

**AGENDA**  
**TOWN OF HUDSON - BOARD OF TRUSTEES**  
**REGULAR MEETING**  
**September 2, 2015 - 6:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**CALL TO ORDER AND ROLL CALL**

**ADDITIONS TO AGENDA**

**CITIZEN'S COMMENTS**

**1) CONSENT AGENDA**

(Consent Agenda Items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member or Citizen so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Regular Agenda.)

- a. Board of Trustees Minutes – Regular Meeting, August 19, 2015
- b. Payment of Bills

**2) GENERAL BUSINESS**

- a. 2016 Budget – Public Meeting
- b. Interview Julia Stell for Board of Trustees
- c. Resolution No. 15-26, A Resolution appointing Julia Steel to the Board of Trustees pursuant to C.R.S. § 31-4-303 and Section 2-2 of the Hudson Municipal Code
- b. CR 49 Improvements, bid award

**3) STAFF REPORTS**

**4) ADJOURNMENT**

**WORK SESSION – Discussion Home Rule**

MINUTES  
TOWN OF HUDSON - BOARD OF TRUSTEES  
REGULAR MEETING  
August 19, 2015 - 6:00 P.M.

PLEDGE OF ALLEGIANCE

CALL TO ORDER AND ROLL CALL

Mayor Patch called the meeting to order at 6:00 p.m.

ROLL CALL

Mayor, Raymond Patch - Present  
Trustee, Matt Cole – Present  
Trustee, Laura Hargis - Present  
Trustee, Christine Hamilton – Present  
Trustee, Tiffany Sanders – Absent  
Trustee, Terri Davis – Present  
Trustee, Maria Chavez - Present

Town Clerk/Treasurer, Linnette Barker took roll call, and a quorum of the Mayor Pro-Tem and (5) Trustees were present.

Town Staff Present:

Town Administrator – Joe Racine  
Town Attorney – Corey Hoffmann  
Town Clerk//Treasurer – Linnette Barker  
Economic Development Director – Dan Hamsmith  
Public Works Director – Ron Allen  
Utility Director – Hunter Fobare  
Public Safety Director – Brent Flot

ADDITIONS TO AGENDA

CITIZEN'S COMMENTS

**1) CONSENT AGENDA**

(Consent Agenda Items are considered routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member or Citizen so requests, in which case the items may be removed from the Consent Agenda and considered at the end of the Regular Agenda.)

- a. Board of Trustees Minutes, Regular Meeting, August 5, 2015
- b. Payment of Bills

Trustee Hargis made a motion, seconded by Trustee Cole to approve the Consent Agenda.

The vote was as follows:

Aye: Trustees Hargis, Cole, Chavez, Hamilton, Davis and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

2) **GENERAL BUSINESS**

- a. Interview Allison Hough for Board of Trustees

Joe Racine, Town Administrator, reported that Allison Hough called earlier and has withdrawn her application for the Board of Trustees.

- b. Resolution 15-26, A Resolution appointing Allison Hough to the Board of Trustees pursuant to C.R.S. § 31-4-303 and Section 2-2 of the Hudson Municipal Code

Joe Racine, Town Administrator, reported that Allison Hough called earlier and has withdrawn her application for the Board of Trustees.

- c. Resolution 15-25, A Resolution ratifying the appointment of Mayor Raymond Patch to the selection committee for the High Plains Library District

Joe Racine, Town Administrator, reported that this Resolution ratifies the appointment of Mayor Patch to the selection committee for the High Plains Library District. There are two vacancies on the District's Board of Trustees, and another term expiring the end of this year. The member Libraries have asked the District to proceed according to their bylaws to fill the positions. The selection committee will interview applicants and nominate candidates to fill the vacancies.

Trustee Hargis made a motion, seconded by Trustee Cole to approve Resolution 15-25, A Resolution ratifying the appointment of Mayor Raymond Patch to the selection committee for the High Plains Library District.

The vote was as follows:

Aye: Trustees Hargis, Cole, Davis, Chavez, Hamilton and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

- d. Recreation Director Position, Job Description

Joe Racine, Town Administrator, reported that the proposed exempt position would be responsible to develop recreation programs, write grants, manage town events, and recruit and manage volunteers. Mr. Racine requested that the Board of Trustees consider the approval of the Recreation Director Job description and give direction regarding the hiring of the position.

After some discussion, the Board of Trustees consensus was to change the Draft Recreation Job Description Minimum Education and Experience to Bachelor's degree in recreation management or related field preferred and a minimum of two years prior experience in recreation administration, events coordination, or a closely related field with similar function.

The Board of Trustees consensus was to advertise the position at the Library, local newspapers and the Town website.

Trustee Cole made a motion, seconded by Trustee Hargis to table this item in later in the meeting.

The vote was as follows:

Aye: Trustees Cole, Hargis, Davis, Hamilton, Chavez and Mayor Patch

Nay - None

Mayor Patch declared the motion carried.

e. Discussion – CR 49

Joe Racine, Town Administrator, reported CR 49 is deteriorating and failing quickly. The asphalt is not the problem. The problem is the slurry seals and chip seals are failing. Patching the road will not correct the problem the least expensive repair is a mill and overlay. A mill and overlay might last two years. We received one bid for \$195,000 for a full length of road mill and overlay for two lanes.

The Board of Trustees consensus was to get two additional bids for the repair on CR 49.

d. Recreation Director Position, Job Description (continued)

Trustee Hargis made a motion, seconded by Trustee Davis to approve the Recreation Director Job description with the discussed education requirement changes and to start the process of hiring the position this year.

The vote was as follows:

Aye: Trustees Hargis, Davis, Hamilton, and Trustee Chavez

Nay – Trustee Cole and Mayor Patch

Mayor Patch declared the motion carried.

**3) STAFF REPORTS**

Joe Racine, Town Administrator, reported that he started the process for the streetlights on Hwy 52 and the Frontage Road with the possibility of using underground funds.

Joe Racine, Town Administrator, reported the Citizen Survey with include question for the Comprehensive Plan and Emergency Management and hope to have in the mail this Monday. Mr. Racine requested that Board review the survey and submit any changes.

Joe Racine, Town Administrator, reported that they are checking prices for a speed trailer.

Corey Hoffmann, Town Attorney, reported that he attended the Library Board Meeting and gave them an update on the High Plains Library litigation.

Ron Allen, Public Works Director, reported that he is waiting on a MOU with Weld County for the repair on CR 41.

Ron Allen, Public Works Director, reported that they are still waiting on the completion of the Public Works Shop.

Hunter Fobare, Utility Director, reported that he is waiting on re-roof quotes for the hail damage at the park pavilion, sparboe booster station, deep well buildings and the small park pavilion.

Hunter Fobare, Utility Director, reported that he is checking with other local Municipalities regarding what they are charging for bulk water rates.

Dan Hamsmith, Economic Development Director, reported that due to the lack of volunteers and vendors for the Hudson Fall Festival will include a fishing derby, car show, face painting, balloons and crafts. The Legendary Ladies will be at the Library from noon to 1:00 pm.

Joe Racine, Town Administrator, reported that the claim for the reimbursement from the railroad for the derailment is for a \$44,000 claim. These funds would be to mill and overlay portions of Hudson Drive by the recycle bin. Corey Hoffmann, Town Attorney is reviewing the claim.

**ADJOURNMENT**

The meeting adjourned at approximately 7:04 p.m.

TOWN OF HUDSON, COLORADO

\_\_\_\_\_  
Mayor

ATTEST

\_\_\_\_\_  
Town Clerk

## Report Criteria:

Report type: GL detail

Check.Type = {&lt;-} "Adjustment"

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
08/28/2015	50922	1049	Allwater Supply LLC	3596	RO Filters	70-68-6710	554.72
Total 50922:							554.72
08/28/2015	50923	2	Atmos Energy	081215-3014	Natural Gas Utility - 557 Ash Street	10-64-6412	16.71
08/28/2015	50923	2	Atmos Energy	081215-3014	Natural Gas Utility - 557 Ash Street	70-64-6412	16.71
08/28/2015	50923	2	Atmos Energy	081215-3014	Natural Gas Utilities - 509 Cherry Street	10-68-6412	42.74
Total 50923:							76.16
08/28/2015	50924	1035	Backflow Tech	80667	RO Backflow Test	70-68-6710	221.23
Total 50924:							221.23
08/28/2015	50925	1090	BNSF Railway Company	15081121	Contract #40154762 - Lease	70-64-6633	25.00
Total 50925:							25.00
08/28/2015	50926	683	Bratton's Office Equipment Inc.	010177	Canon Contract / Meter Charge	10-64-6633	168.67
Total 50926:							168.67
08/28/2015	50927	30	Century Link	080715-303-	Telephone Service - 303-536-4003	75-68-6410	102.06
08/28/2015	50927	30	Century Link	080715-303-	Telephone/Fax Service - 303-536-4753	10-64-6410	64.79
08/28/2015	50927	30	Century Link	080715-303-	Telephone Service - 303-536-9311	10-64-6410	85.28
08/28/2015	50927	30	Century Link	080715-303-	Telephone Service - 303-536-9311	70-64-6410	85.27
08/28/2015	50927	30	Century Link	080715-303-	Telephone Service - 303-536-9365	70-68-6410	53.75
Total 50927:							391.15
08/28/2015	50928	108	CIRSA	W15328	Claim #5026393	10-68-6035	50.00
08/28/2015	50928	108	CIRSA	W15328	Claim #5026393	10-69-6035	50.00
08/28/2015	50928	108	CIRSA	W15328	Claim #5026393	70-68-6035	450.00
08/28/2015	50928	108	CIRSA	W15328	Claim #5026393	75-68-6035	450.00
Total 50928:							1,000.00
08/28/2015	50929	36	Colorado Analytical Laboratories I	150804095	Wastewater Samples	75-68-6633	111.60
08/28/2015	50929	36	Colorado Analytical Laboratories I	150811069	WW Reg 85 Samples	75-68-6633	209.70
Total 50929:							321.30
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Battery Clamp	10-68-6633	2.59
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Marking Paint	10-68-6710	68.63
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Sign Installation Materials	10-68-6712	63.26
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Nuts, Bolts, Washers, Screws	10-68-6735	63.32
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Water Meter Repair	70-68-6710	22.97
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	New Public Works Facility Electric Interior	22-71-7713	83.70
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Mower Repair	10-69-6633	4.56
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Sprayer	10-69-6710	37.85

