



**Home Rule Charter Commission
MEETING MINUTES
Wednesday, January 22, 2020
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 PM

Chair McFall called the meeting to Order at 6:04 p.m.

ROLL CALL

COMMISSIONERS PRESENT

Charlie Wick (6:20 p.m.), David Gaboury, Brent McFall,
Jon Stavney, Holli Snyder, Janet Bartnik, Kraige Kinney,
Paul Wisor

STAFF

Kendra Carberry, Town Attorney
Brandy Reitter, Town Manager
Bill Shrum, Assistant to the Town Manager
Jenny Rakow, Town Clerk

COMMISSIONS ABSENT

Kyle Hoiland

ADOPTION OF AGENDA

There were no changes to the agenda.

MOTION: Commissioner Bartnik motioned to adopt the January 22, 2020 Agenda as presented. Motion was seconded and passed unanimously.

CONSENT AGENDA

1. Minutes - January 15, 2020

MOTION: Commissioner Gaboury motioned to approve the Consent Agenda. Motion was seconded and passed unanimously. (Bartnik and Kinney abstained)

BUSINESS ITEMS

1. Open Public Hearing

Brandy Reitter provided an update on the process and next steps. This is the last hearing on the Charter. The final document is to be approved by the Commission and will be in Board of Trustees packet for their meeting on January 28th.

Chair McFall thanked staff for their support.

Chair McFall opened the public hearing and public comment on the draft charter.

Anne McKibbin - 212 Snow Goose. Thanked the commission on behalf of the Town Board. Looking forward to acting on this charter next Tuesday.

Chair McFall stated the public hearing will be open until Commission has finished discussion and will close prior to voting.

2. Home Rule Charter Commission Discussion

Commission Discussion:

11.11 (1) Exceptions. Clarification on why economic development is listed. Commission and Town Attorney felt the language included covers economic development and agreements related to it would be administrative and not subject to initiative. Discussion on language regarding salaries should include salaries and “terms” of employment of Town Officers... shall not be subject to initiative. Town Attorney approved these language changes.

MOTION: Commissioner Kinney motioned to change language in Section 11.11 (1) Exceptions to include employment terms and remove economic development. Motion was seconded and passed unanimously.

11.12 Recall. Inquiry if this section should include more information or a reference on how to get more information on the process. Consensus was to include same language in 2.04 that references the statutes for Recall.

3.04 Council Meetings. Discussion about physical presence requirement at meetings or if voting by proxy or by phone is allowed. Decision was to establish procedures by policy or resolution.

3.09 Mayor Pro Tem. Discussion about the term used in this section “disability”. Consensus was to remove all instances of the term “disability” and include only absence.

3.05 Voting. Inquiry as to why absence of vote is affirmative vote and not negative vote. Town Attorney and Commission members provided support to keep this language. Concern is refusal to vote no, this compels a no vote. Consensus that the language will not be changed.

3.10 Special Meetings. How a majority would request to hold a meeting without holding a meeting to make the request. Additional language requested so that in addition to a majority of the board to request a meeting the mayor can also request a meeting. Consensus to change majority of entire Council “or Mayor.”

4.02, 4.03, 4.04 Request and consensus to have the same language for all positions (Town Manager, Town Attorney and Judge) stating “...shall serve at the will of the Council without a definite term at compensation fixed by resolution of the Council.”

4.05 Town Clerk. Concern that election duties are not listed. Discussion regarding job description and acting Town Clerk roles if Clerk is not able. Agreement that having flexibility to assign the Designated Election Official role is important. Consensus that no changes will be made to this section.

5.02 (2) Boards and Commissions Right to Establish, Amend and Abolish. Discussion on commissions appointing their own chair and vice chair or should the Council appoint. Allowing the individual commissions to appoint their own chairs is current practice and no changes will be made to this section.

6.03 (2) Ordinances. Inquiry on when a public hearing is required on an Ordinance. Brandy provided some examples. Public comment is not required on all Ordinances and is prescribed for certain items like the budget.

7.01 (3) Municipal Court Created. Inquiry if terms “fine or imprisonment” is limiting or prohibits other enforcement. Town Attorney provided the powers of enforcement are with the judge to utilize other remedies.

8 Town Finances and Borrowing. Inquiry if we can pass two-year budget. Town Manager stated yes, we would be allowed to.

10.01 Power to Tax. Discussion regarding public reading this section and concern that home rule gives ability to raise more taxes. Town Manager and Town Attorney provided that the references to the Colorado Constitution describes taxation powers for Home Rule municipalities and ability to tax. Nothing removes TABOR requirements and voter approval for all tax increases. Further discussion on including language related to taxes being allowed by voter approval only or reference to TABOR in the Charter. Town Attorney cautioned referencing voter approval or TABOR specifically may limit the Town if constitutional changes arise. Consensus was reached to remove the “home rule” from this section.

11.07 Action by Council. Inquiry on wording of “without changing the meaning” and to include more language like “intent and purpose” instead of meaning. Concern that Council could rewrite an initiated Ordinance with current language. Town Attorney provided that Council would only be changing any language or wording to make it clearer.

Chair McFall asked for more public comment on draft home rule charter. There was no public comment.

Chair McFall closed the public hearing.

- a. Home Rule Charter Updated January 16, 2020

Document was reviewed during discussion

- b. Home Rule Charter Updated January 16, 2020 REDLINE

Document was reviewed during discussion.

3. Home Rule Charter Commission Adoption of Home Rule Charter

MOTION: Commissioner Wick motioned to adopt the home rule charter as amended. Motion was seconded.

Discussion: Notation that there are three references are in the charter that the town Council shall adopt specific policies and procedures and they are part and parcel with the charter.

Motion passed unanimously.

4. Fair Campaign Practices Act - Do's and Don'ts

Document was reviewed and for informational purposes.

ADJOURN – 7:35 p.m.

MOTION: Commissioner Gaboury motioned to adjourn. Motion was seconded and passed unanimously.

Approved:

Date:

Brent McFall, Chairman

Jenny Rakow, CMC Town Clerk