



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Meeting Agenda Home Rule Charter Commission

Thursday, January 5, 2023

6:30 PM

Town Hall Community Room

Meeting Link: <https://bit.ly/HomeRuleCommission>

1. Call Meeting to Order

2. Roll Call and Verification of Quorum

3. Approval of Agenda

4. Public Comment

5. General Business

[23-030](#) Discussion Topic: Comments on Previously Discussed Articles

Attachments: [Running Draft-121322](#)

[23-031](#) Charter Review and Discussion: Elective Offices

Attachments: [Article 3 - working draft.pdf](#)
[Articles 4 and 5 - working draft](#)

[23-032](#) Recap of Drafting Decisions

6. Adjournment



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Home Rule Charter Commission

Board Meeting Date: 1/5/2023

File #: 23-030, **Version:** 1

SUBJECT: General Business

Discussion Topic: Comments on Previously Discussed Articles

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

This topic is provided for Charter Commissioners to bring up any additional thoughts on Articles discussed in previous meetings.

Please note that the attached running draft is only for Articles 1 and 2. Hilary Graham, legal counsel, will provide working draft for Article 3 upon discussion completion by Commission.

ATTACHMENTS:

1. Running Draft - 121322

Article 1
General Provisions

Commented [HMG1]: Switched from Roman numerals but can reconsider and may re-order articles

1.01 Name and Boundaries. The municipal corporation heretofore existing as the Town of Erie, located in Boulder and Weld Counties, State of Colorado, shall remain and continue a body politic and corporate and under this Charter shall be known as the Town of Erie, with boundaries the same as presently established, until changed in a manner authorized by law.

1.02 Form of Government. The municipal government established by this Charter shall be a Council/Manager form of government.

Commented [HMG2]: Add description of council/manager?

1.03 Authority.

(1) The Town shall have all the authority of local self-government and home rule and all authority possible for a municipality to have under the Constitution and laws of the State of Colorado.

(2) The enumeration of any particular authority in this Charter shall in no way be deemed to limit or exclude the exercise of any authority.

(3) All authority shall be exercised in the manner set forth in this Charter or, if not provided for in this Charter, in such manner as provided for by ordinance, resolution, or state statute.

1.04 Rights and Liabilities. By the name of the Town of Erie, a municipal corporation, the Town shall have the following rights and liabilities:

(1) The right to perpetual succession.

(2) The right to own, possess, and hold all property, real and personal, heretofore owned, possessed, and held by the Town, and to manage and dispose of all trusts in any way connected therewith.

(3) The right to purchase or otherwise acquire property on which there are delinquent taxes or special assessments and to dispose of them in like manner as any other property.

(4) The right to succeed to all rights and liabilities of the Town.

(5) The right to acquire all benefits of the Town and to assume and pay all bonds, obligations and indebtedness of the Town.

(6) The right to sue and defend, plead and be impleaded in all courts and places and in all matters and proceedings.

(7) The right to purchase, lease, receive, hold, and enjoy, or sell and dispose of real and personal property.

Commented [HMG3]: Address open space separately

(8) To establish public works and provide public utilities and other public services as permitted by law.

Commented [HMG4]: Monument's provision related to utilities and public works

(9) The right to adopt, have, and use a common seal and alter the same.

(10) The right to adopt ordinances and resolutions on all matters unless otherwise prohibited by this Charter or by laws applicable to home rule municipal corporations in the State of Colorado.

(11) The right to have all rights, powers, and liabilities applicable to Colorado home rule municipal corporations as set forth in Article XX of the Colorado Constitution and Title 31, Colorado Revised Statutes, and other applicable statutes, as amended.

Article 2 Elections

2.01 Election Laws. Town elections shall be governed by the Colorado Municipal Election Laws, as amended, except as otherwise provided in this Charter or by ordinance hereafter enacted.

2.02 Types of Elections.

(1) Regular municipal elections shall be held on the Tuesday following the first Monday in November of each odd-numbered year.

(2) The Mayor and each Council Member shall take office at the first regular meeting of the Council in new year following certification of the election, and shall continue in office until their successors have been elected and take office or a vacancy occurs.

