

ORDINANCE NO. 2016-026

**AN ORDINANCE AMENDING TITLE 2 OF THE CASTLE ROCK MUNICIPAL CODE BY
THE ADDITION OF A NEW CHAPTER 2.35 CONCERNING REIMBURSEMENT OF
CERTAIN RECALL EXPENSES**

WHEREAS, § 31-4-504.5, C.R.S. provides for the authorization and mechanism by which a local government may reimburse a Councilmember for certain expenses related to the recall of a Councilmember who retained his or her seat,

WHEREAS, the Town Council has determined it is appropriate to enable a Councilmember to seek reimbursement in accordance with the statutory provision.

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

Section 1. Amendment. Title 2 of the Castle Rock Municipal Code is amended by the addition of a new Chapter 2.35 Recall Expense Reimbursement, to read as follows:

**Chapter 2.35
Recall Expense Reimbursement.**

- 2.35.010 Qualification**
- 2.35.020 Reimbursable expenses**
- 2.35.030 Unauthorized expenses**
- 2.35.040 Request for reimbursement**

2.35.010 Qualification.

If at any recall election the Councilmember whose recall is sought is not recalled, or in the event of a protest the hearing officer determines that the petitions are not sufficient based upon the conduct on the part of the petition circulators, the Town may reimburse the Councilmember for certain expenses incurred in such recall proceeding in accordance with this Chapter.

2.35.020 Reimbursable expenses.

Reimbursable expenses include, but are not limited to, moneys spent in challenging the sufficiency of the recall petition and in presenting to the voters the official position of the Councilmember, to include campaign literature and advertising, and the maintaining of a campaign headquarters.

2.35.030 Unauthorized expenses.

Unauthorized expenses include, but are not limited to, moneys spent on challenges and court actions not pertaining to the sufficiency of the recall petition; personal expenses for meals, lodging and mileage for the Councilmember; costs of maintaining campaign staff; reimbursement for expenses incurred by a [candidate or issue committee](#) which has solicited contributions; reimbursement of any kind for employees in the Councilmember's office; and all expenses incurred prior to the filing of the recall petition.

2.03.040 Request for reimbursement.

A Councilmember seeking reimbursement for expenses shall submit a complete and detailed request for reimbursement to the Town Council, with a copy to the Town Clerk. The Town Clerk shall place the request, in the form of a resolution, on the next available regular Town Council meeting agenda. The Town Council may authorize reimbursement of all, or a portion of the expenses claimed by the Councilmember as appropriate under this Chapter [or deny the request in its entirety](#). In the event the Town Council authorizes the reimbursement of expenses, the Town shall reimburse the Councilmember within 45 days of receipt of the request by the Town Clerk.

Section 2. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. 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 6th day of September, 2016 by a vote of 5 for and 0 against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this 20th day of September, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney