

COUNTY OF EAGLE

HOME RULE CHARTER

**Adopted by the Electorate
of the County of Eagle on May 1, 2007**

**EAGLE COUNTY HOME RULE CHARTER
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EAGLE COUNTY HOME RULE CHARTER COMMISSION STATEMENT

The Eagle County Home Rule Charter Commission, Eagle County, Colorado, hereby submits to the Board of County Commissioners and to the registered electors of Eagle County a proposed Home Rule Charter which has been framed in conformity with Article XIV, Section 16 of the Constitution of the State of Colorado and state statutory provisions.

The Commission has sought to prepare a Charter which provides a structure for the effective and efficient conduct of the County government, and which also provides for greater representation and more participation in the affairs of the County by every member of the County.

In keeping with these aims, the Charter vests all legislative powers in the Board of County Commissioners composed of five (5) Board members elected for four (4) year overlapping terms. This form of governance is meant to enhance opportunities of service and leadership in the County.

Recognizing that other Elected Officers of the County serve meaningful roles in the life of the County, the Charter preserves the elected offices of Clerk and Recorder, Treasurer, Assessor, Coroner and Sheriff.

The form of government provided by the Charter is a Commissioner-Manager form of government. Executive, managerial and administrative responsibilities are to be exercised by the County Manager, who is appointed by and serves at the pleasure of the Board.

The Commission recognizes that the Charter is a document of limitation on the powers available to the County and its citizens, and so has sought to include in the Charter important protections for the citizens. Provisions guaranteeing the citizen rights of initiative, referendum and recall are included.

Other matters covered in the Charter include Board procedures, power and duties; legal considerations; methods of Board action by ordinance, resolution and motion; redistricting; elections; finance and budget; amendment and repeal of the Charter and transitional provisions.

Mindful of the changes the Charter implements, the Commission has included transitional provisions which are at times necessarily complex. Such transitional provisions are by their terms used initially, when the Charter is first adopted, and then only as necessary to address specific issues as they arise.

The Commission members wish to express their appreciation to all County personnel and all other citizens who have contributed valuable time, energy and resources to aid in the creation of the Charter.

EAGLE COUNTY HOME RULE CHARTER COMMISSION:

Donald Cohen, Chair
Kathy Chandler-Henry, Vice-Chair
Michael Bair
Tom Edwards
Kara Heide
John Horan-Kates
Heather Lemon
Colleen McCarthy
Dave Mott
Jacque Whitsitt
Charlie Wick

Rikki Vigil, Legal Secretary
Gerald Dahl, Consulting Attorney
Brittany Scantland, Consulting Attorney

DRAFT

PREAMBLE

We, the people of Eagle County, Colorado, in order to avail ourselves of self-determination in County affairs to the fullest extent permissible under the constitution and laws of the State of Colorado, to provide a less complicated government more responsive to the people, to provide for greater cooperation with all governmental entities, and to provide a more efficient and effective County government, do hereby ordain, establish and adopt this Home Rule Charter for Eagle County, Colorado.

DRAFT

EAGLE COUNTY HOME RULE CHARTER

ARTICLE I - COUNTY NAME, BOUNDARIES, POWERS AND EFFECTIVE DATE

Section 1.1 Name. The name of the County as it operates under this Charter shall continue to be Eagle County, sometimes referred to herein as the County.

Section 1.2 Boundaries. The boundaries of the County as it operates under this Charter shall be the boundaries now or hereafter prescribed for the County by the laws of the state.

Section 1.3 Powers and Interpretation.

1.3.1 **Powers.** The County shall exercise and provide all mandatory County powers and functions as provided by law, and shall have all rights and powers now or hereafter delegated under the constitution and laws of the state of Colorado for exercise by counties; in addition, it shall be authorized without amendment to the Charter to provide all functions, services and facilities, and to exercise all prerogatives and powers that may now or hereafter be authorized by the state constitution and laws.

1.3.2 **Interpretation.** The powers assumed for the County by the Charter shall be liberally construed, and shall include all powers delegated and implied by law, to the end that, except as limited herein, the County shall have all powers necessary or convenient for the conduct of County affairs.

Section 1.4 Effective Date. Except as otherwise specifically provided herein, the effective date of this Charter is June 1, 2007.

ARTICLE II - BOARD OF COUNTY COMMISSIONERS

Section 2.1 Composition.

2.1.1 **Five (5) Commissioners.** In accordance with Sections 2.3 and 2.4, there shall be a Board of County Commissioners consisting of five (5) elected Commissioners, sometimes referred to herein as the Board.

2.1.2 **Elected Countywide (At Large).** The Commissioners of the Board shall be elected by the registered electors of the County at large, in accordance with Section 2.5.

2.1.3 **Residence in District.** Each Commissioner shall be a resident of the District which he or she is elected to serve. At all times during their terms Commissioners shall reside in the Districts from which elected.

Section 2.2 Qualifications. Only registered electors of the County who have resided in their respective Commissioner Districts for the twelve (12) months immediately preceding the date of their election or appointment shall be eligible to hold the office of Commissioner.

Section 2.3 Commissioner Districts.

2.3.1 **Number of Districts.** There shall be five (5) Commissioner Districts, numbered one (1) through five (5).