(3) Special Town elections shall be held in accordance with the provisions of this Charter and the Colorado Municipal Election Laws as amended, except as otherwise provided in this Charter or by ordinance hereafter enacted. Any special Town election may be called by resolution of the Council not less than forty-five (45) days in advance of such election or when required by this Charter or by statute. The resolution calling a special Town election shall set forth the purposes of such election.

2.03 Nonpartisan Elections. All municipal elections shall be nonpartisan.

Commented [HMG5]: Address campaign finance separately

2.04 Recall. Any elected official of the Town may be recalled at any time after the completion of one hundred eighty (180) days in office by the electors entitled to vote for a successor of such official, as set forth in the Colorado Constitution, C.R.S. § 31-4-501, *et seq.*, as amended, and Section 11.12 of this Charter.

Commented [HMG6]: Confirm all cross-references



Home Rule Charter Commission

Board Meeting Date: 1/5/2023

File #: 23-031, **Version:** 1

SUBJECT: General Business

Charter Review and Discussion: Elective Offices

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The charter chosen to be used as the starting point is from the Town of Eagle, Colorado. Charter sections planned for tonight's meeting:

Article 3: Elective Offices - *resume at 3.10*

Article 4: Town Administration, Appointed Officials and Town Departments

Article 5: Boards and Commissions

For tonight's discussion the following staff have been requested to attend:

Malcolm Fleming, Town Administrator

Melissa Wiley, Deputy Town Administrator

Patrick Hammer, Parks & Recreation Director

Debbie Stamp, Town Clerk

ATTACHMENTS:

1. Article 3 - working draft
2. Articles 4 and 5 - working draft

**Article 3
Elective Offices**

3.01 Town Council and Mayor.

(1) The Council shall include a Mayor and six (6) Council Members. The positions of Mayor and Council Member are separate offices.

(2) The Mayor and all Council Members shall be elected at large by the registered electors of the Town. **[See provisions below re: districts.]**

(3) The Mayor and all Council Members shall be elected to serve four (4) year terms unless a two (2) year term is required to restore staggered positions on the Council. In such case, the four (4) year term(s) shall go to the candidate(s) with the highest number of votes, and the two (2) year term(s) shall go to the candidate(s) with the next highest number of votes.

(4) No elected Mayor or Council Member shall serve more than two (2) consecutive terms in one office.

(5) Terms shall not be considered consecutive if they are at least two (2) years apart or are for separate offices. For the purposes of this limitation, terms to which an individual is appointed shall not count as a term.

(6) **Nomination requirement.**

(Monument) Town Council and Mayor.

The Town Council shall consist of the Mayor and six (6) Council Members. Two (2) Council Members and the Mayor will be elected at-large. Two (2) of the Council Members shall be elected from each of the two (2) residential districts.

(Monument) Council Districts.

(1) The Town is hereby divided into _____ districts:

(a) District __ shall consist of ...

(b) District __ shall consist of ...

(c) District __ shall consist of ...

...

(2) Changes in the boundaries of districts may be made, by ordinance, to maintain a similar population apportionment among districts. Changes shall be

Commented [HMG1]: This is a local term limit. Without it constitutional term limits apply - Art. XVIII, Sec. 11:
- no more than 2 consecutive 4-year terms or 3 consecutive 2-year terms;

- terms are considered consecutive unless they are at least four years apart.

With voter approval (such as by approval of this Charter), the Town can "lengthen, shorten or eliminate the limitations on terms of office imposed by this Section 11."

Commented [HMG2]: With this provision, partial terms are not counted as terms for term limit purposes. It is helpful to address how to treat partial terms and how to calculate whether they count as a term for term limits purposes

Commented [HMG3]: Placeholder to create HR nomination requirement. Statutory default is 10 signatures for Town total or 10 per ward; City is 25 signatures total or 25 per ward. C.R.S. 31-10-302.

Commented [HMG4]: Monument Sections 2.1 and 2.2 re: districts

effective for purposes of any regular or special municipal election only if the ordinance approving the change is effective at least one hundred and eighty (180) days prior to any such election.

(3) Territory added to the Town shall become a part of one of the districts, or may result in creation of a new district, as may be determined by ordinance. The creation of districts by this Charter and any change in the boundary of any district shall not disqualify any member of Town Council from office before the expiration of the term for which the incumbent was elected or appointed.

