

**CITY OF CASTLE PINES,
COLORADO**

RESOLUTION NO. 19-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES,
COLORADO SUPPORTING AND URGING A “YES” VOTE AT THE MAY 14, 2019,
SPECIAL ELECTION FOR THE CASTLE PINES HOME RULE CHARTER**

WHEREAS, on November 6, 2018, the voters of the City of Castle Pines elected a Home Rule Charter Commission consisting of 13 citizens of the City to draft the City’s first local charter or local constitution; and

WHEREAS, after three months of numerous meetings and Commissioner and public input, the Castle Pines Charter Commission reached consensus on a final draft of a complete and comprehensive Home Rule Charter; and

WHEREAS, the Charter Commission approved the proposed Home Rule Charter and recommends that the Home Rule Charter be approved by the citizens of the City of Castle Pines; and

WHEREAS, the City of Castle Pines is currently operating as a statutory city in the State of Colorado; and

WHEREAS, as a statutory city the City of Castle Pines is primarily governed by laws enacted by the state legislature as opposed to allowing local control by the citizens over local matters; and

WHEREAS, by becoming a home rule city, the citizens of the City of Castle Pines can decide how their own governmental affairs will be conducted and will not be dependent upon the state legislature to direct the City’s affairs; and

WHEREAS, the City Council recognizes the direct and substantial benefits of becoming a Home Rule City, as summarized in the staff memo for Resolution 19-17, attached hereto and incorporated herein.

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

The City Council hereby **URGES A YES VOTE** on the proposed Castle Pines Home Rule Charter at the May 14, 2019 Special Election of the City of Castle Pines.

City of Castle Pines
Resolution No. 19-17
Page 2

ADOPTED by a vote of 6 in favor and 0 against with 1 absent, this 9th day of April, 2019.



DocuSigned by:
Tera Stave Radloff
By: _____
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Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:
Christine
By: _____
AD03A3B02032400...
City Clerk

Approved as to Form:

DocuSigned by:
Linda C. Michow
By: _____
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City Attorney

Overview of Home Rule Authority

"Home rule" transfers authority over municipal matters from state laws to a local charter that is drafted, adopted, and amended by voters in the municipality. A home rule charter is essentially a local constitution drafted by the residents of the municipality: it sets up the government structure and outlines its authority and its limitations.

Under home rule, a municipality has authority to act on matters of local concern and interest that are not specifically denied by the state constitution, the Colorado General Assembly, or the charter itself. By contrast, statutory municipalities can only act where specifically authorized by state law.

Simply put, home rule provides local control. It gives the municipal government the ability to craft ordinances and make decisions based on local needs, rather than having to follow a one-size-fits-all state laws that's decided by state legislators.

Overall Benefit

1. Local control – The government closest to the people serves the people best” – Thomas Jefferson.
2. Freedom to self-govern - Residents can effect change at the local level by attending a City Council meeting, voicing concerns, proposing new legislation, calling their Council members. Residents have immediate accessibility to their local elected officials who can propose new laws and solutions that are not available to statutory municipalities.

Specific Benefits to Castle Pines Residents

1. Sales and use tax collection. Local control of collection and audit of sales and use tax will result in more robust tax enforcement. In many home rule municipalities, the ability to audit businesses and recapture sales tax revenues paid to neighboring jurisdictions has resulted in increased revenues to the self-collecting municipality.
 - Increased revenues to Castle Pines means more funding of important services such as street repairs and snow removal.
2. Ability to expand City's tax base. Home rule municipalities have broad authority, subject to the election requirements of TABOR, to adopt new taxes, including:
 - occupation tax on businesses operating in the city
 - admissions tax on admission to events and entertainment venues
 - lodging tax imposed on hotels, motels and other public accommodations
 - excise tax on new development
 - use tax beyond construction materials and motor vehicles.

Statutory municipalities are not authorized to impose these types of taxes, even with voter approval.

3. Zoning and development of the City. As a home rule municipality, the city would have greater ability and autonomy to adopt regulations, without interference, in the following areas:

- More effective public notice requirements for land use and development applications;
- Required maintenance of utility facilities in public right-of-way and on private property.
- Drafting legislation to address (Construction defects)
- Marijuana regulations including growing of plants in a residence
- Sex offender registration and spacing requirements.
- Establishing variance criteria and board of adjustment procedures different from state law.
- Establishing subdivision plat approval procedures different from state law.

4. Streets and Traffic Management. Currently, the city is bound by the state statutes regarding the regulation of public streets. Title 42 of the Colorado Revised Statutes limits the city's ability to regulate use of public streets and highways. As a home rule municipality, the City would have greater flexibility, clarity and effectiveness in adopting regulations, such as:

- Ability to change traffic regulations efficiently
- Closure of roads
- Regulation of oversized weight and size of vehicles
- Establishment of parking regulations and signs
- Establishing code enforcement for parking violations