

**NOTICE OF ELECTION**

**Tuesday, November 5, 2019**

**2019 Town Ballot Information Booklet**

**Factual Summaries of Ballot Measures**

## **Parker Town Council**

20120 E. Mainstreet

Parker, CO 80138

**Approved by Council Resolution No. 19-064 on August 5, 2019**

### Mayor and Town Council:

Mayor Mike Waid

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This booklet provides factual summaries on the nine local measures to be considered on the ballot for the November 5, 2019, special election. There will be one additional ballot measure, which will be included in the Analysis of the 2019 Ballot Proposals (a/k/a the “Blue Book”) published by Douglas County. In accordance with the Colorado Fair Campaign Practices Act, the following factual summaries, which include arguments both for and against the proposals, do not contain a conclusion in favor or against any proposal and are not intended to urge a vote one way or another.

***Analyses.*** Each measure receives an analysis that includes a description of the measure and arguments for and against. Careful consideration has been given to the arguments in an effort to fairly represent both sides of the issue.

***Titles and text.*** Following each analysis is the title that appears on the ballot. Some of the measures include specific revisions to the Home Rule Charter, in which case language that is being added to the Town’s Home Rule Charter is shown in bold, and language that is being eliminated is shown in strikeout type.

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Measure to Allow the Town to Provide High-speed Internet, Telecommunications Services and/or Cable Television Services with Public or Private-Sector Partners Without Raising Taxes

**ANALYSIS**

Proposes a measure allowing the Town to:

Have control over future decisions related to high-speed internet, telecommunications services and/or cable television services, including providing high speed internet service at public buildings within the Town, without an increase in taxes. Unless authorized through an election, the current law limits the ability of Colorado cities and towns to provide, or partner with private sector providers to provide, these services, including:

- free internet service in government buildings, parks and recreation centers;
- partnering with private businesses and leveraging government infrastructure to provide high-speed internet service throughout the entire community; and
- direct provision of broadband services by municipal governments.

Argument For: Allows more local control over future decisions related to broadband access in the community and to provide free internet service in Town buildings.

Argument Against: Competition concerns with private providers.

**TITLE AND TEXT**

**Without increasing taxes, shall the Town of Parker be authorized to provide high-speed internet (advanced services), telecommunications services and/or cable television services to residents, businesses, schools, libraries, nonprofit entities and other users of such services, either directly or indirectly with public or private sector partners, as expressly permitted by Article 27, Title 29 of the Colorado Revised Statutes?**

YES \_\_\_\_\_ NO \_\_\_\_\_

Amendment to Section 2.7 of the Home Rule Charter Regarding Mayor's and Town Councilmembers' Terms of Office

**ANALYSIS**

Proposes amending Section 2.7 of the Town Charter to:

Limit the terms of office for the Mayor and Town Councilmembers to a lifetime maximum of four (4) four- (4)- year terms, which can be served consecutively or non-consecutively. It also redefines how partial terms are handled.

Currently, elected Town officials are subject to the term limits in the Colorado Constitution, which limits an elected official to two consecutive terms. Terms are considered consecutive unless they are at least four years apart. Voters of home rule municipalities, such as the Town of Parker, may lengthen, shorten or eliminate this limitation.

Argument For: Provides voters with the opportunity to elect experienced officials rather than having a continual learning curve with new Councilmembers. At the same time, adding in a lifetime maximum number of terms, which is not addressed in the Colorado Constitution, ensures that there is an ongoing opportunity for other individuals to become involved in Town business and introduce new perspectives.

Argument Against: Can discourage active participation and result in lower voter turnout. New candidates may also better represent the changing demographics of residents.

