TOWN BOARD WORK SESSION

November 18, 2024 - 5:30 PM
1st Floor Conference Room, 301 Walnut Street, Windsor, CO 80550

To view Town Board meeting broadcasts, visit
www.windsorgov.com/MeetingsOnDemand.

AGENDA

GOAL of this Work Session is to have the Town Board receive information on topics of Town business from the Town Manager, Town Attorney and Town staff in order to exchange ideas and opinions regarding these topics.

Members of the Public in attendance are asked to be recognized by the Mayor before participating in any discussions of the Town Board

WORK SESSION AGENDA ITEMS

1. Windsor Severance Fire Rescue Impact Fees Update
2. Budget Wrap-up/Revisions - S. Hale, Town Manager
3. Charter Review Ad Hoc Committee Recommendaitons - D. Money, Town Attorney; S. Hale, Town Manager; K. Frawley, Town Clerk
4. Future Meetings Agenda

The Town of Windsor will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 674-2400 by noon on the Thursday prior to the meeting to make arrangements.

MEMORANDUM

Date: November 18, 2024
To: Mayor and Town Board
From: Scott Ballstadt, Planning Director
Re: Windsor Severance Fire Rescue Impact Fees Update
Item #: 1.

Background / Discussion:
This item has been scheduled at the request of Windsor-Severance Fire Rescue (WSFR) to present the results of their recent impact fee study and proposed updated fees. WSFR has provided the attached materials as background information and will be prepared to answer any questions.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:
1. 2025 Impact Fee Changes
2. 2021 Impact Fee Study Document
3. WSFR_Final Report Impact Fees 2024
4. WSFR Impact-Fees-Handout-2024

Impact Fee Changes for 2025

Open House

August 8, 2024

Impact Fee Utilization for WSFR

- Are only for the expansion of services due to growth (adding additional fire stations and equipment).
- Pay for a portion of service expansion.
- Currently project $500,000 collection of impact fees annually.
  - 2.85 X $500,000 per year = $1,425,000
- Can not be utilized to replace existing equipment or facilities.
- Are re-evaluated every three years by an outside company.
- Will help to address WSFR needs that have been identified within its 15-year growth plan.

WSFR 15-Year Growth Projection

2025 –

Training Facility ($ 4,500,000)

2029 –

Station 5 Building ($7,500,000)

New Ladder Truck for Station 5 ($2,300,000) (need to order in 2025)

New Brush Truck for Station 5 ($350,000) (need to order in 2026)

Equipment for New Ladder and Brush Truck ($300,000)

2032 –

Purchase Land for Station 6 ($600,000)

Station 6 Building ($9,500,000)

New Engine for Station 6 ($1,500,000)

New Brush Truck for Station 6 ($405,168)

Equipment for New Engine and Brush Truck ($323,066)

* Projections are based on a 2.5% cost increase per year for equipment and a 5% cost increase per year for vehicles.

WSFR 15-Year Growth Projection (continued)

2039 -

Purchase Land for Station 7 ($700,000)

Station 7 Building ($12,000,000)

New Engine for Station 7 ($2,110,650)

New Brush Truck for Station 7 ($570,110)

Equipment for New Engine and Brush Truck ($395,621)

* Projections are based on a 2.5% cost increase per year for equipment and a 5% cost increase per year for vehicles.

Total Growth Cost Estimate: $43,054,615

Estimated Impact Fee Collection: $18,525,000

2021 vs 2024 Impact Fee Amounts

Calculation of Impact Fees	
Value of Fire Infrastructure	$16,108,565
Current Land Use Distribution	
Single family residential	63.9%
Multifamily residential	4.0%
Commercial	20.7%
Industrial	11.4%
Costs by Land Use Category	
Single family residential	$10,289,307
Multifamily residential	$643,666
Commercial	$3,337,682
Industrial	$1,837,910
Existing Development	
Single family residential (in dwelling units)	14,850
Multifamily residential (in dwelling units)	2,368
Commercial (in square feet)	9,492,055
Industrial (in square feet)	5,226,845
Impact Fee by Land Use	
Single family residential (per dwelling unit)	**$693**
Multifamily residential (per dwelling unit)	**$272**
Commercial (per square foot)	**$0.35**
Industrial (per square foot)	**$0.35**

Calculation of Impact Fees	
Value of Fire Capital Facilities	$50,840,740
Current Land Use Distribution	
Single family residential	68.0%
Multifamily residential	7.4%
Commercial	12.8%
Industrial & warehouse	11.8%
Costs by Land Use Category	
Single family residential	$34,547,189
Multifamily residential	$3,751,400
Commercial	$8,529,019
Industrial & warehouse	$6,013,132
Existing Development	
Single family residential (in dwelling units)	17,484
Multifamily residential (in dwelling units)	2,889
Commercial (in square feet)	6,852,358
Industrial & warehouse (in square feet)	6,126,726
Impact Fee by Land Use	
Single family residential (per dwelling unit)	**$1,976**
Multifamily residential (per dwelling unit)	**$1,299**
Commercial (per square foot)	**$0.98**
Industrial & warehouse (per square foot)	**$0.98**

Comparison from Northern CO

Dept	SFD
Windsor-Severance	1,976.00
Berthoud	1,960.21
Front Range	1,354.00
Poudre	1,157.78
LFRA	1,060.82
Frederick-Firestone	974.00

Dept	MFD
Berthoud	1,487.59
Windsor-Severance	1,299.00
Front Range	1,247.00
Poudre	1,157.78
Frederick-Firestone	825.00
LFRA	734.09

Dept	Commercial
Berthoud	2.00
Front Range	1.53
Poudre	1.18
Windsor-Severance	0.98
Frederick-Firestone	0.81
LFRA	0.64

Dept	Industrial
Front Range	1.53
Berthoud *	1.36
Windsor-Severance	0.98
Frederick-Firestone	0.81
Poudre **	0.31
LFRA	0.13

* Berthoud Office/Institutional fee	2.54
** Poudre Office fee	0.65

Fees will be adjusted in 2025 for FRFR

Frederick-Firestone will be initiating Nexus study in 2025

Berthoud will be initiating Nexus study in 2025

BBC RESEARCH & CONSULTING

Windsor Severance Fire Rescue Impact Fee Study

FINAL REPORT

Final Report

January 12th, 2021

Windsor Severance Fire Rescue Impact Fee Study

Prepared for:
Windsor Severance Fire Rescue
100 N 7th St
Windsor, CO 80550

Prepared by:
BBC Research & Consulting
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BBC RESEARCH & CONSULTING

SECTION I.
Introduction

Windsor Severance Fire Rescue (WSFR, or the District) provides fire rescue services in Larimer and Weld counties, serving the towns of Windsor, Severance, and the surrounding communities, as shown in Figure I-1. WSFR services a population of more than 40,000 residents in a total area of 100 square miles and responds to approximately 3,600 calls per year. Because of a heightened interest in development, the District is considering implementing *development impact fees* as part of a larger strategy to ensure that future development pays its own way and existing residents and services are not financially burdened by new growth.

Many Colorado communities impose development impact fees for expansion of public infrastructure. Some cities have entire suites of fees with separate charges for multiple infrastructure categories (e.g., streets, parks, and fire protection). Colorado statute and a series of United States Supreme Court decisions dictate the amounts that communities can charge in impact fees and how they can devise, impose, and spend them. Because of those requirements, WSFR retained BBC Research & Consulting (BBC) to conduct a feasibility assessment and prepare a report documenting the calculation of appropriate fees for its services. This report documents BBC's analysis and recommendations for implementing an impact fee system that would recover the proportional capital costs associated with new development.

A. Impact Fee Requirements

Although there is no universally accepted definition of impact fees, most feasibility assessments focus on:

- *One-time application*, meaning that fees are a one-time payment for new development;
- *Restricted use*, meaning that fees are only applicable to infrastructure expansion projects.
- *New development*, meaning that fees are only applicable to new development and not improvements to existing developments; and
- *Proportionality requirements*, meaning that fees must be limited to the proportionate share of the capital costs associated with providing services to the new development.

