ORDINANCE NO. 2022-003

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE CASTLE ROCK MUNICIPAL CODE REGARDING BOARD AND COMMISSION MEMBERSHIP, TERM LIMITS AND BYLAWS AND ADDING CHAPTER 2.18 CONCERNING THE 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, absences, term limits, bylaws, and to require all Boards and Commissions members to take an oath of office; and

WHEREAS, Town Council wishes to codify a standard oath of office for Board and Commission Members already taken by Council Members, Town officers and department heads; and

WHEREAS, the Town Council has determined that amendments to the Code are necessary to provide said clarity, updates, and a codified oath of office.

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

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

2.14.010- ~~General~~ MEMBERSHIP.

ALL TOWN BOARDS AND COMMISSIONS AND THE DOWNTOWN DEVELOPMENT AUTHORITY, EXCEPT INSOFAR AS EXPRESSLY MODIFIED ELSEWHERE IN THIS CODE, THE CHARTER, OR STATE STATUTE, SHALL SERVE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER 2.14 AS FOLLOWS:

A. THE MEMBERS OF ~~A~~ all TOWN boards and commissions ~~of the Town of Castle Rock~~ (~~including, but not limited to,~~ Board of Adjustment, Board of Building Appeals, Castle Rock Water Commission, Design Review Board, Election Commission, Historic Preservation Board, ~~Liquor Licensing Authority,~~ Parks and Recreation Commission, Planning Commission, Public Art Commission, Public Safety Commission, and Public Works Commission) AND THE MEMBERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD SHALL BE APPOINTED BY A MAJORITY VOTE OF THE MEMBERS OF TOWN COUNCIL PRESENT AT THE MEETING.

B. TOWN COUNCIL WILL APPOINT MEMBERS TO FILL THE REMAINDER OF UNEXPIRED TERMS OF ALL TOWN BOARDS AND COMMISSIONS AND THE DOWNTOWN DEVELOPMENT AUTHORITY IN ORDER TO RETAIN STAGGERED TERMS.

C. THE MEMBERS OF ALL TOWN BOARDS AND COMMISSIONS AND THE TOWN

COUNCIL MEMBER OF THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD shall serve at the pleasure of Town Council.

D. ALL MEMBERS OF TOWN BOARDS AND COMMISSIONS AND THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD SHALL TAKE AN OATH OF OFFICE PER CHAPTER 2.18 OF THIS CODE.

~~B~~E. Any member of a TOWN board or commission may be removed with or without cause by AN AFFIRMATIVE VOTE OF a majority ~~vote (four (4) or more)~~ of the ENTIRE MEMBERSHIP OF Town Council. REMOVAL OF THE MEMBERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY SHALL BE GOVERNED BY SECTIONS 31-25-805(2)(A) AND 31-25-806(4), C.R.S., AS AMENDED.

~~C~~F. ~~All~~ IN APPOINTING members of a TOWN board or commission, PREFERENCE shall be ~~bona fide residents of~~ GIVEN, FIRST, TO PERSONS WHO RESIDE IN the Town ~~of Castle Rock at the time of appointment~~ and, SECOND, TO PERSONS WHO RESIDE OUTSIDE OF THE TOWN, BUT WITHIN DOUGLAS COUNTY. ~~d~~ Discontinuance of residency shall terminate membership~~, unless otherwise specified in such board or commission's by-laws~~. The residency requirement shall not apply to:

1. ~~m~~ Members of the Downtown Development Authority who are ~~business or property owners~~ OTHERWISE ELIGIBLE TO SERVE PURSUANT TO SECTION 31-25-806(1), C.R.S.; ~~members of the Historic Preservation Board who are residents of Douglas County and/or are subject matter experts specifically recruited to fill vacancies; or to members of the Public Art Commission.~~

2. ANY POSITION ON A TOWN BOARD OR COMMISSION THAT TOWN COUNCIL HAS EXPRESSLY AUTHORIZED BY ORDINANCE TO BE FILLED BY A NON-RESIDENT.

3. ~~Other~~ ANY NON-RESIDENT TOWN board~~s or~~ commission~~s who wish to allow nonresidents to serve shall require approval of this exception from Town Council~~ MEMBER SERVING AS OF JANUARY 18, 2022, WILL BE ALLOWED TO SERVE OUT THEIR CURRENT TERM.

~~D~~G. All Board and Commission members shall serve without compensation.

~~E. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two (2) continuous months, no Commissioner shall miss more than six (6) meetings in any twelve-month period. Upon any seventh absence within twelve (12) months, other than for an emergency, medical condition or military leave of less than two (2) months, as determined by the Chair, the Commissioner shall be deemed to have resigned from the board or commission, and the Council shall appoint a replacement.~~

Section 2. **Amendment.** The Castle Rock Municipal Code is amended by the addition of a new Section 2.14.015, which Section reads 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 four (4) unexcused absences;

2. A board or commission that schedules meetings monthly cannot exceed three (3) unexcused absences; and

3. A board or commission that schedules quarterly meetings 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 a Town 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 Town Council shall appoint a replacement.

D. If a member of the Downtown Development Authority exceeds the number of unexcused absences permitted by subsection A of this section, such fact shall be considered cause for removal under Section 31-25-806(4), C.R.S.

Section 3. **Amendment.** Section 2.14.020 of the Castle Rock Municipal Code is amended to read as follows:

2.14.020 - Term limits.

A. ~~Effective June 1, 2015, t~~ ~~The~~ termS for ~~all~~ TOWN board or commission members ~~(with the exception of Downtown Development Authority and Election Commission)~~ shall be two (2) years~~. Each board and commission shall establish a schedule within their by-laws to effect staggered terms.~~ WITH THE FOLLOWING EXCEPTIONS:

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 OTHER BOARDS AND COMMISSIONS: ONE (1)-YEAR TERMS.

b. MEMBERS APPOINTED AS PROPERTY OWNERS WITHIN THE DOWNTOWN DEVELOPMENT AUTHORITY BOUNDARY: TWO (2)-YEAR TERMS.

B. No TOWN board or commission member~~, with the exception of members of the Historic Preservation Board,~~ shall serve more than three (3) consecutive two (2)-year terms ~~("Term Limit"). A partial term shall be counted as a full term served. A partial term is defined as any period of time less than two (2) years. Members of the Historic Preservation Board may serve four consecutive two-year terms.~~ WITH THE FOLLOWING EXCEPTIONS:

1. MEMBERS OF THE HISTORIC PRESERVATION BOARD MAY SERVE FOUR (4) CONSECUTIVE TWO (2)-YEAR TERMS;

2. MEMBERS OF THE ELECTION COMMISSION MAY SERVE TWO (2) CONSECUTIVE THREE (3)-YEAR TERMS;

3. MEMBERS OF THE BOARD OF BUILDING APPEALS MAY SERVE TWO (2) CONSECUTIVE THREE (3)-YEAR TERMS; AND

4. MEMBERS OF THE DOWNTOWN DEVELOPMENT AUTHORITY BOARD ARE NOT SUBJECT TO THE TERM LIMITATION REQUIREMENTS OF THIS SECTION.

C. TOWN ~~B~~board and commission term limits shall be retroactive. Any member who has served ~~six (6) consecutive years~~ THE MAXIMUM NUMBER OF CONSECUTIVE TERMS PURSUANT TO THIS SECTION by the end of the member's current term will not be eligible for reappointment to a new term.

D. A ~~citizen~~ TOWN BOARD OR COMMISSION MEMBER must wait ~~four (4) years (~~two (2) full terms~~)~~ FOR BOARDS AND COMMISSIONS WITH TWO (2)-YEAR TERMS, AND ONE (1) FULL TERM FOR BOARDS AND COMMISSIONS WITH THREE (3) AND FOUR (4)-YEAR TERMS prior to reapplying to serve on the same TOWN board or commission for which the member was ~~disqualified to serve due to Term Limits~~ TERM LIMITED.

E. A PARTIAL TERM SHALL NOT BE COUNTED FOR PURPOSES OF DETERMINING TERM LIMITS. FOR THE PURPOSES OF THIS SECTION, A PARTIAL TERM IS DEFINED AS SERVING LESS THAN ONE HALF (1/2) OF THE TERM.

Section 4. **Amendment**. Section 2.14.030 of the Castle Rock Municipal Code is repealed and reenacted in its entirety to read as follows:

2.14.030 – Town board and commission meeting conduct.

A. For each Town board or commission:

1. A chair and vice-chair will be elected from the members at the first meeting at the beginning of the term year to serve a one-year term. The chair shall be the executive officer and shall preside over all meetings, sign documents on behalf of the board or commission, call special meetings as needed and see that all actions of the board or commission are properly taken. The vice-chair will assume the duties of the chair in the chair's absence. Both the chair and vice chair will retain their voting rights at all meetings. In the absence of the chair and vice-chair, the members in attendance at such meeting may designate a chair pro-tem to preside over the meeting. Regular meetings may be cancelled by the chair or the Town Manager or designee.