2.3.2 **Map.** A map of the Commissioner Districts, ("Map of Commissioner Districts, Eagle County, Colorado") is attached hereto and fully incorporated herein by this reference as **Exhibit A**. The map shall be superseded or replaced from time to time as provided in Article III.

2.3.3 **Transition Period.** Until the Commissioners elected at the November 4, 2008 general election have taken office, the Commissioners in office on the effective date of this Charter shall continue to represent the geographic areas comprising the former Commissioner Districts from which they were previously elected.

Section 2.4 Terms.

2.4.1 **Four Year Terms.** Except as provided in Sections 2.4.2 and 4.5, Commissioners shall serve four (4) year terms.

2.4.2 **2008 Election.** At the regular general election on November 4, 2008, four (4) Commissioners shall be elected. The Commissioners so elected receiving the three (3) highest number of votes in said election shall serve four (4) year terms. The Commissioner so elected receiving the fourth highest number of votes in said election shall serve a two (2) year term, which, notwithstanding Section 4.6, shall be considered a full term for the purpose of any applicable term limit restriction.

2.4.3 **Staggered Terms.** Every fourth (4th) year beginning with the 2010 general election, two (2) Commissioners shall be elected to serve four (4) year terms. Every fourth (4th) year beginning with the 2012 general election, three (3) Commissioners shall be elected to serve four (4) year terms.

Section 2.5 Elections for the Board. Elections for Commissioner shall be held as set forth in state statute, as the same may be amended from time to time.

Section 2.6 Compensation. Commissioners shall be compensated in accordance with Section 4.8.

Section 2.7 Board Officers. At its first meeting in January of each year, the Board shall elect from among its members a Chairperson and Vice Chairperson, each of whom shall serve a one (1) year term. The Chairperson shall preside at meetings of the Board, represent the County in intergovernmental relationships unless otherwise directed by the Board and perform other duties specified by statute or by the Board. The Chairperson shall be recognized as head of the County government for all ceremonial purposes and by the governor for purposes of military law. The Vice Chairperson shall act as Chairperson during the absence or disability of the Chairperson.

Section 2.8 Clerk to the Board. The County Clerk and Recorder shall serve as Clerk to the Board. The Clerk to the Board shall perform all functions thereof as required by statute.

Section 2.9 Quorum and Actions. A quorum of the Board shall consist of three (3) Commissioners. The Board may act only when a quorum is present. At all times, three (3) affirmative votes shall be necessary for the Board to take action on any matter. This Section shall take effect on the date the Commissioners elected on November 4, 2008 have taken office pursuant to Section 4.4.

Section 2.10 Powers of the Board - Generally. In addition to all powers granted by state law, the Board is authorized, pursuant to the Colorado County Home Rule Powers Act, C.R.S. § 30-35-101 *et seq.*, to exercise all of the powers enumerated in said Act, now or as the Act may be amended from time to time. Powers exercised hereunder, and pursuant to the Act, shall be exercised in the manner and subject to the limitations specified in the Act, this Charter and state law.

Section 2.11 Appointment to and Creation of Boards and Commissions. The Board shall have the power to create and dissolve County boards and commissions as it deems necessary and to appoint their membership.

Section 2.12 Ordinances.

2.12.1 Ordinance Required - When. Official action by ordinance shall be required for the following actions of the Board: all matters where action by ordinance is prescribed by state law, all Eagle County Code amendments, granting of easements in County lands, acquisition, vacation, sale or lease in excess of one (1) year of County lands and authorization of proceedings in eminent domain.

2.12.2 Ordinances - Procedure. The procedure for adoption of an ordinance shall be:

- **First Reading:** Introduction shall be at a regular or special meeting by any member of the Board. The ordinance shall be approved or disapproved with or without amendment. If disapproved, the ordinance shall not proceed further. If approved, the ordinance shall be published in full, in the manner set forth at Section 2.12.3, prior to the meeting at which it will be considered on second reading.
- **Second Reading and Public Hearing:** After approval on first reading, the ordinance shall be considered on second reading at a public hearing. After the hearing, the ordinance shall be approved or disapproved with or without amendment by the Board. If disapproved, the ordinance shall not proceed further. If approved, the ordinance shall be published by title only, in the manner set forth in Section 2.12.3; provided, however, that in the event the ordinance was amended during second reading, the full text of the ordinance as amended shall be published.

2.12.3 **Publication.** Where publication of ordinances or other documents or portions thereof is required, said publication shall be made in accordance with C.R.S. §§ 30-15-405 and 406, or successor provisions.

Section 2.13 Emergency Ordinances.

2.13.1 **General.** An emergency ordinance for the preservation of public health, welfare, peace, safety or property may be adopted at a single public meeting without the requirement of a public hearing. Emergency ordinances need not be in written form prior to adoption, but shall be reduced to writing as soon as possible after adoption and signed on behalf of the Board by the Chairperson.

2.13.2 **Effective Date.** An emergency ordinance shall become effective immediately upon adoption.

2.13.3 **Content.** An emergency ordinance shall set forth in the body thereof the circumstances of the emergency and the need for the emergency ordinance.

2.13.4 **Publication.** Emergency ordinances shall be published in full after adoption in the manner set forth in Section 2.12.3.

Section 2.14 Resolutions.

