



**Home Rule Charter Commission
MEETING MINUTES
Wednesday, December 4, 2019
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

CALL TO ORDER - 6:00 P.M.

Chair McFall called the meeting to order at 6:00 p.m.

ROLL CALL

COMMISSIONERS PRESENT

Brent McFall, Chair
Jon Stavney, Vice Chair
Charlie Wick
Kyle Hoiland
David Gaboury
Janet Bartnik
Holli Snyder
Kraige Kinney
Paul Wisor

STAFF

Brandy Reitter, Town Manager
Matt Mire, Town Attorney
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk

ADOPTION OF AGENDA

MOTION: Commissioner Bartnik motioned to adopt the December 4, 2019 Agenda as presented. Motion was seconded and passed unanimously.

CONSENT AGENDA

1. November 20, 2019 Minutes
Vice Chair Stavney requested the memo from Brandy and the summary from the attorney be adopted as part of the minutes.

Commissioner Hoiland requested on page 2 of minutes to change II to III.

MOTION: Vice Chair Stavney motioned to approve the minutes as amended. Motion was seconded and passed unanimously.

BUSINESS ITEMS

1. Charter Review
Chair McFall opened Business Items and noted to the audience that public comment will be taken on each article after Commission discussion.

- a. Previous Meeting Recap and Review of Article I General Provisions, Article II Elections and Article III Town Council
Brandy Reitter reviewed her staff memo and requested Commission to consider dates for holding at least one public hearing before presenting draft to the Board of Trustees. Proposed dates are January 15 and January 22.

Commission reached a consensus that these dates will be the public hearing dates. Additional discussion on preparing a press release and notice to the public to attend the hearing. Staff will prepare those notices accordingly. Commission also discussed starting meetings at 4:00 p.m. for meetings to ensure review of the charter and to meet the public hearing deadline. Consensus was reached on starting remaining meetings at 4:00 p.m. instead of 6:00 p.m. On the Public Hearing dates of January 15 and 22, the Commission will begin the meeting at 4:00 p.m. and hold the Public Hearing at 6:00 p.m. so the public has ability to attend.

Chair McFall opened public comment on review of previous Articles.

Scott Schlosser: Inquired about Section 3.12 (f) and if this language included land use outside the public arena. Town Attorney Matt Mire will bring back revised Section 3.12 as it relates to Executive Session purposes.

Commission Discussion:

Requested Section 3.12 Executive Sessions have language that implies that the Town Manager and Town Attorney are invited into Executive Session, with the exception of personnel reviews. Attorney Matt Mire will provide additional language to review as it relates to this.

Section 1.04 (6) Rights and Liabilities was discussed and if it was permissive enough for disposal of real property. Several scenarios were discussed. Town Attorney will provide additional language, which will include a definition of the term "dispose" while preserving the Commission's intent to protect public property and open space.

Section 1.04 (7) relating to utilities, Town Attorney will provide additional language to better explain what "other" utilities may be included here.

Section 2.03 Nonpartisan Elections request for additional language that candidates must continue to serve as nonpartisan. Determined that this should not be controlled by the Charter.

Approval voting was introduced, this topic would be covered by Ordinance of the Town Council for insertion into the Town Code if this election process is determined to be beneficial to the Town.

Section 3.01 (4) terms of office was discussed further with options provided by the Town Attorney. The Commission reached tentative majority consensus that two terms with a two-year cooling off period, with the stipulation that no appointment or elected positions can be had during the cooling off period. Town Attorney will draft this language for further consideration.

Section 3.02 Authority of the Town Council section will be removed from Town Council and placed in Municipal Court. The intent is that the Municipal Court is delegated the authority listed in this section and the Town Council does not serve in capacity for appeals or challenges.

Section 3.02 (3) process for vacancies was discussed. Suggestions for requiring a prescriptive public process in the

charter that could include circulation of a petition for candidates. Concern regarding transparency of this process as it currently stands. Town Attorney will provide language for consideration that provides that the Council shall adopt procedures for the vacancy appointment process.

Section 3.03 (1)(d) prohibiting convicted felons from serving as Mayor or Council Member was discussed. The correlation between certain felonies having their voting rights restored appeared to address this issue. If a felon has their voting rights restored, that class of felony would have been determined to be of lesser severity and appeared amenable to the Commission. Eligibility to vote will be the determining factor for this section.

Section 3.06 regarding process for recusal and conflict was confirmed to be moved to the code of ethics. Further discussion regarding holding another elective office and conflicts that can be presented by holding two offices in a small town. While it may not present as a conflict of interest, it could turn into one. This may need further discussion or remedy in the code of ethics.

Section 3.02 (2) Authority of Town Council. While this section legally provides the necessary language, Commission still prefers to have this section written in plain language. Town Attorney will try to address with substitute language.

b. Article IV – Town Administration, Town Departments and Appointed Officials
Chair McFall opened Article VI.

Section 4.01 (2) Mayor signing all contracts. Discussion on whether Town Manager should be signing contracts and Mayor signing ceremonial documents. Town Attorney will provide language for delegation of authority to sign contracts.