2. A majority of the membership shall constitute a quorum. A quorum is required in order for the board or commission to conduct a meeting.

3. If a quorum is present, an affirmative vote of a majority of the members in attendance is required for any formal action to be taken. In the event that a quorum is not present, a meeting may nevertheless be continued by an affirmative vote of a majority of the members in attendance.

4. A tie vote shall be deemed a denial of the motion or recommended action.

5. Strict adherence to the Town Charter and Code, the rules, regulations, and policies adopted pursuant thereto, and any applicable federal or state laws, rules, regulations, or policies shall be required.

6. All meetings at which public business is discussed or formal action is taken shall be open to the public and noticed in compliance with the Colorado Open Meetings Law, Section 24-6-402, C.R.S.

7. Special meetings may be called by the chair, any two members of the board or commission, or the Town Manager or designee and must adhere to the same noticing requirements as a regular meeting.

8. Executive sessions may be conducted for any reason permitted by the Colorado Open Meetings Law, Section 24-6-402, C.R.S.

9. Robert's Rules of Order shall govern any procedural matter not addressed in the bylaws; provided, however, that the failure of a board or commission to follow Robert's Rules of Order shall not invalidate an otherwise lawful action.

10. A recording of minutes and votes are required for each meeting and shall be archived, along with any agenda packets and executed documents, using the Town archival software.

11. Town staff is available to serve as a liaison and to offer assistance.

12. Each member must adhere to the Town Code of Conduct as set forth in Chapter 2.05 of the Code.

B. Notwithstanding any provision of this section to the contrary, 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 5. **Amendment.** Section 2.14.040 of the Castle Rock Municipal Code is amended to read as follows:

2.14.040 - Bylaws.

A. Each board and commission shall be responsible for adopting ~~its own~~ bylaws ~~promulgating the rules and regulations on~~ GOVERNING the conduct of their meetings THAT GENERALLY ADHERE TO THE MODEL BOARD AND COMMISSION BYLAWS MAINTAINED AND ADMINISTRATIVELY AMENDED BY THE TOWN MANAGER OR DESIGNEE; provided, however, that SUCH BYLAWS DO NOT CONFLICT WITH THE CODE OR OTHER CONTROLLING DOCUMENTS ~~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~~.

B. ALL BOARD AND COMMISSION BYLAWS WILL BE PUBLISHED ON THE TOWN WEBSITE.

Section 6. **Amendment.** Section 2.16.050 of the Castle Rock Municipal Code is amended to read as follows:

2.16.050 - Membership.

A. The Planning Commission shall consist of seven members ~~to be selected and appointed by the Town Council~~.

B. ~~The term for Planning Commission membership shall be in accordance with Chapter 2.14.~~

~~C.~~ Geographic representations shall be a factor considered in appointments, along with interest in planning and related support fields.

Section 7. **Amendment.** Section 2.16.060 of the Castle Rock Municipal Code is amended to read as follows:

2.16.060 – ~~Selection~~ VACANCIES.

All vacancies occurring otherwise than through the expiration of terms shall be filled ~~for~~

~~the remainder of the unexpired term by appointment by the Town Council~~, with appointment to be completed within ninety (90) days of the vacancy. ~~Vacancies created by term expiration shall be filled by appointment prior to May 31. For the purpose of this Section, the expiration of a term shall be considered as creating a vacancy, irrespective of the interest of the incumbent to reappointment.~~

Section 8. **Amendment.** Section 2.16.070 of the Castle Rock Municipal Code is amended to read as follows:

2.16.070 - Chair~~man~~.

The Planning Commission ~~shall elect from its appointed regular members a chairman for a one-year term of office. The~~ chair~~man~~ shall be eligible for reelection AS CHAIR FOR not to exceed three (3) successive ~~terms of office~~ YEARS. ~~The chairman shall retain his or her voting rights.~~

Section 9. **Amendment.** Section 2.16.080 of the Castle Rock Municipal Code is amended to read as follows:

2.16.080 - Meetings.

The Planning Commission shall hold regular public meetings, not less than once per calendar month~~, at which time the Town Clerk or some party designated by the Clerk shall maintain public minutes and records of the proceedings before the Planning Commission. No official meeting shall take place unless a majority of the membership is present. A majority vote of the membership present shall be required on all approvals or official actions of the commission. The commission may adopt rules of procedure for its meetings which shall constitute official protocol~~.