2.14.1 **Official Action.** Official action by resolution shall be required for all actions of the Board not requiring an ordinance yet on matters of significant importance including, but not limited to: rezoning, adoption of or amendments to budget, appropriation of funds, creating an indebtedness, levying a tax, establishing fees, setting a special election, ballot questions,

formation of special districts, intergovernmental agreements, contracts and personnel code amendments.

2.14.2 **Procedure.** Resolutions may be adopted at a regular or special meeting of the Board. A resolution may be amended by the Board at any time during a public meeting prior to its final adoption.

2.14.3 **Effective Date.** A resolution, unless otherwise provided in the text of the same, shall become effective upon adoption.

Section 2.15 Motions. All matters not the subject of an ordinance or resolution shall be acted upon by motion.

Section 2.16 Rules of Procedure. The Board may adopt rules of procedure governing the time, place and conduct of its meetings and hearings and the introduction of any action on motions, resolutions and ordinances. The Board may also adopt procedures for requiring attendance of its members. All meetings of the Board shall be open to the public except as permitted by statute. No action shall be taken by the Board other than at an official meeting. A record of proceedings of the Board shall be taken and preserved, and it shall be public record.

Section 2.17 Annual Report. On or before February 1 of each calendar year, the Board shall cause a report of its actions for the prior year to be prepared and published in the manner set forth in **Exhibit B** hereto.

ARTICLE III – REDISTRICTING

Section 3.1 Redistricting Commission. The Board shall appoint a Redistricting Commission within ninety (90) days following receipt by the County Clerk and Recorder of each federal decennial census. The Board shall also appoint a Redistricting Commission within thirty (30) days after the entry of any court order declaring the Map of Commission Districts at Section 2.3.2 void or legally deficient for any reason, which court order is: (1) a permanent or preliminary injunction, (2) unappealable or (3) final as a result of the period for appeal having run. At the time of its appointment of the Redistricting Commission, the Board shall also establish the schedule by which the Redistricting Commission shall produce the Redistricting Plan required by Section 3.9; provided, however, that such schedule shall require that the Redistricting Plan be submitted to the Board at least 165 days prior to the date of the next ensuing primary election for a countywide office.

Section 3.2 Number and Qualification of Members. The Redistricting Commission shall consist of five (5) members. The Board shall appoint one (1) member resident within each existing Commissioner District to the Redistricting Commission. Members of the Redistricting Commission must be: (1) registered electors of the County and (2) resident in the District from which he or she is

appointed. No member of the Board or any other elected County Officer shall be appointed to the Redistricting Commission.

Section 3.3 Removal. No member of the Redistricting Commission shall be removed from office by the Board except for cause and upon notice and a hearing.

Section 3.4 Vacancies. In the event of a vacancy on the Redistricting Commission, the Board shall appoint a new member from the same District from which his or her predecessor was selected, to serve the balance of the term remaining.

Section 3.5 No Compensation for Service. The members of the Redistricting Commission shall serve without compensation, except that each member shall be allowed actual and necessary expenses to be audited in the same manner as other County charges.

Section 3.6 Commission May Hire Staff. The Redistricting Commission may hire or contract for necessary staff assistance and may require agencies of County government to provide technical assistance. The Redistricting Commission shall have a budget for its work as provided by the Board.

Section 3.7 Duties of the Commission. The duties of the Redistricting Commission shall be to: (1) review the population of the five (5) Commissioner Districts, (2) determine whether redistricting should occur to meet the redistricting guidelines of Section 3.8 and (3) produce a redistricting plan.

Section 3.8 Redistricting Guidelines. To the greatest extent possible, the following guidelines shall be followed by the Redistricting Commission in developing the redistricting plan:

- 3.8.1 **Communities of Interest.** Communities of interest, including but not limited to ethnic, cultural, economic, trade area, geographic and demographic factors, shall be preserved within each District to the greatest degree possible.
- 3.8.2 **Equality of Population.** All five (5) Districts shall be as nearly equal in population as possible.
- 3.8.3 **Minimal Boundary-Crossing.** Districts shall not cross municipal boundaries except to meet equal population requirements.
- 3.8.4 **Compactness and Contiguity.** Each District shall be as compact as possible; no part of one District may be completely separate from any other part of the same District.

Section 3.9 Commission to Produce Redistricting Plan. The Redistricting Commission shall produce a redistricting plan, consisting of a map and description of the Districts recommended. Upon adoption pursuant to this Article, the map shall replace the prior map referred to in Section 2.3.2. The Commission shall hold one (1) or more public hearings not less than fourteen (14) days before it submits the plan to the Board. The Commission shall make the plan available to the public for inspection and comment not less than fourteen (14) days before the first such public hearing.

Section 3.10 Adoption by the Board. Upon receipt of the plan, the Board shall consider it at a public meeting and act to either adopt or reject it. The plan shall be deemed adopted by the Board unless rejected within twenty-one (21) days by the vote of the majority of all members of the Board.

