

APPENDIX J

EXAMPLES OF ADDITIONAL AUTHORITY & FLEXIBILITY AFFORDED TO HOME RULE MUNICIPALITIES

ORGANIZATION & STRUCTURE

- Set forth legislative and administrative structure and authority.
- Set forth disqualifying circumstances for elected officials (some typical disqualifications include convictions for embezzlement of public funds, bribery, perjury, solicitation of bribery, subornation of perjury), as well as grounds and procedures for discipline or removal from office.
- Expand or contract the number and types of elected offices.
- Modify or clarify procedures for filling vacancies in elective offices that occur mid-term.
- Change the date when newly elected officials take office.
- Provide procedures for the appointment, tenure, and removal of municipal judges and clarify the causes for removal.
- Provide flexibility regarding the governing body being elected at-large, by districts, or by combination of at-large and by districts, the frequency of and procedures for redistricting, and number of councilmembers or trustees.
- Specify minimum age for elected officials.
- Provide additional flexibility and clarification regarding powers of mayor, council, manager, other officers and boards, and commissions.
- Provide clear authority for towns to adopt the council-manager form of government.
- Modify composition and powers of planning commission, board of adjustment, and other land use related offices. (Statutory municipalities already enjoy some flexibility per C. R. S. § 31-23-206(4) and § 31-23-307(1).)

ELECTIONS

- Establish regular election dates at times other than the dates required by statute (i.e., April of even-numbered years for towns, November of odd-numbered years for cities). (Not only does this provide local flexibility, but if the regular election date is other than November, it allows TABOR election issues to be voted on at times when other state and local issues are not on the ballot.)
- Provide additional flexibility for dates of special elections which are not TABOR related.
- Modify election requirements, including procedures for initiative, referendum, and recall. (Statutory municipalities also have some flexibility to alter procedures for initiative and referendum.)
- Expand the right to vote in municipal elections; for example, allow nonresidents to vote.
- Expand certain citizen powers, like initiative, referendum, and recall.

PROCEDURES

- Simplify or modify various publication requirements, including more streamlined procedures for adoption of codes by reference.
- Modify requirements for enactment of local ordinances to expedite consideration and effective dates, such as one-reading procedure for emergency ordinances in cities (a single reading is all that is currently required for statutory towns).
- Resolve legal doubt or strengthen the argument that the municipality by charter or ordinance may delegate decisions to administrative staff.
- Clarify circumstances when ordinance/resolution/motion is required or permitted and allow additional actions by motion or resolution rather than by ordinance.
- Provide flexibility or clarification in terms of quorum and voting requirements for city councils and boards of trustees.
- Repeal or modify statutory provisions governing bidding and awarding of public projects and disposal of public property.
- Establish local zoning, subdivision, and other land use procedures which are different from those applicable to statutory municipalities.
- Clarify or narrow purposes for which executive sessions may be held.
- Provide a binding instrument through charter enactment or amendment to proscribe various powers and mandate procedures which will apply to and bind elected officials.

FINANCES

- Allow local collection and enforcement of sales taxes.
- Allow broader or narrower sales tax base (subject to voter approval if tax base is broadened).
- Allow broader use tax base (subject to voter approval) since the use tax for statutory cities and towns is limited to motor vehicles and construction materials.
- Establish differential sales tax rates applicable to certain transactions, such as for food or lodging.
- Authorize the combined state/county/municipal sales tax rate to exceed the 7% statutory limit (subject to voter approval of any increase).
- Allow additional types of excise taxes, such as admissions, tourism and lodgers taxes, measured on percentage of sales (subject to voter approval).
- Increase, eliminate, or modify statutory property tax limits (subject to TABOR limits).
- Prohibit one or more types of taxes that the community dislikes.
- Clarify, simplify, or otherwise revise procedures for budget and appropriation adoption, amendment, and transfer of funds.
- Authorize property and other tax refunds and exemptions not specifically authorized by state law.
- Clarify or broaden authority to create municipal enterprises.
- Broaden authority to impose and enforce municipal liens to facilitate collection of delinquent fees, taxes, and charges.
- Strengthen legal authority to impose development impact fees.
- Specify salaries of elected officials.
- Increase general obligation bond authority of municipalities (subject to voter approval).
- Facilitate formation of special improvement districts and expand purposes for which districts may be formed.
- Streamline requirements for issuance of bonds and other financial obligations.

MISCELLANEOUS POWERS

- Broaden eminent domain powers, including power to condemn property outside municipal boundaries.
- Establish alternative procedures for management and operation of municipal utilities, both within and without the municipality.

- Impose terms and conditions of municipal employment, including residency requirements.
- Establish voter approval requirements for utility franchises.
- Set forth mandatory maximum terms for franchises (such as 10 years) to avoid arguments concerning or negotiations over longer term franchises.
- Broaden jurisdiction of municipal courts (to permit, for example, increased nuisance abatement authority).
- Provide additional tools for economic development activities.
- Clarify authority for or expand the types of services which the municipality can provide, such as economic development and human services.
- Provide broader authority and flexibility with respect to civil service or other personnel systems, including collective bargaining, and regarding retirement and fringe benefit programs.
- Set forth additional or more specific ethics and conflict of interest provisions.
- Broaden land use regulatory authority.