Town of Erie | The Road to Home Rule

TOWN OF ERIE
1874

March 2022

ELEMENTS OF HOME RULE: BUILDING A SOLID FOUNDATION

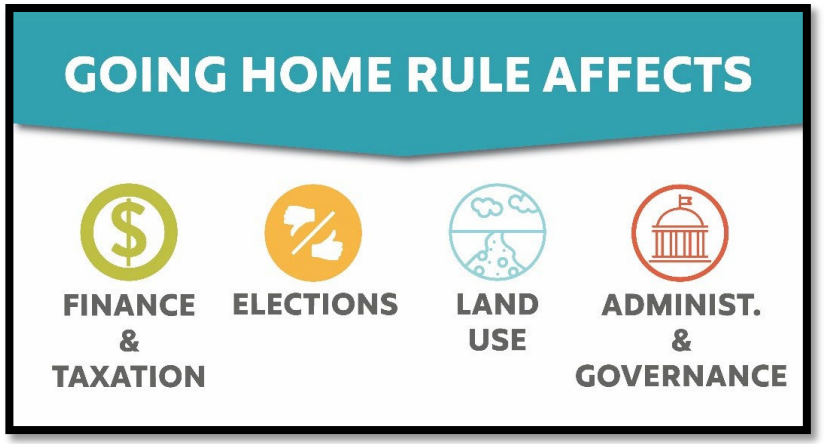
Home Rule Structures

1. Preserving Erie's character and controlling our future, examples:

a. Establishing local zoning and land use procedures tailored to Erie
b. Local collection of sales tax
c. Modifies enacting local ordinances
d. Simplifies process for awarding public projects and disposal of public property

2. Resident driven rule and regulations, examples:

a. Broaden ability to enact voter-approved tax changes
b. Facilitates special improvement districts
c. Clarifies, simplifies or otherwise revises budget process
d. Establishes voter approved requirements for utility franchises
e. Clarifies land use regulatory authority



3. Voter approved Charter and Elected Charter Commission

4. Minimal State intervention in Town policies and issues, which is the foundation of Home Rule.

ELEMENTS OF HOME RULE: FOUNDATION

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What is the process?

1. June 2022 the Town Board adopts an ordinance to hold an election in November on adopting Home Rule and creating a Charter Commission.

2. Those interested in being on the Charter Commission complete a nomination petition to appear on the November Ballot.

3. If the Ballot measures pass, the Charter Commission meets and begins creating the Charter and submits it to the Town Board in May 2023.

4. November 2023 the general municipal election will include a measure asking voters to adopt the proposed Charter.

ELEMENTS OF HOME RULE: FOUNDATION

Why do 93% of residents live in Colorado live in cities/towns governed by Home Rule ?

1. Home Rule embodies the principle that the best government is the one that is the closest to the people.

2. Under Home Rule local citizens have more direct control, and involvement in their municipal government

3. These municipalities have the authority to legislate on any and all matters of local concern.

ELEMENTS OF HOME RULE: SOME WALLS

How is Home Rule Structured?

A Home Rule community operates under a Charter written by local citizens elected to a Charter Commission. Home Rule municipalities have the power to make relevant laws and exercise control over issues of “local concern” with minimal state intervention. Federal and state laws such as Taxpayer Bill of Rights (TABOR) still apply.

What is a Charter?

A Charter establishes a municipal constitution that is written and adopted by voters. The Charter defines and limits the powers, duties and responsibility of local government based on local preferences and desires. It defines the form of local government and establishes organizational provisions.

Who is the Charter Commission?

As an independent body, the Charter Commission represents citizen viewpoints and considers and recommends appropriate revisions to the charter, balancing the best interests of town government and its residents.

ELEMENTS OF HOME RULE: DOORS

What kind of access does Home Rule create?

Making the change assists the Town with long-term planning and allows more flexibility securing funding sources.

How does it affect taxes?

Any change in taxes will still require voter approval (in accordance with TABOR laws). By changing to Home Rule, the Town can adopt more types of taxes that are not available to statutory municipalities, such as lodging, admissions and excise taxes. However, even those tax changes would need to be approved by voters.

How does it impact the Town's regulations?