3.02 Authority of the Council.

(1) The Council shall have the following authority:

(a) To enact and provide for the enforcement of all ordinances necessary to protect life, health, safety, welfare and property;

(b) To declare, prevent and summarily abate and remove nuisances in accordance with due process;

(c) To preserve and enforce good government, general welfare, order and security of the Town and the inhabitants thereof;

(d) To enforce ordinances and regulations by fines or imprisonment as permitted by state law, or by both fines and imprisonment for each and every offense; and

(e) To delegate to boards and commissions, within the limitations of the Constitution and this Charter, such functions and authority of the Town as the Council deems proper and advisable.

(2) The Council shall deal with the administrative service solely and directly through the Town Manager. Neither the Mayor nor any Council Member shall dictate the appointment of or direct or interfere with the work of any employee under the Town Manager.

(3) The Council shall be the legislative and governing body of the Town and shall exercise, except as otherwise provided in this Charter, all powers conferred upon or possessed by the Town.

(4) In the case of a vacancy on the Council, the Council shall declare a vacancy according to standards set forth by ordinance or by C.R.S. § 31-4-303, as amended. The Council shall adopt by resolution procedures for filling any such vacancy.

Commented [HMG5]: This is an important provision protecting employees from Council pressure and influence. It requires Council to defer to the Town Manager on employment matters

Commented [HMG6]: This is where you could specify a requirement to look back to prior unsuccessful candidates for appointment if a vacancy occurs within x days of the election (and the prior candidate is willing)

Commented [HMG7]: Without an ordinance setting different standards, C.R.S. 31-4-303 would apply to allow Council to fill a vacancy by appointment or by calling a special election. A special election is triggered if the Council does neither within 60 days after the vacancy occurs.

Commented [HMG8]: This defers the question of what the process for appointment to fill a vacancy would look like, but requires Council to define it by resolution.

3.03 Qualifications to Serve on Council.

(1) No person shall be eligible to be elected or appointed to the Council, or to remain seated on the Council, unless they are:

- (a) A citizen of the United States of America;
- (b) A registered elector of the Town;
- (c) A resident of the Town for a period of no less than twelve (12) consecutive months preceding the election; and
- (d) Currently eligible to vote in Colorado general elections.

(2) No person who is an employee of the Town may serve on the Council. Any Town employee elected to the Council shall be deemed to have resigned as an employee on the date of taking office on the Council.

- (a) No person may be a candidate for both Mayor and Council Member at the same election.
- (b) A person may be a candidate for the office of Mayor while serving as a Council Member and, if not elected Mayor, may serve out their term as a Council Member.

(3) The Town Clerk shall be the judge of all qualifications for candidates for Council, except as otherwise provided by ordinance.

3.04 Council Meetings.

(1) The Council shall meet regularly at least once each month, unless increased by ordinance, at a day, ~~and~~ hour and place fixed by the Council.

(2) Four (4) members of the Council shall constitute a quorum, but, in the absence of a quorum, a lesser number may continue any meeting or hearing to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting.

(3) All regular and special meetings of the Council shall be open to the public, and citizens shall have a reasonable opportunity to be heard. Written minutes of the proceedings of each meeting shall be kept by the Town Clerk and signed by the Mayor.

3.05 Voting.

(1) Votes by each Council Member and the Mayor for and against shall be taken upon the passage of all ordinances and resolutions and entered upon the minutes of the Council proceedings.

Commented [HMG9]: This requires a record of voting for each member - roll call votes; not voice votes of ayes and nays

(2) To be adopted, every non-emergency ordinance shall require the affirmative vote of a majority of the Council present, and every emergency ordinance shall require the affirmative vote of two-thirds (2/3) of the Council present.

Commented [HMG10]: 2/3 of those present is lower than statutory requirement of 3/4 of the members found at C.R.S. 31-16-105

(3) To be adopted, every resolution and motion shall require the affirmative vote of a majority of the Council present.

(4) Every Council Member present and the Mayor if present shall vote on every matter unless the Council Member or the Mayor is excused from voting due to a conflict of interest as provided in Section 3.06 below. If a Council Member or the Mayor refuses to vote without being excused, the Town Clerk shall consider the refusal as an affirmative vote.

