

ORDINANCE NO. 18-06

**AN ORDINANCE INITIATING THE ADOPTION OF A HOME
RULE CHARTER FOR THE CITY OF CASTLE PINES,
PROVIDING FOR THE ELECTION OF CHARTER
COMMISSION MEMBERS, AUTHORIZING PARTICIPATION IN
THE 2018 COORDINATED GENERAL ELECTION, AND
DECLARING AN EMERGENCY**

WHEREAS, the Municipal Home Rule Act of 1971, C.R.S. 31-2-201 et seq., as amended, authorizes the City Council of the City of Castle Pines to initiate by ordinance the adoption of a home rule charter; and

WHEREAS, the process for adopting a home rule charter requires an initial election to form a charter commission and to elect members thereof; and

WHEREAS, the electors of the City will have opportunity to comment on a proposed charter at public meeting(s) to be held by the charter commission prior to a second election to approve or reject the proposed charter; and

WHEREAS, following extensive research and study sessions concerning the advantages of home rule, including local governance on local issues, the City Council desires to initiate the adoption of a home rule charter for the City of Castle Pines; and

WHEREAS, November 6, 2018, is a designated coordinated election date under state law; and

WHEREAS, Section 1-7-116(5), C.R.S., requires a political subdivision participating in a coordinated election to notify the county clerk and recorder in writing of its participation 100 days before the election; and

WHEREAS, an intergovernmental agreement will be executed between Douglas County and the City of Castle Pines for the provision of coordinated election services; and

WHEREAS, the City Council finds that immediate effectiveness of this Ordinance is fiscally responsible because, without the immediate effectiveness of this Ordinance calling an election for the purpose of deciding whether to form a charter commission and electing members thereof, the City will be unable to meet the statutorily prescribed deadlines for the holding of a charter commission election as part of the coordinated general election in November 2018, necessitating a more expensive special election.

NOW, THEREFORE, BE IT ORDAINED by the City of Castle Pines City Council as follows:

Section 1. Initiation of Home Rule. The following question shall be submitted to a vote of the registered electors of the City of Castle Pines in accordance with the provisions of Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, at the coordinated general

election to be held on November 6, 2018:

Shall the City of Castle Pines form a home rule charter commission?

Section 2. Commission Members. If the formation of the home rule charter commission is approved by the qualified electors at the November 6, 2018 coordinated general election, the registered electors shall also elect members to the home rule charter commission, which members shall be elected at-large and which commission shall consist of a total of thirteen (13) members. The candidates that receive the greatest number of votes shall be elected to the home rule charter commission.

Section 3. Uniform Election Code. At the election called hereunder, in lieu of the Colorado Municipal Election Code of 1965, the requirements and procedures of the Uniform Election Code of 1992, articles 1 to 13 of title 1, C.R.S., to the extent applicable, shall be utilized in coordination with Douglas County.

Section 4. Participation in Coordinated Election. The City Council of the City of Castle Pines approves its participation in a coordinated election to be held on November 6, 2018, said election to be conducted by the Douglas County Clerk and Recorder, and hereby authorizes the City Clerk to take whatever action is necessary to effect the election, including providing the Douglas County Clerk and Recorder in writing of the City's participation and otherwise complying with all applicable state and local elections laws, as appropriate.

Section 5. Designation of Election Official. The Designated Election Official for the City for the 2018 coordinated election is Sharon Washington, City Clerk.

Section 6. Publication of Election Notice. The City Council hereby directs the City Clerk to publish the first election notice and notice of thirty day period for candidates for charter commission to file nomination petitions and statements of consent to serve with the City Clerk on or about August 2, 2018.

Section 7. Initial Meeting of the Charter Commission. Contingent upon the approval of the qualified electors at the November 2018 coordinated general election to form a charter commission and to elect the members thereof, the charter commission shall have an initial meeting on November 26, 2018, at 6:00 p.m. for the purpose of organizing itself and otherwise as set forth in C.R.S. §31-2-206(4).

Section 8. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion would be declared invalid or unconstitutional.

Section 9. Emergency Declared. The City Council finds an emergency exists and the immediate effectiveness of this Ordinance is declared necessary to protect the public welfare in order to avoid a costly special election.

Section 10. Effective Date. Upon passage by three quarters (3/4) of the members of the City Council, this Ordinance shall become effective immediately. If this Ordinance is not passed by three-quarters (3/4) of the members of City Council as required by C.R.S. Section 31-16-105, then it is the intent of the City Council that this Section be severed from the Ordinance and, if approved by a majority of members of the City Council constituting a quorum, the Ordinance is adopted as a non-emergency measure effective thirty days after final publication.

INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 10TH DAY OF JULY, 2018.

READ, PASSED, AND ADOPTED ON SECOND READING AS AN EMERGENCY, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO THE 24TH DAY OF JULY, 2018.



ATTEST:

DocuSigned by:
Sharon Washington
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Sharon Washington, CMC, City Clerk

DocuSigned by:
Tera Stave Radloff
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Tera Stave Radloff, Mayor

Approved as to form:

DocuSigned by:
Linda C. Michow
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Linda C. Michow, City Attorney

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading on July 10, 2018; published by title only in the *Douglas County News-Press*, together with the statement that “[t]he complete text of all ordinances is available through the City Offices and on the City’s official website”; and finally passed and adopted by the City Council on July 24, 2018 following a duly noticed public meeting and ordered published by title only, with amendments if any, one time in the *Douglas County News-Press* on August 2, 2018.

ATTEST:

DocuSigned by:
Sharon Washington
AD03A3B02032499...
Sharon Washington, CMC, City Clerk