**TITLE AND TEXT**

**Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 2.7 – Mayor and Town Councilmember's Terms of Office, as follows?**

**Section 2.7 - Mayor & Town Councilmember's Terms of Office.** ~~The Mayor and the six (6) Trustees holding office at the time of the adoption of this Charter shall remain in office until the first regular Town election to be held under this Charter on the Tuesday following the first Monday in April in the year 1984. At that time the terms of Mayor and the terms of the present members of the Board of Trustees (who shall become known as Town Councilmembers) shall be as follows:~~

~~a. The term of office for Mayor of the Town of Parker, commencing with the election held in the year 1984, shall be for four (4) years. Thereafter, election for the Mayor shall be held at the regular municipal election every fourth year.~~

~~b. The members of the Town Council, commencing with the 1986 municipal election shall be elected for a four year term of office.~~

~~e. At the regular municipal election in the year 1984, the Town Council of the Town of Parker shall be elected for the following terms of office:~~

~~1. Those nominees seeking election for the Town Council who receive the first, second and third largest number of votes each shall be elected for a four year term of office.~~

~~2. Those nominees seeking election for the Town Council who receive the fourth, fifth and sixth largest number of votes shall be elected for a two year term of office.~~

~~3. In the event there is a tie for the persons receiving the third and fourth largest number of votes, then there shall be a drawing by lot pursuant to the Colorado Municipal Election Code, at the first regular meeting of the Town Council thereafter; the winner of said lot drawing shall serve a four year term and the loser a two year term of office.~~

~~4. Those persons whose term of office is determined to be four (4) years shall thereafter have their position as a member of the Town Council until the regular municipal election in the year 1988 and every fourth year thereafter. Those persons whose term of office is determined to be two (2) years shall have their position as a member of the Town Council until the regular municipal election in 1986 and every fourth year thereafter. By this means, overlapping terms of office will be established.~~

**The term of office of all Town Councilmembers and the Mayor shall be four (4) years. The terms of office of the Town Councilmembers shall be staggered so that three (3) Town Councilmembers are elected every two (2) years. Neither the Mayor nor any Town Councilmember shall serve more than four (4) four-year terms of office, in his or her lifetime, whether as Mayor or Town Councilmember. Any Town Councilmember or Mayor who is appointed or elected to fill a vacancy with more than half the term remaining shall be considered to have served one complete four-year term. This Section 2.7 shall apply retroactively to any current or former Town Councilmember or Mayor, except any person who has served as a Town Councilmember or Mayor in excess of the lifetime term limits in this Section 2.7, and who is holding that office on November 5, 2019, may serve the remainder of that term.**

YES \_\_\_\_\_ NO \_\_\_\_\_

Amendment to Section 6.3 of the Home Rule Charter Regarding Planning Commission Plat Approvals

**ANALYSIS**

Proposes amending Section 6.3 of the Town Charter to:

Remove Planning Commission authority regarding review and approval of plats from the Town Charter to be address elsewhere, such as in the Municipal Code.

Argument For: Review and approval of plats is administrative in nature and decisions are based on specific, objective standards set forth in the Municipal Code, therefore, it is not necessary to mandate a recommendation or approval from the Planning Commission in the Home Rule Charter.

Argument Against: Town Council may benefit from hearing the recommendations of the Planning Commission, which has expertise in land use matters, and this should be required by the Town Charter, rather than left to the discretion of the Town Council.

**TITLE AND TEXT**

**Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 6.3 – Planning Commission, as follows?**

**Section 6.3 - Planning Commission.** The Planning Commission shall consist of not less than five (5) nor more than nine (9) regular members as the Council may determine by ordinance from time to time. The Council shall also provide for as many alternate members as it may determine necessary. Members of the Planning Commission shall be appointed by the Council for overlapping terms of three (3) years. Each member shall be a registered elector of the Town and, in addition, shall have resided in the area comprising the Town at the time of his appointment for at least one (1) year immediately preceding the date of his appointment. If any member ceases to reside in the Town, his membership shall immediately terminate and the Council shall fill all vacancies created.

The Planning Commission shall exercise the functions and powers and perform the duties assigned to it by this Charter and the ordinances of the Town. It shall prepare and submit to the Council for its approval a master plan for the physical development of the Town and areas adjacent thereto. ~~All plats of proposed subdivisions shall be submitted to it for recommendations and approval before being presented to the Council for its approval.~~ The Commission may hold a hearing or hearings relative to zoning, changes in the zoning ordinance and zoning variances, and may make recommendations thereon to the Council.

YES \_\_\_\_\_ NO \_\_\_\_\_

Amendment to Section 4.6 of the Home Rule Charter Regarding Town Administrator's Role Supervising the Town's Departments

**ANALYSIS**

Proposes amending Section 4.6 of the Town Charter to:

Update language regarding the day-to-day supervision and control of Town departments by the Town Administrator.

