



## ELEMENTS OF HOME RULE: 1 FOUNDATION

### What are the fundamental concepts of Home Rule?

#### 1. Preserving Eagle's character and controlling our destiny

*Examples:*

- a. Modifying enactment of local ordinances
- b. Modifying process for awarding public projects and disposal of public property
- c. Establish local zoning and other land use procedures unique to Eagle
- d. Local collection of sales tax

#### 2. Citizen driven rule and regulations

*Examples:*

- a. Broadened ability to enact voter approved tax changes
- b. Facilitate special improvement districts
- c. Clarify, simplify or otherwise revise budget process
- d. Establish voter approval requirements for utility franchises
- e. Clarify land use regulatory authority

#### 3. Voter approved Charter and Elected Charter Commission

#### 4. Minimal State intervention in town policies and issues, which is the foundation of home rule.





## ELEMENTS OF HOME RULE : 1 FOUNDATION

### What is the process?

1. Town Board adopts Ordinance to set Ballot and create Charter Commission for November Election.
2. Those interested in being on the Charter Commission complete a nomination petition and submit to appear on the November Ballot.
3. If the Ballot passes, the Charter Commission meets and begins creating the Charter and submits to the Town Board.
4. April 2020 General Municipal Election includes asking voters to adopt the proposed Town Charter.

### Why are 93% citizens in CO in a Home Rule city/town?

1. Home Rule is the embodiment of the principle that the best government is the one that is the closest to the people.
2. Under Home Rule local citizens have more direct control, and involvement their municipal government
3. These municipalities have the authority to legislate on any and all matters of local concern.





### How is Home Rule Structured?

A Home Rule community operates under a Charter written by local citizens elected to a Charter Commission. Home Rule municipalities have the power to make relevant legislature and exercise control over issues of “local concern” with minimal state intervention. Federal and state laws that address matters beyond local concern still apply, including Taxpayer Bill of Rights (TABOR). Home Rule would give the Town more flexibility and control to address local issues.

### What is a Charter?

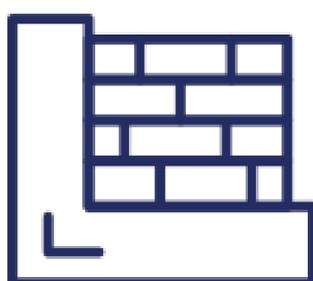
A charter establishes the town's form of government and specifies certain rights and responsibilities.

### Who is the commission?

As an independent body, the Charter Commission represents citizen viewpoints and considers and recommends appropriate revisions to the charter, balancing the best interests of town government and the citizens.

### What percentage of Colorado Municipalities are governed by Home Rule?

93%





## ELEMENTS OF HOME RULE: 3 ROOF

### **How does Home Rule shelter us?**

Home Rule governance allows a Town to directly collect and audit sales and use tax, which, under Statutory Rule, is first collected by the State.

Direct tax collection by the Town adjusts tax procedures and guarantees that local tax dollars remain in the community to fund local projects.

### **What does Home Rule protect against?**

From state interference in matters that are local and municipal in nature.





## ELEMENTS OF HOME RULE : 4 DOORS

### **What kind of access does Home Rule create?**

Making the change would assist the Town with long-term planning and allow for flexibility in funding sources.

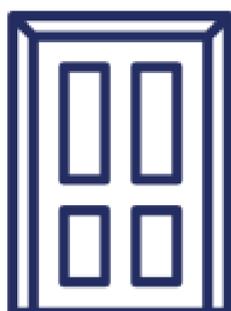
### **How does it affect taxes?**

Any increase in taxes will still require voter approval (in accordance with TABOR laws). By changing to Home Rule, the Town has the option to adopt more types of taxes that are not available to Statutory municipalities, such as lodging, admissions and excise taxes. However, even those tax changes would need to be approved by voters.

### **How does it impact the Town's regulations?**

The Town would have greater autonomy to adopt regulations, in areas such as:

- Public notice requirements for land use and development applications
- Utilities management in public rights-of-way and on private property
- Drafting legislation to address local issues
- Marijuana regulations
- Sex offender registration and spacing requirements
- Zoning regulations and development approval procedures
- Downtown revitalization and economic development





## ELEMENTS OF HOME RULE: 5 WINDOWS

### **Looking to the future, how does home rule impact us?**

Home Rule is the embodiment of the principle that the best government is the one that is the closest to the people.

By empowering local citizens directly, Home Rule enhances citizen control, interest, and in their municipal government involvement provide trust in .

Authority to legislate on any and all matters of local concern.



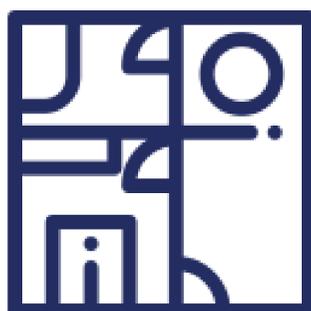


### How will the next steps make home rule a unique fit for Eagle?

Home Rule would give the Town flexibility and control to address foreseeable changes and citizen desires.

### Home Rule impacts the following specifically in the Town of Eagle:

- Administration – licensing and permits
- Elections – process and scheduling
- Finance – taxes and budget
- Municipal Court – process and procedures
- Public Works – streets, traffic management, and Right of Way issues
- Police – fees and fines
- BOT – structure and terms
- Community Development – zoning and land use processes





## HOME RULE: ADVANTAGES

- Article 20 of the Colorado Constitution grants both general and specific powers to home rule municipalities, providing them greater flexibility when seeking solutions to local problems.
- These powers allow home rule municipalities to shape such solutions to fit local needs, without involving the state legislature or being subjected to undesirable limitations imposed statewide. Home rule allows municipalities to respond more quickly to changed circumstances or emergency situations by allowing legislative solutions at the local level through ordinances or charter amendments, rather than waiting for action by the state legislature.
- Home rule municipalities are not required to follow state statutes in matters of local and municipal concern and therefore enjoy freedom from state interference regarding local and municipal matters.
- The express and implied enabling authority granted to municipalities in state statutes is sometimes ambiguous; home rule allows the municipality to act with greater assurance that its actions are properly authorized, especially if the charter reserves to the municipality authority to legislate on any and all matters of local concern.
- By empowering local citizens more directly, home rule enhances citizen control, interest, involvement, and pride in their municipal government.
- Home rule is the embodiment of the principle that the best government is the one that is the closest to the people.



## HOME RULE: DISADVANTAGES

- If a restrictive charter is adopted, the potential flexibility offered by home rule may be lost.
- Once adopted, the charter may serve as a vehicle for dissatisfied citizens to further limit the authority of the municipality in general and elected officials in particular through the adoption of binding charter amendment, i.e., amendments which cannot be changed or repealed by the governing body without a subsequent vote of the people.
- The lack of definite limits on home rule powers may constitute a disadvantage to a municipality by creating legal uncertainty when the municipality legislates in a relatively new area; the ultimate determination of whether a matter is truly of “local concern” requires an ad hoc determination in court.
- The process of adopting a home rule charter involves some costs to the municipality – attorney’s or other consultant’s fees, expenses incurred from publication requirements, election costs, etc. can be a burden on the municipality.
- The prospect of an existing municipality adopting a home rule charter requires some change from the status quo along with the need to debate potentially volatile issues related to the structure and powers of the municipality, and therefore may be perceived as creating unnecessary risks in a community that is satisfied operating under existing statutes.
- Unless restricted by the charter, a home rule municipality has the potential to exercise more governmental powers than are available to statutory municipalities, which some local citizens may see as a disadvantage.