

# **PITKIN COUNTY**

## **HOME RULE CHARTER**

**Original Home Rule charter adopted by the Electorate on March 21, 1978 (352 votes).**

**This version of the Home Rule Charter is updated through the most recent amendment adopted by the Electorate on  
November 7, 2006**

## INDEX

ARTICLE I	-	GENERAL PROVISIONS
ARTICLE II	-	THE BOARD OF COUNTY COMMISSIONERS
ARTICLE III	-	CITIZENS BOARDS
ARTICLE IV	-	CAUCUSES
ARTICLE V	-	ADMINISTRATION
ARTICLE VI	-	ELECTIONS
ARTICLE VII	-	INITIATIVE, RECALL AND REFERENDUM
ARTICLE VIII	-	MISCELLANEOUS
ARTICLE IX	-	LIMITATIONS ON TAX LEVY
ARTICLE X	-	LIMITATIONS ON BORROWING
ARTICLE XI	-	SPECIAL TAXING DISTRICTS
ARTICLE XII	-	POWERS
ARTICLE XIII	-	OPEN SPACE/TRAILS

## ARTICLE I - GENERAL PROVISIONS

### 1.1 Definitions

The following words have the following meanings:

1.1.1 Address: that address prescribed by statute for voting registration purposes.

Mailing Address: that address at which a person receives mail.

Petition Address: the place of residence by street and number or rural route and box number or other customary designation sufficient to locate the residence, except that a post office box number shall be insufficient.

1.1.2 Administration: the County Manager, County Attorney, other elected officials, and other employees of the County, as set forth herein.

Added 8/11/92

1.1.2.1 Adoption: the final action of the Board as reflected by its vote at a public meeting.

1.1.3 Board of County Commissioners: the principal elective head and sole legislative authority of County government, called the Board herein.

1.1.4 Branch of County Government: the Board, the Citizen Boards, and the Administration.

1.1.5 Caucus: an organization of residents of a particular geographic area of the County established herein.

1.1.6 Citizen Boards: the Citizen Boards and Commissions established herein.

1.1.7 County: Pitkin County, Colorado.

Amended 11/6/01

1.1.8 Election:

General: the election held on the Tuesday succeeding the first Monday of November in each even-numbered year, as set by State statute.

Primary: the election held on the second Tuesday of August in each even-numbered year, as set by State statute.

Special: any election other than a general or primary election.

1.1.9 Manager: the County Manager.

Added 8/11/92  
Moved to 1.1.15  
11/2/99

- 1.1.9.1 (Moved to 1.1.15 11/2/99)
- 1.1.10 Person: an individual, trust, firm, partnership, association, or corporation.
- 1.1.11 Public Bodies: Board of County Commissioners, the Citizen Boards, and the Caucuses.
- 1.1.12 Public Notice: publication of the time, date, and place of a meeting, and description of the matter or matters under consideration in a newspaper of general circulation in the County certified for legal advertisements.
- 1.1.13 Qualified Elector: a person entitled to vote in Pitkin County at a general election, if registered, and if not registered, otherwise eligible to vote.
- 1.1.14 Redistricting: redrawing district lines for any election purposes.

Amended 8/11/92  
Amended 11/2/99

1.1.15 Resolution:

Formal resolution: action taken by the Board pursuant to Sections 2.8.3 of this Charter.

Informal resolution: action taken by the Board pursuant to Sections 2.8.4 of this Charter.

Emergency resolution: action taken by the Board pursuant to Sections 2.8.5 of this Charter.

Ordinance: action taken by the Board pursuant to Sections 2.8.1 of this Charter.

Emergency Ordinance: action taken by the Board pursuant to Sections 2.8.2 of this Charter.

1.1.16 State: the State of Colorado.

1.1.17 Working Day: any Monday through Friday of any calendar week except such dates as are designated as holidays by statute.

**1.2** Preserving Prior Enactments

All resolutions, motions, codes, and rules that are not inconsistent with the terms of this Charter and that are in force on the effective date of this Charter shall remain in force until repealed or amended.

**1.3** Transition

- 1.3.1 Elected officials in office on the effective date of this Charter shall continue in office and perform the duties of their offices as set forth by statute and by the provisions of this Charter. Beginning on the effective date of this Charter, the mechanisms for salary determinations may be applied to them for the remainder of their respective terms, except to the extent the Constitution or applicable statute may preclude an increase, and except their salaries may not be decreased.
- 1.3.2 Vacancies in offices that were elected prior to the effective date of this Charter shall be filled according to the provisions of this Charter.

**1.4**            General Interpretation of this Charter

- 1.4.1 The County shall exercise and provide all mandatory County powers and functions as provided by law, and shall have all rights and powers now or hereafter delegated under the constitution and laws of the State of Colorado for exercise by counties; in addition, it shall be authorized without amendment to the Charter to provide all functions, services and facilities, and to exercise all prerogatives and powers that may now or hereafter be authorized by the State Constitution and laws.
- 1.4.2 The powers assumed for the County by the Charter shall be liberally construed, and shall include all powers delegated and implied by law, to the end that, except as limited herein, the County shall have all powers necessary or convenient for the conduct of County affairs.

**1.5**            Oath of Office

Elected officials and those filling vacancies in elected offices as well as all department heads shall take the oath as prescribed by law upon assuming office.

**1.6**            Effective Date

The effective date of this Charter is July 1, 1978.

**1.7**            Severability

If any portion of the Charter is declared invalid, it will not affect the remainder of the Charter.

**1.8**            Due Process

All actions taken pursuant to this Charter shall be done with regard to due process of law.

**ARTICLE II - THE BOARD OF COUNTY COMMISSIONERS**

Amended 11/4/97

**2.1**

Creation

There shall be a Board of County Commissioners consisting of five (5) members who shall be qualified electors of the County and who shall have resided within their residential district for not less than one (1) year prior to the election.

2.1.1 Transition

The additional two (2) commissioner seats created by this Charter shall be elected in the next primary and general election at which the President is elected (1980). In that election, four (4) commissioners will be elected. The one receiving the fewest votes of the four (4) elected shall serve a two (2) year term.

Amended 11/3/92  
Repealed and  
Reenacted 11/7/95

**2.2**

Election

Each commissioner shall be elected at large.

**2.3**

Residential Districts

Amended 11/3/92  
Repealed and  
Reenacted 11/7/95

2.3.1 Each commissioner shall reside in a separate residential district and shall remain a resident of the district during the commissioner's term of office.

2.3.2 Such residential districts shall be established by the Board in accordance with law.

2.3.3 No commissioner's term of office shall be affected by redistricting during his/her term.

Amended 11/8/88  
Amended 8/9/94  
Amended 11/6/01

**2.4**

Terms of Office

The term of office for commissioners shall be four (4) years, with a majority of commissioners elected at the primary and general election in years in which the President is elected, and the remaining minority of commissioners elected at the primary and general election in years in which the Governor is elected.

Individuals serving as Commissioners shall not be restricted as to the number of terms but shall not serve more than three (3) consecutive four-year terms.

Amended 11/4/97  
Amended 11/7/00

**2.5**

Compensation

Salaries for County Commissioners shall comply with state statutory standards for similarly classified counties as these standards may change from time to time. Salary changes will not be retroactive nor will the salary of any commissioner be varied or changed during his/her term of office.

**2.6**      Vacancies

2.6.1 Vacancies shall be filled by the remaining commissioners by majority vote. Any commissioner so appointed shall stand for election at the next regular primary and general election, to serve the remainder of the term of the commissioner he/she has succeeded.

2.6.2 If a majority of commissioners be not remaining or be unable to act, then vacancies shall be filled by the governor; provided, however that the Board shall call a special election within one hundred twenty (120) days after such appointment(s) for the election to fill the seat(s) so appointed. The election shall be to serve the unexpired term(s) of such commissioner(s).

**2.7**      Functions

2.7.1 All powers, duties, and functions of the County are vested in the Board, which may delegate some or all of them, except the legislative function, as it in its sole discretion may deem necessary or desirable from time to time, and such functions as may be specified by amendment.

Amended 11/8/94

2.7.2 The Board shall appoint all the members of all Citizen Boards.

2.7.3 The Board shall set salaries of all appointed officials and department heads.

Amended 11/4/86

2.7.4 The Board shall set the salaries of the other elected County officials no later than the date for precinct caucuses as established by State statute. The salaries of such elected officials shall not be varied during their term of office, except that the Board may increase their salaries annually by a cost-of-living multiple (a) if such multiple is made applicable to County employees generally, or (b) if such multiple does not exceed five (5%) percent.

2.7.5 The Board shall have the power to establish such advisory boards, and appoint the members thereof, as it shall deem necessary.

2.7.6 At least thirty (30) days prior to final action, the Board shall refer any land use measure directly affecting a caucus area, and the county budget proposals, to any relevant caucus for comment, which comment shall be advisory only.

Repealed and  
reenacted 8/11/92

**2.8**      Actions

A quorum of the Board of County Commissioners shall consist of three (3) Commissioners. The Board may take any action permitted by law or this Charter at any regular or special meeting with the presence of a quorum.

The Board may take action in the following prescribed forms:

Repealed and  
reenacted 8/11/92

2.8.1 Ordinance

Repealed and  
reenacted 8/11/92

2.8.1.1 Official action by ordinance shall be required for the following actions of the Board including, but not limited to, all matters where action by ordinance is prescribed by Colorado Statute, all Pitkin County Code Amendments, rezoning, granting of easements in public lands, acquisition, vacation, sale or lease in excess of one year of public lands, authorization of proceedings in eminent domain, and the like.

Repealed and  
reenacted 8/11/92

2.8.1.2 All proposed ordinances upon introduction, shall be read in full, or if copies are available to those persons in attendance at the Board meeting, said ordinance may be read by title only at a public meeting of the Board.

Repealed and  
reenacted 8/11/92

2.8.1.3 For enactment, an ordinance must be accepted by a majority of the Board at the public meeting at which it is first read. Thereafter, said proposed ordinance shall be subject to consideration at a second separate public meeting of the Board. At least one of these two (2) required public meetings shall be a public hearing.

Repealed and  
reenacted 8/11/92

2.8.1.4 Unless otherwise provided by statute, notice of any public hearing on a proposed ordinance shall be published in the official newspaper of record no less than ten (10) days in advance of said public hearing. Said public notice shall include text of the full ordinance.

Added 8/11/92

2.8.1.5 Proposed ordinance shall be finally adopted after the second public meeting by a vote of a majority of the Board. An ordinance may be amended by the Board at any time during a public meeting prior to its final adoption, but if amended in substance in a more restrictive manner after the public hearing an additional public hearing will be required.

Added 8/11/92

2.8.1.6 After final adoption, the ordinance shall be published in the official newspaper of record in accordance with Section 30-15-405 of the Colorado Revised State Statutes.

Added 8/11/92

2.8.1.7 Unless otherwise provided by Colorado Statute or the Pitkin County Code, all ordinances shall become effective thirty (30) days after publication following final adoption by the Board.

Added 11/2/99

2.8.2 Emergency Ordinances

- Added 11/2/99            2.8.2.1    An emergency ordinance shall require adoption by a majority of the quorum of the Board at one (1) public meeting. Emergency ordinances need not be in written form prior to adoption, but shall be reduced to writing as soon as possible after adoption and signed on behalf of the Board by the Chairperson.
- Added 11/2/99            2.8.2.2    An emergency ordinance shall become effective immediately upon adoption.
- Added 11/2.99            2.8.2.3    An emergency ordinance shall set forth in the body thereof the circumstances of the emergency. The Board shall schedule a confirmatory reading of the emergency ordinance at a public meeting. Notice of said public meeting shall be published in the official newspaper of record no later than ten (10) days in advance of said public meeting. Said public notice shall include full text of the ordinance. The purpose of this subsequent public meeting is to either rescind or reaffirm the action taken by the emergency ordinance.
- Added 11/2/99            2.8.2.4    After final adoption at this subsequent public meeting, the ordinance shall be published in the official newspaper of record by title and short summary only, unless otherwise provided by law.
- Repealed and reenacted 8/11/92  
Renumbered 11/2/99            2.8.3    Formal Resolution
- Amended 11/7/78  
Repealed and reenacted 8/11/92  
Renumbered 11/2/99            2.8.3.1    Official action by formal resolution shall be required for all actions of the Board not requiring ordinance power on matters of significant importance affecting citizens including, but not limited to, adoption or amendments to budget, appropriation of funds, creating an indebtedness, levying a tax, establishing fees, setting any special election, ballot questions, formation of special districts, formation of a caucus, intergovernmental agreements, personnel code amendments, contracts for or authorizing expenditures in excess of \$1,000.00 unless specifically authorized previously in the budget and the like.
- Repealed and reenacted 8/11/92  
Renumbered 11/2/99            2.8.3.2    Formal resolution must be approved by a majority of the quorum of the Board at the public meeting at which it is first introduced. Formal resolution shall be subject to consideration at two (2) separate public meetings, one of which shall be a public hearing, and shall be written prior to final adoption. A formal resolution may be amended by the Board at any time during a public meeting prior to its final adoption, but if amended in substance in a more restrictive manner after the public hearing an additional public hearing shall be required. Formal resolution must be finally adopted by a vote of a majority of the quorum of the Board.
- Repealed and reenacted 8/11/92            2.8.3.3    Unless otherwise provided by law, notice of any public hearing on a

Amended 11/2/99  
Renumbered  
11/2/99

proposed formal resolution with the exception of formal resolutions for a development application, shall be published in the official newspaper of record no later than ten (10) days in advance of said hearing. Said public notice may include title and short summary only.

Unless otherwise provided by law, notice of any public hearing on a proposed formal resolution, for a development application shall be published in the official newspaper of record no later than thirty (30) days in advance of said hearing. Said public notice may include title and short summary only.

Repealed and  
reenacted 8/11/92  
Renumbered  
11/2/99

2.8.3.4 A formal resolution, unless otherwise provided by law, shall become effective upon adoption.

Repealed and  
reenacted 8/11/92  
Renumbered  
11/2/99

2.8.3.5 After final adoption, the resolution shall be published in the official newspaper of record by title and short summary only, unless otherwise provided by law.

Repealed and  
reenacted 8/11/92  
Renumbered  
11/2/99

#### 2.8.4 Informal Resolution

Repealed and  
reenacted 8/11/92  
Renumbered  
11/2/99

2.8.4.1 All matters not required to be acted upon by ordinance or formal resolution may be acted upon by informal resolution at any public meeting of the Board, and shall be adopted by a vote of a majority of the quorum of the Board. Generally, matters appropriate for adoption by informal resolution shall be recommendations, designations, and endorsements of the Board, land use applications not involving subdivision, rezoning or PUD requests, property tax abatements, and the like.

Repealed and  
reenacted 8/11/92  
Renumbered  
11/2/99

2.8.4.2 An informal resolution may require a hearing pursuant to the Pitkin County Code. Unless otherwise provided by law, notice of any public hearing on a proposed informal resolution shall be published in the official newspaper of record no less than ten (10) days in advance of said public hearing. Said public notice may include title and short summary only.

Repealed and  
reenacted 8/11/92  
Renumbered  
11/2/99

2.8.4.3 If no public hearing is required pursuant to the Pitkin County Code, notice of any public meeting on a proposed informal resolution shall be posted pursuant to 24-6-402(2)(c), unless otherwise provided by statute.

Repealed and  
reenacted 8/11/92  
Renumbered  
11/2/99

2.8.4.4 Informal resolutions shall, as soon as possible, be reduced to written form, and shall become effective upon adoption.

Repealed and  
reenacted 8/11/92  
Renumbered  
11/2/99

2.8.4.5 No publication after adoption is required unless otherwise provided by Colorado Statute or the Pitkin County Code. If so required, publication shall be in the official newspaper of record.

Added 8/11/92  
Renumbered  
11/2/99  
Added 8/11/92  
Renumbered  
11/2/99

## 2.8.5 Emergency Resolution

2.8.5.1 An emergency resolution shall require adoption by a vote of a majority of the quorum of the Board at one (1) public meeting. Emergency resolutions need not be in written form prior to adoption, but shall be reduced to writing as soon as possible after adoption and signed on behalf of the Board by the Chairperson.

Added 8/11/92  
Renumbered  
11/2/99

2.8.5.2 An Emergency resolution shall become effective immediately upon adoption.

Added 8/11/92  
Amended 11/2/99  
Renumbered  
11/2/99

2.8.5.3 Emergency resolutions shall set forth in the body thereof the circumstances of the emergency. The Board shall schedule a confirmatory reading of the emergency resolution at a public meeting. Notice of said public meeting shall be published in the official newspaper of record no later than ten (10) days in advance of said public meeting. Said notice shall include full text of the resolution. The purpose of this subsequent public meeting is to either rescind or reaffirm the action taken by the emergency resolution. After final adoption at this subsequent public meeting, the resolution shall be published in the official newspaper of record.

Added 8/11/92  
Renumbered  
11/2/99

2.8.5.4 After final adoption at this subsequent public meeting, the resolution shall be published in the official newspaper of record by title and short summary only, unless otherwise provided by law.

Added 8/11/92  
Renumbered  
11/2/99  
Added 8/11/92  
Renumbered  
11/2/99

## 2.8.6 Motion

2.8.6.1 All other matters may be handled by motion. Generally, matters appropriate for adoption by motion shall be those merely declaratory of Board opinions, procedural matters, and the like.

Added 8/11/92  
Renumbered  
11/2/99

2.8.6.2 A motion shall require passage by a vote of a majority of the quorum of the Board at one (1) public meeting.

## **ARTICLE III - CITIZENS BOARDS**

### **3.1 Establishment of Citizens Boards**

#### **3.1.1 Titles**

By Charter the following Citizen Boards are established:

- a. Planning and Zoning Commission
- b. Board of Adjustment
- c. Board of Appeals
- d. Library Board
- e. Election Commission
- f. Financial Advisory Board

#### **3.1.2 Size**

Each Citizen Board, except the Planning and Zoning Commission, shall be composed of five (5) members. Each Citizen Board may have up to five (5) alternate members at the discretion of the Board of County Commissioners. An alternate member shall be permitted to vote only in the absence of a regular member. An alternate member shall serve a minimum of one (1) year prior to appointment as a regular member (unless no such alternates are available for appointment as a regular member).

