

ORDINANCE NO. 2015-30

AN ORDINANCE PROPOSING AMENDMENTS TO THE TOWN OF CASTLE ROCK CHARTER TO ESTABLISH THE GENERAL ELECTION DATE IN NOVEMBER IN EVEN-NUMBERED YEARS AS THE TOWN OF CASTLE ROCK REGULAR BI-ANNUAL ELECTION DATE AND REFERRING TO THE ELECTORATE THE QUESTION OF APPROVING THESE CHARTER AMENDMENTS AT THE SPECIAL MUNICIPAL ELECTION ON NOVEMBER 3, 2015; AND PROVIDING FOR ITS EMERGENCY ADOPTION ON SECOND AND FINAL READING

WHEREAS, by Ordinance No. 2015-29, the Town Council called a special municipal election as part of the coordinated election on November 3, 2015,

WHEREAS, Section 4-2 of the Town Home Rule Charter prescribes the first Tuesday in April of even-numbered years as the regular municipal election date,

WHEREAS, it will be less costly to coordinate the regular municipal election with the statewide general election in November of even-numbered years,

WHEREAS, it will be more efficient and convenient for voters to receive a single ballot at the regular municipal election for municipal, Douglas County and statewide offices and ballot issues, and

WHEREAS, in order to be assured that this Ordinance is in effect and in compliance with all applicable statutory and Municipal Code requirements, it is necessary to adopt this Ordinance on an emergency basis on second and final reading.

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

Section 1. Amendment to the Town Charter. Sections 2-3, 4-1, 4-2, 4-3 and Article XVII of the Town of Castle Rock Home Rule Charter are amended to read as follows:

A. Section 2-3 of the Town of Castle Rock Home Rule Charter is amended in its entirety to read as follows:

Section 2-3. Terms.

(a) The Councilmembers shall be elected for four-year overlapping terms. Four Councilmembers shall be elected at one regular election and three Councilmembers shall be elected at the subsequent regular election.

(b) The Councilmembers shall take office at the first regular meeting in December following their election and compliance with Section 2-7 and shall continue in office until their successors have been elected or appointed as provided in this Charter and have complied with Section 2-7.

Second Reading Copy

(c) The Town Council shall hold an organizational meeting at the first regular meeting in December following the regular election.

B. Section 4-1 of the Town of Castle Rock Home Rule Charter is amended in its entirety to read as follows:

Section 4-1. Laws Governing Elections.

(a) Except for a special election conducted pursuant to Section 4-3 all Town elections shall be conducted under the Uniform Election Code of 1992, as from time to time amended. The Douglas County Clerk shall have all statutory power and authority to conduct such elections as coordinated elections.

(b) In the event Douglas County is unable to conduct a special election in compliance with applicable Charter and ordinance requirements, then such special election shall be conducted by the Town, as provided by ordinance not inconsistent with this Charter.

C. Section 4-2 of the Town of Castle Rock Home Rule Charter is amended in its entirety to read as follows:

Section 4-2. Regular Elections.

A regular election shall be held each even-numbered year on the first Tuesday following the first Monday of November.

D. Section 4-3 of the Town of Castle Rock Home Rule Charter is amended in its entirety to read as follows:

Section 4-3. Special Elections.

Special elections shall be held on any Tuesday designated by the Town Council. No special election shall be called within sixty days before the date thereof. No special election shall be held within the one hundred twenty days before a regular election. The ordinance calling a special election shall set forth the purpose of the election.

E. Article XVII of the Town of Castle Rock Home Rule Charter is amended to add a new Section 17-13 to read as follows:

Section 17-13. Transition to November Regular Elections.

Notwithstanding any other provision of this Charter to the contrary:

Second Reading Copy

(a) A regular municipal election shall be conducted as a coordinated election on November 8, 2016. The four-year Councilmember terms prescribed under Section 2-3(a) of the Charter applicable to Town Council Districts 1, 2, 4 and 6 shall extend to the organizational meeting of the Town Council in December 2016. The four-year Councilmember terms for Districts 3, 5 and 7 shall extend to the organizational meeting of the Town Council in December 2018.

Section 2. Election Referral. Before Charter amendments proposed in this Ordinance shall become effective, such amendment shall be submitted to and receive the approval of a majority of the registered electors of the Town voting thereon at the special municipal election to be held on November 3, 2015 conducted in accordance with Ordinance No. 2015-29. The ballot title and question shall read as follows:

Castle Rock Charter Amendment __:

Shall the Town of Castle Rock Home Rule Charter be amended to: (i) change the date of regular municipal elections to the general election date in November of even-numbered years beginning in 2016; (ii) conduct such elections as coordinated elections with Douglas County under the Uniform Election Code of 1992; and (iii) adopt a transition plan on Town Council terms to implement such change in election date, by revising Sections 2-3, 4-1, 4-2, 4-3, and Article XVII of the Town of Castle Rock Home Rule Charter, as provided in Ordinance No. 2015-30?

____ Yes

____ No

Section 3. 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 Tow or the Town Council by the Constitution or statutes of the State of Colorado.

Section 4. 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 5. 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 of 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.

Second Reading Copy

Section 6. 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 7. Emergency Clause. For the reasons stated in the recitals to this Ordinance, it is declared that an emergency exists and it is necessary for the preservation of the immediate public peace, health and safety for this Ordinance to take effect upon its adoption.

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 4th day of August, 2015 by a vote of - 4 - for and - 1 - against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED AS AN EMERGENCY ORDINANCE ON SECOND AND FINAL READING this 18th of August, 2015, by a vote of the Town Council of the Town of Castle Rock, Colorado of ____ for and ____ against constituting the extraordinary majority required by Section 2.02.100 of the Castle Rock Municipal Code.

ATTEST:

TOWN OF CASTLE ROCK

Sally Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:

Robert J. Slentz, Town Attorney