Section 4.01 (4) – Request to change emergency declaration language to address chain of command. Change language to extraordinary emergency and remove “riot and insurrection”. Also requested to change “enemy” caused disaster to “human” caused disaster.

Section 4.02 Town Manager. Discussion took place on title of chief administrative officer. Title change requested to be Chief Executive Officer for this section.

Discussion on request to change the term “serves at the pleasure” for Town Manager, Town Attorney and Municipal Court Judge. Request to change pleasure to “will.” Aligns better with employment terminology.

Discussion on reappointment of attorney and judge every two years. Generally, not in favor of this process. All positions have contracts which are terminable usually with 30 days’ notice. Request to strike attorney and judge appointments. Town Council should decide when and how they want to review the positions.

Discussion on whether the council should take action on manager without a fully seated board. Consensus that a decision regarding the manager, either hiring or terminating would be ruled by a majority of the entire council.

Discussion on code of conduct language for Town Council to include a rule that if they have three unexcused absences they could be removed.

Section 4.02 (3) regarding Town Attorney can and should be removed. Consensus that it can be removed from the Charter.

Discussion on residency requirement for Town Manager within a certain mileage. No consensus on if this was a Charter issue.

Section 4.05 Town Clerk. Request to change term “journal” to “record.”

Section 4.05 (5) relating to form of petitions being provided. Discussion on advising public on petitions not required. Puts Town Clerk in a position to provide legal advice. Not recommended to change.

Section 4.06 (1) Town Departments. Request to remove the language “in order to achieve more efficient operation or administration.”

Chair McFall opened public comment on Article VI. There was no public comment.

c. Article V – Boards and Commissions

Chair McFall opened Article V for discussion.

Section 5.02 (1) request to add language to define scope of inquiry for boards, commissions and committees. Further discussion on whether committees should be included in this section. Keeping it will require appointments by Ordinance. Further discussion on differences between commissions and committees and length of time that they serve, permanent vs. temporary. For Commissions, it was determined that when established by Ordinance the scope can be included in the Ordinance. Consensus to remove committees from this section and keep with Boards and Commissions only.

Section 5.02 (2) Request to remove second sentence “Each board, commission and committee shall operate in accordance with its own rules of procedure, except as otherwise directed by the Council.” This is covered under open meetings. Request for language on process for appointing committees. Request to remove the term “Ordinance” and replace with “Resolution.” Request to have a definition for “Commission” and “Committee.”

Chair McFall opened Article V for public comment. There was no public comment.

d. Article VI - Ordinances

Chair McFall opened Article VI for discussion.

Section 6.01 Action by Ordinance Requested, clarification on term “levying tax.” Town Attorney provided that this language stays. Citizens vote on tax; the Council must levy the tax by Ordinance.

Section 6.03 (6) Discussion on the 5-day effective date. With two readings the time frame is about the same as current with one reading and effective date 30 days after publication. Town Attorney noted that the effective date can be provided in the Ordinance itself for items that need added time for implementation ex. tax.

Section 6.03 (5) Discussion on terminology of Ordinances “available for public inspection”. The intent is to provide full text of the Ordinance to the public and not have to request from the Town Clerk. Staff provided that the Ordinances are published in full on the website, in the packet and in 2020 the intent is to publish notices electronically in full.

Section 6.05(3) Codification. Clarification requested on codification and review. Town Attorney will review and

determine if we can remove this section.

Section 6.06 (2) Clarification needed on language "set forth in full" Town Attorney provided this language is only related to penalties.

Chair McFall opened Article VI for public comment. There was no public comment.

e. Article VII - Enforcement of Laws and Ordinances

Chair McFall opened Article VII for discussion.

Commission Discussion: request to change order of Agenda to start with new sections first and review the previous later. Consensus to try this approach for December 11 meeting.

Section 7.01 (1) Request for Town Attorney to review this language, specifically "The scope of the Municipal Court's jurisdiction is hereby expressly declared not to be exclusive, original jurisdiction over matters arising under this Charter and ordinances."

Section 7.02 (1) Request to strike the term "Marshall" and change "Department of Public Safety to "Police Department."

Section 7.02 (2) Discussion on including post certification in this section and if it was necessary. Concern for out of state candidates who have qualifications. Town Attorney will review and remove if possible.

Section 7.01 (5) Request to remove this language as it already appears in the Town Code.

Section 7.01 (6) Request to reword sentence to "The Municipal Court shall be presided over by the Municipal Judge."

Chair McFall opened Article VII for public comment. There was no public comment.

f. Article VIII - Town Finances and Borrowing

This section was not discussed.

BOARD DISCUSSION AND FUTURE AGENDA ITEMS

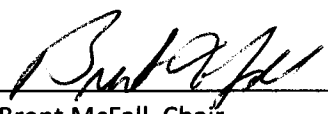
None

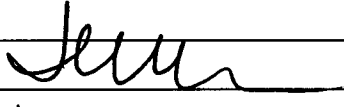
ADJOURN

MOTION: Commissioner Hoiland motioned to start the December 11, 2019 Home Rule Charter Commission meeting at 4:00 p.m. and adjourn. Motion was seconded and passed unanimously.

ADJOURN - 9:45 PM

Approved Date:


Brent McFall, Chair


Jenny Rakow, CMC Town Clerk