



Citizen Advisory Committee on Charter Amendments Meeting Minutes - Final

George Teal, Co-Chair
Jason Bower, Co-Chair
John Lamb
Kathie Shandro
Linda Baumann
Michael Hays
Michael Waggoner
Randy Reed
Siegfried Guentensberger

Tuesday, January 9, 2018

6:00 PM

**Council Chambers
100 N. Wilcox Street
Castle Rock, CO 80104**

This meeting is open to the public. All times indicated on the agenda are approximate. Interested parties are encouraged to be present earlier than the posted time. Three or more Council members may also attend this meeting, during which the items listed herein will be discussed

DINNER & INFORMAL DISCUSSION

COMMITTEE ORIENTATION

CALL TO ORDER / ROLL CALL

Councilmember George Teal called the meeting to order at 6:05 pm.

Present 9 - Co-Chair George Teal, Co-Chair Jason Bower, John Lamb, Kathie Shandro, Linda Baumann, Michael Hays, Michael Waggoner, Randy Reed, and Siegfried Guentensberger

PLEDGE OF ALLEGIANCE

ACCEPTANCE OF AGENDA

Shandro moved, seconded by Lamb, to Accept the Agenda as presented. The motion passed by the following vote:

Yes: 7 - Lamb, Shandro, Baumann, Hays, Waggoner, Reed, and Guentensberger

If there are no changes, additions, or deletions to the agenda, a motion to accept the agenda as presented will be accepted.

COMMITTEE INTRODUCTIONS

Councilmember Jason Bower asked the Committee members to introduce themselves.

Michael Waggoner has lived in Castle Rock with his wife for many years and is currently a member of the Parks and Rec Commission and went to the Town Academy.

Kathie Shandro has lived in Castle Rock since 1988 in Oakridge, is a realtor, has been on the Planning Commission, Board and Adjustment, Douglas County Open Space, and the Crisis Center board of directors.

Randy Reed is the former Mayor from 2006-2010, has lived here since 1987, served on various boards and commissions with the Town and the County, and has a business in Castle Rock.

John Lamb lives in the Meadows, worked for the City of Denver for 34 years, is a DU College of Law graduate, and has a daughter at Castle View High school.

Michael Hayes has lived in Metzlers Ranch since 2000, is an IT professional, and this is the first committee he has been on and feels privileged.

Ziggy Guentensberger lives in the Meadows in Mountain View District 1, has been involved in the Town the last 6 years, serves on the Board of Building Appeals, and is excited to be on the committee.

Linda Baumann has lived in Crystal Valley Ranch since 2009, is the co-chair on the Board of Adjustments, is in the hotel industry and attended the Town Academy.

Councilmember Teal stated it was important that they had representation from all parts of the Town and thanked the committee for their participation.

STAFF PRESENTATIONS

Staff will provide presentations and will accept questions from the Committee during the presentations.

[CAC 2018-001](#) **Town Council Resolution 2017-104 Establishing the Citizen Advisory Committee**

Town Manager David Corliss, directed the committee to page 2 for the Resolution that established the citizen advisory committee. Our Charter now provides for a popularly elected Mayor and 6 districts. Teal and Bower were authorized to select the 7 person committee. The scope of the review is the election date of the Mayor, the timing of the redistricting, and the qualifications of the Mayor. Teal and Bower will report back to the Town Council on January 16.

No questions from the Committee.

[CAC 2018-002](#) **Brief Introduction to Town Structure**

Town Manager David Corliss gave a brief overview of the Town structure and presented the organizational Charter. The Citizens are at the top of the chart; as the citizens are the only ones that have the power to change the Charter. The Town Council is the legislative body of the Town and appoints the Town Manager, the Municipal Judge, the Town Attorney and all Boards and Commissions members. They adopt budget, set policies, and enact ordinances and resolutions. The Mayor and Councilmembers have the same authority and responsibilities, with the Mayor as presiding officer at meetings and signing authorized documents. There are over 500 employees, and staff makes recommendations and executes and administers Council direction.

No questions from the Committee.

[CAC 2018-003](#) **Discussion Regarding the Need for the Charter Amendments**

Town Attorney Bob Slentz thanked the Committee for their service and their time. Slentz provided the background on this issue. Slentz provided the citizen initiative petition wording that was circulated last year. A citizen initiative or a Council

referred item are the two methods to get a Charter amendment on the ballot for a vote of the people. The petition amended certain sections in the Charter. Because it is so interrelated, some of the changes were not made that were needed. We now have a new office of Mayor, which means the Mayor is not a Councilmember; so when that term is used, it does not include the Mayor.

