

NOTICE OF PROPOSED ORDINANCE

Pursuant of Section 7-3 of the Town of Castle Rock Home Rule Charter, notice is hereby given that the Town Council will consider adoption of the following named and described ordinance during its meeting on September 6, 2016 at 6:00 P.M. at the Town of Castle Rock, Town Hall, 100 North Wilcox, Castle Rock, CO 80104.

Title of Proposed Ordinance:

AN ORDINANCE AMENDING TITLE 2 OF THE CASTLE ROCK MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 2.35 CONCERNING REIMBURSEMENT OF CERTAIN RECALL EXPENSES

Subject Matter Summary:

The proposed Ordinance authorizes a Councilmember who has been subject to a recall proceeding, and is not recalled to seek reimbursement for certain expenses related to said recall as authorized in § 31-4-504.5, C.R.S., and provides for mechanism by which a local government may reimburse the Councilmember.

The entire text of the proposed ordinance is contained herein, and copies are available for public inspection at the office of the Town Clerk, 100 North Wilcox, Castle Rock, Colorado 80104 during normal working hours between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

Publication date: September 1, 2016

ORDINANCE NO. 2016-

**AN ORDINANCE AMENDING TITLE 2 OF THE CASTLE ROCK MUNICIPAL CODE BY
THE ADDITION OF A NEW CHAPTER 2.35 CONCERNING REIMBURSEMENT OF
CERTAIN RECALL EXPENSES**

WHEREAS, § 31-4-504.5, C.R.S. provides for the authorization and mechanism by which a local government may reimburse a Councilmember for certain expenses related to the recall of a Councilmember who retained his or her seat,

WHEREAS, the Town Council has determined it is appropriate to enable a Councilmember to seek reimbursement in accordance with the statutory provision.

NOW, THEREFORE, IT IS ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CASTLE ROCK, COLORADO:

Section 1. Amendment. Title 2 of the Castle Rock Municipal Code is amended by the addition of a new Chapter 2.35 Recall Expense Reimbursement, to read as follows:

**Chapter 2.35
Recall Expense Reimbursement.**

- 2.35.010 Qualification**
- 2.35.020 Reimbursable expenses**
- 2.35.030 Unauthorized expenses**
- 2.35.040 Request for reimbursement**

2.35.010 Qualification.

If at any recall election the Councilmember whose recall is sought is not recalled, or in the event of a protest the hearing officer determines that the petitions are not sufficient based upon the conduct on the part of the petition circulators, the Town may reimburse the Councilmember for certain expenses incurred in such recall proceeding in accordance with this Chapter.

2.35.020 Reimbursable expenses.

Reimbursable expenses include, but are not limited to, moneys spent in challenging the sufficiency of the recall petition and in presenting to the voters the official position of the Councilmember, to include campaign literature and advertising, and the maintaining of a campaign headquarters.

2.35.030 Unauthorized expenses.

Unauthorized expenses include, but are not limited to, moneys spent on challenges and court actions not pertaining to the sufficiency of the recall petition; personal expenses for meals, lodging and mileage for the Councilmember; costs of maintaining campaign staff; reimbursement for expenses incurred by a campaign committee which has solicited contributions; reimbursement of any kind for employees in the Councilmember's office; and all expenses incurred prior to the filing of the recall petition.

2.03.040 Request for reimbursement.

A Councilmember seeking reimbursement for expenses shall submit a complete and detailed request for reimbursement to the Town Council, with a copy to the Town Clerk. The Town Clerk shall place the request, in the form of a resolution, on the next available regular Town Council meeting agenda. The Town Council may authorize reimbursement of all, or a portion of the expenses claimed by the Councilmember as appropriate under this Chapter. In the event the Town Council authorizes the reimbursement of expenses, the Town shall reimburse the Councilmember within 45 days of receipt of the request by the Town Clerk.

Section 2. Severability. If any part or provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. Safety Clause. The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare and this Ordinance bears a rational relation to the legislative object sought to be obtained.

APPROVED ON FIRST READING this ____ day of _____, 2016 by a vote of ____ for and ____ against, after publication in compliance with Section 2.02.100.C of the Castle Rock Municipal Code; and

PASSED, APPROVED AND ADOPTED ON SECOND AND FINAL READING this ____ of _____, 2016 by the Town Council of the Town of Castle Rock, Colorado, by a vote of ____ for and ____ against.

ATTEST:

TOWN OF CASTLE ROCK

Sally Misare, Town Clerk

Paul Donahue, Mayor

Approved as to form:
