

Town of Milliken

HOME RULE

How to get from Here to There

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What Does It Mean to Be Statutory?

- ▶ Dillon's Rule: Municipalities as administrative arms of state
- ▶ In order to act, statutory towns must have a specific grant of authority from the State
- ▶ If no statute exists regarding a certain problem or issue, the town's hands are tied

What is Home Rule?

- ▶ Home rule towns derive powers from Article XX of the Colorado Constitution, enacted in 1902 to remove state control over town government
- ▶ Matters of local concern can be customized by the charter – no interference by state
- ▶ The Town Charter is the guiding document – the “constitution” of the municipality

What is Home Rule?

- ▶ Examples of matters of local concern
 - Land use / zoning
 - Code Enforcement matters
 - Local Fiscal Matters/budget/appropriations
 - Term Limits / Structure of governance
 - Publications of Ordinances
 - Municipal Courts
 - Election / recall
 - Franchises

Home Rule Municipalities

- ▶ Over 90% of State's municipal population lives in a home rule city
- ▶ 279 municipalities in Colorado
 - 101 home rule cities (36%)
 - Largest – Denver (680,000+)
 - Smallest – Ward (155)
- ▶ 70% Self-collect sales tax
- ▶ Nearby municipalities are home rule (Johnstown, Hudson, Windsor, Weld County, Evans, Dacono, Brighton)

Why do municipalities consider adopting home rule?

- More local control and protection of local authority
- Broaden authority to enact laws not available to statutory towns
- Desire to respond more quickly to local solutions, rather than the state legislature acting “on behalf” of municipalities

Why do municipalities consider adopting home rule?

- ▶ The express and implied enabling authority granted in statutes is sometimes ambiguous
- ▶ Home rule allows the municipality to clarify ambiguities through a well constructed charter

Are There Any Limits?

- ▶ Federal and state constitutions still apply
- ▶ Federal and state laws that address matters that are more of statewide or national concern still apply
- ▶ TABOR, Gallagher Amendment

What It Means for the Community

- ▶ Ability to enact land use laws, e.g., construction defects
- ▶ Self collection of sales tax is an option
- ▶ Ability to enact with voter approval different types of excise taxes (admissions, lodging, entertainment)

Process

- ▶ Ordinance Initiates Home Rule
- ▶ Initiating ordinance establishes # of charter commissioner (9-21 members) and calls for election
- ▶ Two election process
- ▶ First election – within 120 days of calling the election

Process

- ▶ First Election: Shall there be a charter commission and electing charter commissioners
- ▶ Candidates for commission - nominated by petition signed by at least 25 registered electors submitted within 30 days after election notice
- ▶ Candidates must be registered electors

Process

Home Rule Charter Commission – 180 days to draft charter

- Commission organizational meeting must occur within 20 days of certification of election
- Commission must hold at least one public hearing but should meet regularly
- Commission meetings are open to public
- Commission has 180 days to draft a charter and submit to Town Council

Process

- ▶ Second Election to vote on charter
- ▶ Council gives notice of an election on proposed charter within 30 days after receipt
- ▶ Second election between 30 and 185 days after publication of the notice of election
- ▶ Charter commissioners are the advocates for adoption of the charter

Critical to Success

- ▶ Start community engagement early in the process
- ▶ Foster citizen education
- ▶ Generate support among community groups, organizations and individuals