#### **3.1.3 Membership on Citizen Boards**

Membership of Citizen Boards shall be selected by the Board, which shall establish staggered terms for such Citizen Boards.

#### **3.1.4 Terms**

Except as otherwise established herein, or by statute if made applicable by this Charter, terms for each Citizen Board shall be two (2) years.

#### **3.1.5 Limit on Terms**

There shall be no fixed limit on number of terms, but the Board shall assess the performance of a member prior to appointing that member for another term.

#### **3.1.6 Attendance Policies**

The Board may establish attendance policies and other such rules and regulations for Citizen Boards, or may delegate such function to each Citizen Board.

3.1.7 Members appointed to any citizen board by the Board of County Commissioners may be removed by the County Commissioners for violation of the standards of conduct for citizen boards adopted by the County Commissioners through ordinance.

**3.2**            Planning and Zoning Commission

There shall be a Planning and Zoning Commission in size, structure, and function as set forth from time to time in applicable statutes.

**3.3**            Board of Adjustment

There shall be a Board of Adjustment in size, structure, and function as set forth from time to time in applicable statutes.

**3.4**            Board of Appeals

There shall be a Board of Appeals in size, structure, and function as set forth from time to time in applicable statutes.

**3.5**            Financial Advisory Board

The Financial Advisory Board shall review throughout the fiscal year the annual operating and capital improvement budgets, financial planning, assets, liabilities, receipts, expenditures, budget and accounting practices, and financial status of capital improvement programs for the County government and all the taxing districts for which it is responsible. The Financial Advisory Board shall report its findings to the Board, the districts, and the public and make such recommendations as it deems appropriate.

**3.6**            Library Board

There shall be a Library Board in size, structure, and functions as set forth from time to time in applicable statutes and regulations.

**3.7**            Election Commission

3.7.1 There shall be an Election Commission, of which the County Clerk and Recorder shall be an ex officio non-voting, sixth member and who shall attend meetings of the Commission.

3.7.2 Any person aggrieved by the manner in which the County Clerk and Recorder administers voter registration or performs election duties shall have the right to appeal such action to the Election Commission. Any such appeal shall be lodged in writing with the Election Commission within three

(3) working days after the occurrence of the act complained of. The decision of the Commission upon such an appeal shall be final (subject to court review).

## ARTICLE IV – CAUCUSES

Added 11/3/98

### 4.0

#### Preamble

The word “caucus” may derive from an Algonquin Indian term describing their advisory form of representative democracy. In the Pitkin County experience, the word connotes representative democracy at the most local level where policies are formulated and recommended by the people whom they most affect. Once formulated at the local caucus level, these policies provide elected and appointed county officials with recommendations to enact just laws and policies.

### 4.1

#### Establishment of Caucuses: Initial Meeting

- 4.1.1 A caucus may be established by any qualified elector who calls a meeting at a convenient time and place within the proposed caucus area. An information campaign shall be conducted to ensure that all qualified electors and non-resident real property owners in the proposed caucus area know of the date, time, place and purpose of the meeting.
- 4.1.2 At the initial meeting it shall be decided by majority vote of the qualified electors (and non-resident real property owners) in attendance whether a caucus should be formed.
- 4.1.3 Each caucus shall adopt its own operating procedures and by-laws within the scope of this Article.

### 4.2

#### Recognition of Caucuses

The Board, after satisfying itself that the provisions of this Article have been met, shall recognize the caucus and establish the caucus area by resolution.

### 4.3

#### Composition

A recognized caucus shall consist of all the qualified electors who reside in the caucus area, together with the non-resident owners of real property within the caucus area.

### 4.4

#### Voting

Each caucus member shall have one (1) vote on all matters appropriate for caucus voting. Voting on any other basis may be conducted on special matters for information purposes only, and must be clearly identified as such.

**4.5**            Recognized Caucus Area

Recognized caucus areas to the greatest extent possible shall reflect geographically contiguous areas with social, economic, cultural and environmental communities of interest. There shall be only one (1) recognized caucus in each geographic area. Each caucus shall provide proposed definite boundaries for their caucus area to the Board.

**4.6**            Function

A caucus, upon recognition by the Board, shall have a recommendatory function for all matters directly affecting the caucus area, and shall permit its members to report minority views, as well as majority views, and division of votes with any such recommendation. Further, a caucus shall have a recommendatory function for all planning matters affecting the caucus area, as well as other County matters affecting the caucus area including, but not limited to, budgetary and work program matters.

Added 11/3/98

**4.7**            County Government Support of Caucus

The County Manager, or designee, shall designate staff to be responsible to serve as liaison with the caucuses to facilitate and assist caucus communications and processes. The county may provide such other technical, logistical and financial assistance to facilitate effective caucus activity.

Added 11/3/98

**4.8**            Notice of Meetings

The caucuses shall provide notice of meetings through such means as newspapers, Internet, radio, mailings, telephone and local public notice bulletin boards. The county may help in this process by providing up to \$1,500.00 annually in cash or in-kind services to each caucus to help provide notification and publication of minutes of its meetings.

Added 11/3/98

**4.9**            County Notification of Citizens

The County will annually publish, in at least one (1) local paper, by a one-third page notice, the date, time and place of the annual caucus meeting if that information is known to the County prior to annual caucus meeting.

Added 11/3/98

**4.10**          Meetings

Each recognized caucus must designate a set date, time and place for its annual meeting when officers are elected.

Added 11/3/98

**4.11**          Master Plans

The County Commissioners and the Planning and Zoning Commission will encourage the development of Caucus Master Plans. The County Commissioners shall specify the criteria for the Caucus Master Plan development procedures, and local caucus approval. Caucus Master Plans which satisfy such criteria shall be recognized by the Planning and Zoning Commission, and County Commissioners. The Caucus Master Plan shall be considered as one of the primary advisory documents in the development of county laws, rules and regulations which affect caucus areas.

## ARTICLE V - ADMINISTRATION

Repealed and  
Amended 11/7/95

### 5.1 County Administration

The administration of the County shall be executed by the County Manager, the individual elected officers and the appointed department and section heads. Organization of County administration into various departments and sections shall be accomplished by the County Manager at the direction of the Board.

### 5.2 County Manager and the Administrative Functions

5.2.1 The County Manager shall be responsible to the County Board, serve at the pleasure of the County Board, and execute the policies set by the Board, all in accordance with this Charter, the laws of the State, and resolutions of Pitkin County.

5.2.2 The compensation of the County Manager and all other terms and conditions of employment shall rest with the Board.

Added 11/8/94  
Repealed and  
Amended 11/7/95

5.2.3 The County Manager shall be responsible for hiring, terminating and counseling all County employees except independently elected officials and their staffs. The Board of County Commissioners shall have the right to review on appeal all decisions of the County Manager concerning termination and counseling actions involving any County employee. Personnel actions of the County Manager shall conform to Pitkin County Personnel Resolutions as adopted by the Board of County Commissioners.

### 5.3 County Attorney

There shall be a County Attorney appointed by the Board, who shall be the chief legal officer of the Board and the Administration.

5.3.1 The compensation of the County Attorney and all terms and conditions of employment shall rest exclusively with the Board. The County Attorney shall be responsible solely to the Board.

5.3.2 At a minimum, the County Attorney shall be licensed to practice law in Colorado and shall have done so for two (2) years.

5.3.3 The County Attorney shall have jurisdiction over preparing and rendering legal services, advice, and representation to the County Board. Where no conflict occurs, the County Attorney shall also render legal advice and services and representation to the Administration and Citizen Boards.

## **5.4**        Department of Finance

5.4.1 The Department of Finance shall have all of the powers, duties, and functions formerly given to the County Treasurer and the Public Trustee of the County (each as set forth from time to time in applicable statutes); the County budget director; and, the County Finance officer.

Amended 11/8/94

5.4.2 The Director of the Department of Finance shall be appointed by the County Manager.

5.4.3 The Director of the Department of Finance shall be qualified by reason of education or professional experience, or both, to administer the duties and responsibilities of the office as specified by law.

Added 9/15/81

5.4.4 All fees to be charged and collected by the Treasurer and Public Trustee shall be as established from time to time by the Board of County Commissioners by formal resolution.

## **5.5**        The Clerk and Recorder

There shall be a Clerk and Recorder, who shall be elected and who shall have such powers, duties, and functions as set forth from time to time in applicable statutes.

Added 11/7/00

5.5.1 The Clerk and Recorder shall not be limited in the number of consecutive terms that may be served.

## **5.6**        The Assessor

There shall be an Assessor, who shall be elected and who shall have such powers, duties, and functions as set forth from time to time in applicable statutes.