Waggoner asked if this gives us a different branch of government. Slentz stated no, it just means that the Mayor is a separate office as a member of Town Council.

Guentensberger clarified that a "member of Council" would include the Mayor, but a "Councilmember" does not.

Slentz presented the ballot question as it appeared on the November 7, 2017 ballot. This change was effective when the ballot was certified; therefore, the current Council is not consistent with the Charter stating there is a Mayor elected at large and 6 Councilmembers. The question did not provide a transition of when that would take effect and how. It is important to get this done and that it is supported by the Committee and the Council. Staff narrowed it down to the most critical issues to initially vote on which are the qualifications of the Mayor, when the election will take place, and when redistricting will take place.

Slentz presented the changes that were made to Section 2-5 of the Charter and noted what did not change is that the Mayor has the same powers and responsibilities as a Councilmember. Also unchanged is that the Mayor Pro Tem is elected by the Town Council. If the Mayor was not elected until 2020, we would have to have a way to elect a Mayor in 2018.

Councilmember Teal asked if there were any questions for the Town Attorney.

Reed referenced 2-5 that states the Mayor vacancy would be appointed by the Town Council. If it was a member of Council, they would then need to appoint someone to fill the district vacancy.

Slentz presented a proposed Transition Plan geared to 2018. Redistricting will be a bigger job to go from 7 districts to 6 districts and that no sitting Councilmember will be affected by the redistricting.

Shandro questioned if a district could have two Councilmembers within one district. Slentz replied that would be a possibility but felt the Election Commission would try to avoid that.

Slentz stated that one ballot question for the spring 2018 election would be the transition plan for when the Mayor is elected and when they redistrict, and the second question would be the Mayor qualifications. The rest of the Charter amendments required could appear on the November 2018 ballot.

Hayes asked if it is possible not to have a special election. Slentz stated if we don't, we cannot elect a Mayor in 2018.

Shandro clarified that the citizens have to amend the Charter before we can hold the Mayor election.

Slentz stated that the Election Commission cannot redistrict without the authority of a vote of the people to amend the Charter. The initiative did not give the authority to redistrict for a 2018 election. Staff recommendation is that a 2018 Mayor election is the right thing to do.

Waggoner asked if public hearings are required for redistricting. Slentz stated that it is open to the public.

Lamb stated that the citizen expectations are high and that these seem like housekeeping items. If the Charter amendment failed, we would try again in November 2018. Slentz stated the district court would likely not rule on this until we have exhausted all other avenues.

Corliss stated that the next two items starting on page 45 is where we provided a survey of peer communities on Mayor qualifications, how they selected the Mayor, age and residency requirements, and number of signatures required for a Mayor candidate to collect.

Shandro noted that qualified electors are at least 18 years old.

Hayes noted that a qualified elector is different from someone that is 18 years old vs. a registered elector.

Guentensberger asked if the candidate petitions are based on the percentage of the last election. Shandro stated that is if it is for a recall, and verified that it is 25 signatures for a candidate.

Shandro asked to clarify what qualifications would be encompassed. Corliss stated that it would be age, residency requirements, etc. Corliss suggested that the number of signatures could be a certain number from each district and that it is a code issue, so can be done at anytime by Council.

Teal stated that they want to hear what is on their mind and what they feel should be the qualifications of the Mayor.

Bower stated the public comments could bring some suggestions forward. Ultimately, the voters will vet out the candidates.

Hayes stated that the residency requirements in all the communities is one year, and wanted an opinion on why we would want to increase that. Corliss replied that we want to encourage people to run for office and leave it up to the voters.

Waggoner stated when you evaluate someone for office, it is more based on if they are capable of doing the job and asked if candidates fill out a form that gives a baseline of information. Councilmember Teal stated you have to fill out an application as a candidate and the Town Clerk verifies voter status and length of residency.

Baumann asked if they come up with a list of qualifications for the Mayor if they could apply more qualifications to Councilmembers. Teal stated they could consider it at the end of the evening.

Hayes asked to clarify residency. Teal stated that if your primary residence is outside of the Town limits, owning a home in Castle Rock does not qualify unless it is your principle place of residence.

[CAC 2018-004](#) **Mayor Qualifications**

This item was discussed under the previous item.

[CAC 2018-005](#) **Nomination Petition Requirements for Mayor**

This was discussed under the previous item.

