

RESOLUTION 11-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO REFERRING AND APPROVING BALLOT QUESTIONS TO BE SUBMITTED TO THE VOTERS AT THE COORDINATED ELECTION TO BE HELD ON NOVEMBER 1, 2011

WHEREAS, by Resolution No. 11-45, the City Council of the City of Castle Pines (“City Council”) approved an intergovernmental agreement with the Douglas County Clerk and Recorder regarding the City’s participation in a coordinated election to be held on November 1, 2011; and

WHEREAS, the City of Castle Pines has the authority to approve and submit ballot questions to voters at regular and special municipal elections; and

WHEREAS, the City Council approved and referred a ballot question regarding whether the City should be authorized to publish future ordinances by title only; and

WHEREAS, Section 31-4-107(4), C.R.S., authorizes the City Council to submit, by ordinance or resolution, for approval by the voters of the City a proposal that the position of City Clerk and/or City Treasurer be made appointive rather than elective; and

WHEREAS, the positions of City Clerk and City Treasurer are currently elected offices voted on by the registered electors of the City; and

WHEREAS, in a majority of Denver metropolitan municipalities, the positions of City Clerk and City Treasurer are appointive rather than elective due to the expertise, education and professional experience necessary to carry out the functions of such positions; and

WHEREAS, the City Council finds that the position of City Clerk is a technical position that requires experience as a certified municipal clerk with issues concerning the Colorado Open Records Act; the Colorado Open Meetings Law; records retention policies; meeting minutes; elections; and liquor licensing; and

WHEREAS, at the regular City election held on November 3, 2010, there were no candidates for the position of City Clerk which created a vacancy in such office that was filled by appointment by City Council; and

WHEREAS, the City has hired a deputy city clerk who, as a certified municipal clerk, is experienced in all aspects of municipal clerk duties and therefore performs many of the duties of an elected City Clerk; and

WHEREAS, pursuant to Section 31-4-111, C.R.S., the Treasurer has such powers and shall perform such duties as are prescribed by state statutes and by ordinances of the City Council; and

WHEREAS, Article 20, Title 31, Part 3, C.R.S., provides for the duties of the Treasurer, to be performed in such manner as may be prescribed by ordinance; and

WHEREAS, the City Council finds that the complexity of municipal finance issues (including, by example, compliance with GASB accounting, TABOR, bonding, reserve requirements, tax levying limitations, annual budgeting, management of multiple funds, investment restrictions and requirements imposed by statute) are best managed by a finance director who has the requisite experience and education; and

WHEREAS, the City Council previously adopted Ordinance No. 09-10, as amended, to clarify and define the duties and powers of the Treasurer; and

WHEREAS, through Ordinance No. 09-10, the personnel and support needs for the treasury and financial management of the City are performed by the City's Finance Director, who also serves as the deputy treasurer; and

WHEREAS, the City Council finds that the position of Treasurer is not a policy oriented position, but rather is technical in nature and therefore would be best filled by a person with experience and knowledge of municipal finance ; and

WHEREAS, the City Council finds it is in the best interest of the residents of the City to refer to the eligible electors ballot questions at the November 1, 2011 coordinated general election to seek approval to make the positions of City Treasurer and City Clerk appointive rather than elective so as to enable the City to appoint the most qualified and skilled professionals to such positions; and

WHEREFORE, the ballot questions proposing to make the positions of City Clerk and Treasurer appointive rather than elective shall not affect, by means of extending or reducing, the terms of any individuals currently serving such offices.

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

Section 1. The City Council hereby refers and approves the following ballot questions for submission to the voters and to appear on the ballot for the election to be held on November 1, 2011:

QUESTION NO. ____:

Shall the Office of the City Clerk of the City of Castle Pines be made an appointive position by City Council to commence on January 10, 2012?

YES _____ NO _____

QUESTION NO. ____:

If Ballot Question No. ____ fails, then vote for not more than one person to serve as the City of Castle Pines City Clerk. Such person will serve as the elected City Clerk only in the event that Ballot Question No. ____ is not approved:

Dan Schatz

QUESTION NO. ____:

Shall the Office of the Treasurer of the City of Castle Pines be made an appointive position by City Council to commence on January 8, 2014?

YES _____ NO _____

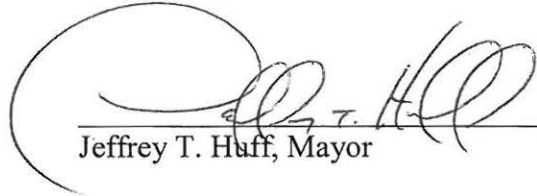
Section 2. This Resolution shall serve to set the title and content for the ballot questions set forth herein and the ballot titles for such questions shall be the text of the questions themselves.

Section 3. The Deputy City Clerk is authorized to correct typographical errors and omissions and to cause to be entered into the blanks of any of the ballot questions the appropriate ballot question number or letter upon designation of the ballot number or letter by the appropriate election official.

Section 4. The Interim City Manager, City Attorney, and Deputy City Clerk are hereby authorized and directed to take all necessary and appropriate action to effectuate the provisions of this Resolution including all reasonable and necessary action to cause such approved ballot questions and issues to be printed and placed on the ballot for the November 1, 2011 coordinated election.

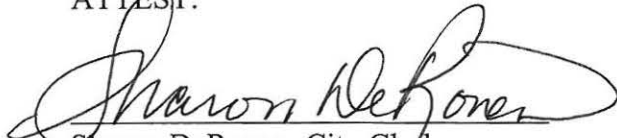
Section 5. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be ineffective, invalid or unenforceable, the ineffectiveness, invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this resolution.

INTRODUCED, READ, AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of 5 in favor and 0 against this 23rd day of August, 2011.



Jeffrey T. Huff, Mayor

ATTEST:



Sharon DeRouen, City Clerk

APPROVED AS TO FORM:



Linda C. Michow, City Attorney