

RESOLUTION NO. 10-81

INTRODUCED BY:

Councilperson Radloff

Councilperson Shul

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES NORTH, COLORADO
AUTHORIZING THE TRANSFER OF AUTHORITY TO EXERCISE THE POWERS
OF THE CASTLE PINES URBAN RENEWAL AUTHORITY FROM CITY COUNCIL
MEMBERS TO CITIZEN REPRESENTATIVES IN ACCORDANCE WITH THE
URBAN RENEWAL LAW**

WHEREAS, a petition with the signatures of at least twenty five (25) registered electors within the City of Castle Pines North (“City”) was filed with the City Clerk setting forth that there is a need for an urban renewal authority to function in the City; and

WHEREAS, Part 1 of Article 25 of Title 31, Colorado Revised Statutes (the “Urban Renewal Law”) provides for the creation and operation of an urban renewal authority to function in the City; and

WHEREAS, on April 27, 2010, a full opportunity to be heard was granted to all residents and taxpayers of the City and to all other interested persons at a public hearing held before the City Council on the issue of whether the City Council should find that one or more slum or blighted areas exist in the City, and that the acquisition, clearance, rehabilitation, conservation, development or redevelopment, or a combination thereof of such area is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City, and whether the City Council should declare it to be in the public interest that an urban renewal authority for the City be created; and

WHEREAS, at the conclusion of the public hearing held on April 27, 2010, the City Council determined that it is in the public interest to establish an urban renewal authority (“Authority”) and, by Resolution No. 10-27, designated the City Council to serve as the Board of Commissioners of such authority as an interim measure; and

WHEREAS, in accordance with the Urban Renewal Law, the City Council may designate itself to serve as the Commissioners of the Authority or it may designate a citizen Board of Commissioners appointed by the Mayor and approved by the City Council; and

WHEREAS, the City Council desires to transition the Authority from a Council-appointed Board of Commissioners to a citizen-appointed Board of Commissioners in accordance with the Urban Renewal Law and this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH, COLORADO:

Section 1. Findings. The foregoing recitals are incorporated herein by reference as findings of fact of the City Council of the City of Castle Pines North.

Section 2. Transition to Citizen Representatives. Pursuant to Sections 31-25-104(2)(a) and 31-25-115(1), C.R.S., the City Council hereby declares it to be in the public interest to transfer the authority to exercise the powers of the Castle Pines Urban Renewal Authority from members of City Council to citizen representatives in conformance with the Urban Renewal Law and this Resolution.

Section 3. Five Member Commission. The Castle Pines Urban Renewal Authority shall consist of five (5) commissioners (“Commissioners”), each of whom shall be appointed by the Mayor and approved by majority vote of the City Council via resolution.

Section 4. Qualifications. The qualifications to serve as Commissioners on the Authority may be determined by subsequent resolution of the City Council, provided however, that not more than one of the Commissioners may be an elected official of the City.

Section 5. Process for Appointment. Upon approval of this Resolution, the Interim City Manager is directed to solicit interest from **residents, business owners, and property owners** of the City to serve on the Authority and to schedule interviews of prospective applicants with the Mayor and City Council. The Mayor shall designate and the City Council by majority vote shall approve the appointment of Commissioners by resolution.

Section 6. Designation of Chairperson. The Resolution initially appointing Commissioners shall designate the chairperson for the first year. Thereafter, the Commissioners shall appoint a chairperson and other officers as the bylaws of the Authority may provide.

Section 7. Initial Staggered Terms. The first five members to be appointed to serve on the Authority shall serve for staggered terms so that the term of at least one Commissioner will expire each year. Thereafter, the term of office for each Commissioner shall be five (5) years.

Section 8. Vacancies. Vacancies, appointments and reappointments of Commissioners shall be designated by the Mayor, subject to approval by majority vote of the City Council via resolution.

Section 9. Removal. The Mayor, with the consent of the City Council, may remove a Commissioner for inefficiency, neglect of duty or misconduct in office. Removal may only occur after the written charges are presented to such Commissioner and a public hearing is held, providing an opportunity for the Commissioner to respond and be heard.

Section 10. Transition Period. Until such time as all five (5) Commissioners of the Authority are citizen representatives, with up to one Council member, appointed by the Mayor

and approved by the City Council, the City Council shall continue to serve as the Commissioners of the Authority exercising the powers of the Authority under the Urban Renewal Law.

Section 11. Certificate of Appointment. City Council resolutions making appointments, reappointments or filling vacancies of the Authority shall serve as the “certificate of appointment or reappointment” under Section 31-25-104(2)(b), C.R.S., and upon approval, shall be deemed filed with the City Clerk. Such resolution(s) shall be conclusive evidence of the due and proper appointment of such Commissioner(s).

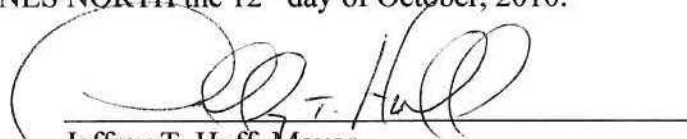
Section 12. Department of Local Affairs. A copy of this Resolution shall be filed with the Colorado Division of Local Government in the Department of Local Affairs pursuant to Section 31-25-104(1)(b), C.R.S.

Section 13. Severability. If any part, section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Section 14. Ratification of Prior Acts. All actions taken by the City’s officers, employees and agents in furtherance of the creation of the Authority are hereby ratified and confirmed.

Section 15. Effective Date. This Resolution shall take effect and be enforced immediately upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH the 12th day of October, 2010.



Jeffrey T. Huff, Mayor

ATTEST:



Sharon DeRouen, City Clerk

Approved as to form:



Linda C. Michow, City Attorney