Section 3.11 Rejection by the Board. If the Board rejects the plan, it shall return the plan to the Redistricting Commission with its objections. The Redistricting Commission shall then prepare a revised plan and shall submit such revised plan to the Board. Such revised plan shall be deemed adopted by the Board unless within two (2) weeks of its receipt of the revised plan the Board votes to file a petition in the District Court of Eagle County for a determination that the plan fails to meet the redistricting guidelines of Section 3.8. The Board shall file its petition no later than ten (10) business days after its vote to file the same. Upon a final determination upon appeal, if any, that the plan meets the redistricting guidelines of Section 3.8, the plan shall be deemed adopted by the Board and the Redistricting Commission shall deliver the plan to the County Clerk. Upon final determination upon appeal, if any, that the plan fails to meet the redistricting guidelines of Section 3.8, the Redistricting Commission shall be deemed dissolved and the proposed plan deemed rejected. Upon dissolution of the Redistricting Commission, the Board may appoint a new Redistricting Commission. Such new Redistricting Commission shall contain none of the same members as the Redistricting Commission directly preceding it.

Section 3.12 Effect on District Representation. In the event redistricting results in two (2) Commissioners residing in the same Commissioner District, representation of the unrepresented District shall be determined as follows: the Commissioner who has resided in the geographic area defined by that Commissioner District the greatest amount of time shall represent that District. The Commissioner who has resided in the geographic area defined by that Commissioner District the least amount of time shall represent the closest unrepresented District as determined by state and interstate highway miles. In that event, the measurement shall be from the commuting Commissioner's residence to the closest unrepresented District line (as that District line intersects the highway) of each of the unrepresented Districts, respectively. Notwithstanding Section 2.1.3, a District represented by any such commuting Commissioner shall be considered filled and represented by such Commissioner.

Section 3.13 Effect of Adoption of Plan. On the date the redistricting plan is adopted by the Board, the new Districts shall become effective and supersede previous Districts.

Section 3.14 Redistricting or Transition Not to Affect Current Terms of Office. No redistricting or transition to the five (5) Commissioner system shall disqualify a Commissioner from completing his or her term of office.

Section 3.15 Dissolution of Redistricting Commission. Upon adoption of a redistricting plan by the Board and its delivery to the County Clerk and Recorder, or resolution by the Court, the Redistricting Commission shall be deemed dissolved.

ARTICLE IV – ELECTED COUNTY OFFICERS

Section 4.1 Elected Officers. The Elected Officers of the County shall include five (5) Commissioners and the following Officers:

4.1.1 **Clerk and Recorder.** There shall be a Clerk and Recorder who shall have such powers, duties and functions and shall meet such qualifications as set forth from time to time in state statute.

4.1.2 **Treasurer.** There shall be a Treasurer who shall have such powers, duties and functions and shall meet such qualifications as set forth from time to time in state statute.

4.1.3 **Assessor.** There shall be an Assessor who shall have such powers, duties and functions and shall meet such qualifications as set forth from time to time in state statute.

4.1.4 **Sheriff.** There shall be a Sheriff who shall have such powers, duties and functions and shall meet such qualifications as set forth from time to time in state statute.

4.1.5 **Coroner.** There shall be a Coroner who shall have such powers, duties and functions and shall meet such qualifications as set forth from time to time in state statute.

Section 4.2 Office of Surveyor Abolished. The office of Surveyor is hereby abolished at the end of the term of the Surveyor who is elected at the November 7, 2006 general election. Should said Surveyor resign or be removed from office before the end of his or her term, no alternate Surveyor shall be appointed, and the office shall be deemed abolished at the time the office becomes vacant. Upon the effective date of the abolition of the office of Surveyor pursuant to this Section, the County Engineer or his or her designee shall exercise all of the powers and perform all of the duties now required or that may hereafter be required by state law to be exercised or performed by the Surveyor. All County-

owned property, records, equipment and supplies of the office of Surveyor, wherever located, existing on the date the office of Surveyor is abolished, shall be transferred as directed by the Board.

Section 4.3 Oath of Office. Before entering upon the duties of office, every Officer designated by this Charter shall take, subscribe and file with the County Clerk and Recorder, an oath or affirmation that he or she will support the constitution of the United States, the constitution of the state of Colorado, this Charter and the Code and ordinances of Eagle County, Colorado and will faithfully perform the duties of the office.

Section 4.4 Date of Taking Office. Elected Officers shall take office on the second Tuesday in January following the date of their election.

Section 4.5 Vacancies. Vacancies in any elected office shall be filled as set forth in state statute, as the same may be amended from time to time.

Section 4.6 Term of Office. The term of office of all Elected Officers shall commence as set forth in Section 4.4. Except as provided in Sections 2.4.2 and 4.5, Elected Officers shall serve four (4) year terms. For the purpose of any applicable term limit restriction, any term of two (2) years or less shall not be considered a full term, and any term greater than two (2) years shall be considered a full term.

Section 4.7 Qualifications of Elected Officers.

4.7.1 Electors of County. All Elected Officers shall be registered electors of the County.

4.7.2 Residency in County. All Elected Officers shall have resided in the County for a consecutive period of not less than twelve (12) months immediately preceding the general election for that office.

4.7.3 Minimum Age. All Elected Officers shall be at least twenty-one (21) years of age before taking office.

4.7.4 Vacancy Appointments. All references herein to “Elected Officers” shall include those persons appointed to fill elected office vacancies, and such persons shall meet all of the qualifications and have all of the privileges, duties and responsibilities of that office.

