



Item # 15

Meeting Date: January 27, 2015**AGENDA MEMORANDUM****To:** Honorable Mayor and Members of Town Council**From:** Sally Misare, Town Clerk**Title:** An Ordinance Amending the Castle Rock Municipal Code Regarding **Term Limits** for Town Boards and Commissions **(Second Reading)**

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**Executive Summary**

**This Ordinance was approved as amended on first reading on January 6, 2015 by a vote of 4 -1. The amendment to the proposed Ordinance provided that members of the Historic Preservation Board may serve four (4) two year terms.**

At the July 22, 2014 meeting Council provided direction to staff to prepare an Ordinance which implemented term limits of the various Citizen Boards and Commissions.

The parameters agree to by Council included the following:

- 1) All Boards and Commissions should have two year terms (with the exception of the Downtown Development Authority (DDA), which by Statute has 4 year terms, and the Election Commission, which by Charter has 3 year terms)/
- 2) Citizens are eligible to serve a maximum of 3 terms for a total of six years. DDA Board members and Election Commissioners may serve a maximum of two terms (8 years and 6 years respectively)
- 3) Term limits will be retroactive, and any person who will have served the maximum number of terms allowed at the end of their current term, will not be eligible for reappointment. However, no terms will be shortened, and citizens appointed to a three year term last May will be allowed to finish that term prior being impacted by terms limits.
- 4) Any portion of a partial term served will be counted as a term served, and thus would be counted against the total number of terms terms allowed for an individual
- 5) A citizen must sit out four years before re-applying to serve on the same commission for a second time. Citizens are eligible to serve on any other Board or Commission immediately

Council further directed each Board and Commission to determine if there were any special circumstances or other business needs that would necessitate consideration of a different length of term or different term limits for a particular Board. Representatives of the Historic Preservation Board has requested its members be permitted to serve a maximum of four (4) terms of 8 years due to the restrictive requirements which much be met to serve on this Board. In order to maintain our Certified Local Government status with the State of Colorado, a minimum of three (3) members of this Board must be considered "professionals" meaning that they have education and/or experience in one of the following areas: history, archaeology, architectural history, architecture, or historic architecture. In addition, Council has directed staff to seek to appoint a minimum of three (3) applicants who reside in the Craig and Gould neighborhood. It is often difficult to find applicants who meet these criteria, and as such this Board has asked its members be allowed to serve an extra term if desired.

The Clerk's office had worked with each of the staff members associated with the various Boards and Commissions to determine the impact of this change on the current composition of their Boards and Commissions, and to determine exactly which citizens will be termed out at the end of their current terms. We will also determine which positions (if any) may need to be appointed for a shorter term in order to maintain the required staggering between terms of members.

The Town Attorney's office has advised that Council can adopt one comprehensive overlay Ordinance (**Attachment A**) which will set term limits for all impacted Boards and Commissions (as opposed to amending the Charter for each Board and Commission). Each Commission would then be required to amend their bylaws (internal working document) to reflect the new provisions.

### **Proposed Motion**

If Council wishes to have consistent term limits for all Boards and Commission (except for the DDA, Election Commission, and Historic Preservation Board as noted above), an appropriate motion would be:

I move to approve Ordinance No. 2015-04: Amending the Castle Rock Municipal Code Regarding Term Limits for Town Boards and Commissions as presented on second reading.

### **Attachments**

Attachment A: Ordinance



**ORDINANCE NO. 2015-04**

**AN ORDINANCE AMENDING OF THE CASTLE ROCK MUNICIPAL CODE REGARDING  
TERM LIMITS FOR TOWN BOARDS AND COMMISSIONS**

**WHEREAS**, the Town Council is interested in providing opportunities for all citizens to serve on the Town's volunteer Boards and Commissions; and

**WHEREAS**, in order to provide these opportunities, Town Council has determined that term limits should be imposed on the length of time a citizen may serve on any given Board and Commission.

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

**Section 1.     Amendment.** The Castle Rock Municipal Code is amended to add a new Chapter 2.14, Boards and Commissions, to read as follows:

**Chapter 2.14  
Boards and Commission**

**2.14.010     General**  
**2.14.020     Term limits**  
**2.14.030     Board and commission charter**  
**2.14.040     By-laws**

**2.14.010     General.**

A. All boards and commissions of the Town of Castle Rock (including but not limited to, Planning Commission, Liquor Licensing Authority, Historic Preservation Board, Board of Adjustments, Board of Building Appeals, Election Commission Public Safety Commission, Utilities Commission, Public Works Commission, Parks and Recreation Commission, Public Art Commission Design Review Board) shall serve at the pleasure of the Town Council.

B. Any member of a board or commission may be removed with our without cause by a majority vote (four or more) of the Town Council.

C. All members of a board or commission shall be bona fide residents of the Town of Castle Rock at the time of appointment and discontinuance of residency shall terminate membership, unless otherwise specified in such board or commission's by-laws. The residency requirement shall not apply to members of the Downtown Development Authority who are business or property owners; 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. Other boards and commission who wish to allow non -residents to serve shall require approval of this

exception from Town Council.

D. 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 continuous months, no Commissioner shall miss more than six meetings in any 12-month period. Upon any seventh 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 Commissioner shall be deemed to have resigned from the board or commission, and the Council shall appoint a replacement.

**2.14.020 Term limits.**

A. Effective June 1, 2015, the term for all board or commission members (with the exception of Downtown Development Authority and Election Commission) shall be two years. Each board and commission shall establish a schedule within their by-laws to effect staggered terms.

B. No board or commission member, with the exception of members of the Historic Preservation Board, shall serve more than three consecutive 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 years. Members of the Historic Preservation Board may serve 4 consecutive 2 year terms.

C. Board and commission Term Limits shall be retroactive. Any member who has served six consecutive years by the end of member's current term will not be eligible for reappointment for a new term.

D. A citizen must wait four years (two full terms) prior to re-applying to serve on the same board or commission for which the member was disqualified to serve due to Term Limits.

**2.14.030 Board and commission charter.**

This Chapter 2.14 supersedes any charter or by-law established by a board and commission currently in effect.

**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.

**Section 2. 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 4. Amendment.** Subparagraph B of Section 2.17.010 of the Castle Rock Municipal Code is amended to read as follows:

2.17.010 Liquor Authority established

B. The Authority shall consist of five qualified electors of the Town. The term for each authority member shall be in accordance with Chapter 2.14 of this CRMC. No person shall serve as a member of the Liquor Licensing Authority who shall have, within Douglas County, Colorado, any interest in the operation of a liquor establishment or in one serving fermented malt beverages or who has a member of his or her immediate family who has such an interest.

**Section 5. Amendment.** Subparagraph B of Section 15.64.030 of the Castle Rock Municipal Code is amended to read as follows:

15.64.030 Historic Preservation Board established.

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

**Section 6. Amendment.** Subparagraph B of Section 17.06.010 of the Castle Rock Municipal Code is amended to read as follows:

17.06.010 Organization.

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

**Section 6. Amendment.** Subparagraph B of Section 17.42.090 shall be amended to read as follows:

17.42.090 Design Review Board

B. Board terms shall be in accordance with Chapter 2.14 of this CRMC.

**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 6<sup>th</sup> day of January, 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 ON SECOND AND FINAL READING** this 27<sup>th</sup> of January, 2015 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:**

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Robert J. Slentz, Town Attorney