follows:

2.14.010(C) - General.

C. All BOARD OR COMMISSION MEMBERS shall be bona fide residents of the Town of Castle Rock at the time of appointment and discontinuance of residency shall terminate membership. The residency requirement shall not apply to:

1. MEMBERS of the Downtown Development Authority: 7 MEMBERS CONSISTING OF 4 MEMBERS WHO ARE DOWNTOWN BUSINESS OR PROPERTY

- OWNERS, 2 OF WHOM ARE DOWNTOWN BUSINESS OR PROPERTY OWNERS OR RESIDENTS, AND A TOWN COUNCIL VOTING MEMBER. THE MAJORITY OF MEMBERS SHALL BE DOWNTOWN BUSINESS OWNERS);
2. MEMBERS of the Historic Preservation Board AS OUTLINED IN SECTION 15.64.030; OR
  3. MEMBERS of the Public Art Commission AS APPROVED IN THEIR BY-LAWS.
  4. ANY BOARD OR COMMISSION NON-RESIDENT MEMBER APPROVED AND APPOINTED BY TOWN COUNCIL.

**Section 3. Amendment.** Section 2.14.010(E) of the Castle Rock Municipal Code is hereby repealed and reenacted as Section 2.14.015 to read as follows:

2.14.015 Absences.

- A. EXCEPT FOR EMERGENCY ABSENCES, MEDICAL CONDITION ABSENCES AND ABSENCES RESULTING FROM MILITARY LEAVE OF LESS THAN TWO (2) CONTINUOUS MONTHS, BETWEEN JUNE 1 TO MAY 31 OF THE FOLLOWING YEAR, A BOARD OR COMMISSION MEMBER SHALL NOT EXCEED THE FOLLOWING UNEXCUSED ABSENCES:
  1. A BOARD OR COMMISSION THAT SCHEDULES MEETINGS TWICE MONTHLY CANNOT EXCEED SIX (6) UNEXCUSED ABSENCES;
  2. A BOARD OR COMMISSION THAT MEET MONTHLY CANNOT EXCEED THREE (3) UNEXCUSED ABSENCES; AND
  3. A BOARD OR COMMISSION THAT MEETS QUARTERLY OR AS NEEDED CANNOT EXCEED ONE (1) UNEXCUSED ABSENCE.
- B. THE TOWN MANAGER OR DESIGNEE SHALL DETERMINE WHETHER AN ABSENCE IS EXCUSED OR UNEXCUSED.
- C. IF BOARD OR COMMISSION MEMBER EXCEEDS THE NUMBER OF UNEXCUSED ABSENCES, THE MEMBER SHALL BE DEEMED TO HAVE RESIGNED FROM THE BOARD OR COMMISSION, AND THE COUNCIL SHALL APPOINT A REPLACEMENT.

**Section 4. Amendment.** Section 2.14.020 of the Castle Rock Municipal Code is hereby repealed and reenacted in its entirety to read as follows:

2.14.020 - Term limits.

- A. THE TERMS FOR BOARD OR COMMISSION MEMBERS SHALL BE AS FOLLOWS:
  1. DOWNTOWN DEVELOPMENT AUTHORITY: FOUR (4) YEAR TERMS;
  2. ELECTION COMMISSION: THREE (3) YEAR TERMS;
  3. BOARD OF BUILDING APPEALS: THREE (3) YEAR TERMS; AND
  4. DESIGN REVIEW BOARD:

- a. MEMBERS APPOINTED AS REPRESENTATIVES FROM OTHERS BOARDS AND COMMISSIONS: ONE (1) YEAR TERMS.
  - b. PROPERTY OWNERS WITH THE DOWNTOWN DEVELOPMENT AUTHORITY BOUNDARY: TWO (2) YEAR TERMS.
- B. NO BOARD OR COMMISSION MEMBER SHALL SERVE MORE THAN THREE (3) CONSECUTIVE TWO (2) YEAR TERMS WITH THE FOLLOWING EXCEPTIONS:
  - 1. MEMBERS OF THE HISTORIC PRESERVATION BOARD MAY SERVE FOUR (4) TWO (2) YEAR TERMS;
  - 2. MEMBERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY MAY SERVE TWO (2) FOUR (4) YEAR TERMS;
  - 3. MEMBERS OF THE ELECTION COMMISSION MAY SERVE TWO (2) THREE (3) YEAR TERMS; AND
  - 4. MEMBERS OF THE BOARD OF BUILDING APPEALS MAY SERVE TWO (2) THREE (3) YEAR TERMS.
- C. BOARD AND COMMISSION TERMS LIMITS SHALL BE RETROACTIVE. ANY MEMBER WHO HAS SERVED THE MAXIMUM CONSECUTIVE TERMS PER THIS SECTION 2.14.020 BY THE END OF THE MEMBER'S CURRENT TERM SHALL NOT BE ELIGIBLE FOR REAPPOINTMENT TO A NEW TERM.
- D. A BOARD OR COMMISSION MEMBER MUST WAIT TWO (2) FULL TERMS PRIOR TO REAPPLYING TO SERVE ON THE SAME BOARD OR COMMISSION FOR WHICH THE MEMBER WAS TERM LIMITED.
- E. PARTIAL TERMS ARE CONSIDERED FULL TERMS IF AT LEAST ONE HALF (1/2) OF THE TERM IS SERVED.

**Section 5. Amendment.** Title 2 of the Castle Rock Municipal Code is hereby amended to add Chapter 2.18 to read as follows:

2.18 Oath of Office.

2.18.010 When Required.

Before assuming their respective offices or positions, the following individuals shall take and file with the Town Clerk or other designated person an oath or affirmation:

- A. Mayor and each member of the Town Council
- B. Town Manager
- C. Town Attorney
- D. Town Clerk
- E. Police Chief
- F. Fire Chief
- G. The Chair, Vice-Chair, and each member of a Town Board or Commission.

2.18.020 Form of Oath.

The oath or affirmation to be taken by the individual officers and board or commission members designated in section 2.18.010 shall read as follows:

I, (name), do solemnly (swear) (affirm) that I will support the Constitution and laws of the United States and the State of Colorado and the Charter, ordinances, and laws of the Town of Castle Rock, and will faithfully perform the duties of the (office) (position) of (name of office or position) upon which I am about to enter to the best of my ability.

**Section 6. Amendment.** Section 2.14.040 of the Castle Rock Municipal Code is hereby amended to read as follows:

2.14.040 - By-laws.

Each board and commission shall be responsible for adopting its own by-laws promulgating the rules and regulations on the conduct of their meetings USING THE MODEL BOARD AND COMMISSION BYLAWS MAINTAINED AND ADMINISTRATIVELY AMENDED BY THE TOWN MANAGER OR DESIGNEE; provided, however, that, the Town Council shall have the sole authority to adopt, and amend from time to time, by resolution, rules and procedures governing the remote attendance and participation of board and commission members and the general public by telephone or other electronic means, subject to reasonable qualifications and limitations.

**Section 7. Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect the remaining provisions of this ordinance.

**Section 8. Safety Clause.** The Town Council finds and declares that this ordinance is promulgated and adopted for the public health, safety and welfare and this ordinance bears a rational relation to the legislative object sought to be obtained.

**APPROVED ON FIRST READING** this \_\_\_<sup>th</sup> day of \_\_\_\_, 2021 by a vote of \_ for and \_ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

**ATTEST:**

**TOWN OF CASTLE ROCK**

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Lisa Anderson, Town Clerk

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Jason Gray, Mayor

**Approved as to form:**

**Approved as to content:**

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Michael J. Hyman, Town Attorney

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David L. Corliss, Town Manager