Section 4.8 Compensation. Salaries of Elected Officers shall be as provided for in and amended by state statute from time to time. The salaries of Elected Officers shall not be varied during their terms of office. Benefits for all Elected Officers shall be the same as those benefits made available to County employees.

Section 4.9 No Incumbent Term Affected by Adoption of Charter. No person currently holding an elected office described in this Article shall have his or her term affected by the adoption of this Charter.

Section 4.10 Elections. Elections for Elected Officers shall be held in accordance with Article VI.

ARTICLE V – COUNTY MANAGEMENT

Section 5.1 County Manager. There shall be a County Manager appointed by the Board who shall serve as the County's Chief Executive Officer.

5.1.1 The County Manager shall be responsible to the Board, serve at the pleasure of the Board and execute the policies set by the Board, all in accordance with this Charter, the laws of this state and the Code, resolutions and ordinances of the County.

5.1.2 The County Manager and any department heads appointed by the County Manager shall be responsible for the administration of the County.

5.1.3 The compensation of the County Manager and all other terms and conditions of employment shall rest with the Board.

5.1.4 The County Manager shall be responsible for adopting and implementing a personnel system governing all County employees, including those hired by independently Elected Officers.

5.1.5 The County Manager shall be responsible for hiring, supervising and terminating all County employees except independently Elected Officers and the County Attorney; provided, however, that within the limitations imposed by the personnel system adopted by the County Manager, Elected Officers shall be responsible for hiring, supervising and terminating the staff directly responsible to them.

5.1.6 The County Manager may appoint to any County board or commission additional staff as he or she deems necessary to carry out the duties assigned to such board or commission.

Section 5.2 County Attorney. There shall be a County Attorney appointed by the Board, who shall be the chief legal Officer of the Board and of the County.

5.2.1 The compensation of the County Attorney and all terms and conditions of employment shall rest exclusively with the Board. The County Attorney shall be responsible solely to the Board.

5.2.2 The County Attorney shall be licensed to practice law in Colorado and shall have done so for at least two (2) years prior to appointment.

5.2.3 The County Attorney shall prepare and render legal services, advice and representation to the Board. Where no conflict occurs, and with approval of the Board, the County Attorney shall also render legal services, advice and representation to the County Manager, Elected Officers, County staff and all County boards and commissions.

ARTICLE VI – ELECTIONS

Section 6.1 General. To the greatest extent possible, County elections shall be held at the time of the state general election.

Section 6.2 Petitions. No petition shall be circulated until it has been approved as meeting the applicable requirements of the Colorado Constitution, statutes and the Colorado Secretary of State. The County Clerk and Recorder shall approve or disapprove a petition as to form by the close of the second business day following its submission. The Clerk and Recorder shall provide forms for all petitions. For every petition filed there shall be three (3) petitioner representatives named therein who are registered electors of the County.

Section 6.3 Nomination of Candidates. The nomination of candidates for elected office shall be as set forth in state statute, as the same may be amended from time to time.

Section 6.4 Primary and General Elections. Primary and general elections for elected office, other than the office of Commissioner, shall be held as set forth in state statute, as the same may be amended from time to time.

Section 6.5 Ballot Issue Deadlines. The deadlines for submission to the Clerk and Recorder of all issues to be placed on a primary, general or congressional vacancy election ballot shall coincide with the corresponding deadline established by state statute for the Secretary of State to transmit to each County Clerk and Recorder the notice of a primary, general or congressional vacancy election. The deadline for submission to the Clerk and Recorder of all issues to be placed on a special election ballot shall be equal in number of days to the deadline established by state statute for the Secretary of State to transmit to each County Clerk and Recorder the notice of a primary election.

Section 6.6 Campaign Contributions and Expenditures. Campaign contributions and expenditures shall be regulated by state statute.

Section 6.7 Election Laws Apply. Except as specifically provided in this Charter, elections for any elected office, or any other election required by this Charter or by statute, shall be conducted as set forth in state statute, as the same may be amended from time to time.

ARTICLE VII – INITIATIVE, REFERENDUM, REFERRAL AND RECALL

Section 7.1 Initiative and Referendum.

- 7.1.1 **Initiative.** The electors of the County shall have power to propose any resolution or ordinance to the Board in accordance with the provisions of this Article, except those concerning the annual operating budget or annual budget appropriation or amendments thereto, levy of taxes, or any land use or development approval or denial, including without limitation zoning and rezoning. In the event the Board fails to adopt said proposed resolution or ordinance without any change in substance, the proposed resolution or ordinance shall be submitted to the electors at a County election for their acceptance or rejection. Petitions proposing the initiation of an amendment to this Charter shall be governed by Article IX hereof and applicable state statutes.
- 7.1.2 **Referendum.** The electors of the County shall have the power to require reconsideration by the Board of any ordinance, resolution or portion thereof, and if the Board fails to repeal the ordinance, resolution or portion thereof upon such reconsideration, to approve or reject it at a County election in accordance with the provisions of this Article; provided, however, that such power shall not extend to the annual operating budget or annual budget appropriation or amendments thereto, levy of taxes, calling a special election, ordering improvements initiated by petition and to be paid for by special assessments, incurrence of indebtedness or borrowing approved by the electorate, resolution or ordinance to meet the contractual obligations of the County, or any land use or development approval or denial, including without limitation zoning and rezoning.