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Park Repairs	10-69-6710	167.57
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Paint and Supplies	70-68-6653	264.62
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Bug Spray	70-68-6710	7.98
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Bulbs	70-68-6710	5.98
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Supplies	70-68-6710	53.33
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Supplies	70-68-6710	8.35
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Supplies	70-68-6710	14.93
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Wasp Spray	70-68-6710	11.38
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Tools	70-68-6735	32.15
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Supplies	75-68-6415	27.54
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Chemical Parts	70-68-6710	6.59
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Supplies	75-68-6710	9.04
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Supplies	75-68-6710	9.09
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Supplies	75-68-6710	18.96
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Tools	75-68-6735	9.95
08/28/2015	50930	53	Farm & Home Lumber	081015-8720	Water Repair	70-68-7736	14.85
Total 50930:							1,009.19
08/28/2015	50931	503	Flowmation Inc.	3520	Repair Control Panel	75-68-6652	200.00
Total 50931:							200.00
08/28/2015	50932	54	Fort Lupton City of	FIN2015220	O&M for Joint Water Treatment Facility	70-68-6515	4,954.77
Total 50932:							4,954.77
08/28/2015	50933	396	Gator Rubbish	299239	Trash Service - Lagoon Sewer	75-68-6633	100.00
08/28/2015	50933	396	Gator Rubbish	299707	Trash Service - 258 Fifth Avenue	10-68-6633	48.00
08/28/2015	50933	396	Gator Rubbish	299745	Trash Service - 509 Cherry Street	10-68-6633	48.00
08/28/2015	50933	396	Gator Rubbish	300833	Trash Service - 557 Ash Street	10-64-6633	228.00
08/28/2015	50933	396	Gator Rubbish	300839	Trash Service - WW Treatment Plant	75-68-6633	48.00
Total 50933:							472.00
08/28/2015	50934	1045	Green Mountain Lawn & Tree Car	151239	Tree Service	10-69-6633	285.75
Total 50934:							285.75
08/28/2015	50935	1047	JE-CO Equipment	1WI001774	tire Repair Parks Tractor	10-69-6633	293.17
Total 50935:							293.17
08/28/2015	50936	1160	Kathleen M Novak	0801015	Board Workshop	10-61-6730	1,500.00
Total 50936:							1,500.00
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-001/00	Engineering - Town	10-64-6640	474.92
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-001/00	Engineering - Library Beech Street	23-71-6640	1,449.57
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-001/00	Engineering - Ritchey Project	10-64-6636	254.75
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-001/00	Engineering - Water	10-64-6636	69.75
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-001/00	Engineering - BNSF Feasibility Study	10-64-6636	1,018.75
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-001/00	Engineering - Skoglund	10-64-6636	688.25
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-001/00	Engineering - Love's Hotel	10-64-6636	2,291.00
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-002/00	Hudson Water System Model	70-71-6640	1,750.00
08/28/2015	50937	840	Ketterling Butherus & Norton Engi	1131-003/00	Engineering - BNSF Feasibility Study	10-65-6640	139.50

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
Total 50937:							8,136.49
08/28/2015	50938	853	Love's Travel Stops & County Stor	636968423	Fuel - PW Department	10-68-6416	983.00
08/28/2015	50938	853	Love's Travel Stops & County Stor	636968423	Fuel - Parks Department	10-69-6416	248.25
08/28/2015	50938	853	Love's Travel Stops & County Stor	636968423	Fuel - Water Department	70-68-6416	319.07
08/28/2015	50938	853	Love's Travel Stops & County Stor	636968423	Fuel - WW Department	75-68-6416	190.67
Total 50938:							1,740.99
08/28/2015	50939	1262	Megan Stitzman	081715	Park Pav. Deposit Refund - 7-11-15	10-45-4513	25.00
Total 50939:							25.00
08/28/2015	50940	1159	Merry Makers & Decorators LLC	201907	Fall Festival Entertainment	10-69-6730	824.50
Total 50940:							824.50
08/28/2015	50941	84	Mountain States Pipe & Supply	341883-01	Water Meter Supplies	70-68-6710	40.11
Total 50941:							40.11
08/28/2015	50942	86	Northern Colorado Water Conserv	2080	Water Contract - ID 2080	70-64-6633	23,765.80
Total 50942:							23,765.80
08/28/2015	50943	509	Quill Corporation	6723100	Meeting Supplies	10-64-6212	46.99
08/28/2015	50943	509	Quill Corporation	6723100	Coffee and Toilet Paper	10-64-6710	44.07
08/28/2015	50943	509	Quill Corporation	6723100	Office Supplies	10-64-6720	168.75
08/28/2015	50943	509	Quill Corporation	6725180	Paper Towels	10-64-6710	15.67
08/28/2015	50943	509	Quill Corporation	6725180	Envelopes	10-64-6720	10.16
08/28/2015	50943	509	Quill Corporation	6912869	Meeting Supplies	10-64-6212	25.47
Total 50943:							311.11
08/28/2015	50944	1146	Rebecca Utecht	082615	Mileage - Bank Deposits	10-64-6213	10.35
08/28/2015	50944	1146	Rebecca Utecht	082615	Cell Phone - September 2015	10-64-6411	25.00
Total 50944:							35.35
08/28/2015	50945	49	SAFEbuilt Inc	0021255-IN	Code Enforcement Services - July 2015	10-66-6632	742.50
08/28/2015	50945	49	SAFEbuilt Inc	0021283-IN	Building Permits and Plan Review Services	10-65-6642	1,237.95
Total 50945:							1,980.45
08/28/2015	50946	1043	Stolfus	15027-1	Hudson Comp Plan	10-65-6633	895.80
Total 50946:							895.80
08/28/2015	50947	1261	The Legendary Ladies	082115	Fall Festival Event	10-69-6730	300.00
Total 50947:							300.00
08/28/2015	50948	285	Town of Hudson	082615	Yard of the Month Winners - August 2015	10-69-6730	60.00

Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Description	Invoice GL Account	Check Amount
08/28/2015	50948	285	Town of Hudson	082615	quiz Winners - Volume No. 78	10-69-6730	100.00
Total 50948:							160.00
08/28/2015	50949	131	Tribune The	4247440	Notice of Election Publishing	10-63-6658	44.72
08/28/2015	50949	131	Tribune The	4248534	Ordinance Publishing - 15-11	10-64-6620	823.68
Total 50949:							868.40
08/28/2015	50950	90	TZA Water Engineers Inc.	0414538.01-	Water Engineering Services	70-64-6640	393.00
Total 50950:							393.00
08/28/2015	50951	5	United Power	081015-1553	Electric - 557 Ash Street	10-64-6413	166.37
08/28/2015	50951	5	United Power	081015-1553	Electric - 557 Ash Street	70-64-6413	166.36
Total 50951:							332.73
08/28/2015	50952	99	USA BlueBook	721325	Eye Wash Solution	75-68-6710	93.11
Total 50952:							93.11
08/28/2015	50953	1237	Van Diest Supply Company	75141	Chemicals for Weeds	10-69-6710	183.20
08/28/2015	50953	1237	Van Diest Supply Company	75142	Mosquito Control	10-68-6710	25.00
Total 50953:							208.20
08/28/2015	50954	1215	Veris Environmental	J001862	Sludge Hauling	75-68-6633	3,595.00
Total 50954:							3,595.00
08/28/2015	50955	536	Verizon Wireless	9750407347	Ops Cell Phone Service	10-64-6411	17.13
08/28/2015	50955	536	Verizon Wireless	9750407347	Ops Cell Phone Service	10-68-6411	46.11
08/28/2015	50955	536	Verizon Wireless	9750407347	Water Ops Cell Phone Service	70-68-6411	46.08
08/28/2015	50955	536	Verizon Wireless	9750407347	Wastewater Cell Phone Service	75-68-6411	46.08
08/28/2015	50955	536	Verizon Wireless	9750407347	Police Cell Phone Service	10-66-6411	32.04
08/28/2015	50955	536	Verizon Wireless	9750407347	Water Cell Phone Service	70-64-6411	46.08
Total 50955:							233.52
08/28/2015	50956	293	Virulent Solutions Inc.	H150806NET	Network Repairs	10-64-6633	522.50
08/28/2015	50956	293	Virulent Solutions Inc.	H150818	Setup PW Computers	10-68-6633	902.50
08/28/2015	50956	293	Virulent Solutions Inc.	H150818	Computer Servicing and Haz Mit Plan	10-64-6633	285.00
08/28/2015	50956	293	Virulent Solutions Inc.	H150819PU	Setup and clean up 2 computers	10-68-6633	760.00
08/28/2015	50956	293	Virulent Solutions Inc.	H150820PU	Finish setting up computers	10-68-6633	475.00
Total 50956:							2,945.00
08/28/2015	50957	13	Weld County Sheriff's Office	080715	Weld County Sherrif's Patrol Time	10-66-6632	12,413.44
Total 50957:							12,413.44
Grand Totals:							70,771.11

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Report Criteria:

Report type: GL detail

Check.Type = {<>} "Adjustment"

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**MEMORANDUM**

**2.a.**

**To:** Board of Trustees  
**From:** Joe Racine, Town Administrator  
**Date:** September 2, 2015  
**Subject:** Budget Public Meeting

This agenda item will be an opportunity for anyone to bring ideas to the Board regarding the 2016 Budget. I will bring to the meeting results from Citizen Surveys that have been received to date.

This is not the formal budget public hearing. The hearing is scheduled for November 4<sup>th</sup>.

Town of Hudson  
2016 Budget  
Budget Calendar

August 1	Preliminary discussion, goals
August 19	Distribute 2014 Citizen Survey
August 25	Deadline for receipt of draft assessed valuation
September 1	Deadline for return of surveys
September 2	Budget public input meeting and budget workshop
October 7	Notice of Budget and Hearing published
October 7	Proposed Budget presented to the Board at regular meeting
November 4	Budget hearing Supplemental budget resolution, if necessary
December 2	Budget adoption (subject to revision per Dec. 10 final valuation.)
December 10	Deadline for assessor's revisions to assessed value
December 15	Deadline to certify mill levy to County Commissioners



# TOWN OF HUDSON

557 ASH STREET, P.O. BOX 351  
HUDSON, CO 80642-0351  
Phone: 303-536-9311 FAX: 303-536-4753  
[www.hudsoncolorado.org](http://www.hudsoncolorado.org)

Application for:  Board of Trustees     Planning Commission     Board of Adjustment  
Please check the box of the position you are applying for.

First Name Julia

Middle Name Christen

Last Name Stell

Street Address 360 Holly St. Hudson, CO 80642

Home Phone 720 456 2743

E-Mail Address julies602@gmail.com

Occupation Student

Employer N/A

Qualifications for Board of Trustees Position:

1. U.S. Citizen
2. At least 18 years of age
3. Resident of Hudson at least 12 consecutive months
4. Registered elector
5. Must maintain residence throughout the term of the appointment

Length of Residency: 4 (Years) \_\_\_\_\_ (Months)

Please list any specialized business skill or education:

Current major at Front Range Community College is Criminal Justice

Please list any civic activities:

Planning Commission - will resign from P.C. if application for B.O.T. is accepted

Are you familiar with any ordinances or master plans relating to the particular board for which you are applying? NO

Are you related to any employee, appointed or elected official of the Town of Hudson Government? NO

Do you have any personal conflicts with the meeting schedule? NO

RESOLUTION NO.

15-26

**TITLE: A RESOLUTION APPOINTING JULIA STELL TO THE BOARD OF TRUSTEES PURSUANT TO C.R.S. § 31-4-303 AND SECTION 2-2 OF THE HUDSON MUNICIPAL CODE**

WHEREAS, vacancies exist in the Board of Trustees; and

WHEREAS, the Board of Trustees desires to fill the vacancies until the next regular election in accordance consistent with the provisions of C.R.S. §31-4-303 and Hudson Municipal Code Section 2-2.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF HUDSON, COLORADO, AS FOLLOWS:

Section 1. Effective at the regular board meeting September 2, 2015, Julia Stell is hereby appointed to the Board of Trustees for a term ending on the date of the next regular election.

INTRODUCED, READ and PASSED this 2<sup>nd</sup> day of September, 2015.

TOWN OF HUDSON, COLORADO

\_\_\_\_\_  
Raymond Patch, Mayor

ATTEST:

\_\_\_\_\_  
Linnette Barker, Town Clerk

**MEMORANDUM**

**2.b.**

**To:** Board of Trustees  
**From:** Joe Racine, Town Administrator  
**Date:** September 2, 2015  
**Subject:** CR49 Bids

As discussed at the last meeting, staff has solicited bids from three contractors for the mill and overlay on CR49. In order to reduce the cost of the project we looked at reducing the scope of the project and only doing a portion of the road. The conclusion of staff was that the entire mile needs to be addressed, and that any portion not done at this time will likely fail next year.