Erie would have greater autonomy for adopting regulations, such as:

- Public notice requirements for land use and development applications
- Utilities management in public rights-of-way and on private property
- Drafting legislation to address local issues
- Marijuana regulations
- Sex offender registration and spacing requirements
- Zoning regulations and development approval procedures
- Downtown revitalization and economic development

Scenario 1: There's an opportunity for preserving some land for open space... but it happens to be right outside Town boundaries. What can Erie do about it?

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Statutory

Statutory towns have jurisdiction only within their own boundaries and in most cases cannot extend outside of those boundaries. The land in this scenario cannot be utilized by the Town.

Home Rule

Home Rule Charters can allow for limited control over land uses in the extraterritorial area just outside jurisdictional boundaries. In this scenario, the Town could potentially condemn or annex that land to preserve it or stop encroachment of certain activities.

Scenario 2: Erie continues to grow and becomes a travel destination. Hotels and short-term rentals are more common. How can the Town be involved?

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Statutory

Statutory towns can collect property tax and sales tax from hotels that are built within the Town's jurisdiction. This is the same as any other business type within the Town.

Home Rule

Home Rule Charters can allow for additional taxation such as a Lodging Tax to be imposed on hotels or short-term rentals. Charters can also allow for the Town to approve regulations with regard to how short-term rentals can operate within the Town.

HOME RULE: DISADVANTAGES

- 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 community members to further limit the authority of the municipality in general and elected officials 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 one-time costs to the municipality — attorney's or other consultant's fees, expenses incurred from publication requirements, election costs, etc.
- 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.

HOME RULE: ADVANTAGES

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- Article 20 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 all matters of local concern.
- By empowering residents more directly, Home Rule enhances citizen control, interest, involvement, and pride in their municipal government.

RESOURCES

Town of Erie Home Rule Video: erieco.us/home-rule-charter

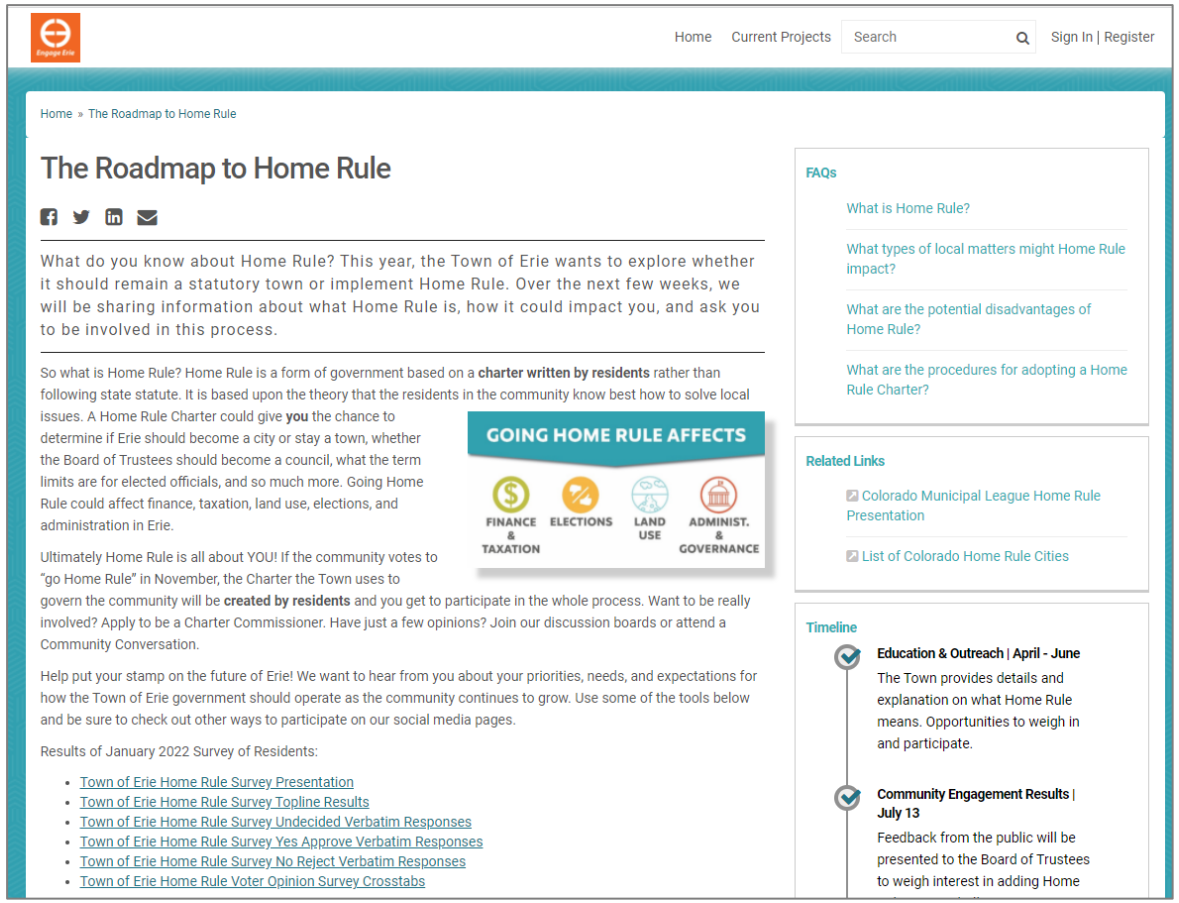
- *Informational video about what Home Rule is, the process and what it means for Erie*

