



## Legislation Details (With Text)

**File #:** 21-038      **Version:** 1      **Name:**  
**Type:** General Business      **Status:** Agenda Ready  
**File created:** 1/21/2021      **In control:** Town Council  
**On agenda:** 1/26/2021      **Final action:**  
**Title:** Home Rule Action Plan  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Home Rule Summary 2021

Date	Ver.	Action By	Action	Result
1/26/2021	1	Town Council		

**SUBJECT:**  
**Home Rule Action Plan**

**DEPARTMENT: Administration**

**PRESENTER: Malcolm Fleming, Town Administrator**

**TIME ESTIMATE: 30 minutes**

**FISCAL SUMMARY:**

Cost as Recommended: \$65,000  
Balance Available: \$65,000  
Budget Line Item Number: 100 10 110 575135 000000  
100 20 310 561020 000000  
100-20-110-573150-000000  
New Appropriation Required: No - - - -  
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**STAFF RECOMMENDATION:**

**Consider the proposed schedule of actions and approach to asking voters to approve a Home Rule Charter Commission and related actions**

**SUMMARY AND BACKGROUND OF SUBJECT MATTER:**

In 2020, the Board decided to defer until 2021 action on pursuing a Home Rule Charter for the Town. To ensure a November 2021 Home Rule Charter election to form a Charter Commission that would draft the proposed Charter for Erie voters to consider, staff recommends the following schedule:

- **February-July 2021:** Community engagement on what Home Rule means and inform the electorate to get interested candidates to run for the Home Rule Commission
- **August 10, 2021:** BoT calls for election to form a Charter Commission and vote on commissioners
- **September 2021:** Within 30 days of notice of election, Commission candidates must file nomination petitions
- **November 2, 2021:** Electors vote on (1) whether to pursue Home Rule; and (2) elect commissioners to serve on the Charter Commission if voters approve pursuing Home Rule
- **December 2021:** *If* voters approve (1) and (2), Charter Commission must have first meeting within 20 days of election being certified.
  - The first meeting is set by Board of Trustees, after that, the Commission meets as needed at meetings set by the chair or a majority of the commission
  - The Commission elects its own officers and adopts rules of procedures
- **December 2021-May 2022:** Charter Commission develops proposed Charter, conducts public hearing(s) and submits proposed charter to Board of Trustees
  - Should have a public comment period at the beginning of each meeting as well as ***at least two*** formal public hearings, to give opportunities to comment on proposals as the draft Charter is being developed.
  - State law requires the Commission to submit the proposed charter to the Board within 180 days after election of the Commission (May 1, 2022)
- **May 2022:** Within 30 days of receiving proposed charter, the Board of Trustees must publish notice of and call an election on the proposed charter. The election must be held not less than 30 days nor more than 185 days after publication of the notice of the election (If published on May 24, then having the election on General Election day (November 8, 2022) would be 168 days after publication.
- **June-October 2022:** Community engagement on proposed charter
- **November 8, 2022:** Election on proposed charter

### Community Engagement.

The most recent Home Rule charter election in Colorado illustrates the schedule followed and approach to community engagement pursued by [Eagle Colorado](https://www.townofeagle.org/756/Home-Rule-Governance)  [<https://www.townofeagle.org/756/Home-Rule-Governance>](https://www.townofeagle.org/756/Home-Rule-Governance). A key element of Eagle's approach included conducting an [opinion survey](https://www.townofeagle.org/DocumentCenter/View/14951/Home-Rule-Charter-Proposal-Voter-Opinion-Survey)  [<https://www.townofeagle.org/DocumentCenter/View/14951/Home-Rule-Charter-Proposal-Voter-Opinion-Survey>](https://www.townofeagle.org/DocumentCenter/View/14951/Home-Rule-Charter-Proposal-Voter-Opinion-Survey) to determine community understanding of and support for a Home Rule Charter. That survey showed over 60% of respondents were either not familiar at all or not too familiar with

Home Rule. However, once they were given after voters were informed of basic information about a Home Rule form of government, voter support increased from 47% to 71%.

Staff will include questions about Home Rule in the planned community survey. Anticipating similar results as were measured in Eagle, staff will focus the community engagement efforts on informing the community about Home Rule and how they can participate in the effort. When the Communications and Community Engagement Director starts in February, in addition to initiating the communications audit, one of her key assignments will be to design and implement the Home Rule community engagement project.

### **Should Erie pursue Coordinated Elections independent of a Home Rule Charter effort?**

One provision in a proposed Home Rule Charter could be to have Erie's elections in November, to be coordinated with State and Federal elections, instead of in April as is currently the case. However, the Board of Trustees could ask voters to approve this change independent of a Home Rule Charter. To do so, the Board need simply propose a ballot question to change the election dates. Because changing the election date would affecting the length of some existing Board members' terms, the ballot question would address that and indicate whose terms would be lengthened (by law, terms cannot be shortened). The only requirement for the timing of the ballot question is that it must be at least 60 days prior to or after the next scheduled regular election. Accordingly, the Board could put such a ballot question on the November 2021 ballot asking voters to approve moving Erie's elections from April 2022 to November 2022 and in November of even years thereafter.

### **Budget and Staffing Implications.**

The 2021 Budget includes a total of \$65,000 for Home Rule related expenditures, including \$25,000 for community engagement, \$30,000 for expenses associated with a coordinated November 2021 election, and \$10,000 as initial start-up expenses associated with supporting a Charter Commission. If voters approve proceeding with a Charter Commission, the Board will need to include funding in the 2022 budget to provide additional legal and staff support for the Charter Commission, Commission meeting expenses (food and meeting materials), publication expenses, and costs to codify the Charter and complete Municipal Code updates.

The Board of Trustees, Town Administrator and Community Engagement staff will need to be involved in the community engagement efforts. If voters approve a Charter Commission, in 2022 staff from multiple departments will need to address the Charter Commission's questions and provide information on departmental operations and issues; time demands will be high on all parties involved.

### **Fiscal Implications.**

Assuming the Town's tax base doesn't change through the Home Rule process, the Town could continue to have the State collect sales taxes for the Town. However, if the Town expands the sales tax base the Town would potentially have to self-collect. Additionally, the State does not collect use tax, so if voters approved a use tax, the Town would need to self-collect and that would take some level of additional staff.

If the voters approve a Charter, at some point the town would want to self-collect. But that would

not be until the Town has a larger level of sales tax activity - or as above if the Town's tax base is different from what the State could collect.

### **Economic Development Implications.**

The only Economic Development incentives not possible without a Home Rule Charter would be Property Tax Increment Financing outside of designated Urban Renewal Planning Areas, which is not something currently contemplated. Consequently, a Home Rule Charter is not necessary to implement the incentive program currently in place.

### **Summary**

The Home Rule process consists of three major steps; adoption of an ordinance to initiate the Home Rule process, an election to pursue Home Rule and, if the voters approve pursuing Home Rule, electing the Charter Commission, and an election to approve the proposed Home Rule Charter. The attached Home Rule Summary provides a very brief overview of Home Rule and summarizes the advantages and disadvantages of Home Rule. Much of the information in the attached summary is drawn from the Colorado Municipal League, Home Rule Handbook for Colorado's Cities & Towns (January 2017). Staff has distributed copies of this Handbook to each member of the Board of Trustees.

### **Board Priority(s) Addressed:**

- ✓ Effective Governance
- ✓ Fiscally Responsible

### **ATTACHMENTS:**

1. Home Rule Summary