



BOARD OF TRUSTEES

July 30, 2024

6:30 PM

Leeper Center, 3800 Wilson Avenue, Wellington, CO

Work Session Agenda

The Zoom information below is for online viewing and listening only.

Please click the link below to join the webinar:

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US: +17207072699,,84871162393# or +17193594580,,84871162393#

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Dial(for higher quality, dial a number based on your current location):

US: +1 720 707 2699 or +1 719 359 4580 or +1 669 444 9171 or +1 253 205 0468 or +1 253 215 8782 or
+1 346 248 7799 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 558 8656 or +1 646 931
3860 or +1 689 278 1000 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1
360 209 5623

Webinar ID: 848 7116 2393

A. ITEMS

1. Home Rule Discussion with Town of Severance

The Town of Wellington will make reasonable accommodations for access to Town services, programs, and activities and special communication arrangements. Individuals needing special accommodation may request assistance by contacting at Town Hall or at 970-568-3380 ext. 110 at least 24 hours in advance.



Board of Trustees Work Session

Date: July 30, 2024
Subject: Home Rule Discussion

EXECUTIVE SUMMARY

As requested by the Board of Trustees, this is a work session with the Town of Severance elected officials and staff to continue to explore home rule for Wellington. Attached is the home rule presentation from the Colorado Municipal League which brings context to the discussion. Staff will continue to gather data and information from Colorado municipalities to learn more about their engagement tools and techniques to be able to equip the Trustees with tools to move forward if the direction is to work towards becoming a home rule municipality.

Overview of Colorado Municipal Home Rule

by Kevin Bommer, Executive Director
Colorado Municipal League



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

Prepared in 2024



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Municipal Home Rule in Colorado

Municipalities lacking home rule status are limited to exercising those powers that have been granted by the state

- 1902 - Citizens in cities of the first and second class may adopt home rule under amendment to the Colorado Constitution
- 1912 - Section 6 of Article XX specifically enumerated various municipal home rule powers with a “catch-all” paragraph
- 1970 - Section 9 extended the right to adopt home rule to the citizens of every municipality

Article XX of the Colorado Constitution reserves both *structural* and *functional* home rule powers to municipalities and “the full right of self government in local and municipal matters “ to citizens



General Arguments For Home Rule

Article XX of the Colorado Constitution grants both general and specific powers to home rule municipalities

Provides greater flexibility to solve local problems because municipalities are less constrained by state requirements

Allows quicker response time to emergency situations as there is no need to wait for the entire state legislative process

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



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General Arguments For Home Rule

Allows municipalities to legislate with confidence on all matters of local concern

- Authority granted by state statutes is sometimes ambiguous

Enhances citizen control, interest, involvement and pride in their municipal government

The embodiment of the principle that the best government is the one that is the closest to the people



General Arguments Against Home Rule

Restrictive charters may limit the potential flexibility of home rule

Dissatisfied citizens may adopt binding charter amendments, i.e. amendments which cannot be changed or repealed by the governing body without a subsequent vote of the people

Legal uncertainties may arise 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



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General Arguments Against Home Rule

Costs for adopting a home rule charter can burden the municipality (i.e. attorney's or other consultant's fees, expenses incurred from publication requirements, election costs, etc.)

A change in the status quo may create 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



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Timeline for Home Rule Election

Within 180 days of its election, the charter commission shall submit to the governing body a proposed charter

Within 30 days after the date that the charter commission submits the proposed charter to it, the governing body shall publish and give notice of an election to determine whether the proposed charter shall be approved

The election shall not be held less than 60 nor more than 185 days after publication of the notice



Drafting a Home Rule Charter

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

- The charter sets forth the basic:
 - structure and organization of government;
 - procedures to be followed by municipal government in the conduct of its business;
 - powers of municipal officials and agencies, including any limitations.

It is not necessary for the charter to spell out the details of municipal operations

- Details can be left to the governing body.
- 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:

- Initiative and referendum of measures
- Recall of officers
- Provisions continuing, amending, or repealing existing ordinances
- Prefatory synopsis



Contents of a Municipal Charter

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



Contents of a Municipal Charter



A word of caution



Borrowing provisions from other charters can be helpful and saves time.



BUT...

1. Be wary of using charters from Colorado municipalities that were adopted years ago
2. Guard against lifting unnecessary detail from other charters
3. Be aware that charter provisions borrowed from the municipalities may not be relevant or appropriate for your community



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Considerations in Drafting a Charter



**BE AWARE OF THE TIGHT
TIMELINE**



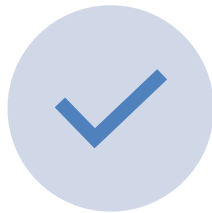
**RESEARCH AND ORGANIZE
RESOURCE INFORMATION
BEFOREHAND**



**USE YOUR STAFF OR
CONSULTANT EXTENSIVELY
AND EFFECTIVELY**



**OBTAIN COMPETENT
LEGAL ADVICE**



**PROVIDE ADEQUATE
OPPORTUNITY FOR CITIZEN
INPUT BEFORE FINALIZED
DECISIONS**



**CHARTER COMMISSIONS
MAY ADOPT AN
ORGANIZATION LIKE THEIR
EXISTING ORGANIZATION**



THINK LONG TERM



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Considerations in Drafting a Charter



DEFINE ACTIONS THAT MUST BE BY ORDINANCE VS. RESOLUTION OR MOTION & PROCEDURES APPLICABLE TO THE ENACTMENT OF ORDINANCES.