Added 11/7/00

5.6.1 The Assessor shall not be limited in the number of consecutive terms that may be served.

Amended 5/8/79  
Amended 11/4/80

## **5.7**        The Sheriff

There shall be a Sheriff who shall be elected and who shall have such powers, duties and functions as set forth from time to time in applicable statutes. In addition, his/her department shall act as the County disaster agency required by statute, and the Board shall appoint the Sheriff, or any of his/her deputies, as the disaster director or coordinator, as the Board shall determine appropriate. In the event the Sheriff shall be named director or coordinator, his/her salary shall not be increased by reason thereof, but such responsibilities shall be deemed to be incident to the office of the

Sheriff. All fees to be charged and collected by the Sheriff shall be established from time to time by the Board of County Commissioners by formal resolution.

Added 11/7/00

5.7.1 The Sheriff shall not be limited in the number of consecutive terms that may be served.

**5.8**      The County Coroner

Amended 11/4/86

5.8.1 The County Coroner shall exercise all of the powers and perform all the acts and duties required by statute to be exercised or performed by the County Coroner. The County Coroner may be a member of the Office of the Sheriff and if a member of that Office, in addition to his/her duties as County Coroner and when not in conflict with those duties, may perform Sheriff functions.

5.8.2 The Coroner shall be appointed by the Board.

Added 5/8/79

5.8.3 The compensation and fees to be paid to the Coroner and his/her deputies for the performance of their duties shall be established from time to time by the Board of County Commissioners by formal resolution.

Added 8/9/88

**5.9**      The County Surveyor

Added 8/9/88

5.9.1 The County Surveyor shall exercise all of the powers and perform all of the acts and duties to be exercised by the County Surveyor under the laws of the State of Colorado.

Added 8/9/88

5.9.2 The County Surveyor shall be appointed by, and serve at the pleasure of, the Board of County Commissioners.

Added 8/9/88

5.9.3 The compensation and fees to be paid to the County Surveyor for the performance of his/her duties shall be established from time to time by the Board of County Commissioners by formal resolution.

## ARTICLE VI – ELECTIONS

### 6.1 General

To the greatest extent possible, County elections shall be held at the time of the general election.

### 6.2 Nomination of Candidates

Amended 11/7/78  
Repealed and  
reenacted 8/11/92

6.2.1 All candidates for elected office must file petitions with the Clerk and Recorder for such office not earlier than twenty (20) days nor later than five (5) days before the deadline established by state statute for the Secretary of State to transmit to each county clerk and recorder the notice of primary election.

Amended 11/7/80  
Amended 8/9/94  
Amended 8/13/96  
Amended 11/4/97

6.2.2 A candidate's petition must be signed by not fewer than one hundred (100) registered electors. Persons signing a candidate's petition need not (in the case of party nominees) be a member of the party by which the candidate has been designated; need not be a resident of the district (if any) from which the County officer is nominated; need not state that he/she intends to vote for the candidate at the ensuing primary election; and may sign petitions of any other candidates for the same office. Provided, however, in the event that at any election of County Commissioners in which Commissioners are to be elected pursuant to this Charter solely by the voters of that Commissioner's district of residence, then the number of signatures for a Commissioner candidate shall be reduced to fifty (50) electors, qualified as above, who reside within that district of residence.

6.2.3 Where there are more than two (2) persons standing for election to a given office, all such persons shall have their names placed on a ballot which shall be voted upon at the same time and place as the regular primary elections. The primary ballot for County offices shall be available equally to persons who are members of a regular political party and to those persons who are not affiliated with any political party.

6.2.4 A candidate who desires a designation on the primary ballot as the nominee of any recognized political party shall have received that party's designation according to law and the rules of that party.

### 6.3 Primary and General Elections

6.3.1 Primary and general elections shall be held as designated by statute.

6.3.2 The two (2) candidates for a County elective office receiving the first and second highest number of votes at the primary election shall be certified to appear on the ballot at the general election.

Amended 11/4/86

6.3.3 In the event that one of the candidates who runs in the Primary Election and is duly certified to the General Election ballot withdraws, dies, or is otherwise disqualified from running in the General Election at least fifty (50) days prior to such General Election, that person who received the third highest number of votes in the Primary Election for that office shall be certified as a candidate for the regular election and if a candidate withdraws after fifty (50) days prior to such General Election, that person will stay on the ballot as a candidate.

6.3.4 There shall be a place for write-in candidates at elections in accordance with applicable statutes.

Added 11/7/78

6.3.5 Non-party candidates shall be permitted to select watchers in the same manner as provided by law with respect to party candidates.

Added 11/7/78

6.3.6 In the event of more than one (1) candidate for any County elective office, the names of such candidates shall be placed on the ballot in alphabetical order.

Amended 11/4/86  
Repealed and  
reenacted 8/11/92

#### **6.4** Other Election Issues.

The deadline for submission to the Pitkin County Clerk and Recorder of all issues to be placed on a primary, general, or congressional vacancy election ballot shall coincide with the corresponding deadline established by state statute for the Secretary of State to transmit to each county clerk and recorder the notice of a primary, general, or congressional vacancy election. The deadline for submission to the Pitkin County Clerk and Recorder of all issues to be placed on a special election ballot shall be equal in number of days to the deadline established by state statute for the Secretary of State to transmit to each county clerk and recorder the notice of a primary election.

Added 5/8/79

#### **6.5** Bond Issue Questions

Whenever it shall be necessary to submit to the electorate the question of creating an indebtedness by issuance of bonds or otherwise, such question may be submitted at either a special or general election, any statutory provisions to the contrary notwithstanding.

Added 11/4/1980  
Amended 11/5/02

#### **6.6** Campaign Contributions and Expenditures

Added 11/4/1980  
Amended 11/5/02

6.6.1 For the purpose of this section the following definitions shall apply:

- a. Candidate. A person is a candidate for office if he/she publicly announces his/her intention to seek election to any elective County office, has filed with the County Clerk and Recorder his/her

nominating petition for such office, or has been chosen to fill a vacancy on the Board of County Commissioners. "Candidate" as defined herein includes any candidate committee, as that term is defined by the Colorado Fair Campaign Practices Act, C.R.S. 1-45-103, associated with a candidate.

- b. Contribution. "Contribution" means the payment, pledge, or promise of payment of money or anything of value; or other obligation, loan or advance of money, whether or not legally enforceable; or goods, materials, services or facilities provided to any candidate, or to any political committee for the purpose of supporting or opposing the nomination, retention, election, or defeat of any candidate. "Contribution" includes any coordinated expenditure, as defined below.
- c. Coordinated Expenditure. "Coordinated expenditure" means an expenditure made by any person in coordination, cooperation, consultation, or concert with - or at the request or suggestion of - a candidate or agent of a candidate. Coordinated expenditures are treated as contributions, and count against the contribution limitations set forth in section 6.6.2 of this Charter.
- d. Election. "Election" means any general, primary, or special election held within Pitkin County at which any person or persons are certified to appear on the ballot at the general election for, or are elected to, the office of County Commissioner, Sheriff, County Clerk and Recorder, or County Assessor.
- e. Expenditure. "Expenditure" means the payment, pledge, promise of payment of money or anything of value, or other obligation, loan or advance of money, whether or not legally enforceable, or goods, materials, services or facilities, by any person, political committee, or agent of any of them, for the purpose of influencing the nomination, retention, election, or defeat of any candidate.
- f. Independent Expenditure. An "Independent Expenditure" is an expenditure that is not a coordinated expenditure.
- g. Person. "Person" shall mean any individual, partnership, corporation, association, firm, committee, governmental entity, or other organization or group of persons (however organized).
- h. Political Committee. "Political Committee" shall have the same meaning as is set forth in the Colorado Fair Campaign Practices Act, C.R.S. 1-45-103, as amended.

Added 11/4/80  
Amended 11/7/95  
Amended 8/13/96  
Amended 11/5/02

6.6.2 No person shall make a contribution in an amount which exceeds five hundred (\$500.00) dollars to any candidate, or to any political committee making coordinated expenditures for the purpose of supporting or opposing the nomination, retention, election, or defeat of any candidate. All political committees shall comply with all organizational and filing requirements of the Colorado Fair Campaign Practices Act, as amended. All candidates in any election shall designate any political committees affiliated with, or known to be making expenditures in support of, the candidate's campaign.

Additionally, all political committees shall submit an affidavit of organization demonstrating decision making independence from any candidate or other political committee. Affidavits of decision making independence must be filed with the County Clerk. Any political committee not filing such an affidavit may not collect or expend money or contributions in kind in support or opposition of any candidate. The County Clerk shall publish the names of all candidates and political committees not in compliance with the election provisions of the Charter no later than ten (10) days prior to all elections.

Added 11/4/80  
Repealed 8/13/96

6.6.3 **(Repealed in its entirety 8/13/96)**

Added 11/4/80  
Amended 8/13/96  
Amended 11/5/02

6.6.4 All contributions shall be reported to the clerk by the recipient in accordance with the provisions of the Colorado Fair Campaign Practices Act, as amended.