At the time of preparing the packets we had not yet received the bids. Assuming that we have them by the time of the meeting we will bring them at that time. If information is available sooner, we will send it along before the meeting.

**MEMORANDUM**

**Work Session  
Home Rule**

**To:** Board of Trustees  
**From:** Joe Racine, Town Administrator  
**Date:** September 2, 2015  
**Subject:** Work Session, Home Rule

**Attachment**

Staff distributed a notice with the Citizen Surveys that were sent to all households in Hudson, advising people that there would be a discussion of Home Rule at this meeting's work session. Friday, September 4<sup>th</sup> is the deadline for petitions to be on the ballot for election to the Home Rule Commission.

This work session will be an opportunity for the Board and for any interested citizens who might be at the meeting to ask questions and to offer comments about the concept of Home Rule. Attached is a 2009 paper prepared for a similar meeting during the Home Rule



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**TOWN OF HUDSON**  
**MEMORANDUM**

**TO: MAYOR AND BOARD OF TRUSTEES  
JUDY LARSON, TOWN CLERK**

**FROM: COREY Y. HOFFMANN, TOWN ATTORNEY  
HILARY MOGUE GRAHAM, ESQ.**

**DATE: AUGUST 27, 2015**

**RE: CALENDAR FOR JULY 11, 2006, SPECIAL ELECTION**

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What follows is a combined election calendar and checklist for the July 11, 2006, special election, which will include one ballot question and candidates but only candidates for election to the home rule charter commission.

Please call us with any questions you may have.

\_\_\_ **15<sup>th</sup> day of each month = March 15 – June, 2006**

Town Clerk to deliver new registration records to county clerk. C.R.S. § 31-10-204.

\_\_\_ **120 days before election = March 13, 2006**

First day call for special election by ordinance initiating home rule process may be effective. C.R.S. §§ 31-2-204(1) and (2). (Election must be held within 120 days of call of the election.)

August 27, 2015

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\_\_\_ **90 days before election = April 12, 2006**

\_\_\_ Last day to change election precincts. C.R.S. § 31-10-502.

\_\_\_ First day to request absentee ballots. C.R.S. § 31-10-1002(1).

\_\_\_ **Not less than 60 days before election = May 11, 2006**

\_\_\_ Last day for Town Clerk to publish the first notice of the election to form a home rule charter commission. C.R.S. § 31-2-204(2).

\_\_\_ Town Clerk must have petitions available for the nomination of members to the home rule charter commission. C.R.S. § 31-2-204(3).

\_\_\_ **30 days before election = June 11, 2006**

Last day a person can move into an election precinct and become a resident for the purpose of voting in the election. C.R.S. § 31-10-201(1)(b).

\_\_\_ **30 days after publication of first election notice (assuming first publication on May 11, 2006) = June 12, 2006**

Last day for candidates to file nomination petition and candidate statement with the Town Clerk for election to the charter commission. C.R.S. § 31-2-204(3). (Petition and statement shall be filed within thirty (30) days after publication of election notice.)

\_\_\_ **29 days before election = June 12, 2006**

Last day to register to vote in special election. C.R.S. § 31-10-205.

\_\_\_ **28 days before election = June 13, 2006**

Town Clerk must deliver registration records to county clerk. C.R.S. § 31-10-204.

\_\_\_ **As soon as possible after completion of candidate filings (assuming first publication on May 11, 2006) = June 15, 2006, or June 22, 2006 (depending on publication deadlines)**

First day for Town Clerk to publish the second notice of the election to form a home rule charter commission. Second notice must include the names of the nominees to the charter commission. C.R.S. § 31-2-204(3). (“A second notice of election, as soon as possible after the completion of filings, shall be published...and shall include the names of candidates for the charter commission.”)

\_\_\_ **15 days before election = June 26, 2006**

Last day for Town Board of Trustees to appoint election judges. C.R.S. § 31-10-401.

\_\_\_ **10 days before election = June 30, 2006**

\_\_\_ Last day to post and publish notice of election. C.R.S. § 31-10-501.

\_\_\_ Last day to post election signs at polling places. C.R.S. § 31-10-501(3).

\_\_\_ Last day to print ballots and sample ballots, and have ready for public inspection. C.R.S. § 31-10-902(1); C.R.S. § 31-10-806.

\_\_\_ **5 days before election = July 6, 2006**

County clerk to deliver complete list of registered electors to Town Clerk. C.R.S. § 31-10-205.

\_\_\_ **Friday before election = July 7, 2006**

Last day to request absentee ballots. C.R.S. § 31-10-1002(1).

\_\_\_ **One day before election = July 10, 2006**

\_\_\_ Ballot boxes and keys must be delivered to election judges. C.R.S. § 31-10-901.

\_\_\_ Registration records must be delivered to election judges. C.R.S. § 31-10-206.

\_\_\_ Ballots must be delivered to election judges before 8:00 p.m. C.R.S. § 31-10-904; C.R.S. § 31-10-807.

\_\_\_ **Election Day = July 11, 2006**

\_\_\_ Judges must be provided with sample ballots. C.R.S. § 31-10-902.

\_\_\_ Judges must open ballot box prior to opening of polls. C.R.S. § 31-10-604.

\_\_\_ Polls open at 7:00 a.m. and close at 7:00 p.m. Any voters standing in line at the close of the polls are permitted to cast their vote. C.R.S. § 31-10-601.

\_\_\_ Last day to vote absentee ballots, and absentee ballots must be received before 7:00 p.m. C.R.S. § 31-10-1004.

- \_\_\_ Not later than 8:30 a.m. and continuing until 7:00 p.m., absentee ballot envelopes must be delivered to a precinct. C.R.S. § 31-10-1006.
- \_\_\_ Judges count ballots at close of polls. C.R.S. § 31-10-610.
- \_\_\_ Judges separate defective ballots and return to ballot box. C.R.S. § 31-10-612.
- \_\_\_ After all votes have been read and counted, judges file certificate and statement. C.R.S. § 31-10-613.
- \_\_\_ After all votes have been read and counted, judges post abstract. C.R.S. § 31-10-615.
- \_\_\_ After all votes have been read and counted, judges deliver all supplies to Town Clerk. C.R.S. § 31-10-614.
- \_\_\_ **7 days after election = July 18, 2006**
  - \_\_\_ Last day for Town Clerk to open returns, make out abstracts of votes and certified statement. C.R.S. §§ 31-10-1201; 31-10-1205.
  - \_\_\_ Last day to request non-mandatory recount. C.R.S. § 31-10-1207(2).
- \_\_\_ **10 days after election = July 21, 2006**
  - \_\_\_ Last day to complete mandatory and non-mandatory recounts. C.R.S. §§ 31-10-1207(1)-(2).
- \_\_\_ **20 days after election = July 31, 2006**
  - \_\_\_ Last day to contest election. C.R.S. § 31-10-1303.
- \_\_\_ **6 months and one day after election = January 12, 2007**
  - \_\_\_ Election records must be destroyed. C.R.S. § 31-10-616.



1144 Sherman Street, Denver, CO 80203 • (p) 303-831-6411 • (f) 303-860-8175 • [www.cml.org](http://www.cml.org)

**HOME RULE FORUM-CITY OF CASTLE PINES NORTH  
APRIL 23, 2009  
SAM MAMET, EXECUTIVE DIRECTOR, CML**

[smamet@cml.org](mailto:smamet@cml.org) or 303-831-6411

The views expressed at this forum are those solely of the presenter, and any legal advice should be obtained by appropriate legal counsel

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## *Appendix I*

# Summary of General Arguments For and Against Home Rule

### **GENERAL ARGUMENTS FOR**

- Article XX of the Colorado Constitution grants both general and specific powers to home rule municipalities, providing them greater flexibility when seeking solutions to local problems.
- These powers allow home rule municipalities to shape such solutions to fit local needs, without involving the state legislature or being subjected to undesirable limitations imposed statewide. Home rule allows municipalities to respond more quickly to changed circumstances or emergency situations by allowing legislative solutions at the local level through ordinances or charter amendments, rather than waiting for action by the state legislature.
- Home rule municipalities are not required to follow state statutes in matters of local and municipal concern and therefore enjoy freedom from state interference regarding local and municipal matters.
- The express and implied enabling authority granted to municipalities in state statutes is sometimes ambiguous; home rule allows the municipality to act with greater assurance that its actions are properly authorized, especially if the charter reserves to the municipality authority to legislate on any and all matters of local concern.
- By empowering local citizens more directly, home rule enhances citizen control, interest, involvement, and pride in their municipal government.
- Home rule is the embodiment of the principle that the best government is the one that is the closest to the people.

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## GENERAL ARGUMENTS AGAINST

- If a restrictive charter is adopted, the potential flexibility offered by home rule may be lost.
- Once adopted, the charter may serve as a vehicle for dissatisfied citizens to further limit the authority of the municipality in general and elected officials in particular through the adoption of binding charter amendment, i.e. amendments which cannot be changed or repealed by the governing body without a subsequent vote of the people.
- The lack of definite limits on home rule powers may constitute a disadvantage to a municipality by creating legal uncertainty when the municipality legislates in a relatively new area; the ultimate determination of whether a matter is truly of "local concern" requires an *ad hoc* determination in court.
- The process of adopting a home rule charter involves some costs to the municipality—attorney's or other consultant's fees, expenses incurred from publication requirements, election costs, etc. can be a burden on the municipality.
- The prospect of an existing municipality adopting a home rule charter requires some change from the status quo along with the need to debate potentially volatile issues related to the structure and powers of the municipality, and therefore may be perceived as creating unnecessary risks in a community that is satisfied operating under existing statutes.
- Unless restricted by the charter, a home rule municipality has the potential to exercise more governmental powers than are available to statutory municipalities, which some local citizens may see as a disadvantage.

Historically, municipalities throughout the nation have been viewed as "creatures of the state," dependent upon the state for their creation and for their continued existence: the so-called "Dillon's Rule." As a result of this viewpoint, municipalities were often allowed to exercise only those powers expressly granted to them by the state, those necessarily implied from or incidental to their expressed powers, and those essential to the purposes of the municipality. Accordingly, state legislatures decided when and how municipal governments should be organized, what powers they could or must exercise, and the procedures to be followed in the exercise of those powers.

This viewpoint, when combined with the rapid urbanization of the nation in the late 1800s, created hardships for some of the nation's municipalities. Problems arose which often could not be solved under existing state statutes. Where this was the case, the municipality was forced either to ignore the problem or to wait until the state adopted legislation empowering the municipality to act. In addition, some municipalities found that state legislatures took too great an interest in municipalities' local, internal affairs. Dissatisfaction with municipal dependence on state legislatures and with undue legislative interference in municipal affairs led ultimately to the adoption, by the citizens of some states, of the concept of home rule.

In general, municipal home rule is based upon the theory that the citizens of a municipality should have the right to decide how their local government is to be organized and how their local problems should be solved.

The right of home rule is usually granted to municipalities by one of two methods: "constitutional" home rule, by which the right is granted directly to municipalities by the citizens in the state constitution; and "legislative" home rule, by which the right is granted to municipalities by the legislature in the statutes. These two methods differ in that constitutional grants of home rule are less subject to change since state constitutions are more difficult to amend than are state statutes.

There are two types of home rule: structural and functional. "Structural" home rule means that the citizens have the right to decide the form, or administrative structure, of their government. "Functional" home rule means that the citizens have the right to decide not only the form or structure of their government but also, within limits, what powers and functions the municipality shall exercise and how they shall be exercised.