[CAC 2018-006](#) **Timing of Redistricting and Election**

Town Clerk Lisa Anderson went over the timeline required to perform redistricting prior to candidates circulating petitions for the November 2018 election; as well as how that affects the timing of a spring 2018 election.

Reed asked if the ordinance to call a special meeting could be an emergency ordinance on first reading. Slentz confirmed that it could.

Guentensberger confirmed that the Election Commission is not required to bring the new district map to Town Council so if redistricting took longer that would be okay.

Bower stated that the Election Commission is interviewed and appointed like all other boards and commissions.

Hayes asked if there was an advantage of holding an election earlier in February. Anderson replied that those deadlines have already passed.

Shandro asked for a 5 minute break. Meeting went into Recess.

PUBLIC COMMENT

Councilmember Bower opened the meeting to public comment.

Stacey Rogers, Castle Rock resident, voter and one of the petitioners. She wanted to clarify that there are two questions, will the election occur in November 2018 and the qualifications for the Mayor. Rogers wondered if the number of signatures on the petitions are a separate issue. Rogers stated that qualified electors are already defined as that they live there and that you are at least 18. She then asked if our current Mayor is not our Mayor, and that the Mayor Pro Tem should be signing things and that if anything that the Mayor signs is legal. Rogers asked if the redistricting effects the Mayor election and it should not matter if we redistrict. The voters are waiting for their recommendations and the voters want this Charter change.

Wayne Harlos stated there are two questions to address. Qualifications for Mayor. He feels the Mayor must be educated on the ability to run a meeting. He feels the Mayor must be a leader and an 18 year old would not be qualified. He would like to see 21 to 25 years old. The one year requirement for residency and a registered voter are important.

Mary Wilson thanked the committee and feels it is important that the will of the people is implemented. The Mayor qualifications. The Mayor will remain the same and all have one vote. The timing for redistricting. She feels the 2020 Mayor election would be a bad idea. Feels a May election is too close to the primary election. Wants the committee to hold the Council accountable for their recommendations.

John Berry, District 4 was chosen as an alternate. He is a lifetime resident of Castle Rock. The Town has developed specific areas, the Meadows, Crystal Valley Ranch, etc. The Mayor will represent the whole town and thinks it is important that they realize that and that the qualifications of the Mayor should have signatures from all of the six districts.

Max Brooks, District 7 in Castlewood Ranch, was chosen as an alternate on the committee. He has been on the Planning Commission, Design Review board and previously on the Water Board. Feels there is momentum for a May special election and a Mayor election in November 2018. Feels that the qualifications of the Mayor should be the same as serving on Town Council as well as the petition signature requirements.

Tim Arvidson was chosen as an alternate on the committee. Feels the upcoming special election has to have the proper wording. Voters have spoken and we know what we need to do. Feels the qualifications of the Mayor should have the same as a Councilmember since they have the same vote.

Joe Procopio passed.

Charles Fletcher has been a resident for 20 years, served on Planning Commission, previously on the Water commission and has gone through the Town Academy. He feels that age requirements should be spelled out if there is a concern to avoid any potential issues. The requirement for Mayor to have been on Council for two years is appropriate so the individual knows the Town. Mayor should be non-partisan, so are there some disqualifiers. Questions he suggests are: does the amendment authorize the election commission to redistrict already. 2) can the process be sped up?

Langford Jordan, resident, stated he was solidly on the No side, but is totally on board with getting this done sooner than later. He feels the qualifications should include an age limit of 25 (30 is for a US Senator). The Mayor and Councilmember are two separate positions, but make them the same for the sake of term limits. No local officer may serve more than 8 consecutive years regardless of the elected position. Without that, we could end up with a career politician.

Chip Wilson, District 4, was on Council for 9 years and applauded the committee for their time and commitment. The public was not involved in the appointment of a Mayor to represent their town in the past. Wilson feels the Mayor requirements should be the same as a Councilmember and should keep it as simple as possible. Wilson feels the petition signatures are not relevant as they will still have to campaign.

No further public comment. Councilmember Bower closed the public comment.

Public comment will be taken for One Hour and limited to four (4) minutes per speaker.

COMMITTEE DISCUSSION AND RECOMMENDATIONS TO TOWN COUNCIL

Teal went over the four items that the committee will address in their recommendations to Town Council.