Commented [HMG11]: Requires a vote unless a conflict of interest is declared; no abstentions allowed

3.06 Code of Conduct and Ethics. The Council shall adopt by resolution a Code of Conduct and Ethics, which shall address Council conflicts of interest and behavior. No Council Member or Mayor shall vote on any question in which they have a conflict of interest. A conflict of interest occurs when a Council Member or Mayor has a substantial personal or financial interest in the outcome of the question, whether direct or indirect, or on any questions concerning their own conduct, as may be further defined in the adopted Code of Conduct and Ethics. The adopted Code of Conduct and Ethics shall specify penalties for violations of its provisions as well as for violations of this Charter.

Commented [HMG12]: If Erie already has such a code, this reference can be changed to match it or acknowledge it. The existing code, if any, should be updated following Charter adoption if it will set out penalties for Charter violations.

3.07 Compensation of Mayor and Council Members.

(1) The Mayor and Council Members shall receive such compensation as the Council shall by ordinance prescribe.

(2) The Council shall neither increase nor decrease the compensation of the Mayor or any Council Member during their term of office.

(3) The Mayor and Council Members may, upon order of the Council, be paid such necessary *bona fide* expenses incurred in service on behalf of the Town as are authorized by the Council.

3.08 Oath of Office. Before entering upon the duties of the office of Mayor or Council Member, every person shall take, subscribe before, and file with the Town Clerk the following an oath or affirmation:

I, (name), swear (or affirm), that I will support the Constitution of the United States, the Constitution of the State of Colorado, the Charter and the ordinances of this Town, and will faithfully perform the duties of my office.

3.09 Mayor Pro Tem and Acting Mayor.

(1) A Mayor Pro Tem shall be elected by the Council from its own membership at the first Council meeting following the final certification of each biennial election. The Mayor Pro Tem shall serve until the Council meeting following the final certification of the next regular Town election, and shall act as Mayor during the absence of the Mayor.

(2) In the event of absence of both the Mayor and the Mayor Pro Tem, the Council shall designate another Council Member by majority vote to serve as Acting Mayor during such absence.

(3) Any Mayor Pro Tem or Acting Mayor, while serving as such, shall retain all authority granted herein to Council Members and may, at the conclusion of their service as Mayor Pro Tem or Acting Mayor, serve out the remainder of their original term.

3.10 Special Meetings.

(1) Special meetings of the Council shall be called by the Town Clerk on the verbal request of a majority of the entire Council or the Mayor, on at least twenty-four (24) hours' notice to each Council Member and the Mayor.

(2) Written notices of any special meeting and the topic of any special meeting shall be posted consistent with the posting of notice for regular Council meetings. No business shall be transacted at any special meeting of the Council unless such business has been stated in the notice of such meeting.

3.11 Executive Sessions.

(1) Any Council meeting may be recessed into an executive session by the affirmative vote of two-thirds (2/3) of the ~~quorum~~-Council present and may be closed to the public for the purpose of considering any of the following matters:

(a) The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest.

(b) Conferences with an attorney for the Town for the purposes of receiving legal advice on specific legal questions.

(c) Matters required to be kept confidential by federal or state law or rules and regulations. The Council shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

(d) Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law.

Commented [HMG13]: This is consistent with the Open Meetings Law, C.R.S. § 24-6-401, et seq. (the "OML"). The topics for executive sessions are a little broader, but the 2/3 affirmative vote of those present is the same as the OML. I am suggesting a change from "quorum present" as used in the OML to "Council present," because it is more clear.

The idea is to preserve the OML as it exists now in case of statutory changes later to narrow or limit it.

(e) Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators.

(f) Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.

(g) Consideration of any documents protected by the mandatory nondisclosure provisions of the Colorado Open Records Act, C.R.S. § 24-72-200.1, *et seq.*, as amended.

(h) Any other matter authorized by the Colorado Open Meetings Law, C.R.S. § 24-6-401, *et seq.*, as amended.

(2) The general subject matter of every executive session shall be stated in the motion calling for the session, unless doing so would compromise the purpose of the executive session. No formal action, no final policy decision, no rule, regulation, resolution, or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any executive session.

(3) The Mayor, Council Members, the Town Manager, and the Town Attorney may attend executive sessions. Other persons may be invited to attend an executive session upon the affirmative vote of a majority of the Council present, and the Town Manager or Town Attorney may be excluded upon the affirmative vote of a majority of the Council present.