Section 7.2 Initiative and Referendum Procedure.

- 7.2.1 No initiative or referendum petition shall be circulated until it has been approved by the County Clerk and Recorder as meeting the requirements set forth by the state statutes and the Colorado Secretary of State. An initiative or referendum petition must be signed by registered electors of the County in number equal to at least fifteen percent (15%) of the total number of registered County electors as of the date of the last general County election. Such petition shall comply with the requirements of Section 6.2. An initiative petition shall be void unless filed with the Clerk and Recorder within thirty (30) days after the petition has been approved as to form by the Clerk and Recorder. A referendum petition shall be void unless filed with the Clerk and Recorder within thirty (30) days after the effective date of the resolution or ordinance to which such petition refers. All petitions shall be addressed to the Board and may be an aggregate of two (2) or more petition papers identical as to content and simultaneously filed by one (1) person.
- 7.2.2 An initiative petition shall set forth, in full, the resolution or ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) resolution or ordinance. Initiative petitions shall be restricted to a single subject per petition. A referendum petition shall identify the resolution or ordinance, or portion thereof, it proposes to be reconsidered.
- 7.2.3 Every person who is a registered elector within the County may sign an initiative or referendum petition. Each signer of a petition shall sign his or her name and after his or her name, shall print his or her name, the date and his or her address, including street number, county, and, if applicable, town.
- 7.2.4 Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the petition, the number of signatures thereon, and that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance or resolution proposed or sought to be reconsidered.
- 7.2.5 Petitions shall be filed with the Clerk and Recorder, who shall, within fifteen (15) days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors, the Clerk and Recorder shall notify forthwith by certified mail the person(s) named in the petition as representing the petitioners. Fifteen (15) days from the date of mailing of such notification shall be allowed for the filing of supplemental petition papers. Such supplementary petition shall comply with all requirements for petitions, and within five (5) business days after it

is filed, the Clerk and Recorder shall complete a certificate as to the sufficiency of the petition as amended and send a copy of such certificate to the person(s) named in the petition as representing the petitioners by certified mail, as in the case of an original petition. If a petition or amended petition is certified sufficient, the Clerk and Recorder shall promptly present the certificate to the Board.

- 7.2.6 If a petition has been certified insufficient and is not amended within fifteen (15) days of the date of mailing of the notice of insufficiency, or if an amended petition has been certified insufficient by the Clerk and Recorder, any petition circulator or the person(s) named in the petition as representing the petitioners may, within two (2) business days after receiving a certificate of insufficiency, file a request that it be reviewed by the County Clerk and Recorder. If a petition or amended petition be certified sufficient, any party affected may similarly file within two (2) business days after the certificate has been made a request for review by the County Clerk and Recorder. The County Clerk and Recorder shall forthwith review the certificate(s) and approve or disapprove the certificate(s), and the County Clerk and Recorder's determination shall then be a final determination as to the sufficiency of the petition.
- 7.2.7 Following a final determination by the County Clerk and Recorder, the petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- 7.2.8 When a referendum petition is certified sufficient, the ordinance, resolution or portion thereof sought to be reconsidered shall be suspended from taking effect.
- 7.2.9 When an initiative or referendum petition has been finally determined sufficient, the Board shall promptly consider the proposed initiative resolution or ordinance, or reconsider the referred ordinance, resolution or portion thereof by voting its repeal.
- 7.2.10 If the Board fails to adopt the proposed initiative, or fails to repeal the referred ordinance, resolution or portion thereof, the matter shall be submitted to the registered electors. If no general, primary or special County election is to be held within one hundred twenty (120) days after the date of the Board's consideration as required by Section 7.2.9, the Board shall provide for a special election to be held within one hundred twenty (120) days of that consideration; otherwise, the vote shall be held at the same time as such general, primary or special election, except that the Board may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the initiated or referred resolution or ordinance shall be made available to the public within a

reasonable time before the election and also at the polls at the time of the election.

7.2.11 If a majority of the electors voting on a proposed initiative resolution or ordinance vote in its favor, it shall be deemed adopted upon certification of the election results. If conflicting resolutions or ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

7.2.12 If a majority of the electors voting on a referred ordinance, resolution or portion thereof vote for its repeal, it shall be deemed repealed upon certification of the election results. If a majority of the electors voting on a referred ordinance, resolution or portion thereof vote against its repeal, the suspension of its effect shall terminate upon certification of the election results.

7.2.13 A resolution or ordinance adopted by the electorate may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and an ordinance, resolution or portion thereof repealed by the electorate may not be re-enacted for a period of one (1) year after the date of the election at which it was repealed; provided, however, that any resolution or ordinance may be adopted, amended or repealed at any time by appropriate initiatory or referendum procedure in accordance with the foregoing provisions of this Article, or if submitted to the electorate by the Board on its own motion.

Section 7.3 Referral. The Board, on its own motion, shall have the power to submit to a vote of the registered electors of the County at any general or special election any proposed, ordinance, resolution or question except those concerning the annual operating budget or annual budget appropriation or amendments thereto, levy of taxes, or any land use or development application, including without limitation zoning and rezoning.