- 1) When the Mayor will be elected
- 2) When the redistricting will occur
- 3) The qualifications of the Mayor
- 4) Signatures required for the Mayor candidate petitions

Teal stated he wrote that petition. He stated the current Mayor's term ends in December 2018 as well as the Mayor Pro Tem and that they cannot run for a third term on Council, but they would be able to run for Mayor. It made common sense to him that 2018 is when the Mayor at Large election would be held.

Guentensberger stated he has been involved in these discussions and that November 2018 is the date everyone thought it would be.

Shandro asked if they were to speed up the process and hold the election prior to November. Town Clerk Lisa Anderson stated that per the Charter our regular elections must be held in November of even numbered years.

Shandro asked if it would make sense to have the Mayor Pro Tem also sign documents. Slentz feels Mayor Green currently has authority to sign documents. Corliss stated that the Council established the Citizen Advisory Committee as soon as the Charter was changed to take action immediately to implement it.

Lamb supports a November 2018 Mayor at large election and applauds staff on getting everything done.

Guentensberger stated that the passage of 300 requires a vote on the redistricting. Slentz stated that the Charter states the Council consists of 7 districts and that 3 seats are up for election in 2018 and that it currently states redistricting will be done in 2021 all of which need to be voted on to change.

Hayes states keeping the requirements simple to be the same as Councilmembers and that a November 2018 Mayor at large election occur. He stated he thought it was important that the Mayor be non-partisan as well; and that the signatures required should be from all the districts.

Teal stated the item before them is only to determine when the Mayor at large election will occur.

Waggoner asked what if that election date is not possible. Slentz stated the only uncertainty there is who will conduct the election - the Douglas County, another county, or the Town conduct the election.

The Committee will discuss and make a motion on recommendations for each item listed in the Agenda Memorandum.

[CAC 2018-007](#) **Recommendations to Town Council**

Teal asked the committee to begin a discussion on the redistricting timing and that the people must vote to authorize redistricting ahead of 2021.

Shandro asked if this motion is specific to the interim timing of the special election and redistricting. Slentz stated the committee does not need to specify the timing; but only that the redistricting must be completed in 2018.

Reed wanted to clarify that redistricting cannot take place prior to the special election. Slentz confirmed the Election Commission would not have the authority to redistrict until a special election authorized them to.

Hayes asked what happens to a Councilmember's term if they serve out their term but were redistricted to a new district would they be able to run for another term. Slentz confirmed that the constitutional term limits are two terms in one office irregardless if it is a different district.

Lamb stated the question is the timing of the procedure. Councilmember Teal stated that the Charter states the year.

Shandro moved, seconded by Guentensberger to recommend that Town Council begin the process by calling a special election, setting the ballot language, and hold the special election so that the Election Commission can begin the process of redistricting. The motion passed by the following vote:

Yes: 7 - Lamb, Shandro, Baumann, Hays, Waggoner, Reed, and Guentensberger

Teal stated the third item is the qualifications of the Mayor.

Bower stated that you can serve in the military at 18, and is fine with that being the age. He does feel that each area of Town is very different and they have very different needs and issues. Feels it is worth exploring to get more signatures as it is very easy to collect 25 signatures; and that the Mayor should work if they want to represent the whole town.

Shandro asked if the qualifications are separate from the petition signatures. Shandro feels the Mayor candidate should be a registered voter, and that if you can serve our country at 18 that you should have the legal right to run for Mayor.

Guentensberger feels 18 years old is fine and that leadership doesn't always come with age and the voters can make that determination. He feels residency of one year is a standard requirement and the same qualifications of Councilmembers.

Baumann supports an 18 year old running for office. Residency of one year is satisfactory. Baumann would like to streamline the Town Charter as section 2-6 for vacancies states people that have felonies cannot be elected and would like that included in the qualifications.

Waggoner asked if there is qualification that a Mayor should have served on Council previously. Slentz stated there is no requirement. Teal stated that it is common sense that they should serve on Council first.

Lamb would like to be consistent with Councilmember qualifications of 18 years old, one year residency and a US citizen .

Teal asked if registered voters must be a US citizen. Slentz confirmed that.

Reed referenced the comparison of Mayor qualifications and that he knew that the majority of the Mayors served on Council prior to becoming Mayor. He feels it is beneficial to be on Council or serve on a Board or Commission prior to becoming Mayor, but does not want to exclude anyone from running for Mayor.

Hayes agrees with 18 years old and one year residence and a registered voter. Hayes asked if an 18 year old could declare as a candidate but not register until later. Slentz stated that qualifications must be met at the time of nomination and election.