All coordinated expenditures, and all independent expenditures in excess of two hundred fifty (\$250.00) dollars, shall be reported to the clerk by the person making the expenditure no later than one (1) week after the funds are delivered, committed, or obligated. Provided, that reporting of expenditures under this section must be performed no later than twenty-four (24) hours after funds are delivered, committed, or obligated if the expenditure is made in the eight (8) days preceding the election. The report to the clerk on the relevant expenditure shall include the name and address of the person making the expenditure, the amount of the expenditure, a detailed description of the use of the expenditure, and the name of the candidate who the expenditure is intended to support or oppose.

Failure to comply with the provisions of this section shall have no effect on the validity of any election, issue or bonds issued pursuant to law, except as provided in Section 6.6.5.

Added 11/4/80

6.6.5 Any candidate who knowingly violates any provision of this section, or who conspires with another to violate any provision of this section, shall, in addition to any other penalties provided for by law, be denied his/her right to take oath for the office to which he/she was elected, unless he/she has already taken said oath, in which event the office shall be deemed vacated

and shall be filled as otherwise provided by law.

Added 11/4/80

6.6.6 Any person who violates any provisions of this Section 6.6 is guilty of a misdemeanor and, upon conviction, shall be punished by a fine not exceeding one hundred (\$100.00) dollars, or by imprisonment in the County jail for not more than ten (10) days, or both such fine and imprisonment.

Added 11/4/80  
Amended 11/5/02

6.6.7 The provisions of this Section 6.6 shall be effective from and after January 1, 2003.

Repealed 11/6/90

**6.7**            Validity of Elections **(Repealed in its entirety 11/6/90)**

Added 11/2/1982  
Repealed 11/6/90

6.7.1 **(Repealed in its entirety 11/6/90)**

## ARTICLE VII – INITIATIVE, RECALL AND REFERENDUM

### 7.1 Initiative and Referendum

Amended 11/7/78  
Amended 8/09/94

7.1.1 Initiative: The electors of the County shall have power to propose any resolution or ordinance to the Board in accordance with the provisions of this article of the Charter, except those concerning land use applications, the annual operating budget, annual appropriations budget, and levy of taxes. In the event the Board fails to adopt said proposed resolution or ordinance without any change in substance, the proposed resolution or ordinance shall be submitted to the electors at a County election for their acceptance or rejection.

Amended 11/7/78  
Amended 8/11/92  
Amended 8/9/94

7.1.2 Referendum: The electors of the County shall have the power to require reconsideration by the Board of any resolution or ordinance and, if the Board fails to repeal a resolution or ordinance so considered, to approve or reject it at a County election, in accordance with the provisions of this article of this Charter; provided that such power shall not extend to land use applications, the annual operating budget, annual budget appropriation, levy of taxes, calling a special election, ordering improvements initiated by petition and to be paid for by special assessments, incurrence of indebtedness or borrowing approved by the electorate, or resolution or ordinance to meet the contractual obligations of the County.

### 7.2 Initiative and Referendum Procedure

Amended 11/4/97

7.2.1 An initiative or referendum petition must be signed by registered electors of the County in number equal to at least ten percent (10%) of the total number of registered voters at the last general County election. In the case of an initiative petition, all signatures on said petition shall be obtained within forty-five (45) days prior to the date of initial filing of the petition with the Clerk and Recorder. A referendum petition shall be void unless filed initially with the Clerk and Recorder within forty-five (45) days after the effective date of the resolution to which such petition refers. Any petitions shall be addressed to the Board and may be an aggregate of two (2) or more petition papers identical as to content and simultaneously filed by one (1) person. The Clerk and Recorder shall provide forms for such petitions. For every petition filed there shall be three (3) petitioner representatives named who are registered electors.

7.2.2 An initiative petition shall set forth, in full, the resolution it proposes to initiate and no petition shall propose to initiate more than one resolution. A referendum petition shall identify the resolution, or part thereof, it proposes to be submitted to the voters for approval.

7.2.3 Each signer of a petition shall sign his/her name, and after his/her name,

print his/her name, the date, and a petition address.

- 7.2.4 Each page of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he/she personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his/her presence, that he/she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- 7.2.5 The petition(s) shall be filed with the Clerk and Recorder, who shall, within fifteen (15) days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors, the Clerk and Recorder shall notify forthwith by certified mail all circulators, or the person(s) named in the petition as representing the petitioners. Fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers. Such supplementary petition shall comply with all requirements for petitions, and within five (5) working days after it is filed, the Clerk and Recorder shall complete a certificate as to the sufficiency of the petition as amended and send a copy of such certificate to the petitioner by certified mail, as in the case of an original petition. If a petition or amended petition is certified sufficient, the Clerk and Recorder shall promptly present the certificate to the Board.
- 7.2.6 If a petition has been certified insufficient and is not amended within fifteen (15) days of notice of insufficiency, or if an amended petition has been certified insufficient by the Clerk and Recorder, any petition circulator or the person(s) named in the petition as representing the petitioners may, within two (2) working days after receiving a certificate of insufficiency, file a request that it be reviewed by the Election Commission. If a petition or amended petition be certified sufficient, any party affected may similarly file within two (2) working days after the certificate has been made a request for review by the Election Commission. The Election Commission shall forthwith review the certificate(s) and approve or disapprove it, and the Election Commission's determination shall then be a final determination as to the sufficiency of the petition.
- 7.2.7 The petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- 7.2.8 When a referendum petition is certified sufficient, the resolution sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate upon reconsideration by the Board, regardless of the result thereof, or thirty (30) days after certification, whichever earlier occurs.

Amended 11/4/97

- 7.2.9 When an initiative or referendum petition has been finally determined sufficient, the Board shall promptly consider the proposed initiative resolution or reconsider the referred resolution by voting its repeal; provided, however, that the Board shall have the power to change the detailed language of any proposed initiative resolution so long as the general character of the measure will not be substantially altered.
- 7.2.10 If the Board fails to adopt the proposed initiative, or fails to repeal the referred resolution, the matter shall be submitted to the voters. If no general, primary, or special County election is to be held within one hundred twenty days (120) after the Board's consideration specified in Section 7.2.9, the Board shall provide for a special election to be held within one hundred twenty (120) days; otherwise, the vote shall be held at the same time as such general, primary, or special election, except that the Board may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred resolution shall be made available to the public within a reasonable time before the election and also at the polls at the time of the election.
- 7.2.11 The Board on its own motion, shall have the power to submit at a general or special election any proposed resolution or question to a vote of the people.
- 7.2.12 If a majority of the electors voting on a proposed initiative resolution vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting resolutions are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- 7.2.13 If a majority of the electors voting on a referred resolution vote against it, it shall be considered repealed upon certification of the election results.
- 7.2.14 A resolution adopted by the electorate may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and a resolution repealed by the electorate may not be re-enacted for a period of one (1) year after the date of the election at which it was repealed; provided, however, that any resolution may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this article, or if submitted to the electorate by the Board on its own motion.

### **7.3**      Recall

Any elected officer may be recalled from office at any time after having served at least six (6) months. Once an election on recall has been held, no other election on recall of that same officer may be held for at least one (1) year. The procedure for recall shall be as follows:

Amended 11/4/97

7.3.1 One or more qualified elector(s) shall file with the Clerk and Recorder an affidavit of not more than two hundred (200) words stating the reasons for requesting the recall. The Clerk and Recorder shall, within two (2) working days after the filing of the affidavit, mail a copy by certified mail or hand deliver a copy to the officer sought to be recalled. That officer may, within five (5) working days of receipt of the affidavit, file with the Clerk and Recorder an affidavit of not more than two hundred (200) words in justification of his/her course in office. After receipt of the statement of justification, if any, but in no event later than ten (10) working days after delivering a copy of the affidavit to the officer, the Clerk and Recorder shall issue a petition for recall.

Amended 11/4/97

7.3.2 The petition shall include the statement of reasons for requesting recall and the officer's statement of justification, if there be such a statement. The petition must thereafter be signed by registered electors numbering at least twenty-five percent (25%) of the total number of votes cast at the last election for all candidates for the position which the officer sought to be recalled occupies.

7.3.3 Each signer of a petition shall sign his/her name, and after his/her name, print his/her name, the date, and a petition address.

7.3.4 The signed recall petition shall be filed with the Clerk and Recorder within sixty (60) days after issuance of the petition. If the petition is filed within the time specified, and if it complies with the requirements of this Charter, the Board shall set a date for a recall election to be held within sixty (60) days, unless a general, primary, or special election will be held within one hundred and twenty (120) days following the filing of the petition, in which event the recall election shall be held at the time of that general, primary, or special election. On each separate page of the petition shall be attached an affidavit by the circulator thereof, stating the number of signers and affirming that each signature is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant and that each signer has stated to the circulator that he/she is a registered elector of the County and has read the petition.