Section 10. **Amendment.** Section 2.16.090 of the Castle Rock Municipal Code is repealed in its entirety. Sections 2.16.100, 2.16.110, and 2.16.120 of the Castle Rock Municipal Code are renumbered 2.16.090, 2.16.100, and 2.16.110, respectively.

Section 11. **Amendment.** The Castle Rock Municipal Code is amended by the addition of a new Chapter 2.18, which Chapter reads as follows:

Chapter 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 members of Town Council

B. Town Manager

C. Deputy Town Manager

D. Assistant Town Manager

E. Town Attorney

F. Town Clerk

G. Police Chief

H. Fire Chief

I. Department heads

J. Members of Town boards and commissions

K. Liquor Licensing Authority hearing officer

L. Director of the Downtown Development Authority and members of the Downtown Development Authority board.

2.18.020 - Form of Oath.

The oath or affirmation to be taken by the individuals designated in Section 2.18.010 shall read as follows:

> I, [name], do solemnly [swear, affirm, or swear by the everliving God] 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 [name of office or position] for the Town of Castle Rock upon which I am about to enter to the best of my ability.

Section 12. **Amendment.** Section 15.30.090 of the Castle Rock Municipal Code is hereby amended to read as follows:

15.30.090 - Board of Building Appeals.

A. Authority. In order to hear and decide appeals of orders, decisions or determinations made by the Chief Building Official relative to the application and interpretation of the Town-adopted building codes and regulations, as well as the Town's contractor registration ordinances, there shall be and is hereby created a Board of Building Appeals (Board), also referred to as the Advisory Board in Paragraph 15.03.070.B.5. The Chief Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote on any matter before the Board. ~~The Board shall be appointed by the Town Council and shall hold office at its pleasure.~~ The Board shall ~~adopt rules of procedure for conducting its business and shall~~ render all decisions and findings in writing to the applicant with a duplicate copy to the Chief Building Official.

B. Membership. The Board shall consist of five (5) qualified electors of the Town~~, who shall be appointed by the Town Council~~. To the extent practicable, four members shall be persons qualified by experience and training to pass on matters pertaining to building construction.

C. ~~Appointments and terms of office. Of those initially appointed, two shall be for a term of three years, two shall be for a term of two years, and one shall be for a term of one year. Thereafter, appointments shall be for a three-year term. Any member of the Board may be removed with or without cause by a majority vote of the Town Council. Any vacancy occurring on the Board shall be filled for the unexpired term by the Town Council.~~

~~D. Attendance. To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two continuous months, no Board member shall miss more than three meetings in any twelve-month period. Upon any fourth absence within 12 months, other than for an emergency, medical condition or military leave of less than two months, as determined by the chair, the Board member shall be deemed to have resigned from the Board, and the Town Council shall appoint a replacement. Nothing herein prohibits the Town Council from reappointing the resigning member under this Paragraph.~~

~~E. Quorum and v~~Voting. ~~Quorum shall consist of three members, and a decision of a majority of the members of the Board shall control.~~ Any absent member may join in a decision of the Board after he or she has considered the evidence presented in any hearings conducted during his or her absence. All decisions are final, subject only to appeal to a court of competent jurisdiction.

~~F. Officers. The Board shall annually elect a chair from its number who shall preside over all hearings and proceedings of the Board. A vice-chair elected annually by the Board shall assume the chair's duties in the chair's absence.~~

~~G~~D. Meetings. The Board shall hold meetings at regularly scheduled intervals, but shall meet at a minimum four times a year. ~~Minutes shall be kept of all Board proceedings.~~

~~H~~E. Limitations of authority. The Board shall have no authority relative to interpretation of the administrative provisions of the Code, as adopted by the Town, nor shall the Board be empowered to waive requirements of the Code as adopted by the Town.

Section 13. Amendment. Section 15.64.030 of the Castle Rock Municipal Code is hereby amended to read as follows:

15.64.030 - Historic Preservation Board established.

There is hereby created a Historic Preservation Board, referred to in this Chapter as the "Board," which shall have principal responsibility for matters of historic preservation.

A. Membership. The Board shall consist of seven (7) voting members providing a balanced, community-wide representation and one (1) non-voting liaison.