(4) The provisions of this Section are specifically intended to supersede any conflicting provisions of Colorado statutes governing open meetings and executive sessions.

Commented [HMG14]: By requiring an "affirmative vote" this formalizes a process for including guests or excluding the Town Manager or Town Attorney

Article 4

Town Administration, Appointed Officials and Town Departments

4.01 Mayor. The Mayor shall be the presiding officer of the Council and the recognized head of the Town government for all legal and ceremonial purposes. The Mayor, or anyone acting as Mayor as provided for in Section 3.09 of this Charter, shall have the following duties, authorities, and responsibilities:

- (1) To vote in the same manner as a Council Member without veto power upon any question;
- (2) To sign all contracts binding the Town, all conveyances of interests in land by the Town, all ordinances and resolutions, and any other documents requiring their signature except as may be delegated by ordinance to the Town Manager or as otherwise provided by ordinance and attested by the Town Clerk under the seal of the Town; ~~and~~
- (3) To have such other authority as may be conferred upon the Mayor by the Council so long as that grant of authority is not in conflict with the provisions of this Charter; ~~and-~~
- (4) In case of emergency, the Mayor shall assume the authority to execute any action necessary for the protection of life and property.

(a) Such authority shall include without limitation establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor shall convene the Council which may take such action as it deems necessary.

(b) Any unilateral action taken by the Mayor during an emergency shall be temporary in nature and duration and shall be effective only until the Council is convened to ratify the action.

(5) In the event it becomes necessary, the line of succession provided in this Charter shall be followed. The Council shall have the authority to provide for the continuity of government of the Town in the event of disaster. Such authority shall be employed in a manner that will preserve representative government to the Town and that will provide an orderly line of ~~succession of officers~~, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor and the Mayor Pro Tem, and shall then revert to Council Members, then through an orderly line of succession of ~~the administrative~~ department heads.

4.02 Town Manager. The Town Manager shall be the chief executive officer of the Town and shall serve at the will of the Council.

(1) The Council, by a majority vote of those then in office, shall appoint a Town Manager without a definite term and at compensation fixed by resolution of the Council.

Commented [HMG1]: See comment in 4.06 re: defining Town "officers" and whether department heads are included

Commented [HMG2]: Could add guidance about how to proceed through Council Members - length of service, alphabetically by last name, etc.

The Town Manger is not mentioned here. What role would they play? The pandemic showed it is important to have a full-time professional able to make emergency-related decisions

(2) The Town Manager shall be accountable to the Council and shall perform such duties as provided by this Charter, ordinance or resolution, and such other duties as may be directed by Council, so long as such direction is not contrary to this Charter, state or federal law or the ordinances of the Town.

(3) The Town Manager may only delegate to others the authority and duties prescribed to their position to the extent allowed by ordinance or resolution.

(4) The Town Manager may designate a Town department head to function in their capacity during short absences.

(5) The Town Manager may hire staff as such are provided for in the Town's budget.

(6) The Town Manager shall prepare an annual budget and submit it to the Council.

4.03 Town Attorney. The Town Attorney shall be an attorney licensed to practice law in the State of Colorado and shall be appointed to the position by a majority vote of the Council then in office.

(1) The Town Attorney shall serve at the will of the Council without a definite term at compensation fixed by resolution of the Council.

(2) The Town Attorney shall be responsible to the Council and shall perform such duties as provided by ordinance.

4.04 Municipal Judge. The Municipal Judge shall be an attorney licensed to practice law in the State of Colorado and shall be appointed to the position by a majority vote of the Council then in office.

(1) The Municipal Judge shall serve at the will of the Council without a definite term at compensation fixed by resolution of the Council.

(2) The Municipal Judge shall be responsible to the Council and shall perform such duties as provided by ordinance.

