

ORDINANCE NO. 2018-

AN ORDINANCE PROPOSING AMENDMENTS TO THE TOWN OF CASTLE ROCK HOME RULE CHARTER AND REFERRING TO THE ELECTORATE THE QUESTIONS OF APPROVING THE CHARTER AMENDMENTS AT THE REGULAR MUNICIPAL ELECTION CONDUCTED AS A COORDINATED ELECTION ON NOVEMBER 6, 2018

WHEREAS, at the special municipal election held November 7, 2017, the Castle Rock electorate approved the following measure amending the Town of Castle Rock Home Rule Charter (“Charter”):

Shall the Town of Castle Rock Home Rule Charter be amended to provide that the Town Council, the seven-member governing body of the Town, consist of a Mayor elected by all of the electors of the Town for a four-year terms, with the Mayor’s service limited to two four-year terms, and six Councilmembers who are elected for four-year terms by the electors of the district where each Councilmember resides?

WHEREAS, it is necessary to further amend the Charter to address provisions of the Charter implicated by the previous Charter amendment, but not definitively addressed in such amendment.

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

Section 1. Amendment to the Town Charter (3-1). The last sentence in Section 3-1 of the Charter shall be amended in its entirety to read as follows:

Section 3-1. Town Manager

Neither the Mayor nor a Councilmember ~~No Councilmember~~ shall be appointed Town Manager during the term for which the ~~Councilmember~~ member of Council was elected, nor within one year after expiration of the ~~Councilmember’s~~ term of the Mayor or Councilmember.

Section 2. Amendment to Town Charter (3-5). Section 3-5 of the Charter is amended in its entirety to read as follows:

Section 3-5. - Relationship of Council to Administrative Service.

Neither the Mayor nor a Councilmember ~~No Councilmember~~ shall direct or request the appointment of any person to, or removal from, employment by the Town Manager or in any manner take part in the appointment or removal of employees in the administrative service of the Town, except as otherwise provided in this Charter. Except for the purpose of inquiry, or to guide presentations of matters to the Council during its meetings, the Council and its members shall deal with that portion of the administrative service for which the Town Manager is responsible

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solely through the Town Manager, and neither the Council nor any member of Council ~~Councilmember~~ shall give orders to any employee of the Town either publicly or privately.

Section 3. Amendment to Town Charter (4-4(a)). Section 4-4(a) of the Charter is amended in its entirety to read as follows:

Section 4-4. - Election Commission.

(a) An Election Commission is hereby created consisting of five registered electors of the Town. During their terms of office, the members shall not be Town officers, Town employees, or candidates for elective Town office. The members shall be appointed for staggered terms of three years by the Council concurrently with the timing of the appointment of other Town boards and commissions, unless otherwise provided by ordinance ~~at the organizational meeting following the regular election~~. The Election Commission shall elect a Chairman from its members.

Section 4. Amendment to Town Charter 6-3(a). Section 6-3(a) of the Charter is amended in its entirety to read as follows:

Section 6-3. - Voting.

(a) A vote shall be taken on all ordinances, resolutions and motions. Except where otherwise specified in this Charter, every ordinance shall require a majority vote of the members of Council ~~Councilmembers~~ holding office, for final passage, and resolutions and motions shall require a majority vote of the members voting thereon if a quorum is present.

Section 5. Amendment to Town Charter 6-3(b). Section 6-3(b) of the Charter is amended in its entirety to read as follows:

Section 6-3. Voting.

(b) Except as otherwise required by this Section, each member of Council ~~Councilmember~~ who is present shall vote on all ordinances, resolutions, and motions.

Section 6. Amendment to Town Charter 6-3(c) and (d). Sections 6-3(c) and (d) of the Charter are amended in their entirety to read as follows:

Section 6-3. Voting

(c) ~~Neither the Mayor nor a Councilmember~~~~No Councilmember~~ shall vote on any question concerning such ~~member's~~ ~~Councilmember's~~ conduct. On such question, such ~~member of Council~~ ~~Councilmember~~ shall abstain from voting after stating the reason for the abstention.

(d) ~~Neither the Mayor nor a Councilmember~~~~No Councilmember~~ shall vote on or participate in any discussion on any question with regard to which such ~~member of Council~~ ~~Councilmember~~ has a conflict of interest pursuant to an applicable state statute, or as otherwise defined by ordinance. On such question, ~~such member of Council~~ ~~Councilmember~~ shall abstain from voting after disclosing publicly the nature of the interest.

Section 7. Amendment to Town Charter 15-3(a) and (b). Sections 15-3(a) and (b) of the Charter are amended in their entirety to read as follows:

Section 15-3. - Recall.

(a) Any person holding elective office, including the office of Mayor or Councilmember, may be recalled at any time after six months in office, pursuant to the procedures set forth in this Charter and in those state statutes, as from time to time amended, which do not conflict with this Charter and which establish procedures for the recall of municipal elective officers.

(b) A recall petition of the Mayor shall be signed by registered electors of the Town. A recall petition of a Councilmember shall be signed by registered electors of the district from which the incumbent sought to be recalled was elected. The signers of a recall petition for Mayor or Councilmember shall number at least twenty-five percent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be recalled occupies. For the purpose of this Section, the "last preceding election" shall be the last preceding election at which the person sought to be recalled was elected to office, unless the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding election at which the person who created the vacancy was elected to office.