Section 7.4 Recall. Any Elected Officer may be recalled from office at any time after having served at least six (6) months. Once an election on recall has been held, no other election on recall of that same Officer may be held for at least one (1) year. The procedure for recall shall be as follows:

7.4.1 One (1) or more registered elector(s) shall file with the Clerk and Recorder an affidavit of not more than two hundred (200) words stating the reasons for requesting the recall. The Clerk and Recorder shall, within two (2) business days after the filing of the affidavit, mail a copy by certified mail or hand deliver a copy to the Officer sought to be recalled. That Officer may, within five (5) business days of receipt of the affidavit, file with the Clerk and Recorder an affidavit of not more than two hundred (200) words in justification of his or her course in office. After receipt of the statement of justification, if any, but in no event later than ten (10) business days

after delivering a copy of the affidavit to the Officer, the Clerk and Recorder shall issue a petition for recall. Such petition shall comply with the requirements of Section 6.2.

- 7.4.2 The petition shall include the statement of reasons for requesting recall and the Officer's statement of justification, if any. The petition must thereafter be signed by registered electors numbering at least twenty-five percent (25%) of the total number of votes cast at the last election for all candidates for the office which the Officer sought to be recalled occupies.
- 7.4.3 Each signer of a petition shall sign his or her name, and after his or her name, shall print his or her name, the date and his or her address, including street number, county, and, if applicable, town. On each separate page of the petition shall be attached an affidavit by the circulator thereof, stating the number of signers and affirming that each signature is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant and that each signer has stated to the circulator that he or she is a registered elector of the County and has read the petition.
- 7.4.4 The signed recall petition shall be filed with the Clerk and Recorder within sixty (60) days after the issuance of the petition. If the petition is filed within the time specified, and if it complies with the requirements of this Section 7.4, and is not held insufficient upon any protest, as below described, the Board shall set a date for a recall election to be held within sixty (60) days, unless a primary, general or special election will be held within one hundred twenty (120) days following the filing of the petition, in which event the recall election shall be held at the time of that primary, general or special election.
- 7.4.5 All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and each such signer shall be deemed and held to be a registered elector, unless a protest in writing under oath shall be filed with the Clerk and Recorder by a registered elector, within fifteen (15) days after such petition is filed setting forth specifically the grounds of such protest. In the event of such protest, the Clerk and Recorder shall forthwith mail a copy to persons named in such petition as representing the signers thereof, together with a notice fixing a time for a hearing of such protest, which hearing shall be not less than five (5) nor more than ten (10) business days after such notice is mailed. All hearings shall be before the County Clerk and Recorder, and all testimony shall be under oath. Such hearings shall be summary, not subject to delay and must be concluded within thirty (30) days after such petition is filed. The results thereof shall be forthwith certified to the person or persons named in the petition as representing the signers thereof, or if none, to the circulators.

- 7.4.6 In case the petition is held to be not sufficient, it may within fifteen (15) days thereafter be amended and refiled as an original petition.
- 7.4.7 There shall be printed on the official ballot, as to every Officer whose recall is to be voted on, the words: "Shall (name of the person against whom recall petition is filed) be recalled from the office of (title of office)?" Regardless of minimum requirements in the state recall statute, the reasons for recall, together with the Officer's statement of defense, shall be on the ballot. The ballot shall provide for a "yes" or "no" vote. All registered electors in the County are eligible to vote in any recall election.
- 7.4.8 If a majority of those voting vote in favor of recalling an incumbent, the incumbent shall thereupon be deemed removed, and the vacancy shall be filled as provided in Section 4.5.

Section 7.5 Withdrawal of Petitions. Any petition for initiative, referendum or recall may be withdrawn only prior to the setting of an election and only if a majority of the persons named in the petition as representing the signers thereof formally request withdrawal.

ARTICLE VIII – FINANCE AND BUDGET

Section 8.1 Fiscal Year. The fiscal year of the County shall commence on January 1 and end on December 31 of each calendar year.

Section 8.2 Annual Budget. The County Manager shall annually cause a proposed County budget for the next fiscal year to be prepared and shall submit the same to the Board within the time limits prescribed by this Charter and state statute. Such budget proposal shall include recommendations concerning needed changes, if any, in the County organizational structure. In all other respects, the budget process and appropriation procedures shall be as required by state statute.

Section 8.3 Capital Program and Budget. At the time of submission of the annual budget, the County Manager shall also submit a five (5) year capital improvements program and budget. Such program shall include recommended projects, construction schedule, estimated costs, anticipated revenue sources, methods of financing and such other information as may be necessary.

Section 8.4 Independent Audit. The Board shall provide for an independent annual audit of all County accounts and funds, and for more frequent audits as deemed necessary. Such audits shall be made by a certified public accountant selected by the Board. The annual audit, together with any auditors' comments thereon, shall be made available to the public in an electronic form.

ARTICLE IX – AMENDMENT AND REPEAL

Section 9.1 Procedure to Amend or Repeal Charter. The procedure to amend or repeal the Charter shall be as set forth from time to time by state statute. The provisions set forth in Sections 6.2 and 7.2 shall be used to determine the sufficiency of a petition to amend this Charter.

Section 9.2 Conflicting Amendments. If there is any conflict or inconsistency between amendments voted upon at the same election and more than one of said amendments is adopted, the amendment receiving the largest number of votes shall prevail to the extent of such conflicts or inconsistency and the adopted amendments receiving the lesser number of votes shall, if severable, be nevertheless effective except to the extent of such conflict or inconsistency.