In Colorado, municipalities have constitutional and functional home rule powers reserved by the people in Article XX of the Colorado Constitution. Article XX reserves for citizens of home rule municipalities "the full right of self government in local and municipal matters." Colorado counties, on the other hand, have constitutional and structural home rule pursuant to Article XIV, Section 16 of the Colorado Constitution.

In Colorado, the original adoption of home rule seems to have resulted primarily from a dissatisfaction with legislative interference in the affairs of Denver. In 1861, Colorado became a territory, and the city of Denver was incorporated under a special charter. During much of the next 40 years, Denver appeared to some to be the "football of the political party in power at the state capitol." Its charter was continually being revised by the legislature. Independent boards were created by the legislature to govern various areas of Denver's services. The governor - rather than officials or citizens of the city - appointed members of those boards.

Popular dissatisfaction surrounding the legislative treatment of Denver developed, in 1901, into the "home rule" movement. This movement culminated in 1902 when Colorado citizens overwhelmingly approved Article XX as an amendment to the Colorado Constitution. Article

XX consolidated the city and the county of Denver into one entity, granted the new entity the right to adopt a home rule charter, and provided in Section 6 for the adoption of home rule charters by other Colorado cities.

In the decade following 1902, however, the Colorado courts took a sometimes restrictive view of the home rule powers granted in Article XX. Partly as a result of this judicial attitude, Section 6 of Article XX was substantially amended in 1912 to provide a broader and more clear statement of home rule powers.

In 1970, as part of an overall effort to modernize local government in Colorado, Article XX was again amended by the addition of a new Section 9. In general, Section 9 permitted any municipality, regardless of size, to adopt a home rule charter; permitted the adoption of a home rule charter at the time of incorporation; and required the legislature to establish procedures for adopting, amending, and repealing charters for existing and prospective home rule municipalities.

### Colorado Population Figures & percentages

	1920	1930	1940	1950	1960	1970	1980	1990	1998	2000	2002
State Population	939,191	1,035,791	1,123,296	1,325,271	1,771,158	2,224,610	2,907,856	3,304,042	4,015,152	4,301,261	4,301,261
Municipal Population	566,802	641,847	722,237	888,269	1,212,609	1,656,548	2,120,347	2,383,045	2,865,944	3,025,069*	3,025,069*
% of State Population in Municipalities	60.35%	61.97%	64.30%	67.03%	68.46%	74.46%	72.92%	72.13%	71.38%	70.33%	70.33%
Home Rule Municipal Population	368,392	418,667	466,627	610,252	875,871	1,301,486	1,757,578	2,132,834	2,605,452	2,765,365	2,796,367
% of State Population in Home Rule Municipalities	39.22%	40.42%	41.54%	46.05%	49.45%	58.50%	60.44%	64.55%	64.89%	64.29%	65.01%
% of Municipal Population in Home Rule Municipalities	64.99%	65.23%	64.61%	68.70%	72.23%	78.57%	82.89%	89.50%	90.91%	91.41%	92.43%
Number of Home Rule Municipalities	9	10	10	13	22	38	56	68	78	82	84

Does not include recently incorporated Centennial.

10/22/2007

## Home Rule Municipalities

NAME	POPULATION	CATEGORY	Original Charter Year
Alamosa	8419	(HRC)	1957
Arvada	103004	(HRC)	1963
Aspen	6368	(HRC)	1970
Aurora	295775	(HRC)	1961
Avon	6755	(HRT)	1979
Basalt	3051	(HRT)	2002
Black Hawk	112	(HRC)	2001
Boulder	97467	(HRC)	1917
Breckenridge	3296	(HRT)	1980
Brighton	27131	(HRC)	2000
Broomfield	44634	(HRC)	1974
Burlington	3838	(HRC)	1973
Canon City	15683	(HRC)	1945
Carbondale	5767	(HRT)	2003
Castle Rock	33810	(HRT)	1987
Central City	492	(HRC)	1991
Village	6089	(HRC)	1966
Springs	380073	(HRC)	1909
Commerce City	30768	(HRC)	1970
Cortez	8504	(HRC)	1957
Craig	9178	(HRC)	1956
Crested Butte	1543	(HRT)	1974
Dacono	3309	(HRC)	1994
Delta	8087	(HRC)	1950
Denver	568913	(HRC)	1904
Dillon	819	(HRT)	1993
Durango	15628	(HRC)	1912
Edgewater	5351	(HRC)	1962
Englewood	32491	(HRC)	1958
Evans	16280	(HRC)	1973
Federal Heights	11698	(HRC)	2001
Fort Collins	126903	(HRC)	1954
Fort Morgan	11119	(HRC)	1914
Fountain	18334	(HRC)	1976
Frisco	2697	(HRT)	1988
Fruita	8507	(HRC)	1981
Glendale	4808	(HRC)	1972
Springs	8517	(HRC)	1966
Golden	17731	(HRC)	1967
Grand Junction	48141	(HRC)	1909
Greeley	85887	(HRC)	1958
Village	12586	(HRC)	1968
Gunnison	5318	(HRC)	1962
Gypsum	4944	(HRT)	1982
Holyoke	2308	(HRC)	1978
Johnstown	6122	(HRT)	2006
Kiowa	618	(HRT)	2006
La Junta	7334	(HRC)	1968

10/22/2007

## Home Rule Municipalities

Lafayette	23704	(HRC)	1958
Lakewood	143611	(HRC)	1983
Lamar	8628	(HRC)	1962
Larkspur	245	(HRT)	1980
Littleton	40715	(HRC)	1959
Lone Tree	7436	(HRC)	1998
Longmont	80612	(HRC)	1961
Louisville	18545	(HRC)	2001
Loveland	57485	(HRC)	1996
Manitou Springs	5225	(HRC)	1969
Minturn	1115	(HRT)	1982
Monte Vista	4747	(HRC)	1922
Montrose	15351	(HRC)	1967
Morrison	418	(HRT)	2000
Mountain View	549	(HRT)	1972
Mountain Village	1137	(HRT)	1995
Butte	743	(HRT)	1974
New Castle	2949	(HRT)	1999
Northglenn	35612	(HRC)	1975
Ophir	124	(HRT)	1979
Pagosa Springs	1620	(HRT)	2003
Parachute		(HRT)	2007
Parker	37093	(HRT)	1984
Pueblo	104031	(HRC)	1954
Rico	231	(HRT)	2000
Ridgway	812	(HRT)	1993
Rifle	7760	(HRC)	1963
Sanford	781	(HRT)	2006
Sheridan	5457	(HRC)	2002
Silt	2184	(HRT)	2006
Silver Plume	203	(HRT)	2003
Silverthorne	3806	(HRT)	1994
Village	2275	(HRT)	1980
Springs	10742	(HRC)	1973
Sterling	13713	(HRC)	1950
Telluride	2335	(HRT)	1978
Thornton	101763	(HRC)	1967
Timnath	225	(HRT)	2006
Trinidad	9344	(HRC)	1993
Vail	4806	(HRT)	1972
Ward	171	(HRT)	
Westminster	105177	(HRC)	1958
Wheat Ridge	31869	(HRC)	1978
Windsor	12711	(HRT)	2003
Winter Park	830	(HRT)	1983
Woodland Park	7081	(HRC)	1975
Wray	2223	(HRC)	1950
Yuma	3362	(HRC)	1981

## **Outline of Remarks to a Charter Commission in Drafting a Home Rule Charter \***

### **Introduction**

Congratulations!

Tremendous opportunity for Commission members to be statesmen and women – creative, visionary, effective, responsive and responsible in addressing issues of long-range importance to your community.

### **Nature of Municipal Charter**

Similar to the United States Constitution or to a state constitution.

Under Colorado law, the charter is principally an instrument of limitation in Colorado.

Sets forth the basic structure and organization of government, basic procedures to be followed by municipal government in the conduct of its business, basic powers of municipal officials and agencies, including any limitations thereon.

Not necessary for the charter to spell out the details of municipal operations:

- Details can be left to the city council to deal with from time-to-time.
- Applicable state law applies in the absence of a charter or ordinance provision.

Charters are not easily or readily amended; consequently, great care must go into their drafting and unnecessary details and verbiage should be avoided.

### **Contents of a Municipal Charter**

Mandatory provisions:

- Prefatory synopsis.
- Provisions governing initiative, referendum and recall.
- Provisions continuing, amending or repealing existing ordinances.

Other examples of charter provisions:

- Form of government - allocation of legislative and administrative powers.

- *Qualifications, terms of office, number of councilmembers, and method of election.*
- *Election procedures.*
- *Administrative organization.*
- *Boards and commissions.*
- *Procedures for passage of ordinances, resolutions and motions.*
- *Personnel, merit or civil service system.*
- *Legal and judicial affairs.*
- *Budget control and financing.*
- *Municipal borrowing.*
- *Eminent domain.*

### **Samples of Municipal Charters**

Copies of selected charters of Colorado municipalities.

Borrowing provisions from other charters is helpful and time saving.

Caveats regarding borrowing language from other charters:

- Be wary of using charters from Colorado municipalities that adopted their charters years ago - may be outdated as to law and practice.
- Guard against lifting unnecessary detail from other charters.
- Be aware that charter provisions borrowed from the municipalities may not be relevant or appropriate for your community.

### **Hints or Considerations in Drafting a Charter - What Makes a Good Charter?**

- Time is of the essence – commission must act expeditiously.