Section 8. Referred Measures. Before the Charter amendments prescribed in this Ordinance shall become effective, each amendment shall be submitted to and receive approval of a majority of the registered electors of the Town voting thereon at the regular municipal election to be held on November 6, 2018, conducted as a coordinated election pursuant to Ordinance No. 2018-___. The ballot titles for the referred measures shall read as follows:

Castle Rock Charter Amendment A:

Shall the last sentence of Section 3-1 of the Town of Castle Rock Home Rule Charter be amended to place the same restriction on the Mayor serving as Town Manager as currently applies to Councilmembers?

Section 3-1. Town Manager

Neither the Mayor nor a Councilmember shall be appointed Town Manager during the term for which the member of Council was elected, nor within one year after the expiration of the term of the Mayor or Councilmember.

Yes _____

No _____

Castle Rock Charter Amendment B:

Shall Section 3-5 of the Town of Castle Rock Home Rule Charter be amended to place the same prohibition on the Mayor regarding administrative service as currently applies to Councilmembers?

Section 3-5. Relationship of Council to Administrative Service.

Neither the Mayor nor a Councilmember shall direct or request the appointment of any person to, or removal from, employment by the Town Manager or in any manner take part in the appointment or removal of employees in the administrative service of the Town, except as otherwise provided in this Charter. Except for the purpose of inquiry, or to guide presentations of matters to the Council during its meetings, the Council and its members shall deal with that portion of the administrative service for which the Town Manager is responsible solely through the Town Manager, and neither the Council nor any member of Council shall give orders to any employee of the Town either publicly or privately.

Yes _____

No _____

Castle Rock Charter Amendment C:

Shall Section 4-4(a) of the Town of Castle Rock Home Rule Charter be amended to provide that Election Commission members are appointed by Town Council when other board and commission members are appointed?

Yes _____

No _____

Castle Rock Charter Amendment D:

Shall Section 6-3(a) of the Town of Castle Rock Home Rule Charter be amended to provide that the Mayor has the same voting authority as other members of Town Council?

Section 6-3. Voting.

(a) A vote shall be taken on all ordinances, resolutions and motions. Except where otherwise specified in this Charter, every ordinance shall require a majority vote of the members of Council holding office, for final passage, and resolutions and motions shall require a majority vote of the members voting thereon if a quorum is present.

Yes _____

No _____

Castle Rock Charter Amendment E:

Shall Section 6-3(b) of the Town of Castle Rock Home Rule Charter be amended to require the Mayor to vote on all Town Council matters as currently required of Councilmembers?

Section 6-3. Voting

(b) Except as otherwise required by this Section, each member of Council who is present shall vote on all ordinances, resolutions, and motions.

Yes _____

No _____

Castle Rock Charter Amendment F:

Shall Sections 6-3(c) and (d) of the Town of Castle Rock Home Rule Charter be amended to place the same prohibition on the Mayor voting regarding the Mayor's conduct or a conflict of interest as currently applies to Councilmembers?

Section 6-3. Voting

(c) Neither the Mayor nor a Councilmember shall vote on any question concerning such member's conduct. On such question, such member of Council shall abstain from voting after stating the reason for the abstention.

(d) Neither the Mayor nor a Councilmember shall vote on or participate in any discussion on any question with regard to which such member of Council has a conflict of interest pursuant to an applicable state statute, or as otherwise defined by ordinance. On such question, such member of Council shall abstain from voting after disclosing publicly the nature of the interest.

Yes _____

No _____

Castle Rock Charter Amendment G:

Shall Section 15-3(a) and (b) of the Town of Castle Rock Home Rule Charter be amended to clarify the process for recall of the Mayor?

Section 15-3. - Recall.

(a) Any person holding elective office, including the office of Mayor or Councilmember, may be recalled at any time after six months in office, pursuant to the procedures set forth in this Charter and in those state statutes, as from time to time amended, which do not conflict with this Charter and which establish procedures for the recall of municipal elective officers.

(b) A recall petition of the Mayor shall be signed by registered electors of the Town. A recall petition of a Councilmember shall be signed by registered electors of the district from which the incumbent sought to be recalled was elected. The signers of a recall petition for Mayor or Councilmember shall number at least twenty-five percent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be recalled occupies. For the purpose of this Section, the "last preceding election" shall be the last preceding election at which the person sought to be recalled was elected to office, unless the person sought to be recalled was appointed to fill a vacancy, in which event it shall be the last preceding election at which the person who created the vacancy was elected to office.

Yes _____

No _____

Section 9. Effective date of Ordinance. This Ordinance shall take effect upon its adoption on second and final reading.

Section 10. Construction. Approval by the voters of any Charter amendment which repeals any section or portion of the Charter shall not be construed to be a limitation, denial, or suspension of any power of the Town of Castle Rock, or any power of the Town Council otherwise vested in or authorized to the Town or the Town Council by the Constitution or statutes of the State of Colorado.

Section 11. Filing; Effective Date. Within twenty (20) days after approval of the Charter amendments authorized, the Town Clerk shall file with the Secretary of State a certified copy of each such amendment. The amendments shall take effect on the date of such filing.

Section 12. Repeal; Savings Clause. All acts, orders, resolutions, ordinances, or parts thereof, in conflict herewith shall be repealed at the time the amendments provided for herein take effect. However, no such repeal shall be construed to destroy any property right, contract, right or right action of any nature or kind, vested in or against the Town by virtue of any such act, order, resolution, ordinance, or part thereof, theretofore existing or otherwise accruing to the Town.

Section 13. 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 14. 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 ___ day of _____, 2018 by a vote of ___ for and ___ 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 ___ day of _____, 2018, by the Town Council of the Town of Castle Rock by a vote of ___ for and ___ against.

ATTEST:

TOWN OF CASTLE ROCK

Lisa Anderson, Town Clerk

Jennifer Green, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney