Proposed Home Rule Charter

Home Rule Charter Commission

Ashraf Shaikh, Commission Chair

Brian O'Connor, Commission Vice-Chair

April 25, 2023

Commission Members

- Ashraf Shaikh, Chair
- Sarah Kornely
- Lisa Cunningham
- Adam Haid
- Ben Hemphill
- Brian O'Connor, Vice-Chair
- Chelsea Campbell
- Bob Braudes
- Candace Whitehouse

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List of Articles

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Preamble

We, the people of the Town of Erie, Colorado, in order to establish a more effective and responsive government, to promote the general welfare, and to secure the blessings of liberty for ourselves and future generations, do ordain and establish this Home Rule Charter.

We recognize that Erie's history, character, and resources require a government that is dedicated to local control, sustainability, and the preservation of our natural environment. We affirm the rights of all residents to participate in the decisions that affect their lives, and we seek to promote transparency, accountability, and good governance at all levels.

We pledge to uphold the principles of democracy, equity, and justice, and to foster a community that is inclusive, diverse, and welcoming to all. We value the contributions of our residents, businesses, and institutions, and we seek to promote economic growth and opportunity while preserving the quality of life that makes Erie a desirable place to live.

In order to achieve these goals, we adopt this Home Rule Charter as a framework for local governance, and we commit ourselves to its execution for the betterment of our community and the well-being of all who call Erie home.

Process

- Comprehensive review of other Charters
- Weekly meetings with discussion of public comments
- Monthly dedicated public-comment sessions
- Individualized public outreach efforts
- Methodical legal, ideological, and feasibility review of all proposed provisions
- Round-table discussions during meetings where every commissioner has weighed in on every topic
- Sought unanimity in drafting decisions, occasionally required vote of Commissioners as a last resort

Driving Principles

- Planning for the long-term future of Erie
- Maintaining, protecting, and expanding our open space
- Providing as much local control as possible
- Leaving as much as possible up to the residents of Erie
- Providing the guidelines of governance and leaving specifics up to the residents and our elected representatives
- Providing guardrails to encourage elected officials to act in the best interests of Erie

Consequential Decisions – Town Governance

- ***Town*** of Erie, with a Council/Manager form of government
- Governing body will be 6 Council Members and the Mayor, making up the Town Council, all with 4-year terms
- The Town will have 3 districts, with 2 Council Members from each district serving staggered terms
- The Mayor will be elected at-large
- Elections will be held in November of even-numbered years, to maximize voter turnout and save money by coordinating elections with both counties

Consequential Decisions – Open Space

- TNACC vote in November 2022 election passed with ~78% of the Town voting to extend a tax for the purposes of protecting and acquiring open space
  - Open Space has only gotten more important to Erie over time

TNACC	2004	2012	2022
Yes	989 (70%)	2735 (74%)	12199 (78%)
No	417 (30%)	941 (26%)	3402 (22%)
Total	1406	3676	15601

- OSTAB cannot be abolished by the Council
- Town required to maintain a fund for the purposes of maintaining and purchasing new open space; open space cannot be sold or rezoned without voter approval

Consequential Decisions – Guardrails

- Protecting the independence of the Municipal Court
- Defining the process for filling vacancies on the Town Council
- Defining transparency requirements, which will be maintained if CORA is repealed at the state level
- Requiring the Town to conduct and make public a yearly audit of Town finances
- Requiring a Code of Ethics with enforcement mechanisms and penalties

Consequential Decisions – Guardrails (continued)

- Maintaining the requirement for voter approval for any new taxes, even if TABOR is repealed at the state level

  The Charter DOES NOT include any new taxes

- Necessitating ordinances in order to increase the requirements around campaign finance reporting
- Protecting independent boards and commissions
- Term limits for elected officials
- Requiring the Council to protect residents from predatory special districts

Consequential Decisions – Local Control

- Reserving for the Town "the right to have all rights, powers, and liabilities applicable to Colorado home rule municipal corporations as set forth in Article XX of the Constitution of the State of Colorado and Title 31, CRS"
  - Provides greater flexibility to solve local problems
  - Gives the Town the power to exempt itself from being required to follow state statutes on matters of local and municipal concern by passing local ordinances
- Allowing the Town to set ordinance penalties and fines beyond the maximum currently set in state statute

Consequential Decisions – Leaving it to the Residents

- All new taxes will require a resident vote to implement
- Filling vacancies in the Council will always be the result of a resident vote
  - Automatic appointment of runner-up of prior election, special election, or waiting until the next regular election
- Maintaining accessible rights to initiative, referendum, and recall, based on number of votes cast for the position being recalled

Consequential Decisions – Ballot Question on Council Pay

- Commission could not agree on a method of setting pay for elected officials
- Current pay is very low for the amount of time worked
- Setting pay by ordinance is not politically easy
- Ballot question to give residents 2 options to choose from:

  1) Maintain current method of setting pay by ordinance, which would not take effect for the people voting on the increased pay

  2) Set the pay in the Charter, increase it every year tied to the area CPI, and remove the ability for the Council to set their own pay

Transition to Home Rule

- The provisions of the Charter become effective on certification of the election approving it
- All existing laws and ordinances carry over
- Districts will be drawn by an independent commission in preparation for the November 2024 election
- The current Board of Trustees will become the Town Council and remain seated until after the certification of the November 2024 election, with terms being extended from April 2024 or cut short from April 2026

Transition of Elected Officials

- Option 1: Serve out their terms until the November 2026 election (extended from April 2026), designating them either at-large or assigning them to a district after district lines are drawn
  - Pros: Maintain some incumbents to help transition period
  - Cons: Complicated and extended transition period, potential for a district to not be able to elect any Council Members for the first election in 2024
- Option 2 (chosen by vote of the Charter Commission): End their terms at the same time as the rest of the current Board of Trustees, and elect an entirely new Council in November 2024
  - Pros: Quick transition from Statutory Erie to Home Rule Erie, every resident would get to vote for both of their district representatives and the Mayor
  - Cons: Small chance that no incumbents would be elected in November 2024, which would mean a slightly slower start while a new Council is onboarded

Acknowledgements

- Amy Teetzel, Director of Town Administrative Operations
- Malcolm Fleming, Town Administrator
- Debbie Stamp, Town Clerk
- Gabi Rae, Director of Town Communications & Community Engagement
- Hilary Graham, Attorney
- The Board of Trustees
- Other Town Staff

Questions & Discussion

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https://www.erieco.gov/2079/Home-Rule-Charter-Commission