

ARTICLE I

Name, Boundaries, Powers, and Form of Government

- Section 1-1 Name, Boundaries**
- Section 1-2 Powers of the Town**
- Section 1-3 Form of Government**
- Section 1-4 Eminent Domain**
- Section 1-5 Constitutional Rights**

Section 1-1. Name, Boundaries.

The municipal corporation now existing as the "Town of Castle Rock" shall remain and continue to be a body politic and corporate under the same name and with the same boundaries until lawfully changed.

Section 1-2. Powers of the Town.

The Town shall have all the power of local self-government and home rule and all power possible for the Town under the Constitution of the State of Colorado. The Town shall also have all powers granted to municipalities by the laws of the State of Colorado. The enumeration of specific powers in this Charter shall not be considered as limiting or excluding any other power. All powers shall be exercised in the manner set forth in this Charter or, if not provided for in this Charter, in such manner as shall be provided ordinance or resolution.

Section 1-3. Form of Government.

The Town shall operate under the Council-Manager form of government.

Section 1-4. Eminent Domain.

The Town shall have all powers of eminent domain, within and without the limits of the Town, for all municipal purposes whatsoever. (Added by Ord. 97-37, 10-7-97 election)

Section 1-5. Constitutional Rights.

Any restriction or limitation on the rights of citizens to keep and bear firearms enacted by the Town Council shall require the approval of the registered electors as a referred measure under Section 15-4 of this Charter. This Section shall not apply to Town Council action which makes unlawful the discharge or brandishing of firearms. This Section shall govern and control over Articles II and VII or any other conflicting provision of this Charter, and shall apply only to Council action taken after its adoption. (Added by Ord. No. 2014-16, § 1, 6-17-2014)

ARTICLE II

Town Council

- Section 2-1 Powers of Council**
- Section 2-2 Council Membership**
- Section 2-3 Terms**
- Section 2-4 Qualifications**
- Section 2-5 Mayor**
- Section 2-6 Vacancies**
- Section 2-7 Oath of Office**

Section 2-1. Powers of Council.

The governing body of the Town shall be the Town Council. The Council shall have all the legislative powers and functions and all other powers possessed by the Town and not conferred by this Charter on others.

Section 2-2. Council Membership.

The Town Council shall consist of an At-Large Mayor and six Councilmembers, each of whom shall be elected from the district in which he or she resides. (Amended by Ord. No. 2017-024, 8-15-2017, passed at election 11-7-2017)

Section 2-3. Terms.

(a) The Mayor shall be elected for a four-year term. The Councilmembers shall be elected for four-year overlapping terms. Four

Councilmembers shall be elected at one regular election and the Mayor and two Councilmembers shall be elected at the subsequent regular election.

(b) The Councilmembers and Mayor 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.

(c) The Town Council shall hold an organizational meeting at the first regular meeting in December following the regular election. (Amended by Ord. 97-36, 10-7-97 election; Ord. 2009-35, 4-6-10 election; Ord. No. 2015-30, 8-18-2015, passed at election 11-3-2015; Ord. No. 2017-024, 8-15-2017, passed at election 11-7-2017; Ord. No. 2018-002, § 1, 2-20-2018, passed at election 5-15-2018)

Section 2-4. Qualifications.

The Mayor and each Councilmember shall be, at the time of nomination and election, or at the time of appointment, a registered elector of the Town and a citizen of the United States, and shall be a resident of the Town or of territory annexed to the Town for twelve consecutive months immediately preceding such election or appointment. In addition, each Councilmember shall be, at the time of nomination and election, or at the time of appointment, and throughout the term of office, a resident of the district from which elected or appointed. Neither the Mayor nor a Councilmember shall be a paid employee of the Town during such officer's term of office. (Ord. No. 2018-002, § 4, 2-20-2018, passed at election 5-15-2018)

Section 2-5. Mayor.

(a) The At-Large Mayor shall serve no more than two four-year terms. At the organizational meeting provided for in Section 2-3(c), the Council shall elect by majority vote of the entire

Council one of its members as Mayor Pro-Tem who shall serve until the next organizational meeting unless removed by a majority vote of the entire Council.

(b) The Mayor shall preside at meetings of the Council and shall exercise such powers and perform such other duties as are conferred upon the Mayor by this Charter or the ordinances of the Town. The Mayor shall have all of the powers and responsibilities of a Councilmember. The Mayor shall be recognized as the head of the Town government for all ceremonial and legal purposes and shall execute and authenticate legal documents requiring the signature of the Mayor.

(c) The Mayor pro-tem shall perform the duties and have the powers of the Mayor when the Mayor is unavailable.

(d) If the office of Mayor or Mayor pro-tem becomes vacant, the Council shall elect a successor for the unexpired term. (Amended by Ord. No. 2017-024, 8-15-2017, passed at election 11-7-2017)

Section 2-6. Vacancies.