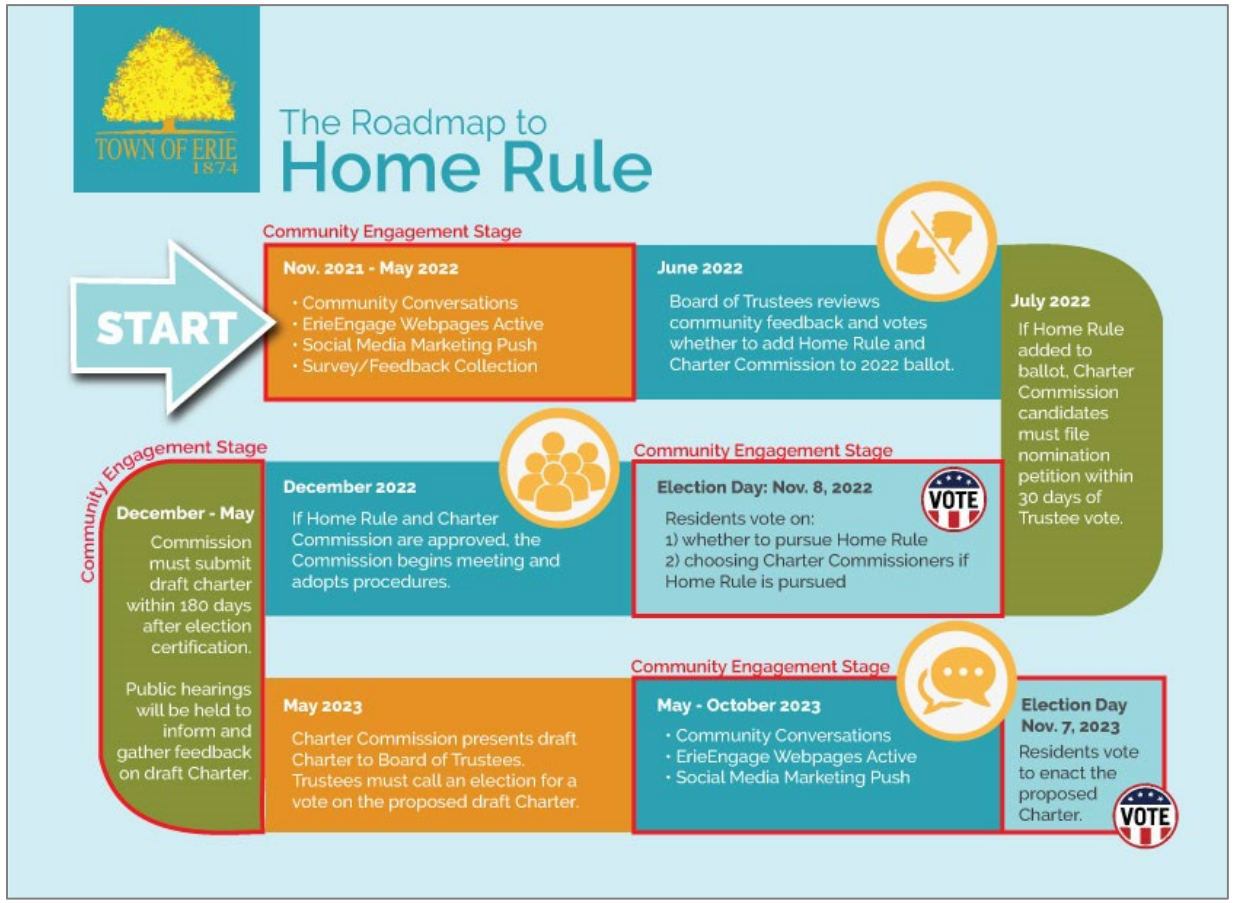


RESOURCES

Engage Erie Website: erieco.us/home-rule-charter

- *Information hub for all Home Rule information and engagement opportunities*





RESOURCES

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Should Erie Go
HOME RULE?

As growth in communities across the Front Range continues exploding, the Town of Erie recognizes its responsibility to provide the best possible quality of life while also ensuring thoughtful growth and fiscal responsibility. 93% of Colorado cities and towns are governed by Home Rule. Erie's Board of Trustees believes now is the time for residents to assess the Town's statutory governing structure and explore becoming a Home Rule town.

To determine if Home Rule is right for Erie, the Board of Trustees would like to make sure the community and its leadership have a shared understanding of:

1. What Home Rule could look like for the Town of Erie?
2. What opportunities and challenges come with a governing change?
3. What steps would need to be taken to shift Erie's government structure?



WHAT IS HOME RULE?

"In Colorado, municipal 'home rule' is a form of government under the control of local citizens rather than state government, with powers and authority derived from the municipality's locally enacted charter and ordinances, rather than state statutes. It afford citizens of cities an towns who adopt a local charter freedom from the need for state enabling legislation and protection from state interference in 'local and municipal matters'."

Colorado Municipal League, Home Rule Handbook for colorado's Cities & Towns (January 2017)

IN SIMPLER TERMS...

Home Rule is a form of government under the control of local residents rather than state statute.

Home Rule is based upon the theory that the residents of a municipality should have the right to decide how their local problems are solved.

There are many details to help you understand how this might work...keep reading on the flip side.

WHAT IS THE PROCESS FOR GOING HOME RULE?

- **In June 2022** the Board of Trustees reviews community feedback and votes whether to add Home Rule and the creation of a Charter Commission for the November 2022 election.