1. The Castle Rock Historical Society and Museum Board may provide Town Council with a recommendation for the liaison. The liaison shall be affiliated with the Castle Rock Historical Society and Museum Board. ~~All members shall be residents of Douglas County, with preference given to Town of Castle Rock residents.~~

2. The Board shall be composed of both professional and lay members, all of whom have demonstrated interest, knowledge or training in fields closely related to historic preservation.

   a. At least three (3) members shall be professionals or shall have extensive expertise in a preservation-related discipline, including but not limited to history, architecture, planning or archaeology. If the required number of professional members cannot be found to serve on the Board, this requirement may be waived until the next vacancy occurs, at which time the Town shall again diligently seek professional representation. In the case of a lack of professional appointees, the Board may, with Council approval, be allowed to retain professional consultants to advise the Board as necessary to fulfill its duties.

   b. At least three (3) members shall be residents or property owners from the Craig and Gould neighborhood. If the required number of residents or property owners from the Craig and Gould neighborhood cannot be found to serve on the Board, this requirement may be waived until the next vacancy occurs, at which time the Town shall diligently seek Craig and Gould representation. The Castle Rock Historical Society and the Castle Rock Chamber of Commerce are encouraged to submit nominees for Council consideration.

3. The Director of Development Services or a designated department representative shall serve as staff to the Board.

B. ~~Appointments and terms of office. The appointment and terms of the members shall be in accordance with Chapter 2.17 of this CRMC.~~

~~C. Attendance. To ensure the orderly conduct of business, member attendance is vital. Except for emergency absences, medical condition absences and absences resulting from military leave of less than two continuous months, no Board member shall miss more than three meetings in any twelve month period. Upon any fourth absence within 12 months, other than for an emergency, medical condition or military leave of less than two months, as determined by the Chairperson, the Board member shall be deemed to have resigned from the Board, and the Council shall appoint a replacement. Nothing herein prohibits the Council from reappointing the resigning member under this Subsection.~~

~~D. Quorum and voting. A quorum for the Board shall consist of a majority of the regular~~

~~membership. A quorum is necessary for the Board to hold a public hearing or to take official actions, except that a public hearing may be continued by a majority vote of the members present when a quorum is not present. A tie vote shall be deemed a denial of the motion or recommended action.~~

~~E. Officers. The Board shall, by majority vote, elect one of its members to serve as chairperson to preside over the Board's meetings and one member to serve as vice-chairperson. The members so designated shall serve in these capacities for terms of one year and may serve successive terms.~~

~~F.~~ Meetings. The Board shall hold meetings at regularly scheduled intervals, but shall meet at minimum four times a year. ~~Minutes shall be kept of all Board proceedings.~~

~~G~~C. Powers and duties. The Board shall:

1. Adopt criteria for review of Historic Properties and for review of proposals to alter, demolish or relocate designated Landmarks.

2. Review properties nominated for designation as a Historic Landmark or Historic District in the Craig and Gould neighborhood and recommend that the Town Council designate by ordinance those properties qualifying for such designation.

3. Review and rule on any application for Alterations to a Historic District in the Craig and Gould neighborhood.

4. Review and rule on any application for the Alteration, relocation or Demolition of a Historic Landmark.

5. Review and approve new construction and Alterations to non-Landmarked properties within the Craig and Gould neighborhood.

6. Maintain a system for survey and inventory.

7. Advise and assist owners of Historic Properties regarding physical and financial aspects of preservation, renovation, Rehabilitation and reuse, including nomination to the National Register of Historic Places.

8. In conjunction with the Castle Rock Historical Society, develop and assist with public education programs, including but not limited to walking tours, brochures, a marker program for historic properties, lectures and conferences.

9. Conduct surveys of historic areas for the purpose of defining those of historic Significance and prioritizing the importance of identified historic areas and structures.

10. Advise the Planning Commission and Town Council on matters related to preserving the historic character of the Town.

11. In conjunction with other entities and private individuals, actively pursue financial assistance for preservation-related programs through grants and other means.

12. Administer the local economic incentive programs set forth in Section 15.64.050.

13. Review and make recommendations to the Town Council regarding amendments to the Historic Preservation Plan. The Plan, and any amendments thereto, shall be adopted by resolution of the Town Council.

~~H. Rules and procedures. The Board shall adopt rules of procedure or bylaws which shall be made available to the public. All meetings of the Board shall be open to the public.~~

Section 14. Amendment. Section 17.06.010 of the Castle Rock Municipal Code is hereby amended to read as follows:

17.06.010 – ~~Organization~~ BOARD OF ADJUSTMENT.