Amended 11/4/97

7.3.5 All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers, and such signer shall be deemed and held to be a registered elector, unless a protest in writing under oath shall be filed with the Clerk and Recorder by some qualified elector, within fifteen (15) days after such petition is filed, setting forth specifically the grounds of such protest. In the event of such protest, the Clerk and Recorder shall forthwith mail a copy to the person or persons named in such petition as representing the signers thereof, or if none, to the circulators, together with a notice fixing a time for a hearing of such protest,

which hearing shall be not less than five (5) nor more than ten (10) days after such notice is mailed. All hearings shall be before the Election Commission, and all testimony shall be under oath. Such hearings shall be summary and not subject to delay, and must be concluded within thirty (30) days after such petition is filed, and the results thereof shall be forthwith certified to the person or persons named in the petition as representing the signers thereof, or if none, to the circulators.

- 7.3.6 The finding as to the sufficiency of any petition may be reviewed forthwith by the Election Commission, upon application of any person affected, but such review shall be had and determined forthwith.
- 7.3.7 In case the petition is not sufficient, it may within fifteen (15) days thereafter be amended and refiled as an original petition.
- 7.3.8 There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words, "Shall (name of the person against whom recall petition is filed) be recalled from the office of (title of office)?" Regardless of minimum requirements in the state recall statute, the reasons for recall, together with the officer's statement of defense, shall be on the ballot in accordance with State law. The ballot shall provide for a "yes" or "no" vote. The recall election shall take place among the electorate by which the subject County Official was originally elected and is representing.
- 7.3.9 If a majority of those voting vote in favor of recalling an incumbent, the incumbent shall thereupon be deemed removed and the vacancy shall be filled as provided in this Charter, or by applicable statute.

Amended 8/9/94

#### **7.4**        Withdrawal of Petitions

Any petition for initiative, referendum, or recall may be withdrawn prior to the setting of an election if a majority of the persons named in the petition as representing the signers thereof, or if none, a majority of the circulators, formally request withdrawal.

## **ARTICLE VIII – MISCELLANEOUS**

### **8.1**      Amendment or Repeal

The procedure to amend or repeal the Charter shall be as set forth from time to time in applicable statute, which presently provides as follows:

8.1.1 Action to amend a charter shall be initiated by:

8.1.1.1 A petition signed by at least five (5%) percent of the registered qualified electors of the county, or

8.1.1.2 A resolution adopted by the Board of County Commissioners submitting the proposed amendment to the qualified electors.

8.1.2 Action to repeal a charter or to form a new charter commission may be initiated by a petition signed by at least fifteen (15%) percent of the registered qualified electors of the county.

8.1.3 Within thirty (30) days of initiation of a proposed amendment, repeal, or charter convention measure, the Board shall publish notice of and call an election to be held not less than thirty (30) nor more than one hundred twenty (120) days after said publication. The text of any proposed amendment shall be published with said notice.

8.1.4 If the proposal is for a charter commission, the election shall be scheduled at least sixty (60) days after publication of the notice. The procedure for the forming and functioning of a new charter commission shall comply as nearly as practicable with provisions relating to formation and functioning of an initial charter commission.

8.1.5 If a majority of the registered qualified electors voting thereon vote for a proposed amendment, the amendment shall be deemed approved. If a majority of the registered qualified electors voting thereon vote for repeal of the charter, the charter shall be deemed repealed and the county shall proceed to organize and operate pursuant to the statutes applicable to statutory counties.

### **8.2**      Public Meetings

8.2.1 All actions, deliberations, and hearings of the Board and the Citizen Boards and the Caucuses, except actions and deliberations relating to the matters exempted in Section 8.3, shall be open to the public. Executive sessions (non-public meetings), except as specifically permitted by Section 8.3, or by the Public Meetings Law as from time to time amended, shall not be held.

- 8.2.2 The time, date, place, and agenda of such meetings shall be stated in a writing available to the public in advance of such meetings.
- 8.2.3 Meetings – The Board of County Commissioners shall meet at the county seat at least one (1) business day of each month and at such times and locations within the county as in the opinion of the Board the public interest may require. Such meetings shall be held on a regular and published schedule, as determined by resolution of the Board.
- 8.2.4 A quorum shall consist of a majority of the membership.
- 8.2.5 The Board, the Citizen Boards, and the Caucuses may conduct study sessions at which no action or agreement, formal or informal, may be taken. Study sessions shall be subject to public notice where practical and shall be open to the public.

### **8.3**      Public Records

All the papers, records, and deliberations of the County and all records kept by the County pursuant to law shall be available for public inspection, and for reproduction at a reasonable cost, to be set by the Board, during normal business hours, except:

- 8.3.1 Personnel records, documents, and deliberations;
- 8.3.2 Records, documents, deliberations, and communications protected by the lawyer-client privilege;
- 8.3.3 Any other materials that by law are confidential.

### **8.4**      Personnel Resolution

The Board shall adopt and may amend from time to time a personnel resolution, binding all County departments and employees, including other elective officials and their departments, addressing the following:

- 8.4.1 Members of Citizen Boards: Conflicts of interest; an application and recommendation process for use by a personnel director; removal for cause; reimbursement; special qualifications for service on a Citizen Board consistent with the Charter; and non-discrimination.
- 8.4.2 Employees of the Administration: Conflicts of interest and political activity; working hours and conditions; compensation, benefits, and retirement programs, by step or grade; a grievance procedure; a merit employment system, which may have exemptions for temporary or probationary employees; non-discrimination hiring, promotion, demotion, discipline and

termination; special qualifications for certain positions, consistent with the Charter.

**8.5**            Purchasing Resolution

The Board shall adopt, and may amend from time to time, a purchasing resolution, binding all County departments and employees, including other elective officials and their departments, addressing the following:

8.5.1 Goods or services which must be put to bid, and the procedure for advertising and selecting bids.

8.5.2 Procedures for negotiating for goods or services not put to bid.

8.5.3 Procedures for payment of the County's bills and accounts; provided, however, that no monies may be appropriated or paid unless first authorized in the budget, or by applicable law.

**8.6**            Conflicts of Interest

Amended 11/3/98

8.6.1 I.    Policy

A. In order to ensure the impartiality and integrity of their local government decision makers, the people of Pitkin County intend to prohibit County policy makers from participating in matters in which they have a conflict of interest. This prohibition applies to County policy makers serving their elected or appointed terms and those who have concluded their terms of office.

B. County policy makers include County Commissioners, County Manager, Assistant County Manager, Community Development Director, County Attorneys, and Open Space and Trails Director.

C. A conflict of interest is a disparity between the private interest and the official responsibilities of an individual in a position of trust in government. This code is intended to prevent conflicts of interest without obstructing fair and speedy resolution of issues that come before the County.

Amended 11/3/98

8.6.2 II. Prohibition on Conduct

A. No current County policy maker shall vote on or otherwise participate or attempt to influence or communicate directly with any County staff member or other elected or appointed County official on any pending or proposed matter in which he/she has personal, financial, possessory, ownership or beneficial interest other than the common public interest;

or is an employee of, or contractor, to an applicant or beneficiary of an application regardless of whether that interest arises out of the subject application. Policy makers may represent themselves, but not vote or participate on applications related to their personal residence.

- B. No current or former County policy maker shall appear in a representative capacity before the Board of County Commissioners (“BOCC”), the Board of Equalization or the Planning and Zoning Commission for two (2) years following his/her departure from office or employment concerning any application regarding any specific piece of real property which was also the subject of any application process in which that individual participated in during that individual’s term of office or employment. No County policy maker shall appear as a representative for any person and/or entity (other than him/her self) before the Board of County Commissioners, the Board of Equalization or the Planning and Zoning Board, or any volunteer board of Pitkin County whose members are appointed by the Board of County Commissioners on any issue for one (1) year following his/her departure from office or County employment. This prohibition shall not apply to current or former policy makers appearing on behalf of another governmental agency.
- C. No County policy maker shall vote or otherwise participate in a decision making process which affects any entity in which he/she has a financial interest or which any member of his/her family has a financial interest. Family is defined as spouse, parent, brother, sister, grandparent, child, grandchild, step-child, step-parent, step-grandparent, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any individual who is a part of the County policy maker’s immediate household.
- D. Though this provision applies to discussions and actions regarding a specific budget item, it shall not limit a Commissioner’s right to vote on the entire County budget.
- E. If an issue arises in which a County policy maker believes he/she may have a conflict of interest, he/she must divulge that potential conflict of interest to the Board of County Commissioners and the County Attorney for an opinion on the validity of the conflict. If determined to be in conflict regarding the issue before him/her, he/she will refrain from participation in discussion or vote on that issue.

Added 11/3/98

### 8.6.3 III. Determination of Violation

#### A. Appointing a Conflict Committee Pool

1. Every two (2) years, on the anniversary of enactment of this provision,

the Board of County Commissioners shall solicit, by advertisement in a newspaper of record, volunteers for the creation of a pool of registered voters to judge the validity of allegations of conflict of interest.

2. This Conflict Committee pool shall include no fewer than nine (9) or not more than fifteen (15) members, who shall be selected by the Board of County Commissioners from the volunteers.
3. A chairperson shall be chosen by pool members at the time of their selection. Pool members may or may not be lawyers.