Argument For: Updated language reflects current managerial role of the Town Administrator following the elimination of a strong Mayor form of government in 1996, and accurately memorializes the existing management of the Town.

Argument Against: This language has been in the Charter since the Town transitioned to a Town Administrator form of government and is operated as such; therefore, the language does not need to be changed at this point.

**TITLE AND TEXT**

**Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 4.6 – Departments Created, as follows?**

**Section 4.6 - Departments Created.** The administrative functions of the Town may be performed by including but not limited to the following departments: Water and Sanitation, Fire, Streets, Police, Finance, Executive, Parks and such other departments as are or may be established by this Charter or by ordinances of the Town. The Town, within a reasonable time, shall provide policies and procedures for such departments created. The Council may by ordinance create, consolidate or merge any of the departments, whether set forth in the Charter or created by ordinance, in order to achieve more efficient operation or administration. All departments of the Town, except as otherwise provided in this Charter, shall be under the supervision and control of the ~~Mayor~~ **Town Administrator**. The Council may by ordinance or personnel regulations provide for the manner in which the department heads supervise, control and discipline employees of departments that are created by this Charter or by ordinance.

YES \_\_\_\_\_ NO \_\_\_\_\_

Amendment to Section 8.3 of the Home Rule Charter Regarding Town Administrator's Role with Respect to the Police Department

**ANALYSIS**

Proposes amending Section 8.3 of the Town Charter to:

Update language regarding the day-to-day supervision and control of the Police Department by the Town Administrator.

Argument For: Updated language reflects current managerial role of the Town Administrator following the elimination of a strong Mayor form of government in 1996, and accurately memorializes the existing management of the Town.

Argument Against: This language has been in the Charter since the Town transitioned to a Town Administrator form of government and is operated as such; therefore, the language does not need to be changed at this point.

**TITLE AND TEXT**

**Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Subsections (d) and (e) of Section 8.3 – Department of Police, as follows?**

**Section 8.3 - Department of Police.**

d. The Department of Police shall be responsible for the preservation of public peace, prevention of crime, apprehension of criminals, protection of the rights of persons and property, the enforcement of the laws of the State and of the ordinances of the Town as provided by this Charter and all rules and regulations made in accordance therewith, and such other functions as the ~~Mayor~~ **Town Administrator** and Council may prescribe for public safety. All members of the Department shall have all powers with respect to the service of criminal process and the enforcement of criminal laws as are vested in police officers in the State of Colorado.

e. The Chief of Police, with approval of the ~~Mayor~~ **Town Administrator**, may appoint such special policemen, patrolmen or auxiliary force, with or without compensation, as may be deemed necessary, all of whom shall have the same responsibility, functions, duties and powers as do other members of the Police Department, unless changed by the Council upon recommendation of the ~~Mayor~~ **Town Administrator**. However, no special policeman, patrolman or auxiliary force may assume any responsibility, function or duty of the Police Department without adequate training as described in the personnel policy for the Police Department which is approved by the Council.

YES \_\_\_\_\_ NO \_\_\_\_\_

Amendment to Section 9.12 of the Home Rule Charter Regarding Town Administrator’s Role with Respect to the Appropriations Process

**ANALYSIS**

Proposes amending Section 9.12 of the Town Charter to:

Update language regarding reporting by the Town Administrator to Town Council if an increase in appropriations is necessary.

Argument For: Updated language reflects current managerial role of the Town Administrator following the elimination of a strong Mayor form of government in 1996, and accurately memorializes the existing management of the Town. The Town Administrator, and not the Mayor, is managing the budgeting process and is in the best position to report to Town Council on such matters.

Argument Against: This language has been in the Charter since the Town transitioned to a Town Administrator form of government and is operated as such; therefore, the language does not need to be changed at this point.

**TITLE AND TEXT**

**Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 9.12 – Increase or Reduction of Appropriations, as follows?**

**Section 9.12 - Increase or Reduction of Appropriations.** The Council may make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required of the Town. Such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year exceed the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public peace, health, safety or property.

If at any time during the fiscal year it appears probable to the ~~Mayor~~ **Town Administrator** that the revenues available will be insufficient to meet the amount appropriated, he shall provide a report to the Council without delay indicating the estimated amount of deficit and his recommendations as to any steps to be taken. The Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one (1) or more appropriations.