A. The Board of Adjustment ~~("Board")~~ shall consist of five (5) members ~~appointed by the Town Council. All members shall be residents of the Town. If at any time a Board member is no longer a resident, such seat shall be considered vacant and subject to appointment by the Town Council.~~

B. ~~The terms of the members of the Board shall be in accordance with Chapter 2.14 of this CRMC.~~

~~C. Members of the Board shall serve at the pleasure of the Town Council, and may be removed by a majority vote of the Town Council for any good cause, as determined in its absolute discretion.~~

~~D. The members of the Board shall select their own Chair. The services of any Town employee shall be available to the Board. The Board shall adopt such rules and regulations necessary to carry into effect the provisions of this Title, specifically including attendance requirements and a method of terminating a member for nonattendance.~~ Meetings OF THE BOARD shall be held at such times as may be necessary ~~and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question.~~

Section 15. Severability. If any clause, sentence, paragraph, or part of this ordinance or theapplication 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 16. 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 18th day of January, 2022 by a vote of 7 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 1st day of February, 2022 by the Town Council of the Town of Castle Rock, Colorado, by a vote of 7 for and 0 against.

ATTEST:	**TOWN OF CASTLE ROCK**
Lisa Anderson, Town Clerk	Jason Gray, Mayor
Approved as to form:	**Approved as to content:**
Michael J. Hyman, Town Attorney	David L. Corliss, Town Manager

TOWN OF CASTLE ROCK
SEAL
APRIL 14, 1881
COLORADO

Town of Castle Rock
CASTLE ROCK WATER COMMISSION
BYLAWS
(March, 2022)

The Castle Rock Water Commission of the Town of Castle Rock was established by Town Council Resolution 1989-13, and last amended in 2017.

Main provisions for all Town of Castle Rock Boards and Commissions are outlined in the Town of Castle Rock Municipal Code Section 2.14.

Pursuant to the authority granted to the Castle Rock Water Commission, the Commission hereby adopts the following bylaws to govern its conduct and procedures that do not conflict with the main provisions outlined in the Town of Castle Rock Municipal Code Section 2.14.

Article 1 – Purpose, Duties, and Authority

The Castle Rock Water Commission will carry into effect the provisions in Section 2.14 of the Town of Castle Rock Municipal Code.

The purpose of the Castle Rock Water Commission is to provide guidance regarding service affordability and availability, and to conduct special investigations to ensure water, wastewater, and Stormwater customers receive quality services and pay fair prices.

The Commission shall be advisory and make recommendations to the Town Council relative to activities that affect customers. This would include 1) user charges; 2) impact fees; 3) projects; 4) changes to regulations; 5) conservation; and 6) level of service.

The Commission shall have the authority to establish task forces for the purpose of reviewing specific projects and/or programs. Task force meetings shall not be open to the public.

Article 2 – Organization and Staff

The Commission shall consist of seven (7) members. One member of the Commission may be a non-resident "ratepayer". Ratepayer is defined as a homeowner, property owner, or business owner within the Town's service area.

The Castle Rock Water Department, under the direction of the Director, shall provide necessary technical and advisory support to the Commission.

Article 3 – Regular Meetings or Hearings

Regular meetings shall be held quarterly on the 4th Wednesday excluding holidays. All regular meetings will be held at 6:00 pm at 175 Kellogg Court, Castle Rock, Colorado, unless otherwise designated and are open to the public.

Article 4 - Minutes and Records

The Castle Rock Water Department shall maintain all of the records of the Castle Rock Water Commission, ensure they are retained in the Town electronic records archive, and shall transmit them timely to the Castle Rock Water Commission for their review and approval.

Article 5 - Hearing Procedures

The Castle Rock Water Commission shall incorporate the following procedures for all public hearings:

1. Call to Order and Roll Call.
2. State brief purpose of the meeting or hearing.

If applicable:

3. Identify the applicant.
4. Ask for proof of public notice and read it into the minutes.
5. Staff report.
6. Applicant's comments and presentation.
7. Open the Public Hearing and announce the following procedures for taking public comment:
    a. Speakers sign up to speak and are taken in the order they signed up unless a compelling reason is given to take a person's testimony at an earlier point.
    b. Speakers state their name, if they are a resident, their association with the item, and any financial or personal interest they may have.
    c. Any documents presented are given to the Chair and are made part of the record.
8. Applicant's rebuttal or evidence in response.
9. Commission's questions for the applicants, staff, or any public presenting testimony.
10. Close the public hearing.
11. Commission discusses the item and make a motion.
12. Commission may motion for approval, approval with conditions, denial, or continuation of the item.
13. Other Business
14. Adjourn

Article 6 - Amendments

These Bylaws may be amended per Chapter 2.14 by an affirmative vote of majority vote of the members of the Commission during a regular or special meeting.

Article 7 - Approvals

The above Bylaws for the Town of Castle Rock Water, Castle Rock Commission have been duly considered and reviewed and are hereby adopted by the Castle Rock Water Commission this _____ day of ____________________, 2022 and will be posted on the Town website.