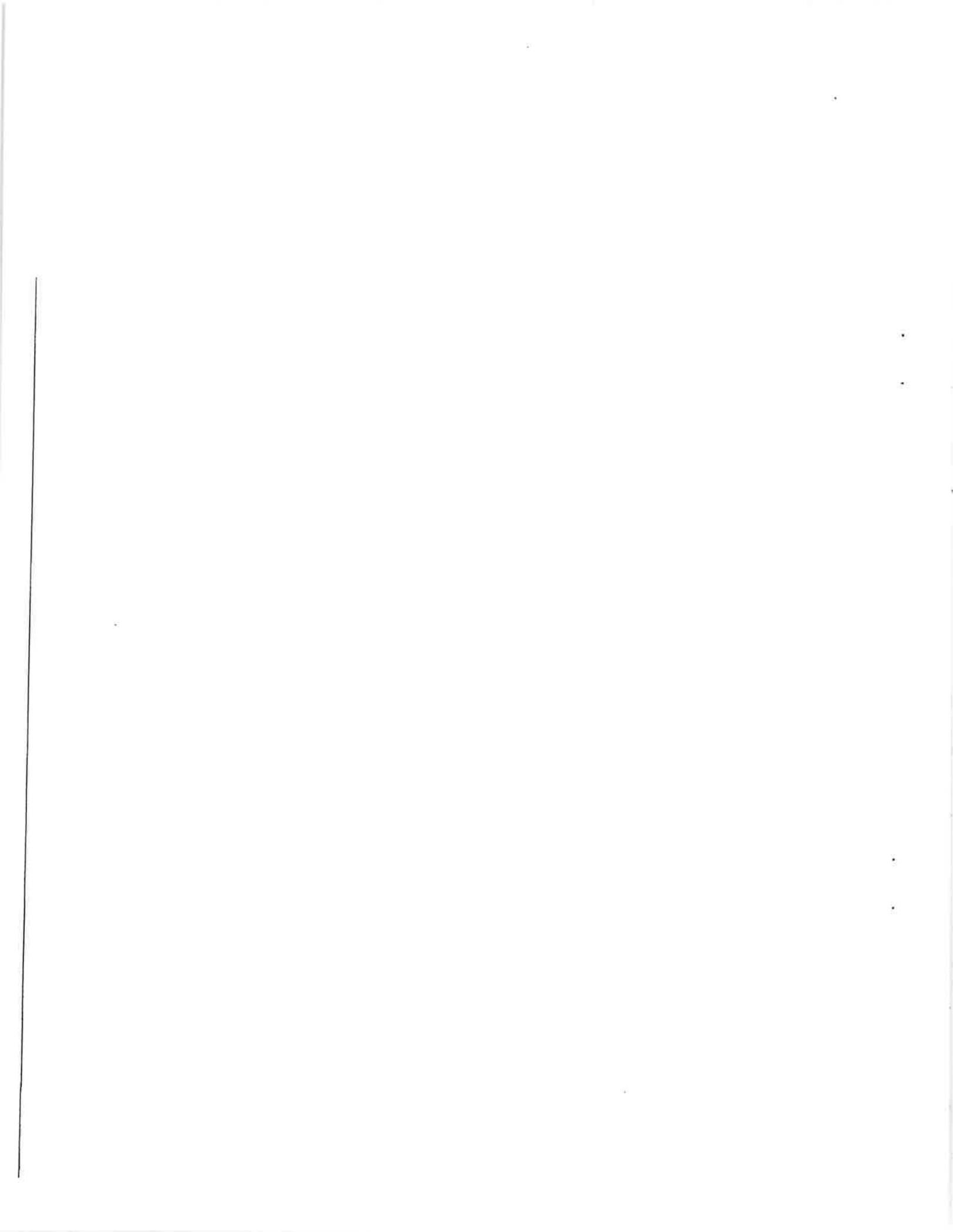
- Much time will necessarily be devoted to a limited number of key issues.
- Work as one group or by committees - pros & cons.
- Use your staff or consultant extensively and effectively; obtain competent legal advice. Decide about and have an understanding with your attorney as to his or her role.
- Be sure your attorney has the time to prioritize your project.
- Provide adequate opportunity for citizen input before decisions are finalized. An open process enhances the prospects for successful adoption of a charter.
- Circulate a preliminary draft charter well in advance of deadlines.
- The charter is the appropriate place to spell out the basic organization and structure of city government, allocation of powers, and the basic procedures and limitations on the exercise of municipal powers.
- Ordinarily, charter commissions adopt an organization similar to their existing organization.
- Charter is the place to spell out clearly how government powers are allocated among municipal officials.
- In drafting a charter, take the long view.
- Be careful to avoid writing unnecessary controversy into a charter.
- The charter should spell out which actions must be by ordinance as opposed to resolution or motion and the procedures applicable to enactment of ordinances. Make clear who votes and how many votes are necessary for the council to act.
- Most charter provisions are noncontroversial; nevertheless, care must be exercised to determine that the provision is needed and unambiguously written.
- While reasonable flexibility is needed for elected officials and staff to manage the city, basic limitations on operation of the city are appropriately placed in the charter.
- Effort should be concentrated on including in the charter fundamental and priority features, leaving other provisions to subsequent action by city council and staff to be modified from time-to-time as needs arise and conditions change. Leave the

elected officials with sufficient flexibility to act and be responsive.

- Avoid inclusion of too much structural detail, such as the organization of departments and divisions.
- Can cross-reference to state statute where appropriate, such as for municipal election procedures.
- Financing provisions, such as municipal bonding and use of local improvement districts, are important. Consider having bond counsel review proposed charter provisions relating to finances.
- Be careful about including unnecessary provisions sought by special interests. These can often be more appropriately dealt with by periodic action of the city council.
- State law allows submission of alternative charter provisions, such as form of government. However, this approach is rarely, if ever, used and risks confusing voters and making approval of the charter more controversial.
- The process followed is very important. A good process can facilitate drafting of a good charter and enhance chances for its approval by the citizens.
- Constructive debate can be healthy – remember the debate which was carried out at the Constitutional Convention in Philadelphia. But work as a team!

## **Conclusion**

- \* *Outline of remarks prepared for a Charter Commission by CML Executive Director Ken Bueche 7/2/01.*



## Examples of Additional Authority and Flexibility Afforded to Home Rule Municipalities

APRIL 2006

### Organization and Structure

1. Set forth legislative and administrative structure and authority. Such as:
  - a. City Manager form of administration, who answers to council;
  - b. Strong Mayor – weak Council; or
  - c. Strong Council – weak Mayor.
2. Set forth disqualifying circumstances for elected officials (some typical disqualifications include convictions for embezzlement of public funds, bribery, perjury, solicitation of bribery, subordination of perjury), as well as grounds and procedures for discipline or removal from office.
3. Expand or contract the number and types of elected offices (mayor elected at large or from council).
4. Modify or clarify procedures for filling vacancies in elective offices.
5. Specify the date when newly elected officials take office.
6. Provide procedures for the appointment, tenure, and removal of municipal judges and clarify the causes for removal.
7. Provide flexibility regarding the governing body being elected at-large, by districts, or by combinations of at-large and by districts, the frequency of and procedures for redistricting, and number of council members.
8. Specify minimum age for elected officials.
9. Provide additional flexibility and clarification regarding powers of mayor, council, manager, other officers and boards and commissions.
10. Provide clear authority to adopt the council/manager form of government.
11. Modify composition and powers of planning commission, board of adjustment and other land use related offices. (Statutory municipalities already enjoy some flexibility).
12. Modify or eliminate term limits for mayor and city council.

## Elections

1. Establish regular election dates at times other than the dates required by statute (i.e. April of even-numbered years for towns, November of odd-numbered years for cities). Not only does this provide local flexibility, but if the regular election date is other than November, it allows TABOR election issues to be voted on at times when other state and local issues are not on the ballot.
2. Provide additional flexibility for dates of special elections which are not TABOR related (i.e. election on redevelopment proposals, annexation, and other non-tax issues).
3. Modify election requirements, including procedures for initiative, referendum and recall. (Statutory municipalities also have some flexibility to alter procedures for initiative and referendum.)
4. Expand the right to vote in municipal elections (i.e. allow nonresidents, who own property in the City to vote?, allow for balloting via the electronic net).
5. Expand certain citizen powers, like initiative, referendum and recall.

## Procedures

1. Simplify or modify various publication requirements, including more streamlined procedures for adoption of codes by reference (publication by titles only, put all pending ordinances and resolutions on City's web page).
2. Modify requirements for enactment of local ordinances to expedite consideration and effective dates, such as one-reading procedure for emergency ordinances in cities (a single reading is all that is currently required for statutory towns).
3. Resolve legal doubt or strengthen the argument that the city by charter or ordinance may delegate decisions to administrative staff. Clarify administrative/political role of mayor (i.e. if city manager form of government, mayor has no administrative powers).
4. Clarify circumstances when ordinance/resolution/motion is required or permitted and allow additional actions by motion or resolution rather than by ordinance (i.e. approve contracts by resolution).
5. Provide flexibility or clarification in terms of quorum and voting requirements for city council.
6. Repeal or modify statutory provisions governing bidding and awarding of public projects and disposal of public property.

7. Establish local zoning, subdivision and other land use procedures which are different from those applicable to statutory municipalities. This is an especially important difference with home rule cities.

8. Clarify and define purposes for which executive sessions may be held.

9. Provide a binding instrument through charter enactment or amendment to proscribe various powers and mandate procedures which will apply and bind elected officials. (Note: the more detail in charter, the more restrictive governmental powers.)

### Finances

1. Allow city collection and enforcement of sales/use taxes (cheaper, faster collections, allows local audits).

2. Allow broader or narrower sales tax base, such as taxes on lodging and entertainment (subject to voter approval if tax base is broadened).

3. Allow broader use tax base, such as tax for accounting or legal services (subject to voter approval if tax base is broadened).

4. Establish differential sales tax rates applicable to certain transactions, such as for food or lodging.

5. Authorize the combined state/county/municipal sales tax rate to exceed the statutory limit (subject to voter approval of any increase).

6. Allow additional types of excise taxes, such as admissions, entertainment, employment, tourism and lodgers' taxes, measured on percentage of sales (subject to voter approval).

7. Increase, eliminate or modify state property tax limits (subject to TABOR and subject to voter approval in some cases).

8. Prohibit one or more types of taxes that the community dislikes. (No voter approval required)

9. Clarify, simplify or otherwise revise procedures for budget and appropriation adoption, amendment and transfer of funds.

10. Authorize property and other tax refunds and exemptions not specifically authorized by state law (i.e. and tax refunds for low income persons or more refunds for seniors).

11. Clarify or broaden authority to create municipal enterprises (ambulance, water, sewer, drainage, trash hauling).
12. Broaden/strengthen authority to impose and enforce municipal liens to facilitate collection of delinquent fees, taxes and charges.
13. Specify salaries to be paid to elected officials.
14. Increase general obligation bond authority (borrowing of money, which is subject to voter approval).
15. Facilitate formation of special improvement districts and expand purposes for which districts may be formed (allow for any public purpose i.e. landscape, streetscape, traffic calming on residential streets).
16. Streamline requirements for issuance of bonds, financial obligations and borrowing of money (subject to voter approval).

#### Miscellaneous Powers

1. Broaden eminent domain powers, including power to condemn property outside municipal boundaries (i.e. to include redevelopment purposes, open space, or parks).
2. Establish alternative procedures for management and operation of municipal utilities such as water and sewer, both within and outside the municipality.
3. Impose terms and conditions of municipal employment (residency requirements for some employees?).
4. Establish voter approval requirements for utility franchises (i.e. cable, fiber optic).
5. Set forth mandatory maximum terms for franchises (such as 10 years) to avoid arguments concerning or negotiations over longer-term franchises.
6. Broaden jurisdiction of municipal court (i.e. increased nuisance abatement authority, domestic violence and civil type powers, such as issue injunctions).
7. Provide additional tools for economic development activities (i.e. urban renewal type redevelopment powers to be "detailed" by ordinances).
8. Clarify authority for or expand the types of services which the municipality can provide (i.e. economic development, human services, urban renewal, trash hauling, parks and recreation).

9. Provide broader authority and flexibility with respect to civil service or other personnel systems, including collective bargaining, and regarding retirement and fringe benefit programs.

10. Set forth additional or more specific ethics and conflict of interest provisions.

11. Broaden land use regulatory authority (impact fees caused by developers or home builders, such as building public roads, providing land for parks and open space).

## Specific benefits of home rule are explained

Wednesday, 11 June 2008 00:00 Bob Borchardt

As the charter commission works on a draft home rule document which will be presented to the town council later this summer, local residents are asking questions.

One often asked is, "With the exception of being able to directly collect city sales tax, what else can the Town of Cedaredge do under the proposed Home Rule Charter that it cannot already do as a statutory community?"

A motivating factor for home rule, according to both Jim Hakanson, chairman of the now defunct home rule advisory committee, and Gael McCully, vice-chairman of the current home rule charter commission, was whether golf carts could be operated on the streets of Cedaredge.

McCully asked, "Why should the state have the authority to tell a golfing community that they cannot drive their golf carts on their own streets?" adding, "State employees drive down the highway on ATVs."

McCully said the golf cart issue also prompted many other questions regarding statutory town versus home rule.

Hakanson said several municipalities have used home rule authority to establish ordinances regarding vehicular usage on their own streets.

Section 10-1 of the draft home rule charter gives the town full authority of its streets, alleys, easements, and rights-of-ways, allowing it to regulate these as it deems appropriate.

It should be noted that the Town of Cedaredge already has an ordinance in place (Ordinance 2006-06) that allows for the use of "Neighborhood Electric Vehicles" on the streets and alleys with specific requirements and limitations.