YES \_\_\_\_\_ NO \_\_\_\_\_

Amendment to Sections 15.4 and 15.5 of the Home Rule Charter Regarding Town Administrator's Role with Respect to Emergency Powers and Continuity of Government

**ANALYSIS**

Proposes amending Sections 15.4 and 15.5 of the Town Charter to:

Update language regarding emergency powers to protect life and property. It also provides that in the event of an emergency, the line of succession will go to the Town Administrator prior to department directors.

Argument For: Updated language reflects current managerial role of the Town Administrator following the elimination of a strong Mayor form of government in 1996, and accurately memorializes the existing management of the Town. It allows the Town Administrator the ability to respond quickly to emergencies as they arise while keeping Town Council abreast of these matters.

Argument Against: This language has been in the Charter since the Town transitioned to a Town Administrator form of government and is operated as such; therefore, the language does not need to be changed at this point.

**TITLE AND TEXT**

**Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Sections 15.14 - Emergency Powers, and 15.15 – Continuity of Government, as follows?**

**Section 15.14 - Emergency Powers.** In case of riot, insurrection or extraordinary emergency, the ~~Mayor~~ **Town Administrator** shall assume the authority to execute any action necessary for the protection of life and property **to the extent allowed by ordinance**. Such authority may include but not be limited to establishing regulations governing conduct and activities related to the cause of the emergency, and if the emergency situation continues, the Mayor shall convene the Council who may take such action as it deems necessary. In the event it becomes necessary, the line of succession provided below in this Charter shall be followed.

**Section 15.15 - Continuity of Government.** The Council shall have the power to provide for the continuity of government of the Town of Parker in the event of natural or enemy caused disaster. Such power shall be employed in a manner which will preserve representative government to the Town of Parker and which will provide an orderly line of succession of officers, notwithstanding the provisions of this Charter. Such succession shall commence with the Mayor and the Mayor Pro Tem and shall then revert to the Councilmembers by order of seniority, **then to the Town Administrator and** then through an orderly line of succession of the administrative department heads.

YES \_\_\_\_\_ NO \_\_\_\_\_

Amendment to Section 15.9 of the Home Rule Charter Regarding Personnel Manual and Town Administrator's Role

**ANALYSIS**

Proposes amending Section 15.19 of the Town Charter to:

Remove language requiring approval of policies in the Personnel Manual by the Town Council.

Argument For: Updated language reflects current managerial role of the Town Administrator following the elimination of a strong Mayor form of government in 1996, and accurately memorializes the existing management of the Town. As the chief administrative officer of the Town, the Town Administrator is responsible for the supervision and control of Town employees, and therefore should not need Town Council approval of the Town's personnel manual.

Argument Against: Town Council should approve the Personnel Manual as part of its oversight of the Town Administrator.

**TITLE AND TEXT**

**Shall the Home Rule Charter of the Town of Parker be amended by amending and readopting Section 15.19 – Personnel Manual, as follows?**

**Section 15.19 - Personnel Manual.** The ~~Council~~ **Town Administrator** shall cause to be prepared a Personnel Manual for the Town which shall provide policies and guidelines for all Town employees and their supervisors **subject to annual budgeting and appropriation**. ~~Said Personnel Manual shall be approved by the Council and shall be in full force and effect no later than six (6) months from the date of the approval by the registered electors of this Charter.~~

YES \_\_\_\_\_ NO \_\_\_\_\_

Amendment to the Home Rule Charter Regarding Title of Town Administrator

**ANALYSIS**

Proposes amending the Town Charter to:

Revise the job title of “Town Administrator” to “Town Manager.”

Argument For: The title “Town Manager” better reflects the role and responsibilities of this position, and is consistent with the title given to the equivalent position in many other municipalities.

Argument Against: The title “Town Administrator” has been used consistently since the Town’s Home Rule Charter was approved, and it could be costly and cumbersome to update all references to the new title.

**TITLE AND TEXT**

**Shall the Home Rule Charter of the Town of Parker be amended by replacing all references to the term “Town Administrator” with the term “Town Manager”?**

YES \_\_\_\_\_ NO \_\_\_\_\_

