

**ORDINANCE NO. 2021-**

**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 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 TOWN OF CASTLE ROCK, COLORADO:**

**Section 1. Amendment.** Section 2.14.010 of the Castle Rock Municipal Code is hereby repealed and reenacted to read as follows:

2.14.010- General.

- A. The members of all Town Boards and Commissions (Board of Adjustment, Board of Building Appeals, Castle Rock Water Commission, Design Review Board, Election Commission, Historic Preservation Board, 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. 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.
- C. 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.
- D. Any member of a Town Board or Commission may be removed with or without cause by an affirmative vote of a majority 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.
- E. All Town Board or Commission members shall be bona fide residents of the Town of Castle Rock at the time of appointment and discontinuance of residency shall terminate

membership. The residency requirement shall not apply to:

1. Members of the Downtown Development Authority board who are otherwise eligible to serve pursuant to Section 31-25-806(1), C.R.S.;
2. Members of the Historic Preservation Board as outlined in Section 15.64.030 of this Code;
3. Members of the Public Art Commission as approved in their by-laws; or
4. Any Board or Commission non-resident member approved and appointed by Town Council.

F. All Board and Commission members shall serve without compensation.

**Section 2. Amendment.** The Castle Rock Municipal Code is hereby 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 six (6) 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 board 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 hereby

repealed and reenacted in its entirety to read as follows:

2.14.020 - Term limits.

- A. The terms for Board or Commission members shall be two (2)-year terms with the following exceptions:
  - 1. Downtown Development Authority board: 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 others boards and commissions: one (1)-year terms.
    - b. Property owners with the Downtown Development Authority boundary: two (2)-year terms.
- B. No Board or Commission member shall serve more than three (3) consecutive two (2)-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 Downtown Development Authority board are not subject to the term limitation requirements of this Section;
  - 3. Members of the Election Commission may serve two (2) consecutive three (3)-year terms; and
  - 4. Members of the Board of Building Appeals may serve two (2) consecutive three (3)-year terms.
- C. Town Board and Commission terms limits shall be retroactive. Any member who has served the maximum consecutive terms per this Section 2.14.020 by the end of the member's current term shall not be eligible for reappointment to a new term.
- D. A Town Board or Commission member must wait two (2) full terms for two (2)-year terms Boards and Commissions, and one (1) term for three (3) and four (4)-year terms Boards and Commissions prior to reapplying to serve on the same Town board or commission for which the member was 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 full term.

**Section 4. Amendment.** Section 2.14.040 of the Castle Rock Municipal Code is hereby amended to read as follows:

2.14.040 - Bylaws.

Each Town 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. 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 Town board and commission members and the general public by telephone or other electronic means, subject to reasonable qualifications and limitations.

**Section 5. Amendment.** Title 2 of the Castle Rock Municipal Code is hereby amended to add Chapter 2.18 to read 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 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.

**Section 6. Amendment.** Section 15.30.090(D) of the Castle Rock Municipal Code is hereby amended to read as follows:

15.30.090 - Board of Building Appeals.

- 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.~~ ATTENDANCE BY MEMBERS AT MEETINGS OF THE BOARD SHALL BE GOVERNED BY SECTION 2.14.015 OF THIS CODE.

**Section 7. Amendment.** Section 15.64.030(B) of the Castle Rock Municipal Code is hereby 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~~ 2.14 of this CRMC.

**Section 8. Amendment.** Section 17.06.010(D) of the Castle Rock Municipal Code is hereby amended to read as follows:

17.06.010 – Organization

- 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.~~ THE ADOPTION OF BYLAWS AND REQUIREMENTS FOR ATTENDANCE SHALL BE IN ACCORDANCE WITH CHAPTER 2.14 OF THIS CODE. Meetings 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 9. 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 10. 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 \_\_\_\_\_, 2021 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 \_\_\_\_\_, 2021 by the Town Council of the Town of Castle Rock, Colorado, by a vote of \_\_\_\_ for and \_\_\_\_ 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