- Those interested in being on the Charter Commission complete a nomination petition and submit to appear on the ballot 30 days of the Trustee vote.
- **If ballot passes**, the Charter Commission meets and begins creating the Charter and submits to the Town Board.
- **November 2023** General Municipal Election includes enacting the proposed Charter.

WHAT IS A CHARTER?

A Charter establishes the Town's form of government and specifies certain rights and responsibilities. As an independent body, the Charter Commission represents residents' viewpoints and considers and recommends appropriate revisions to the Charter, balancing the interests of the Town government and citizens.

WHAT ARE THE POTENTIAL DISADVANTAGES OF GOING HOME RULE?

1. The possibility of a restrictive Charter could lose the flexibility offered by Home Rule.
2. Adopting a Home Rule Charter involves some costs, which can be burdensome to the Town.
3. Some may see the ability of a Home Rule charter to provide more municipal authority as a disadvantage.

WANT TO LEARN MORE?

To learn more, visit the Erie Home Rule website and join the community conversations

www.erieco.us/home-rule-charter

HOME RULE COULD IMPACT:

Finance & Taxation

- Allows for broader taxing powers.
- Establishes a separate tax base.
- Revises budget and adoption procedures.
- Establishes debt limitations.
- Establishes municipal bond repayment limitations.

Land Use

- Allows for greater control over zoning.
- Modifies the Planning Commission and Board of Adjustment.

Elections

- Established a new process and dates for municipal elections.
- Establishes new procedures for initiative, referendum, and recall elections.
- Modified process for filling elected office vacancies.
- Allows Erie to specify the minimum age for elected officials.

Administration/Governance

- Allows Erie to determine its form of government.
- Enables Erie to establish its own ordinances and resolutions.
- Establishes procedures for regular/special meetings and executive sessions.
- Determines municipal court jurisdiction.
- Establishes Town procedures for the sale of public property and awarding contracts.
- Determines Town qualifications of municipal officers and employees.
- Establishes maximum terms for public utility franchises.