

**DISCUSSION/DIRECTION: ORDINANCE
AMENDING VARIOUS SECTIONS OF THE
CASTLE ROCK MUNICIPAL CODE REGARDING
BOARD AND COMMISSION MEMBERSHIP, TERM
LIMITS AND BYLAWS, AND ADDING CHAPTER
2.18 OATH OF OFFICE**

OCTOBER 19, 2021



COUNCIL DIRECTION

At the May 18, 2021 Town Council meeting, Council directed staff to provide a summary of inconsistencies in Town Board and Commission Castle Rock Municipal Code and bylaws related to Member Requirements, Absences, Term Limits, Partial Terms, and Oaths of Office.

In addition, staff recommends codifying requirements for the Downtown Development Authority. Staff has reviewed Castle Rock Municipal Code, State Statutes, the International Building Code, as well as current bylaws for Boards and Commissions, identifying inconsistencies, and recommends the following Code amendments as indicated in the attached Ordinance.

PROPOSED ORDINANCE

Amendments to Chapter 2.14 Boards & Commissions

- Appointments by Town Council
- Serving at the Pleasure of Town Council
- Oath of Office Requirement
- Removal from a Board or Commission
- Residency Requirements
- Absences
- Term Limits
- Standardize Bylaws

Addition to the Code to Add Chapter 2.18 Oath of Office

- Add requirement of Board and Commission Members taking Oath
- Standardize Language

Code Cleanup

- Code Sections and Subsection 15.64.030, 15.30.090, 17.06.010(D), respectively

AMENDMENTS TO CHAPTER 2.14

BOARDS & COMMISSIONS

Subsection 2.14.010(A) - Appointed by Council

The Code currently lists all Town boards and commissions, however;

- The Liquor Licensing Authority is no longer a Town board or commission as it is now presided over by a Hearing Officer as stated in Section 2.17.010.
- The appointment of members to the Downtown Development Authority by Town Council was approved by Ordinance 2008-39 but was never codified.
- The Downtown Development Authority should be differentiated as it is not a “Town” board or commission, but an authority created pursuant to state statute.

Subsection 2.14.010(B) - Serve at the Pleasure of Council

The Code currently states that all members of the Town boards and commissions serve at the pleasure of Town Council. State statute provides that Town Council appoints one of its member to the Downtown Development Authority, which member serves at the pleasure of Council.

AMENDMENTS TO CHAPTER 2.14

BOARDS & COMMISSIONS

NEW Subsection 2.14.010(C) - Oath of Office

Council had inquired about requiring all boards and commissions take an oath of office. There are statutory requirements for the Downtown Development Authority board per C.R.S. 31-25-805.

Subsection 2.14.010(D) - Removal from a Board

The Code currently states Council may remove any member of a Town board of commission by majority vote. The Downtown Development Authority board members can only be removed for cause per C.R.S. 31-25-806 which requires a hearing.

Subsection 2.14.010(E) - Residency Requirement

The Code does not reference where the exception to the residency requirements are found for these three boards:

1. Downtown Development Authority requirements are per C.R.S. 31-25-806(1)
2. Historic Preservation Board requirements are per Section 15.64.030
3. Public Art Commission are per their bylaws (per Resolution 2001-37)

AMENDMENTS TO CHAPTER 2.14

BOARDS & COMMISSIONS

NEW Section 2.14.015 - Absences

The Code currently references absences in Section 2.14.010.

Subsection 2.14.020(A) - Term Limits (Terms)

The Code currently does not reference the terms for these boards and commissions.

Subsection 2.14.020(B) - Term Limits

The Code currently does not codify term limits for two of the boards and does not reference that term limits do not apply to the Downtown Development Authority which is governed by Statute.

Subsection 2.14.020(D) - Term Limits (Waiting Period)

The Code currently references a waiting period of 4 years (two full terms) which does not account for three-year terms.

AMENDMENTS TO CHAPTER 2.14

BOARDS & COMMISSIONS

Section 2.14.020(E) - Term Limits (Partial Terms)

Currently the Code states partial terms are counted as a full term no matter how many days of the term are served. This is not consistent with Statute.

Section 2.14.040 - Bylaws

The Code currently does not define a format or contents for bylaws.

ADDITION TO THE CODE TO ADD CHAPTER

2.18 OATH OF OFFICE

NEW CHAPTER 2.18 - OATH OF OFFICE

Currently, there are various references that contain direction regarding an Oath of Office. Staff proposes the creation of a new Code Section to identify who is required to take an Oath of Office and define the form of the Oath.

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 the office of [name of office or position] for the Town of Castle Rock, Colorado upon which I am about to enter to the best of my ability.

CODE CLEANUP

Section 15.64.030 - Historic Preservation Board established.

The Code currently has a reference to the Boards and Commissions Code that was incorrect on the original ordinance.

Section 15.30.090 - Board of Building Appeals.

(D) mirrors the language in Section 2.14.010 22 except it states three absences are allowed.

Section 17.06.010(D) – Board of Adjustment.

(D) currently states they may adopt attendance rules.

RECOMMENDATION

Town staff seeks a recommendation to introduce the attached ordinance for first reading at the November __, 2021 Council Meeting.



THANK YOU

*"I MOVE TO DIRECT STAFF TO INTRODUCE THE BOARD AND
COMMISSION ORDINANCE AT THE _____ COUNCIL MEETING."*