Another benefit, according to Hakanson, is that home rule towns typically get a more favorable interest rate than statutory towns. He added that the need to improve streets and bridges in town will probably require some type of bonding sometime in the future.

Hakanson also noted that the City of Durango has used home rule authority to designate setbacks of gas and oil facilities from existing structures and to require advance notification of flaring.

Another benefit, according to town administrator Kathleen Sickles, is the ability to adopt an ordinance by reference, rather than being required to publish the entire ordinance in the newspaper. "A big savings," said Sickles.

Sickles also said that the ability to appoint someone to fill a vacancy on the town council, instead of having to hold a special election, is another financial benefit.

During the recent public information night, questions and concerns were raised regarding Section 1-2 (a) of the draft charter, giving the Town of Cedaredge the power of "eminent domain" in and/or outside of the town's boundaries.

Under Article 20 of the Colorado Constitution, home rule municipalities are granted the power to condemn land inside and outside their borders through the power of "eminent domain," and, according to a recent article in the Denver Post, the Colorado Supreme Court has ruled that home rule municipalities can exercise their eminent domain powers outside their borders to condemn land for open-space purposes.

As for the golf cart issue, one area resident commented, "It may not be such a bad idea, considering the price of gas!"

During their regular meeting on Monday, June 9, the commission decided to contact the Colorado Municipal League to provide specific examples of what some home rule municipalities have done that they could not have done under state statutes.

Hard copies of the draft charter are available at the Cedaredge Town Hall, for a fee, or can be downloaded from the town's web site at [www.cedaredgecolorado.com](http://www.cedaredgecolorado.com).

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### Home rule committee begins to frame its areas of concern

Published February 7, 2007

By Bob Dorchardt  
Staff Writer

The Cedaredge home rule advisory committee met for the first time on Wednesday, Jan. 15, to define the committee's role and responsibility. Committee member Danny King facilitated the meeting.

Along with King, committee members Ray Hanson, Mike Hennessey, Gael McCully, Sheryl Hieber and Chuck Richards were on hand for the discussion. Also present were Cedaredge town administrator Kathleen Sickles and Mayor Bill Miller. Committee chair Jim Hankanson was absent.

According to "An Overview of Municipal Home Rule," published by the Colorado Municipal League (CML), in 2006, 92 of Colorado's 271 cities and towns are home rule. These 92 towns comprise more than 90 percent of the total municipal population of Colorado.

The CML overview states, "The time for home rule may not be right if the municipality is getting along fine with existing powers and structure, is stable in population, has a small population or is undergoing political turmoil."

The CML "Overview" also summarizes the advantages and disadvantages of home rule. Primary advantages include greater local control and greater flexibility. Primary disadvantages include the possibility of a bad charter or charter provisions that defeat the advantages of home rule or make operating worse than under state laws; and the effort and expense needed to adopt, amend, and operate under a charter, particularly for some smaller municipalities.

The advisory committee is charged to investigate the issues of home rule vs. statutory municipalities and bring its findings, and recommendations, back to the Cedaredge board of trustees.

Hanson, admittedly predisposed to home rule over statutory, citing zoning and subdivision regulations, said, "We've already made steps moving toward home rule."

Richards countered, "I wonder what problems the town has now that can be solved by home rule."

In response, King noted that maybe the committee should look at what the town already has in common with home rule.

Hieber commented, "I have no idea what home rule is. We have great administration at this time, but as we grow we will be faced with more issues and it sounds like home rule might be easier."

Hieber expressed concern over the potential for levying employment (occupational) taxes, while Hanson said "imminent domain" might be a hot issue

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**To the Editor . . .**

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among area residents.

Hennessey asked, "Are there any specific town problems at this time?"

Miller answered, "Lack of revenue."

Hanson commented that home rule allows the town to get taxes earlier.

Sickles noted that under home rule, the town would have direct control over the remittance of sales taxes, enforcement and accountability.

According to the "Northwest Colorado Council of Governments Study on the Costs and Benefits of Home Rule Status," a home rule municipality may, within certain limits, create new tax sources to meet local financial needs; establish its own maximum debt limitations; establish its own time limitations for the repayment of municipal bonds; establish its own procedures for providing street, sidewalk, and other special improvements; have broader and more flexible taxing powers; the authority to levy taxes not available to statutory municipalities, such as lodger taxes, admissions taxes, real estate transfer taxes, and other excise taxes; and the ability to provide property tax increase limits different from those provided for in the statutes.

McCully said the committee needs time to look at short term vs long term issues

Richards answered, "It's hard to determine long term implications . . . but people are going to ask, 'What's the benefit?' They're going to say, 'So it's going to cost so much, but what's the benefit?'" Hennessey said, "All I know [about home rule] is what I have read. I have no idea of the long term impact on the operations of the town."

Hieber responded that the committee was getting ahead of itself. "I'm not ready to deal with the financial impact. We need to address one question at a time. I would like to identify the 'hot topics' and then do some research."

Hieber also would like some guidance from the town regarding how home rule might help.

Hanson commented, "It's not as big an issue as we are making it. I haven't seen any humungous challenge."

The next meeting of the home rule advisory committee is Wednesday, Feb. 7, at 9 a.m., at the Cedaredge Community Center, Room A.

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with the county.

To the latter, Hakanson replied, "Not at all."

Business owner Jim Garcia expressed concern that business owners who live outside the incorporated limits of the town have no voting rights, even though they own property within the limits of the town. "Can this be changed by a home rule charter?" he asked.

Hanson answered, "It's prohibited by the state constitution."

"But can it be changed by the charter?" asked Garcia again. Answered Hakanson, "I don't see why not, but we'll need to check it out."

Beach asked, "What issues facing the town now would be better served by home rule?"

Trustee Bruce Bertram suggested the advisory committee could look at key issues the town has had to deal with in the past and see how they would have been handled differently under home rule.

With regard to Hakanson's visits to other home rule communities, Garcia asked, "Did you talk to the citizens, or just to the town administration? . . . home rule makes it easier for town administrations, but does it work for the citizens, or does it only make things easier for the town?"

Hakanson admitted he had not talked to area residents in those communities that he had visited.

McCullay responded, "We need to get over the 'we/they' attitude."

Garcia commented, "Everything stated here tonight has been positive. Please, state some of your concerns."

Hanson responded, "The charter, and how it is written is a concern, but it is a step in the right direction."

"Why?" asked Garcia.

"Because it gets us away from Denver," answered Hanson.

"People will have more voice in how the town is managed," added Hakanson.

After the meeting, Beach said she came with questions that she felt were not adequately answered. Beach said she also did not feel the advisory committee had made a good case for home rule. "I'm not convinced, yet," she added.

Cedaredge Mayor Bill Miller and trustee Bertram both expressed disappointment in the low turnout, but one of those who did attend, and who wishes to remain anonymous, said they were surprised and a little intimidated with the mayor, the town administrator and trustees attending the meeting, adding that under those circumstances, "I certainly didn't say everything I wanted to say."

All indicators suggest the home rule advisory committee will recommend that the town move forward toward the adoption of a home rule charter. In that event, the process can be initiated either by ordinance or by a petition followed by an election of a Home Rule Charter Commission. Within 120 days following the election, the Charter Commission must submit a proposed charter to the town council for approval.

Within 30 days of submission of the proposed charter, the town must publish a notice of election for the approval, or disapproval, of the proposed charter. If approved, the charter becomes effective on the date specified in the charter. If

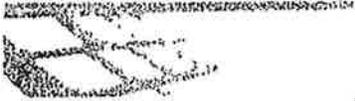
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rejected, the charter commission must prepare a revised charter, following the same procedure. If rejected a second time, the charter commission is dissolved.

Hakanson emphasized that the charter committee is to be a "stand alone" committee, separate from the current town council and not under the influence of the town administration.

Hakanson said the process of going to home rule is not an overnight thing, but will likely take more than a year to complete. Whether or not the Town of Cedaredge becomes a home rule municipality will ultimately be decided by voters living within the incorporated limits of the Town of Cedaredge.

Hakanson concluded, saying that the recommendations from the advisory committee are to be sent back to the town council no later than June 30.



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COLORADO COMMUNITY NEWSPAPERS

05/29/2008

## Home rule is where Lone Tree's heart is

By Holly Cook, Staff Writer

"What's not to like?"

It was a simple response former Lone Tree Mayor Jack O'Boyle gave with a signature shrug and smile when asked about the benefits of becoming a home rule-chartered city 10 years ago.

Across the conference table in the city offices, Lone Tree's "other Jack" mirrored the mayor with a shrug when asked the same question.

"You basically took the words right out of my mouth," Jack Hidahl, Lone Tree's city manager, said to O'Boyle.



Jeremy Bangs | jbangs@coonewspapers.com

Jack O'Boyle, the first mayor of Lone Tree and one of the architects of the city's home rule charter, stands in front of the city's new offices in Lone Tree's entertainment district.

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Only nine days following Lone Tree's second-ever mayoral election and the 10-year anniversary of the passage of the city's charter, the Jacks of Lone Tree sat down with The Voice to reflect on the process of becoming a self-governing city.

"We founded the city with the notion that we wanted to control our own destiny," O'Boyle said.

Becoming a home rule-chartered city means a municipality has the authority to govern itself, aside from state statutes, under its own defined constitution.

It was a shared vision among city leaders and citizens to not only incorporate but to govern their own city with their own rules that made passing the charter a virtual piece of cake, according to O'Boyle.

"So it was an easy sell," he said.

Easy, except for one minor glitch that kept the charter from going into effect until 1998.

It was 1995 when a group of nine forward-thinking individuals including Jane Staebell who is touted as "The Mother of Lone Tree" led a population of less than 3,000 residents through the city's incorporation.

On Nov. 7, 1995 676 electors voted in favor and 165 against the question: "Shall an incorporated City of Lone Tree be organized in Douglas County, State of Colorado, under the incorporation provisions?"

However, the city made the mistake of not running a public notice about the charter in the local newspaper, resulting in having to wait three years, rewrite the charter and hold another election before adopting the constitution.

But in 1998 when the charter reappeared on the ballot, 276 voters approved it, making Lone Tree the 52nd municipality in Colorado to gain home-rule status. Only 11 votes were cast against the adoption of the charter.

In Colorado there are 271 incorporated municipalities and 87 are self-governing, or home rule municipalities.

The majority of cities that surround Lone Tree in the South Metro area became home rule shortly after World War II, according to Susan Rosser who served on the City of Centennial's Charter Commission earlier this year. Centennial is preparing to hold its own election to adopt a proposed charter on June 10.

Out of the 33 most populated cities in Colorado, Centennial who is ranked 10th-largest, is the only city without home rule status.

Littleton, Englewood, Aurora, Cherry Hills Village and Greenwood Village adopted their own constitutions between 1950 and 1960. Parker and Lakewood became home rule municipalities in the 1980s.

"With most of the large municipalities becoming home rule, you have to believe there's a major reason for doing this," Rosser said.

Aside from the cost of an election, The Jacks of Lone Tree couldn't think of many reasons not to become a home-rule chartered city.

"You can write your own rules," O'Boyle piped up. "You can outline your own form of government; prescribe duties of elected and appointed professionals," he said. In true O'Boyle fashion, he added with a grin, "But I don't think mayoral duties are outlined in here."

"Maybe not in your copy," Hidahl retorted.

"The alternative is to live under a generic set of standards and regulations that are imposed by a legislative body that is charged with addressing statewide issues and is not nearly as well informed about the particular needs, policies or governmental philosophy as practiced within your municipality," Hidahl said. "It seems quite obvious that the authority best suited to address matters of local concern are the local governments."