ARTICLE X – CODE OF ETHICS

The following ethical principles shall be adhered to by all Elected Officers of the County. The citizens of Eagle County are entitled to a fair, ethical, transparent and accountable local government and to the expectation of public integrity. In keeping with this principle, the effective functioning of democratic government within the County therefore requires that:

Section 10.1 Compliance. Elected Officers shall comply with both the letter and spirit of the laws and policies affecting the operations of government.

Section 10.2 Impartiality. Elected Officers shall be independent, impartial and fair in their judgment and actions.

Section 10.3 Conflict of Interest. Public office shall be used for the public good, not for personal gain. Elected Officers shall not use their official positions to influence County decisions in which they have a material financial interest or otherwise, to the extent they cannot objectively act on the matter.

Section 10.4 Deliberations. Deliberations and processes shall be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

Section 10.5 Policy Role of Board of County Commissioners. Consistent with its policy making authority, and with its supervisory authority under Article V, the Board of County Commissioners shall not interfere with the administrative functions of the County or the professional duties of the County staff.

ARTICLE XI – GENERAL PROVISIONS

Section 11.1 Definitions. The following terms used in the Charter shall have the meanings indicated:

11.1.1 District: shall mean a County Commissioner District.

11.1.2 May: is considered permissive.

11.1.3 Shall: is considered mandatory.

11.1.4 State laws and statutes: All legislation governing Colorado, including the Colorado Constitution. References to state laws and statutes shall be construed as including reference to them as they may be amended from time to time.

11.1.5 Vacancy: A vacancy in any elected office shall occur upon the death, resignation, recall, the final decision of a court of competent jurisdiction declaring void an Officer's election or appointment, the Officer's declination to take oath of office, or the Officer ceasing to reside in the County (or in the case of a Commissioner, in the District which the Commissioner represents).

Section 11.2 Continuity of Government. The Board shall provide for continuity of government in the event of a disaster. It shall prescribe procedures which will preserve representative government and provide an orderly line of succession of authority when disaster makes such measures necessary. In no case will such temporary occupancy of elective offices extend beyond the next scheduled general election.

Section 11.3 Bonding of Officers. Members of the Board and such other Officers or employees as the Board may require and as required by state statute shall give bond in an amount and with surety prescribed by the Board, or as required by law. The premiums on such bonds shall be paid by the County, and the bonds shall be filed with the County Clerk.

Section 11.4 Severability. If a court of competent jurisdiction shall by final judgment hold any part or provision of this Charter to be invalid or unconstitutional, all other provisions of this Charter shall be considered to be severable and shall not be affected thereby and the effect of such decision shall not extend beyond that required by the court's ruling.

Section 11.5 Article and Section Titles. The Article and Section titles of this Charter are inserted for reference and convenience only and shall not be construed to limit, prescribe or in any way control the scope or intent of any provisions therein.

ARTICLE XII – TRANSITIONAL PROVISIONS

Section 12.1 Prior Legislation and Policies. All resolutions, motions, rules and regulations of the County which are not inconsistent with the terms of this

Charter and which are in force on the effective date of this Charter, shall continue in force until repealed or amended. Existing resolutions which enact legislative measures shall be considered to be ordinances under this Charter.

Section 12.2 Existing Contracts.

12.2.1 All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter, and in each case shall be maintained, carried on or dealt with by the County department, office or agency appropriate under this Charter.

12.2.2 Nothing in this Charter shall abridge the rights, duties or obligations heretofore obtained or incurred by contract or ordinance and legally entered into or passed by the County.

Section 12.3 Continuation of Employment. All appointed employees of the County holding office on the effective date of this Charter shall continue to be employed at their existing compensation, subject to the provisions of this Charter and to any personnel system regulations adopted pursuant thereto.

Section 12.4 Continuation of Programs. All functions, operations and programs now being conducted by the County may continue until otherwise provided by the Board.

Section 12.5 Continuation of Existing Boards and Commissions. All boards and commissions presently operating in the County shall continue to function upon adoption of this Charter.

EXHIBIT A

Map of Commissioner Districts, Eagle County, Colorado

[Attached]

DRAFT

EXHIBIT B

ANNUAL REPORT

As required by Section 2.17 of the Charter, on or before February 1 of each calendar year, the Board shall cause to be prepared and published in a newspaper of general circulation in the County a report describing the Board's actions during the prior calendar Year. The report shall include (at a minimum) the following information:

1. A written summary of the number of formal County Commissioner meetings held during the year and the attendance at each of these meetings by each member of the Board, by name.
2. A list of county-wide County and intergovernmentally established boards, commissions and committees on which the Board of County Commissioners believe active participation of the County is important, including the member or members of the Board appointed to represent the County on such boards, commissions or committees.
3. A list, keyed to the individual Board of Commissioners' meetings, showing the final voting record of each member of the Board of Commissioners on resolutions and ordinances.

On or before March 1 of each calendar year, the Board of Commissioners shall provide public notice of and hold a public forum at which the members of the Board shall highlight in a brief summary what they feel they achieved individually and as a group for the County and for their individual districts.