(a) A Councilmember or Mayor shall continue to hold office until a successor has been elected or appointed as provided in this Charter and has complied with Section 2-7. A vacancy in the office of Councilmember or Mayor exists when the Councilmember or Mayor is recalled, dies, is judicially declared incompetent, resigns, ceases to be a resident of the Town, ceases to be a resident of the district from which elected or appointed except as provided in Section 4-5(c), or is convicted of a felony.

(b) Within thirty days after a vacancy occurs, the Council shall appoint a person to fill the vacancy until the next regular election. At that election a successor shall be elected for the unexpired term, if any, of the vacant position. The person appointed shall serve until the successor is elected and has complied with Section

2-7. The appointment shall be by majority vote of all remaining members of the Council. The Council shall not be required to appoint a person to fill a vacancy if the next regular election will be held within ninety days after the vacancy occurs.

(Amended by Ord. No. 2017-024, 8-15-2017, passed at election 11-7-2017)

Section 2-7. Oath of Office.

Before assuming office, every Councilmember and Mayor shall take and file with the Town Clerk or other designated person an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, and the Charter and ordinances of the Town, and to faithfully perform the duties of the office.

(Amended by Ord. No. 2017-024, 8-15-2017, passed at election 11-7-2017)

ARTICLE III

Town Administration

Section 3-1 Town Manager

Section 3-2 Absence of Town Manager

Section 3-3 Powers and Duties

Section 3-4 Other Offices

Section 3-5 Relationship of Council to Administrative Service

Section 3-1. Town Manager.

The Council shall appoint a Town Manager within a reasonable time after a vacancy occurs in the position. The Town Manager shall be the chief administrative officer of the Town. The Town Manager's appointment shall be at the pleasure of the Council and shall be at a salary to be fixed by the Council. The appointment or removal of the Town Manager shall require a majority vote of the entire Council. The Town Manager shall be appointed solely on the basis of professional and administrative qualifications. The Town Manager shall reside within the Town while holding the position. 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 expiration of the term of the Mayor or Councilmember.

(Ord. No. 2018-026, § 1, 8-21-2018, passed at election 11-6-2018)

Section 3-2. Absence of Town Manager.

The Council may appoint an acting Town Manager during the period of vacancy in the office, or during the absence of the Town Manager. During the period of such appointment, the acting Town Manager shall have all of the Town Manager's powers and duties.

Section 3-3. Powers and Duties.

(a) The Town Manager shall be responsible to the Council for the proper administration of the matters placed in the Town Manager's charge. Except as otherwise provided by this Charter or by ordinances not inconsistent with this Charter, the Town Manager's responsibilities shall include the following:

(1) Enforcement and administration of the ordinances and other enactments of the Town, and of the terms and conditions imposed in favor of the Town in any contract or franchise;

(2) The hiring, suspension, transfer and removal of Town employees, except that the appointment, suspension, transfer, or removal of any person designated as a department head shall require the Council's approval;

(3) Annual preparation and submission to the Council of a proposed budget and capital program as provided in this Charter, and administration of the same after their adoption;

(4) Preparation and submission to the Council, as of the end of the fiscal year, of a complete report on finances and administrative activities of the Town for the preceding year, and the provision of such other reports concerning the affairs of the Town as the Council may require;

(5) Advice and recommendations to the Council of the present condition and future needs of the Town;

(6) With Council approval, the establishment, consolidation, or abolition of Town departments;

(7) Supervision and control of Town departments except as otherwise provided in this Charter;

(8) Attendance at Council meetings and participation in discussions with the Council in an advisory capacity;

(9) Establishment of a system of accounting and auditing for the Town which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the Town; and

(10) Performance of such other duties as required by this Charter, or as required by the Council and not inconsistent with this Charter.

Section 3-4. Other Offices.

(a) The following offices are hereby created:

(1) The Town Clerk, who shall be custodian of the Town seal, shall keep a journal of Council proceedings, and shall record in full all ordinances, resolutions, and motions. The Town Clerk shall have power to administer oaths and take acknowledgement under seal of the Town, and shall perform such other

duties as required by this Charter, or as required by the Council or the Town Manager and not inconsistent with this Charter.

(2) The Police Chief, who shall be responsible for planning and directing the work of the police department, and shall perform such other duties as required by this Charter, or as required by the Council or the Town Manager and not inconsistent with this Charter.

(3) The Fire Chief, who shall be responsible for planning and directing the work of the fire department, and shall perform such other duties required by this Charter, or as required by the Council or the Town Manager and not inconsistent with this Charter.

(b) Except as may otherwise be provided in this Charter or by ordinance, every officer of the Town shall serve at the pleasure of the Council. Every appointment of an officer shall be on the basis of the qualifications of the appointee. The appointment or removal of an officer shall require a majority vote of the entire Council.

(c) The Council may require the bonding, at the Town's expense, of any officer or employee prior to the commencement of the duties of the office or position.

(d) Before assuming office, every officer of the Town shall take and file with the Town Clerk or other designated person an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Colorado, and the Charter and ordinances of the Town, and to faithfully perform the duties of the office.

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