ATTEST:	**CASTLE ROCK WATER COMMISSION**
______________________________	______________________________
Secretary/Vice-Chair	Chair

2017 Charter and Bylaws as revised

CHARTER OF THE CASTLE ROCK WATER COMMISSION

Remove Charter as it is the same as the bylaws

A. Purpose

The purpose of the Castle Rock Water Commission is to provide guidance regarding service affordability and availability, and to conduct special investigations to ensure water, wastewater, and stormwater customers receive quality services and pay fair prices.

B. Powers and Duties

The Commission shall be advisory and make recommendations to the Town Council relative to activities that affect customers. This would include 1) user charges, 2) impact fees, 3) projects; 4) changes to regulations, 5) conservation, and 6) level of service.

The Commission shall have the authority to establish task forces for the purpose of reviewing specific projects and/or programs. Task force meetings shall not be open to the public.

C. Membership

The Commission shall consist of seven (7) members, each of which shall be appointed by the Town Council. One member of the commission may be a non-resident "ratepayer". Ratepayer is defined as a homeowner, property owner or business owner within the Town's service area. . Members shall serve no more than three consecutive two year staggered terms. All members of the Commission shall serve without compensation, but may be entitled to reasonable reimbursement expenses when necessary.

D. Terms

Members of the Commission shall serve staggered terms as set forth in the Bylaws.

E. Removal

Members shall serve at the pleasure of the Town Council, and may be removed by Town Council at any time for any reason.

F. Vacancies

In the event a vacancy occurs on the Commission for any reason, Town Council shall fill the vacancy for the remaining unexpired term.

G. Absences

To assure the orderly conduct of business of the Commission, member attendance is vital. Except for emergency absences, medical condition absences, and absences resulting from military leave of less than two continuous months, no commission member shall miss more than two Commission meetings in any twelve-month period. Upon missing a third meeting within one year, other than for an emergency, medical condition, or military leave of less than two months, as determined by the Chair, the Commission member shall be deemed to have resigned, and Town Council shall appoint a replacement for the unexpired term. Nothing herein prohibits Town Council from reappointing the resigned member under this paragraph.

H. Amendments

Town Council may amend this Commission Charter from time to time.

I. Compliance with Laws

The Commission shall comply with all statutes, Town ordinances and regulations pertaining to the operation of the Commission and its meetings.

J. Bylaws

The Commission shall adopt its bylaws, which shall become final upon approval of the Town Council of the Town of Castle Rock.

Council approved January 17, 2017

Bylaws of the
Castle Rock Water Commission

Article 1 – Authorization

A. Purpose retain in bylaws

The purpose of the Castle Rock Water Commission is to provide guidance regarding service affordability and availability, and to conduct special investigations to ensure water, wastewater, and stormwater customers receive quality services and pay fair prices.

B. Powers retain in bylaws

The Commission shall be advisory and make recommendations to the Town Council relative to activities that affect customers. This would include 1) user charges, 2) impact fees, 3) projects; 4) changes to regulations, 5) conservation, and 6) level of service.

The Commission shall have the authority to establish task forces for the purpose of reviewing specific projects and/or programs. Task force meetings shall not be open to the public.

Article 2 – Organization

A. Officers in sectin 2.14

The officers of the Commission shall be the Chair and a Vice-Chair. In the absence of both the Chair and Vice-Chair, the members present at such meeting may designate a Chair pro-tem to preside over the meeting. The Chair and Vice-Chair shall be elected by majority vote from the Commission at the first meeting held in June of each year. Terms for officers shall be for one year.

The Chair shall be the executive officer of the commission and shall preside over all meetings of the Commission, call special meetings and workshop sessions of the Commission as needed, sign documents of the Commission, cancel regular meetings, and see that all actions of the Commission are properly taken.

The Vice-Chair shall be empowered with the same duties and authorities as the Chair in the absence of the Chair.

B. Staff in section 2.14

Castle Rock Water, under the direction of the Director, shall provide necessary technical and advisory support to the Commission.

C. Membership and Terms in section 2.14

The Commission shall consist of seven (7) members, each of which shall be appointed by the Town Council. One member of the commission may be a non-resident "ratepayer". Ratepayer is defined as a homeowner, property owner or business owner within the Town's service area. . Members shall serve no more than three consecutive two-year staggered terms. A partial term is defined as any period of time less than two years and shall be counted as a full term. A citizen must wait four years (two full terms) prior to re-applying to serve on the Commission for which the member was disqualified to serve due to term limits. All members of the Commission shall serve without compensation, but may be entitled to reasonable reimbursement expenses when necessary.

