

ORDINANCE NO. 11-09

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO CREATING THE CITY OF
CASTLE PINES WATER AND WASTEWATER BOARD, SETTING
FORTH THE ELIGIBILITY REQUIREMENTS AND TERMS OF OFFICE
FOR MEMBERS OF THE BOARD, AND DELEGATING CERTAIN
RESPONSIBILITIES THERETO**

WHEREAS, the City has the legal authority, capacity and desire to provide water and wastewater services to all territory so authorized to serve; and

WHEREAS, the City is authorized pursuant to Part 5 of Article 35 of Title 31 of the Colorado Revised Statutes to create by ordinance a nonpolitical local legislative body represented by a board of commissioners to have complete charge and control of the water and wastewater facilities of the City; and

WHEREAS, the City desires to create the City of Castle Pines Water and Wastewater Board, to include a current member of the Castle Pines North Metropolitan District (“District”) Board of Directors (“District Board”) to ensure that the District remains involved with implementing the community’s renewable water plan, reviewing proposed rules and regulations for water and wastewater services to be continued by the City, reviewing proposed ratemaking, guiding renewable water policy, and assisting the City with developing and implementing long range capital planning related to the provision of water and wastewater services.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. **Creation.** There is hereby created the City of Castle Pines Water and Wastewater Board (the “Water and Wastewater Board”) composed of seven (7) members who may perform all functions currently or hereinafter authorized by this Ordinance and future ordinances adopted by the City Council.

Section 2. **Members.** The Water and Wastewater Board shall consist of seven (7) members as follows: (a) the Mayor of the City; (b) one (1) ex officio member who shall be a member of City Council as selected by City Council; and (c) five (5) at large members who shall be appointed by City Council, one of which shall be a current member of the District Board, as appointed by the District Board and provided such District Board makes the appointment. The remaining at-large members shall be appointed by City Council. There shall be seven (7) voting members of the Water and Wastewater Board.

Section 3. **Compensation.** All members of the Water and Wastewater Board may be compensated as established by Resolution of the City Council.

Section 4. Terms. The terms of the Mayor and the ex officio City Council member shall correspond to their respective terms of office. Terms of the appointed members shall be four (4) years, or until his or her successor takes office. Terms of the appointed members shall be concurrent with the two year municipal election cycle.

Section 5. Eligibility. All members of the Water and Wastewater Board shall be bona fide residents of the City or of an area served by the City. If any member ceases to meet these eligibility requirements, his or her membership on the Water and Wastewater Board shall immediately terminate.

Section 6. Removal from the Water and Wastewater Board. Members, other than a member currently serving on the City Council, may be removed, by Resolution of the City Council for inefficiency, neglect of duty or malfeasance in office. The Mayor or the City Council, as the case may be, shall file a written statement of reasons for such removal for consideration by the City Council. Any such Resolution of the Council removing a member of the Water and Wastewater Board shall be required to be approved by a two-thirds (2/3) majority of the members of City Council. Due to the nature of matters that may be considered by the Water and Wastewater Board, members are expected to serve with discretion and may be required to enter into confidentiality agreements with the City.

Section 7. Chairperson. The Water and Wastewater Board shall elect a Chairperson from among the members. The term of the Chairperson shall be one (1) year with eligibility for reelection.

Section 8. Expenditures and Employees. The Water and Wastewater Board is authorized to hire employees and expend funds, as expressly budgeted and appropriated through the Castle Pines Water and Wastewater Utility Enterprise Fund. The City's Utility Director will assign staff and make other resources available as he or she deems appropriate.

Section 9. Water and Wastewater Enterprise Fund. Revenues generated shall be deposited into the Castle Pines Water and Wastewater Utility Enterprise Fund.

Section 10. Powers and Responsibilities. The Water and Wastewater Board shall have those powers and responsibilities authorized under Part 5, Article 35 of Title 31 of the Colorado Revised Statutes, subject to the provisions of this Ordinance.

Section 11. Meetings. All meetings of the Water and Wastewater Board shall be open to the public in accordance with applicable law. Regular meetings of the Water and Wastewater Board shall occur at least monthly on date(s) selected by the Water and Wastewater Board. All meetings shall be posted a minimum of twenty-four (24) hours in advance in accordance with the City's posting procedure. The Water and Wastewater Board may adopt bylaws and rules of procedure consistent with City ordinances, policies, and resolutions.

Section 12. Compliance with City Code of Ethics. The Water and Wastewater Board shall be subject to the City of Castle Pines Code of Ethics adopted via Ordinance No. 11-03, as may be amended.

Section 13. Repeal. Any and all existing ordinances or parts of ordinances of the City of Castle Pines covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed; provided, however, that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 14. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City of Castle Pines hereby declares that it would have adopted this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases thereof be declared invalid or unconstitutional.

Section 15. Effective Date. This Ordinance shall become effective thirty days after publication following final passage.

Section 16. Authorization. The City Manager and designated staff are authorized and directed to take actions necessary and appropriate to effect the provisions of this Ordinance.

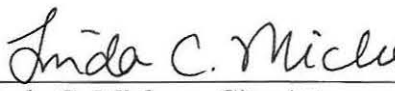
INTRODUCED, READ, AND PASSED ON FIRST READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 26th day of July, 2011.

READ, PASSED, AND ADOPTED ON SECOND READING, AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO the 23rd day of August, 2011.

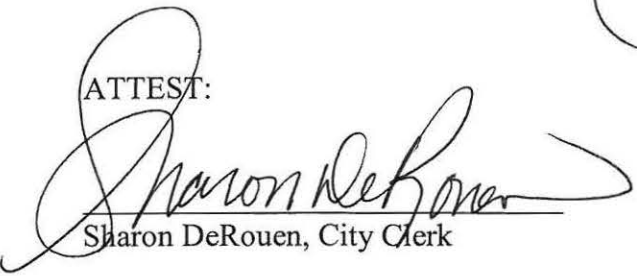
CITY OF CASTLE PINES:


Jeffrey T. Huff, Mayor

Approved as to form:


Linda C. Michow, City Attorney

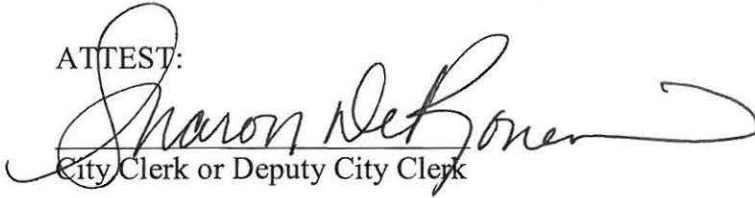
ATTEST:


Sharon DeRouen, City Clerk

CERTIFICATION OF PUBLICATION

I hereby attest and certify that the within and foregoing Ordinance was introduced and read on first reading at a regular meeting of the Castle Pines City Council on July 26, 2011; published in full in the *Douglas County News-Press*; and finally passed and adopted by the City Council on August 23, 2011 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 September 1, 2011.

ATTEST:


City Clerk or Deputy City Clerk