Baumann is concerned that the qualifications do not include not having a felony. Shandro stated that this adds additional requirements for the Mayor vs. Councilmembers.

Slentz stated that if you look for Mayor qualifications, it is not there, but this could be included in the follow-up amendments in November 2018.

Shandro asked if the non-partisan elections were in our Charter or code that would prevent a party from turning the election into a partisan exercise. Slentz stated that local municipal elections are non-partisan and that is in the state election code.

Lamb moved, seconded by Waggoner to make the qualifications of the Mayor to be a registered elector and a one year duration of residency in the City of Castle Rock. Reed amended to Town of Castle Rock. The motion passed by the following vote:

Yes: 7 - Lamb, Shandro, Baumann, Hays, Waggoner, Reed, and Guentensberger

Teal stated the last item of discussion is the number of signatures required for a Mayor candidate.

Bower stated it is very easy to get 25 signatures and feel if someone wants to run for the Mayor they should work for it.

Guentensberger doesn't want to put on huge restrictions, but if you are representing the entire town, you should at least get a pulse. He suggests 10 signatures from each district to require an effort.

Shandro likes 10 for each district. Shandro served on the Planning Commission and always stood out on the land; but other commissioners didn't that passed their recommendations. She feels it is important.

Waggoner feels it is reasonable for the candidates to know where the other districts are and likes the idea of 10 signatures per district.

Reed is not in favor of getting signatures from all the districts but is not opposed to getting more signatures. Reed feels you have to campaign all those districts if you want to win the election and the signatures just get you on the ballot.

Hayes agrees with getting signatures from every district. Feels it will keep the number of candidates at a reasonable level.

Lamb agrees that it is not necessary to go to every district to get signatures. The more restrictions, the more it restricts people from running. The signatures just get you on the ballot and the candidate will still have to campaign.

Bower stated that elections have a lot to do with money and technology and some candidates don't go out into the community. Some candidates are just using the Mayor as a stepping stone and you can't guarantee that someone's heart is in the right place. This is not just for this election, it is for years to come.

Shandro is in favor of a requirement of signatures per district as it takes them into the community.

Teal stated the current ordinance does not require the candidate to collect the signatures.

Guentensberger maintains that he would still like to see signatures from all districts.

Baumann feels it requires more involvement, more of a grassroots movement and doesn't want to see it become an election where money is coming from the outside.

Lamb spent a lot of years working on municipal liability and is not aware of any other municipality that requires signatures from every district. Teal replied that Castle Rock is very unique that we are a collection of villages. Lamb doesn't think it is practical and could create a potential challenge.

Waggoner stated that during the Town Academy that longer term residents felt it was a cohesive community and want to maintain the idea that you get to know your neighbors. Feels there is value in the Mayor candidate getting out and talking to people in the districts.

Reed states that Councilmembers could just get 25 signatures from their street, and haven't really gone out into the community. Money has already come into Council races from outside the community and will continue. Feels adding

signatures for every district is just adding another layer that makes no difference.

Hayes agrees adding another layer just complicates it; but hearing people voice their concerns and finding out what are the concerns of the different districts is important.

Teal asked if anyone wants to make a motion.

Guentensberger moved, seconded by Baumann to require the at large mayor to get 10 signatures from each district that they are representing. The motion passed by the following vote:

Yes: 5 - Shandro, Baumann, Hays, Waggoner, and Guentensberger

No: 2 - Lamb, and Reed

Teal went over the purpose is to make recommendations to Town Council on four items and stated he would like a motion on two more items.

Teal asked if the Committee would like this to be a standing committee.

Hayes asked if this is for everything on the Charter or just relating to the Mayor.

Councilmember Teal stated there will be more amendments in November 2018.

Reed stated this committee was formed for one purpose; and feels Council will need to make that determination.

Teal stated if there is a majority, they will take it to the Town Council. The majority concurred.

Chip Wilson asked to speak. Teal stated public comment can be taken on this item when it comes back to the Town Council meeting.

Teal asked if the committee recommends that Town Council advocate for these items.

Shandro stated she is not comfortable without Council direction.

Bower stated that these last two items are not on the agenda and feels it is out of order; and that this can be discussed at a Town Council meeting.

Guentensberger stated that Council has it's role.

Waggoner commended those that originally wrote the Charter.

ADJOURN

Meeting adjourned at 10:05 p.m.

Submitted by:


Lisa Anderson, Town Clerk