Hidahl best illustrated the advantages of home rule charters when explaining a disagreement Lone Tree had with the Colorado Department of Revenue around the time of the city's incorporation.

Upon adopting the home rule charter Lone Tree amended a sales tax ordinance to better serve the city. The Department of Revenue insisted the city amend the ordinance to stay consistent with state statutes or they would no longer collect Lone Tree's sales tax. The city council refused to re-amend its ordinance and within four months of becoming a home rule city, Lone Tree began collecting its own sales tax revenue resulting in revenue in the bank much quicker.

"However well-intended the [Department of Revenue] may be in sales tax collection, they simply cannot possibly know any city and its merchants well as the city itself does," Hidahl said.

Sales tax collection is only one example of the advantages of operating under a home rule charter, according to Hidahl.

"Every municipality should control its own destiny, and even if the state asserts its authority and control due to 'matters of statewide concern,' a home rule chartered city has preserved the opportunity to challenge it," he said.

Looking back 10 years, Lone Tree's "Jacks" have no regrets about the city's self governance. Looking at each other, they again shrug their shoulders and reiterate, "What's not to like?"

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# Home-rule advantage

## The benefits of home-rule charter authority for one small town

By Eric Heil  
Rico Town Attorney

**M**ost large municipalities in Colorado have adopted the home-rule-charter form of government, while many small municipalities with populations of less than 5,000 remain under the statutory form of municipal government. Every year, several small municipalities in Colorado consider and debate the adoption of home-rule authority.

Rico adopted a home-rule charter in May 2000 after 10 years of debate and three separate efforts to form a Home Rule Charter Commission. The benefits of home-rule authority have quickly materialized for the community.

Rico is 25 miles south of the towns of Telluride and Mountain Village, a fast-growing and extremely affluent resort area that has increased regional-development interest. In stark contrast, Rico is in Dolores County, which is not very "rico" in terms of dollars but does enjoy a non-monetary affluence of lifestyle, community and environment. With virtually no economy, no infrastructure and significant

development pressure, Rico faces daunting financial and growth management challenges.

After adoption of the home-rule charter, the community focused on

### Rico

Incorporated: 1879

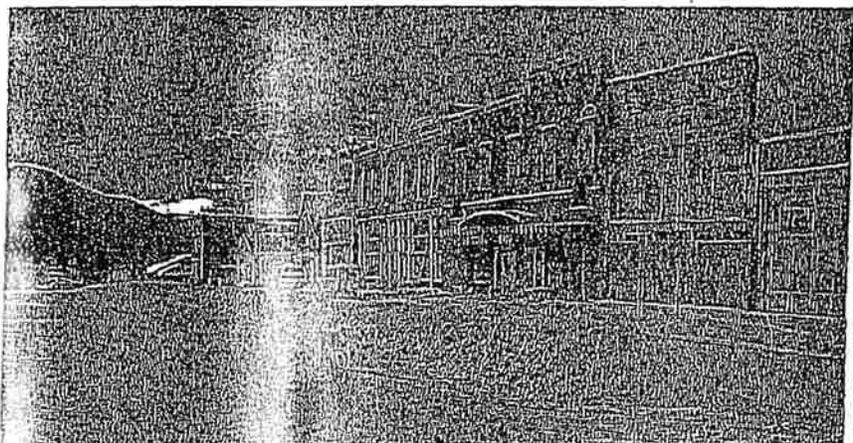
Population: 205

County: Dolores

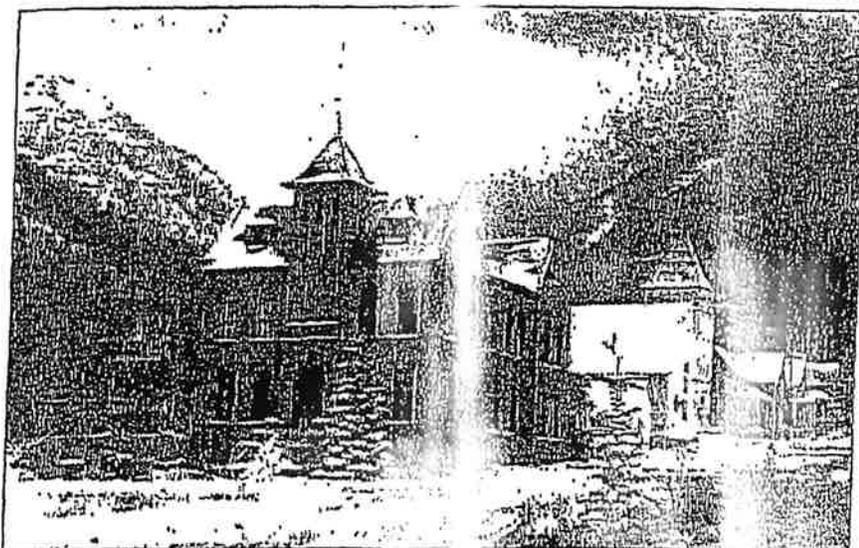
sewer infrastructure planning (Rico has no central sewer) and strategies to manage the numerous public-service demands of growth. Staffing and capital improvements were discussed extensively and a compre-

hensive funding plan was proposed to the Rico voters in November. In addition to property taxes to support both a Main Street core sewer system (passed in November 2000) and a town manager position (passed in November 2001), Rico voters approved broad taxation ballot questions for capital improvements.

A 1 percent sales-tax increase was approved, raising the municipal sales-tax rate to 5 percent, with 20 percent of the total tax revenue dedicated to parks and open space capital improvements. A 1 percent lodging tax was approved, with 75 percent of the revenue dedicated to parks and open space and 25 percent dedicated to business promotion. Home-rule authority allowed Rico to exceed the



Downtown Rico. Photos by Eric Heil.



*A wintery view of the Rico Town Hall. The building was the court house when Rico was the county seat.*

statutory municipal sales-tax limit of 4 percent and allowed the revenues from a lodging tax to be allocated as approved by voters.

A \$2-a-square-foot excise tax on all new construction was approved with the revenues allocated equally toward capital improvements for town hall restoration, street maintenance equipment and facilities, parks and open space, and fire protection. Home-rule authority allowed the town to consider an excise tax, rather than impact fees, to promote growth paying its way.

The passage of these ballot questions appeared to be successful for two reasons. First, public confidence was gained by taking a comprehensive approach toward growth management and analyzing the probable growth issues associated with sewer infrastructure. And, second, the comprehensive funding proposal spread the burden of taxation among property owners, residents, visitors and developers while providing an improvements plan for many public services and facilities deemed important by the community.

Home-rule authority provided greater financing options for Rico to improve and maintain public services. The Rico town management has a level of comfort knowing there

are permanent, dedicated funding sources to meet the foreseeable public demands during the next 10 years.

Home-rule authority is likely to be a benefit in the near future as the town board considers business promotion and potential tax increment financing authority incentives.

Another intangible but fundamental benefit of the process to adopt home rule was that it involved many citizens in community issues. The discussions on self-governance that are central to the chartering process led to greater understanding of the role and function of local government in the community.

The process was instrumental in overcoming a perception that the town government was an elitist separate from the people rather than an outlet for and of the people. Public participation and the credibility of the town government's role and actions increased.

Growth management continues to be a top priority for communities across the nation. Maintaining and enhancing quality of life in small communities will only become more difficult as state and federal funding declines, more responsibilities are shifted to the local level, and per capita care costs increase. Local

natural resources become more scarce and, of course, ever more laws and legal liabilities are created.

Home-rule authority can offer more tools and greater flexibility to meet the increasingly complicated challenges of the future. Adopting greater local control is in the spirit of independence and self-reliance, cherished qualities of small western communities.

For the Town of Rico, adopting home-rule authority was an essential step to enable the community to shape its future. ●

*To submit briefs for this column, e-mail them to [alockwood@cml.org](mailto:alockwood@cml.org) or send them to Editor, c/o CML.*

### **Home Rule in Colorado**

In Colorado, 83 municipalities operate under home rule. The least populated is Ophir with a 2000-census population of 113. The most populated is Denver with a population of 554,636.

Thirteen municipalities with populations of fewer than 1,000 are home rule; as are 19 with populations of 1,000 to 5,000; and 18 with populations of 5,000 to 10,000.



Wednesday, January 30, 2008

## Municipal league representative presents overview of home rule

Kathy Davis  
Times Reporter

Wednesday, January 30, 2008

Colorado Municipal League executive director Sam Mamet presented an overview of home rule at a special work session for the public and the Board of Trustees on Tuesday, Jan. 22 at the community center.

The Town of Buena Vista currently operates as a statutory town under state legislation. Home rule is a form of municipal self-government operating under a charter or constitution written by local citizens. Mamet reviewed the history, basics and pros and cons of home rule.

Under the Colorado Constitution, towns may operate under home rule.

"Home rule is simply a tool," he said.

One example of this is that it could be a tool for financing or for managing growth.

According to Mamet, one of the biggest advantages is that it gives towns more control of its destiny. Towns have freedom from state interference regarding local and municipal matters. Greater fiscal flexibility is a second advantage.

Home rule allows towns to tax things approved by the voters. One town tax that home rule has the ability to do could be lodging taxes. Also, home rule allows you to collect, audit and administer sales taxes locally. Tabor does supersede home rule, he said. If you have home rule, voters must approve tax increases. There are matters that remain within the jurisdiction of state and county governments.

One of the cons is the change in jurisdiction. Mamet said other disadvantages include a charter restrictive enough to lose the flexibility, which may be used by disgruntled citizens to further limit the authority of the municipality in general and elected officials in particular through the adoption of binding charter amendments, lack of definite limits on home rule powers, which constitute a disadvantage to a municipality by creating legal uncertainty when the municipality legislates in a newly new area, the costs to adopt a home rule charter such as attorney fees, and home rule has the potential to exercise more governmental powers than are available to statutory municipalities.

According to the CML's Home Rule Handbook, it is an embodiment of the principle that the best government is one that is the closest to the people.

Home rule can be initiated by a submission of a petition signed by at least five percent of the registered electors of the municipality to the governing body for the adoption of home rule by the governing body.

To go to home rule, an election is held with two questions: 1) for the authority to write a home rule charter and 2) the election of commissioners to write the charter.

<http://www.chaffeecountytimes.com/ArticleID=3765&SectionID=2&SubSectionID=1> 2/4/2008

The elected commissioners have 120 days to write a charter that goes to the electorate. If it is approved, the town goes to home rule.

One public question was how long does it take to go to home rule. Memet said that political consensus could take longer than it does to pass it.

Other information coming from public questions included that people who want to be on the commission take out nomination petitions, it is a local call who should be the attorney, and that the cost to convert includes legal, election, staff time and the cost of re-amending the ordinances. On who can be on the charter commission, Memet suggested nine to 11 people. He also suggested a mix of people and some can be those who have served and those who are currently elected officials.

The forum was co-hosted by Chaffee County League of Women Voters and The Town of Buena Vista.

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Wednesday, November 01, 2006

## Salidan's learn home rule advantages, pitfalls

Wednesday, November 01, 2006

Home rule status won't fix revenue-generating problems in Salidan, but it might be a tool to fix them, city council members learned Monday night.

Sam Mamet, Colorado Municipal League executive director, met with 25 council members and residents to discuss the prospect of becoming a home rule municipality.

Mamet explained differences between home rule and statutory municipalities, potential pitfalls, generating revenue and the time line for becoming home rule.

He said he was not speaking as an advocate for home rule, but as an information resource.

Becoming home rule "doesn't solve your problems, it's just a means to an end," he said.

A home rule municipality is one receiving power from a home rule charter created by citizens as opposed to a statutory city that derives its power from state statutes.