#### B. Allegation of Conflict

1. In order that an alleged conflict be considered by a Conflict Committee, one (1) or more registered voters or affected persons must submit to the Board of County Commissioners and Chair of the Conflict Committee a signed document alleging the conflict of interest.
2. A copy of the letter shall be provided to the Board or staff member who is alleged to be in conflict.

#### C. Board of County Commissioners Action on Allegation of Conflict

1. Upon receipt of a complaint alleging a conflict, the chair of the Board of County Commissioners shall place the matter on the agenda of the next regularly scheduled Board of County Commissioners meeting.
2. At its next regularly scheduled meeting, the Board of County Commissioners may act on the complaint or request that the chair of the Conflict Committee pool convene a Conflict Committee.
3. If the Board of County Commissioners makes a determination on the complaint and the complainant is dissatisfied with the determination, the Conflict Committee shall convene.
4. If the Board of County Commissioners fails to act within fourteen (14) days, the Conflict Committee shall convene.

#### D. Convening a Conflict Committee

1. The Chair of the Conflict Committee shall select a five-member Conflict Committee by lot from the Conflict-Committee pool.
2. The Conflict Committee shall be convened within forty-eight (48) hours of being selected and notified.

3. A committee quorum shall be three (3).
4. A Conflict Committee shall be convened at the request of any County policy maker who is concerned that he/she may be perceived to be in conflict.

E. Conflict Committee Action

1. The Conflict Committee shall consider the allegation and determine if the County policy maker, who is or may be alleged to be in conflict, is in violation of Section II.
2. The proceedings of this Committee shall follow the Expedited Commercial Rules of the American Arbitration Association, as amended from time to time.
3. The Conflict Committee shall act on the complaint within fifteen (15) days of the date of convening and inform the Board of County Commissioners of its determination.
4. Appeal of the Conflict Committee Action. Any affected party, who contends that the Conflict Committee reached a determination in an action which was inappropriate or incorrect, may appeal the Conflict Committee's determination to the Board of County Commissioners. Any such appeal must be submitted in writing to the Board of County Commissioners within seven (7) days of the Conflict Committee's action. The Board of County Commissioners shall hear the complaint at the next regularly scheduled meeting, or no sooner than seven (7) days after receiving the complaint. The Board of County Commissioners shall review the action of the Conflict Committee including its record of proceedings to determine if the Conflict Committee acted in violation of the law or abused its discretion in reaching its determination. If the Board of County Commissioners so elects, it may open the proceedings and examine witnesses and accept evidence. The members of the Board of County Commissioners shall render their decision in writing within ten (10) days of their meeting. The Board of County Commissioners will either reverse or uphold the decision of the Conflict Committee. Any member of the Board of County Commissioners who is affected by the determination of the Conflict Committee shall not participate in any appeal of the Conflict Committee's action. All decisions of the Board of County Commissioners shall be final.

Added 11/3/98

8.6.4 IV. Effect of Violation

- A. Should any County policy maker vote or otherwise participate in a

decision-making process in violation of Section II, the Board of County Commissioner's action regarding the issue on which a conflict determination is made shall be null and void, unless the Conflict Committee determines based on reasonable evidence that the County policy maker participated in order to contrive a conflict and purposely nullify the action.

An action of the Board of County Commissioners which is determined to be null and void by application of this Code of Conduct, shall be reconsidered by the Board of County Commissioners after the matter is appropriately noticed in compliance with applicable state law, Home Rule Charter and County Code provisions and a new vote taken and recorded based upon the previous record of proceedings before the Board of County Commissioners.

- B. No determination of a conflict shall render any decision of The Board of County Commissioners null and void unless the complaint is raised within thirty (30) days of the action sought to be rendered null and void.
- C. Should a current or former County policy maker appear before the County Commission or Planning and Zoning Commission in violation of this policy, the matter or issue before the County Commission or Planning and Zoning Commission shall be tabled until there is compliance with this policy.

## **8.7**            Disposal of Public Property

Added 11/2/82

- 8.7.1 The Board of County Commissioners is authorized to sell, lease, or otherwise dispose of public works, public utilities, public buildings or real property under such terms and conditions as the Board of County Commissioners shall deem to be in the best interest of the County. Provided, however, that any sale of a park or recreation facility shall not be approved until the question of such sale is submitted to and approved by the voters at a regular election in the manner provided by Section 30-35-201(6) of the Colorado Revised Statutes (1973, as amended).

Added 11/2/82

- 8.7.2 Any sale, lease in excess of one (1) year, or other disposal of public works, public utilities, public buildings, or real property owned by Pitkin County shall be done pursuant to ordinance. The adoption of such an ordinance shall conform procedurally to the requirements for adoption of formal resolutions as set forth in Section 2.8.3 of this Charter. Provided, however, that such ordinances shall be published, by title, at least once prior to the required public hearing, and such ordinances shall not take effect until thirty (30) days after the publication following the final adoption.

## **ARTICLE IX – LIMITATIONS ON TAX LEVY**

Added 11/4/80  
Repealed and  
reenacted 11/6/90

## 9.1

### Limitations on Tax Levy

Added 11/4/80  
Repealed and  
reenacted 11/6/90

9.1.1 Limitations upon Tax Levy: Except as provided in 9.1.3, no increase in the rate or levy of any tax imposed or collected by the County of Pitkin shall exceed the levy or rate of the tax imposed or levied during the calendar year 1979 and no new or additional tax may be levied or collected unless and until such increase, change or new or additional tax is submitted to and approved by a majority of those actually voting in an election on such issue.

Added 11/4/80  
Repealed and  
reenacted 11/6/90

9.1.2 Limitation on Property Tax Levy: Except as provided in 9.1.3, all ad valorem property tax levies when applied to the total valuation for assessment of the County for any property tax year shall be so reduced as to prohibit the realization of a greater aggregate amount of property tax than was levied in 1979 and payable in 1980 unless the question of the increase in the total property tax shall have first been submitted to and approved by a majority of those actually voting in an election on such issue.

Added 11/2/82  
Amended 11/6/90  
Repealed and  
reenacted 11/6/90

9.1.3 The aggregate amount of property tax may be increased without voter approval by the lesser of (1) additions of property including improvements to the tax and assessment rolls after December 31, 1979, and the percentage increase in inflation as measured by the Consumer Price Index (U.S. City Average, All Urban Consumers) from October, 1989, through October of the levy year minus any such increase already incorporated in the prior year's levy, or (2) the amount permitted by state law.

Added 11/2/82  
Repealed 11/6/90

9.1.4 **(Repealed in its entirety 11/6/90)**

Added 11/2/82  
Repealed 11/6/90

9.1.5 **(Repealed in its entirety 11/6/90)**

Added 11/2/82  
Repealed 11/6/90

9.1.6 **(Repealed in its entirety 11/6/90)**

## ARTICLE X – LIMITATIONS ON BORROWING

- Added 11/4/80      10.1      Limitations on Borrowing
- Added 11/4/80      10.1.1      Limitations on Borrowing: No income, sales, excise, property, transfer or any other tax, whether now in force or a new tax, shall be committed in favor of any debt of the County unless and until the commitment of the tax to the indebtedness and the indebtedness shall be submitted to and approved by a majority of the electors voting at an election called for such purpose.
- Added 11/4/80      10.1.2      No Revenues to be Assigned: No revenue accruing to the County, either in its taxing capacity or in its capacity as an owner or proprietor of property may be pledged, assigned, or anticipated for the purpose of borrowing funds unless and until such borrowing shall be referred to and approved by a majority of the electors voting in an election called for such purpose.
- Added 11/4/80      10.1.3      County may Borrow Funds: Upon proper resolution of the Board of County Commissioners and subject to other provisions of this Charter, the County may borrow any funds to be repaid within one (1) year of the time the debt is incurred.
- Added 11/4/80      10.1.4      This amendment shall be effective immediately upon adoption.

## **ARTICLE XI – SPECIAL TAXING DISTRICTS**

Added 9/14/82

### **11.1**

The Board of County Commissioners is authorized in accordance with the Colorado County Home Rule Powers Act to establish a special taxing district to furnish ambulance service and to collect ad valorem taxes or charges, or both such taxes and charges, for such services.

## ARTICLE XII – POWERS

Added 11/6/84

### 12.1

#### Adoption of all powers authorized by the Colorado County Home Rule Powers Act

The Board of County Commissioners is authorized, pursuant to the Colorado County Home Rule Powers Act, to exercise all of the powers enumerated in said Act, now or as the Act may be amended from time to time. Powers exercised hereunder, and pursuant to the Act, shall be exercised in the manner and subject to the limitations specified in the Act, this Charter and state law.

Added 11/6/90

## ARTICLE XIII – OPEN SPACE/TRAILS

Added 11/6/90  
Amended 11/2/99  
Amended 11/7/06

### 13.1

Open Space/Trails Funds – Restrictions. All funds from the increase in the mill levy and the issuance of general obligation debt, approved by the electorate November 6, 1990, November 2, 1999, and November 7, 2006, shall be utilized solely for the following purposes and according to the following restrictions:

Added 11/6/90  
Amended 11/2/99

13.1.1 Separate Fund. Funds shall be deposited in a separate Open Space/Trails Fund (the "Fund") and shall, together with all interest or other earnings thereon, be earmarked for and restricted to the acquisition, improvement and maintenance of open space and trails and directly related expenses, including necessary staffing and services, and the payment of debt issued therefor and the costs of such issuance, and such Fund shall not be spent for other purposes under any circumstances.