MAKE CLEAR WHO VOTES AND HOW MANY VOTES ARE NECESSARY FOR THE COUNCIL TO ACT



INCLUDE FUNDAMENTAL AND PRIORITY FEATURES, LEAVING OTHER PROVISIONS TO SUBSEQUENT ACTION BY CITY COUNCIL AND STAFF.



LEAVE THE ELECTED OFFICIALS WITH SUFFICIENT FLEXIBILITY TO ACT AND BE RESPONSIVE



CROSS-REFERENCE STATE STATUTE WHERE APPROPRIATE, SUCH AS MUNICIPAL ELECTION PROCEDURES



FINANCING PROVISIONS, (BONDING, USE OF LOCAL IMPROVEMENT DISTRICTS), ARE IMPORTANT



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Considerations in Drafting a Charter



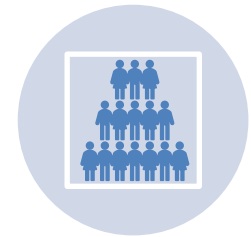
**BE CAREFUL ABOUT
INCLUDING UNNECESSARY
PROVISIONS SOUGHT BY
SPECIAL INTERESTS**



**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**



**WORK
AS
A
TEAM!**



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Authority and Flexibility Afforded to Home Rule Municipalities

Form of Government

- City manager who answers to council, strong mayor - weak council, or strong council - weak mayor system
- Clear authority to adopt the council/manager form of government

Elected Officials

- Clarification of powers for mayor, council, manager, other officers, and boards and commissions
- Disqualifying circumstances, grounds and procedures for discipline, or removal from office
- Minimum age requirements



Authority and Flexibility Afforded to Home Rule Municipalities

Elective Offices

- Number and types of offices, the date when newly elected officials take office, and provide flexibility for being elected at-large, by districts and redistricting
- Modify or eliminate term limits for mayor and council

Elections

- Regular election dates and times other than the dates required by statute
- Flexibility for special election dates
- Procedures for initiative, referendum, and recall
- Expand the right to vote in municipal elections
- Expand certain citizen powers, like initiative, referendum, and recall



Authority and Flexibility Afforded to Home Rule Municipalities

Procedures

- Enactment of local ordinances to expedite consideration and effective dates, such as one-reading procedure for emergency ordinances in cities
- Option to delegate decisions to administrative staff
- Repeal or modify statutory provisions governing bidding and awarding of public projects and disposal of public property
- Establish local zoning, subdivision and other land use procedures which are different from those applicable to statutory municipalities
- Provide council procedures and bind elected officials to them



Authority and Flexibility Afforded to Home Rule Municipalities

Finances

- Collection and enforcement of local sales/use taxes
- Broader or narrower sales and use tax base
- Additional types of excise taxes: admissions, entertainment, tourism, and lodgers' taxes
- Clarify, simplify, or otherwise revise procedures for budget and appropriation and municipal enterprises
- Authorize refunds and exemptions not authorized by state law
- Increase general obligation bond authority and streamline requirements for issuance of bonds
- Facilitate formation of special improvement districts and expand purposes for which they can be formed

Home rule does not exempt municipalities from TABOR requirements.



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Authority and Flexibility Afforded to Home Rule Municipalities

Miscellaneous Powers

- Alternative procedures for management and operation of municipal utilities
- Terms and conditions of municipal employment
- Broaden municipal court jurisdiction
- Provide additional tools for economic development
- Clarify authority for or expand the types of services which the municipality can provide
- Set forth more specific ethics and conflict of interest rules



Decisions To Be Made By The City Council or Town Board

Size of the Charter Commission

If the municipal population is over 2,000, then the commission may be composed of 9 to 21 members (must be an odd-number)

If the municipal population is under 2,000, then the commission shall be composed of 9 members

Date & time that the charter commission meets

Eligibility to serve on the charter commission shall extend to all registered electors of the municipality

The commission may employ a staff; consult and retain experts

Calendar for placing a home rule initiative on the ballot

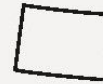


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Growth in Home Rule Municipalities



Colorado's municipalities **BY THE NUMBERS**



Colorado population
5,838,736



Residents who live in
cities/towns*
4,353,099



City/town manager/
administrator
190



Mayors, council
members and trustees
1,600



Home rule municipalities
107
Residents living in home
rule municipalities*
4,097,430



Statutory municipalities
165
Residents living in
statutory municipalities*
254,374



Territorial charter towns
1
Residents in territorial
charter town*
1,295



Municipal members
271



Largest municipality*
Denver
712,637



Smallest municipality*
Lakeside
16



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Growth in Home Rule Municipalities

Most Colorado residents live in a home rule municipality

- 93% of municipal residents in home rule cities/towns
- 69% of Colorado residents in home rule cities/towns

Number of Colorado home rule cities and towns

- 1940 – 10
- 1960 – 22
- 1980 – 56
- 2000 – 80
- 2020 – 103
- 2021 – 104



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Resources at the League



Matrix of Home
Rule Charters
(update pending)



Home Rule
Handbook (2022)
publication



Copies of every
home rule charter



Sample educational
materials to
distribute to citizens



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QUESTIONS



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