D. Personal Conduct in section 2.14

Each member of the Commission shall exhibit the highest degree of professionalism and commitment to public service possible through the thorough and impartial examination of all matters before the Commission. Members shall make every effort to avoid any appearance of conflict or impropriety in their dealings with the public and each other. Members shall avoid using their position on the Commission in matters related to personal gain.

Members shall comply with the Code of Conduct, Castle Rock Municipal Code Chapter 2.05.

E. Application of Laws in section 2.14

The Commission shall conform to all Castle Rock Municipal codes and regulations, as well as any Colorado statute which may apply to members' conduct or activity, or the Commission as a whole.

Article 3 – Procedure

A. Regular Meetings retain in bylaws

Regular meetings shall be held quarterly on the 4th Wednesday. All regular meetings will be held at 6:00 p.m., at Castle Rock Water, 175 Kellogg Ct., Castle Rock, Colorado, unless otherwise designated. All Commission meetings shall be open to the public.

B. Special Meetings in section 2.14

Special meetings may be called by the Chair or by two members of the Commission. The Chair or two members calling the special meeting shall fix the place and time for the special meeting, and shall give the members at least 48 hours' notice of the special meeting.

C. Notice of Meetings in section 2.14

Notice to the members of each regular meeting shall be deemed given by these Bylaws. Notice to the public of regular or special meetings shall be given in compliance with the Colorado Open Meetings Law, C.R.S. Section 24-6-401, *et seq.*, as from time to time amended. Notice of special meetings shall be given to members at least 48 hours in advance by either (1) announcing the special meeting at a regular meeting; or (2) transmitting electronic mail or fax, in all cases directed to the member at his or her residence or place of business.

D. Quorum in section 2.14

A majority of the sitting members of the Commission shall constitute a quorum for the transaction of business at any meeting, provided that if less than a majority of the members are present at said meeting, a majority of the members who are present may adjourn the meeting to another time without further notice.

E. Manner of Acting in section 2.14

The act of a majority of the members present at a meeting at which a quorum is present shall be the act of the Commission.

F. Minutes and Records retain in bylaws

Minutes of all meetings of the Commission shall be kept.

G. Executive Sessions in section 2.14

The Commission may go into executive session for any reason allowed under the Colorado Open Meetings Law, C.R.S. Section 24-6-401, *et seq.*, as from time to time amended. Executive sessions shall be called in the manner set forth in the Colorado Open Meetings Law.

Article 4 – Amendments in section 2.14

These Bylaws may be amended by a majority vote of the members of the Commission during a regular or special meeting. The Commission shall adopt its bylaws, which shall become final upon approval of the Town Council of the Town of Castle Rock.

Article 5 – Approvals retain in bylaws

The above Bylaws for the Castle Rock Water Commission have been duly considered and reviewed, and are hereby adopted by the Commission this __ day of _________, 2017.

ATTEST:

____
Sally A. Misare, Town Clerk

CASTLE ROCK WATER COMMISSION

____
Charles Fletcher, Chair

Approved by Town Council this 17th day of January, 2017.

ATTEST:

Sally Misare
Sally A. Misare, Town Clerk

TOWN OF CASTLE ROCK

Jennifer Green
Jennifer Green, Mayor

F. Minutes and Records retain in bylaws

Minutes of all meetings of the Commission shall be kept.

G. Executive Sessions in section 2.14

The Commission may go into executive session for any reason allowed under the Colorado Open Meetings Law, C.R.S. Section 24-6-401, *et seq.*, as from time to time amended. Executive sessions shall be called in the manner set forth in the Colorado Open Meetings Law.

Article 4 – Amendments in section 2.14

These Bylaws may be amended by a majority vote of the members of the Commission during a regular or special meeting. The Commission shall adopt its bylaws, which shall become final upon approval of the Town Council of the Town of Castle Rock.

Article 5 – Approvals retain in bylaws

The above Bylaws for the Castle Rock Water Commission have been duly considered and reviewed, and are hereby adopted by the Commission this 31 day of January 2017.

ATTEST:

Carolyn Richards

Carolyn Richards, Admin. Assistant

CASTLE ROCK WATER COMMISSION

Charles Fletcher, Chair

Approved by Town Council this _____ day of _________, 2017.

ATTEST:

Sally A. Misare, Town Clerk

TOWN OF CASTLE ROCK

Jennifer Green, Mayor