Added 11/6/90  
Amended 11/2/99  
Amended 11/7/06

13.1.2 Allocations to Acquisitions and Improvements of Open Space and Trails. Seventy five percent (75%) of the revenue collected shall be set aside exclusively for the acquisition and improvement of real property, water rights, or interests therein, which interests shall include, but are not limited to mineral rights, for open space uses and purposes, as defined in Section 13.5.1 (1 - 5 and 10), and twenty percent (20%) of the revenue collected shall be set aside exclusively for the acquisition and improvement of real property or interests therein for trail and trailhead uses and purposes, as defined in Section 13.5.1 (6 - 9). Such acquisitions and improvements shall be selected and determined by the Board of County Commissioners from a list of recommended acquisitions and improvements developed by the Open Space/Trails Board to carry out the purposes of the Open Space/Trails Program set forth in Section 13.5.1.

Added 11/6/90  
Amended 11/2/99  
Amended 11/7/06

13.1.3 Allocations to Maintenance of Open Space and Trails. Five percent (5%) of the revenue collected shall be set aside exclusively for managing, maintaining, rehabilitating and preserving County open space and trails, either acquired from the Open Space/Trails Fund or acquired from other sources and designated from time to time by the Board of County Commissioners after consulting with the Open Space/Trails Board, and trails made available to the public by other public and private entities. Such revenue shall not be used to replace existing funding for the maintenance of Open Space and Trails except for the maintenance of Nordic trails, which prior to 2006 were maintained with funds from other local government sources. For purposes of this Section, maintenance shall also include both fostering stewardship of public and private open space lands and promoting public education and awareness of the benefits of preserving open space and trails.

Added 11/6/90

13.1.4 Upon approval of the Board of County Commissioners, after consulting with

Amended 11/2/99

the Open Space/Trails Board, the percentage revenue allocations in Sections 13.1.2 and 13.1.3 may be increased or decreased by up to ten (10%) percent for any time period; however, the allocation in Section 13.1.3 shall never be less than five (5%) percent. This effectively creates allocation ranges of 65-85% for open space, 10-30% for trails and 5-15% for maintenance.

Added 11/2/99  
Amended 11/7/06

13.1.5 Funds collected from the issuance of general obligation debt may be used for the refunding and issuance costs of such debt and for the acquisition, improvement and capital maintenance of open space and trails properties without being subject to the percentage revenue allocations set forth in Sections 13.1.2, 13.1.3 and 13.1.4.

Added 11/6/90

**13.2** Open Space Trails – Definitions.

Added 11/6/90  
Amended 11/7/06

13.2.1 "Open Space" shall be defined as primarily undeveloped lands and waters, which meet one or more of the following criteria: Within public scenic viewplanes; bounding or within urbanized areas; incorporating or protecting significant wildlife habitat; preserving historic agricultural and ranching activities; protecting riparian or wetlands areas; protecting other public lands from the impacts of development.

Added 11/6/90  
Amended 11/7/06

13.2.2 "Trails" shall be defined as non-motorized accessways meeting one or more of the following criteria: preserving historic routes of ingress and egress to public lands and waterways; providing access to and from recreational or urban destinations; providing transportation or recreational opportunities throughout the Roaring Fork Watershed.

Added 11/6/90  
Amended 11/2/99  
Amended 11/7/06

**13.3** Open Space/Trails Board of Trustees. The Pitkin County Open Space/Trails Board of Trustees, established by the Board of County Commissioners, following approval of the electorate at the November 6, 1990, November 2, 1999, and November 7, 2006, elections shall operate as follows:

Added 11/6/90

13.3.1 Qualifications. Five (5) Trustees shall be appointed by the Board of County Commissioners, one of whom shall reside in each Commissioner District. Each Trustee shall hold no other County or municipal office, shall not be employed by a municipality or county, and shall serve without pay.

Added 11/6/90

13.3.2 Term of Office. Each Trustee shall be appointed for a term of five (5) years, staggered so that one term expires each year, so that initial appointments shall be for five (5), four (4), three (3), two (2) and one (1) year, respectively.

Added 11/6/90  
Amended 11/2/99

13.3.3 Functions of Board. The Open Space/Trails Board of Trustees shall:

- (1) Establish priorities and criteria for the acquisition of Open Space and of Trails and for the management and maintenance of all properties

acquired with expenditures from the Open Space/Trails Fund.

- (2) Review Open Space/Trails elements of Comprehensive and Area plans and make recommendations concerning any open space-related changes to plans.
- (3) Make recommendations to the Planning and Zoning Commission as warranted regarding open space/trails impacts of applications filed under the Pitkin County Land Use Code and regarding exactions or dedications required to fulfill the goals of the Open Space and Trails Program, as established in this Article XIII.
- (4) Make recommendations to the Board of County Commissioners for the acquisition of specific fee interests, options, easements, or other interests in real property from expenditures from the Open Space/Trails Fund.
- (5) Establish relationships with local and regional land trusts to more effectively discharge Board responsibilities.
- (6) Make recommendations to the Board of County Commissioners for the hiring of a Director and such other Open Space/Trails Program staff as is necessary to accomplish the purposes of this article and participate in performance reviews of Open Space/Trails Program staff.

Added 11/6/90  
Amended 11/2/99

13.3.4 Staff Support. The Board of County Commissioners shall employ Open Space/Trails Program staff, including a Director, from among a list of persons recommended by the Open Space/Trails Board of Trustees. The Director may not be terminated without cause by the Commissioners without the consent of the Open Space/Trails Board of Trustees. Such staff shall carry out the following responsibilities:

- (1) Implement the decisions and directives and carry out the administrative functions of the Open Space/Trails Board.
- (2) Oversee the management and maintenance of open space lands and trails acquired with Open Space/Trails Funds.
- (3) Review and comment as warranted on all development applications impacting existing and planned open space lands and trails.

Added 11/2/99

**13.4** (There is no 13.4)

Added 11/6/90  
Amended 11/7/06

**13.5** Open Space/Trails Program.

Added 11/6/90  
Amended 11/7/06

13.5.1 Purposes. The Open Space/Trails Board of Trustees shall promulgate such

policies as will further the following purposes for Open Space and Trails acquisitions:

- (1) Shaping development (greenbelt and viewplanes).
- (2) Incorporating or protecting significant wildlife habitat and corridors.
- (3) Preventing encroachment on flood plain and riparian areas.
- (4) Preserving historic agricultural and ranching activities.
- (5) Protecting other public lands from the impacts of development.
- (6) Preserving historic routes of ingress and egress to public lands and waterways.
- (7) Providing access to and from recreational or urban destinations.
- (8) Providing recreational opportunities throughout Pitkin County which are directly related to and not inconsistent with the foregoing purposes.
- (9) Providing a Nordic Trail System.
- (10) Protecting native aquatic habitat and recreational opportunities associated with streams and rivers.

Added 11/6/90

13.5.2 Limitations. Open Space and Trails acquired with Open Space/Trails Funds shall be limited to uses consistent with the purposes enumerated in Section 13.5.1 and to such improvements as are necessary to the protection and preservation of such lands and trails for the purposes set forth in Section 13.5.1, unless conversion to additional and/or more active uses and related capital improvements are approved pursuant to Section 13.5.3.

Added 11/6/90  
Amended 11/7/06

13.5.3 Prohibitions on sale or conversion of Open Space or Trails. No open space or trail interest in real property, whether fee, easement or otherwise, acquired with Open Space/Trails Funds, shall be sold or conveyed nor shall any interest be converted by Pitkin County to any other use or purpose (e.g., golf course, housing) unless such open space or trail interest in real property is replaced with another open space or trail interest in real property of equivalent value as of the date of sale or conversion as determined by the Board of County Commissioners taking into consideration monetary value and the values in 13.5.1, and until such sale or conversion is approved by a majority of the electorate at a general or special election called for this purpose. The Board of County Commissioners shall consult with the Open Space/Trails Board on the equivalent value of the replacement property and the advisability of the sale or conversion and

shall publicly disclose the analysis supporting its finding of equivalent value.

Notwithstanding the other provisions of this section, partial property interests may be sold or conveyed if the fair market value of the open space interest retained is at least equal to the net permanent investment of open space funds and such sale or conveyance does not materially diminish the conservation values of the property, as set forth in Section 13.5(1) as determined by a vote of at least four members of both the Open Space and Trails Board and at least four members of the Board of County Commissioners, and provided that the County's intention for a partial sale of the interest is expressly stated in the Open Space Board's recommendation of the initial purchase, and in the Board of County Commissioners Ordinance authorizing the initial purchase.

Notwithstanding the other provisions of this section, a conservation easement may be conveyed to a third party by Pitkin County to further ensure permanent protection of open space lands owned in fee by Pitkin County.