Home rule cities are able to pass laws dealing with matters of local concern, but still must follow Colorado statute on matters of statewide concern and matters of mixed state and local concern.

Laws must also be in accordance with the Colorado Constitution.

For example, home rule municipalities can change the makeup of city government because it's a matter of local concern, but must abide by the constitutional amendment concerning term limits.

Home rule municipalities can also levy and collect taxes while statutory cities must rely on the state.

Community members questioned the additional human resource costs that might accompany the switch to a home rule municipality.

Mamet said there are costs associated with becoming home rule including time spent going through existing ordinances to see if they still conflict with the charter.

In addition there is the cost of an attorney to advise during the process of creating the charter because it is a legal document.

He said he didn't have specific information regarding ongoing human resource costs.

Aside from cost, other potential pitfalls associated with becoming home rule include creating a charter that is too restrictive, negating flexibility of home rule.

In addition, people who create the charter can potentially use it as a means to push their own agendas instead of looking at the broader community.

Others might oppose becoming a home rule city using the adage that "if the system isn't broke, don't fix it," he said.

The city is looking toward becoming home rule as a way of becoming more financially stable.

Home rule municipalities have more flexibility in generating revenue than statutory municipalities, although they must abide by TABOR limitations requiring voter approval of tax increases.

Other municipalities have become home rule because it gives them more influence in controlling growth and allows them to "control their own destiny" because they do not rely on the state legislature.

Mamet said if the city decides to ask voters to make Salida a home rule municipality, work should begin soon to be prepared for a vote in the next election.

Before voters decide the issue, they need to be educated about what it means to become a home rule municipality and how it would benefit Salida.

Voters would first decide if the city should create a committee to develop a home rule charter. Also on the ballot would be a list of suggested committee members.

Electors must approve the committee, meaning the committee would have to be formed before a home rule charter election.

If approved, the committee would have 120 days in which to present a proposed charter to city council members who would set an election date for the charter.

The city considered becoming a home rule municipality in the early 1980s, but the matter was never put to a vote.

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## CML director defines Home Rule for voters

September 26, 2008

By Samantha Tisdal Wright

An audience of about 35 were edified on the subject of Home Rule by expert Sam Mamet at the Community Center Monday.

Mamet, who is the executive director of the Colorado Municipal League, is considered to be an authority on both Home Rule and statutory municipal structure.

Mamet presented a broad history of the issue; Colorado's constitution was amended in 1912 to allow the city of Denver to adopt a Home Rule municipal structure, which provides an alternative to statutory rule for those communities that wish to have more local control.

"What you are doing in essence is writing your own living, breathing constitution," Mamet told the audience, which was largely comprised of the charter commissioner candidates who will be faced with this audacious task, should November's Home Rule ballot question pass.

From the audience, Dee Williams reflected that the last time Home Rule was on the Ouray ballot 10 years ago, it was defeated largely because many people saw the measure as a money-maker for lawyers. "How many cities have ended up in court over Home Rule charters?" she asked.

Mamet spent some time reviewing instances where Home Rule cities and towns across the state have gone all the way to the State Supreme Court to protect their local authority, when it comes into conflict with the often very different priorities of state lawmakers. Often times, land use is at the core of these conflicts. A recent example: Telluride's Valley Floor development controversy.

But ultimately, Mamet did not see this conflict as a problem, and argued that the legal tension introduced when Home Rule was established at the turn of the last century has been good for the democratic process. "Tension makes for good policy-making and good debate," he stressed. "Sometimes cities do get into debate with state lawmakers. It's a fundamental constitutional right that only the citizens of the state control. Once a charter is adopted, as much as our friends in the general assembly want to mess with it, they can't. It's a constitutional matter."

This doesn't keep them from trying, he said. Mamet said that he himself, in his position as an advocate of municipalities in the CML, has "sometimes laid down on the railroad tracks" to protect their rights. And, he added, "I've gotten shut out numerous times at the legislature." He has also seen numerous cases of conflict between local and municipal concerns and state authority being brought back to the legislature by Supreme Court judges.

"The Supreme Court is not always able to determine which side is more appropriate, in matters of mixed state and local concern," Mamet said, bringing up a recent case in which oil and gas regulatory authorities came into conflict with officials from the City of Greeley, which was trying to regulate oil and gas wells within city limits. "The court declared it was a matter of mixed concern, and said they had to hash it out at the capitol."

Addressing the tax issue, which is perhaps the most commonly misunderstood aspect of Home Rule, Mamet again stressed that the 1992 Amendment prohibits cities, whether Home Rule or not, from raising taxes without a vote. "TABOR says no local initiative may raise taxes; only citizens can vote to increase taxes," he said.

However, Home Rule cities do have the right to broaden the base upon which sales taxes are levied, pending voter approval.

While Mamet spent some time laying out several arguments for and against Home Rule municipal structure for

his Ouray audience (an extended list of pros and cons can be viewed on the City of Ouray website, [www.ci.ouray.co.us/](http://www.ci.ouray.co.us/)), many were still left with the feeling that there is no clearly compelling reason for Ouray to adopt the structure.

"Why do we need more control?" John Dixon asked. "What's broken?"

"The thing we hear the most from cities which have adopted Home Rule is 'We don't want to be under the thumb of the state'," Aimee said. "It's philosophical."

"But what are the other compelling issues that have persisted."

Lora Slawitchka, a Home Rule charter commission candidate, said, "I'm tired of someone in Denver telling us how to do things. Legislators often don't understand what is best for us ... Why wouldn't we want to have our own constitution that has been in place for the last 100 years?"

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Across the state, 97 out of 271 cities and counties operate under Home Rule charters. Ouray is currently one of only 13 cities in the state governed by Title 31, the basic local authority that governs statutory governments. Many neighboring communities, including Telluride, Silverton, and Montrose, have Home Rule charters.

print

## Home Rule Issues Explained at Council Presentation

by Christopher Pike

09.30.08 - 09:27 am

*Electorate to Decide Council Questions* November

OURAY – As the November election approaches, Ouray citizens and city council are pondering the pros and cons of a home rule ballot measure. To that end, the Ouray City Council invited Sam Mamet, executive director of the Colorado Municipal League, to provide a detailed explanation of how home rule governments function. Mamet gave the presentation and answered questions at the Ouray Community Center on Sept. 23.

### Origins of Home Rule in Colorado

If the community were to approve a home rule or "charter" government for Ouray, Mamet said, it would mean turning control over from a governmental body to the state legislature. "Think of a charter as, in essence, your local constitution," Mamet told over 35 citizens who attended the question and answer session.

Mamet explained that charter governments must still observe and enforce state statutes such as criminal law, child support, and aspects of the Colorado Constitution including the separation of powers. However, home rule governments are not top down. "Home rule is a bottom up, all-in-one approach. You look to the charter and existing or future state statutes," Mamet said.

Home rule in Colorado originated around the passage of the 1912 Municipal Corporation Act. It was born from the state's dissatisfaction with an Iowa Supreme Court decision that limited an Iowa Judge's power and authority. The act was a response to the corruption of municipal and judicial officials.

However, the 1912 act was not known as a progressive movement to gain a foothold in state legislatures, including initiative and referendum and recall. It was a response to self-government movements. The act was not the state legislature's response to self-government movements.

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**Debate Continues Over ... Rule Status**

by Kate Kellogg  
10.14.08 08:43 AM  
Comments: 0

**OURAY** – Would you like to have more control over your city's destiny and provide the citizens government? Or would it be used to increase the tax burden on an already financially strapped local government? These are the most contested issues on this November's ballot.

Fortunate for the citizens who will be asked to decide the fate of their government, the initiative only asks them to approve the creation of a commission charged with drafting a charter – a local constitution – within 120 days, after which a vote will be held to decide whether to adopt the new charter. If rejected, the charter goes back to the drawing board.

In the upcoming election, voters will choose nine of the 12 members of the commission. Mike Fedel, Mayor of Ouray, and Laura Sheffer, City Manager, will be on the ballot. Other candidates include Karen Avery, J. Larson, Bette Wolfe, and Betty J.

A home rule or charter city is one that has its own local laws and refers to its own charter. Charter cities are bound in their own decisions. Currently a state city does not have the authority to act.

Those cities that operate under the express authority to take action are said to be home rule cities. As the Attorney General said during the Ouray City experience, he speaks from

“After consultation with the state, it is clear,” he said, “that the current laws still aren't flexible and the procedures for amending them are cumbersome. Simplifying the process and streamlining the procedures will result in cost savings.”

Ridgway, Tallahassee, and other cities in the state have adopted home rule. Executive director of the League of Municipalities, said that the state legislature passed the bill last month.

“Ridgway is the first city in the state to have a home rule charter,” said the executive director.

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the quality of the charter process is able, drafted with sound legal advice and reflects a citizen's values and interests its community. If Curay's charter commission is a good one, it will elicit input both internally and at public meetings, said Hansen.

"If I don't like a provision, I won't vote on it and will let my opinion be known through the press," he said.

Hansen volunteered his own desire to be educated about the charter process. He said that he is a member of the board of directors of the municipalities trust.

"All the provisions included a table of contents and were discussed," he said. "So far, none of them have been discussed."

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Longmont, Colorado  
uesday, January 20, 2009

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### Frederick pushes for home rule charter

Town wants some control over its future

By Ki...  
The Carbon Valley...

FREDERICK — Town officials are planning to take a little more control of Frederick's destiny.

An effort is under way to make Frederick a home rule municipality by the end of 2009. If it's successful, Frederick officials will have more control over local concerns — issues that are now subject to state statutes, said Jordan Eichen, Frederick's mayor.

He said that home rule municipalities are considered "autonomous," which means they are governed according to state statutes.

"As a home rule municipality, you have your own charter, which is unique to matters of local concern," Eichen said. "This charter is used to solve problems within the municipality and does not go to state legislation."

Although Frederick's status does not change, it does mean that some issues that have required the state's guidance, Eichen said it would benefit the town.

"It is very common for towns that are not big enough to have a need for home rule charters more frequently, and so many towns tend to combine their efforts," he said. "The largest statutory city in Colorado is Erie, and they have 14,000 people."

Home rule charters allow a municipality to "define its term of government," allowing it to declare itself as a town or a city. For example, a town can become a city.

The charter also allows a municipality to collect its own sales tax. Frederick's taxes are now collected by the state, which then distributes the revenue to the town.

Eichen said that sales tax revenue is lost because it is an "imperfect system."

"Every community that is a home rule municipality would benefit. No one has seen their sales tax increase an average of 25 to 30 percent in the last 10 years. It is a huge benefit to the town of Frederick, which currently gets our sales tax money from the state system."

Eichen said that the town's main issue that blocks Frederick's ability to reclaim sales tax revenue.

"Often, when Frederick residents enter the state's online and enter their zip code, their address is often recognized in the state's database as Longmont or Erie address," he said. "The state might issue Longmont or Erie addresses to residents of Frederick."

And these addresses are used to determine which state gets the sales tax revenue from the town of Frederick.

"By becoming a home rule charter, the town has promised to benefit financially," Eichem said.

The board of selectmen and informational meeting on home rule charters at 6 p.m. today at Frederick Town.

"This is a great opportunity for the town and we share the excitement," Eichem said.

Sam Mamer, executive director of the Municipal League, will make a presentation at the meeting.

"We feel we are going to give all of our residents the opportunity to vote on home rule," Eichem said.

"The board will be holding a public hearing on April 7, but we will be holding a public hearing on April 14 to determine whether the public thinks this is a good idea or not on

Kimberly Ducey, town clerk, will be in charge of the meeting.