4.05 Town Clerk. Town Clerk shall be hired by the Town Manager as an employee of the Town. The Town Clerk or designee shall attend all meetings of the Council, shall keep a permanent record of its proceedings, and shall have the following other duties and responsibilities:

(1) To be custodian of the Town Seal, affix it to all documents and instruments requiring the seal, and attest to the same;

(2) To be custodian of all papers, documents and records pertaining to the Town, the custody of which is not otherwise provided for;

(3) To certify by their signature all ordinances and resolutions enacted or passed by the Council;

(4) To provide and maintain in the Town Clerk's office a supply of forms for petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder;

(5) To review the sufficiency of all petitions required to be filed for any purpose by the provisions of this Charter or by ordinances enacted hereunder. Yet, nothing contained herein shall require the Town Clerk to advise any petitioner as to how petitions shall be completed prior to their submittal to the Town Clerk;

(6) To administer oaths of office;

(7) suggest adding election duties as required by state law; and

(8) To perform such other duties as may be prescribed by this Charter, ordinance, state law, or the Town Manager.

4.06 Town Departments.

(1) The Council may by ordinance create, consolidate or dissolve any Town department.

(2) All departments and department heads of the Town, except as otherwise provided in this Charter, shall be under the supervision and control of the Town Manager.

(3) All department heads ~~hired after the effective date of this Charter~~ shall be hired by the Town Manager and shall be considered, at all times, at-will employees of the Town. ~~The provisions of this Section are specifically intended to supersede~~ conflicting state law on this matter, including C.R.S. § 31-4-307, as to department heads.

Article 5 Boards and Commissions

5.01 Existing Boards and Commissions. All boards and commissions existing at the time this Charter is adopted shall continue as established by ordinance, except as may be otherwise provided by this Charter or subsequent ordinance.

5.02 Right to Establish, Amend and Abolish.

(1) The Council may create any boards or commissions, including advisory and appeal boards, provided that no such board or commission shall have authority to perform functions or duties otherwise assigned in this Charter or to interfere with any function or duty otherwise assigned in this Charter. Unless otherwise required by law or this Charter,

Commented [HMG3]: This imposes a duty for the Town to supply forms of petitions it will accept (such as for recall or initiative) when that duty may not otherwise exist. Per state statute, sometimes it is up to the petitioner to create and submit for approval a form of petition.

Commented [HMG4]: This provision in state law (pasted below) specifies removal of "officers of the Town" among others for cause and only following a hearing. Rather than excepting department heads from this statute, the Charter could define what positions are considered to be Town "officers." That definition would be useful elsewhere, as well.

31-4-307. Removal of officers - causes - notice.

By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer, any member of the board, or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the town. When any officer ceases to reside within the limits of the town, he may be removed from office pursuant to this section. A municipal judge may be removed during his term of office only for cause, as set forth in section 13-10-105 (2), C.R.S.

all boards and commissions shall be created by ordinance, which shall prescribe the duties delegated by the Council and the qualification of members.

(2) Each board and commission shall elect its own chair and vice-chair from among its members. Each board and commission shall operate in accordance with its own rules of procedure, except as otherwise directed by the Council. All board, and commission meetings shall be open to the public, and copies of all records and minutes of all meetings shall be kept and placed in the office of the Town Clerk for public inspection. Reports shall be made to the Council as the Council shall require.

Commented [HMG5]: This leaves open the possibility that Council could standardize rules of procedure among boards and commissions by ordinance or resolution.

(3) The Council may increase, reduce or change by ordinance any or all of the duties and procedures of any board or commission existing at the time of the adoption of this Charter or as created by ordinance thereafter.

(4) Any board or commission that is not required by statute or this Charter may be abolished by the Council at any time.

(5) Terms and conditions of appointment and composition of all boards and commissions shall be determined by ordinance, ~~except that a~~ Appointment of a member to any board or commission shall require a majority vote of the Council, ~~and~~ Removal of any member from a board or commission shall require a two-thirds (2/3) affirmative vote by the entire Council and, in no case, fewer than five (5) affirmative votes for removal, following notice and an opportunity to be heard.

Commented [HMG6]: This provision also supersedes C.R.S. 31-4-307 by imposing a super-majority vote requirement for removal (if we assume board and commission members are Town officers).

Again, consider defining "officer" and explicitly including or excluding board and commission members from that definition.



TOWN OF ERIE

645 Holbrook Street
Erie, CO 80516

Home Rule Charter Commission

Board Meeting Date: 1/5/2023

File #: 23-032, **Version:** 1

SUBJECT: General Business

Recap of Drafting Decisions

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

The Commission Chair will provide a recap of all the drafting decisions agreed to by the Commission during tonight's meeting.

ATTACHMENTS:

1. None