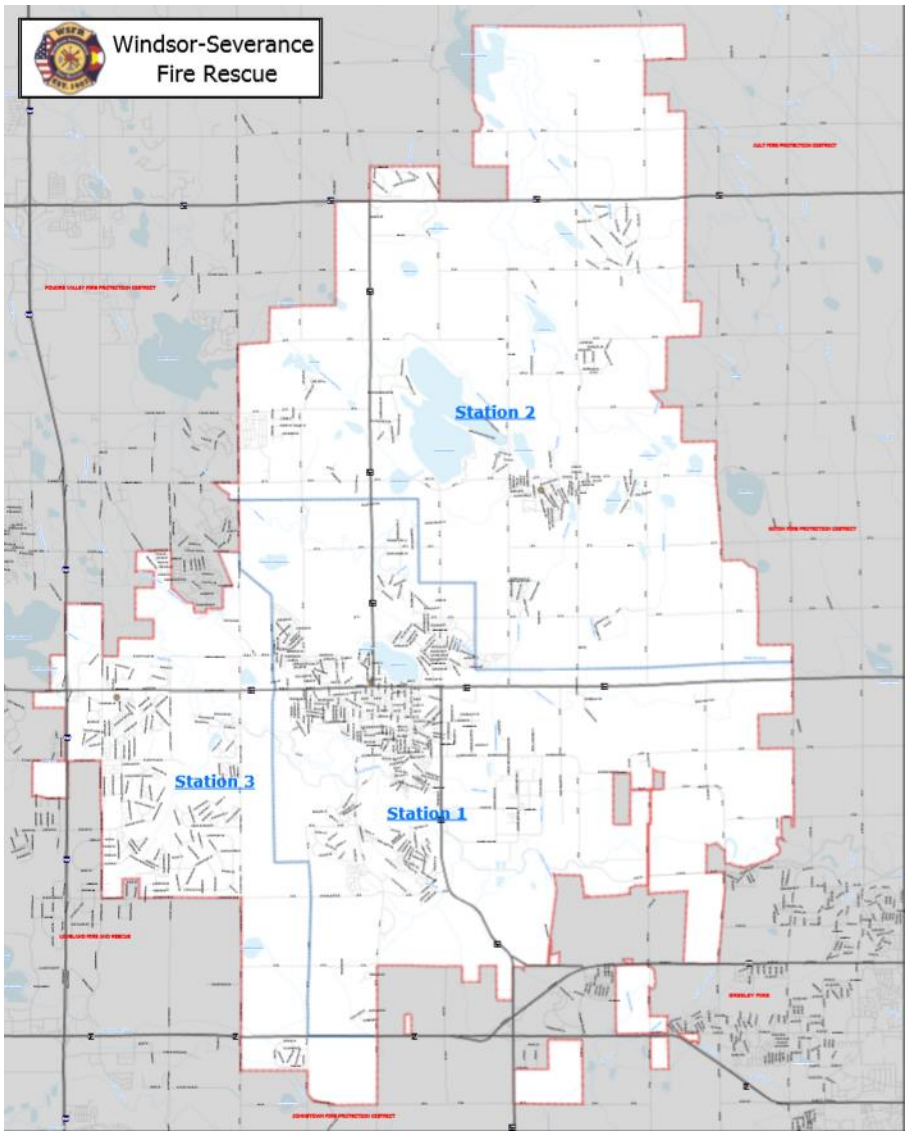
For example, Juergensmeyer and Thomas (2008) describe impact fees as:

> *"Fees collected through a set schedule or formula, spelled out in a local ordinance …. fees are levied only against new development projects as a condition of permit approval to fund infrastructure needed to serve the proposed development. Impact fees are calculated to cover the proportionate share of the capital costs for that infrastructure…"*[1]

[1] Juergensmeyer, Julian C., and Thomas E. Roberts. Land Use Planning and Development Regulatory Law. St. Paul, MN: WestGroup, 2003; and ImpactFees.com, Duncan Associates, 20 February 2008.

Figure I-1.
WSFR boundaries

Source:
WSFR.



1. Colorado requirements. Consistent with Juergensmeyer and Thomas's (2008) description of impact fees, Colorado law specifies the following requirements for impact fees:

- Impact fees are a one-time payment levied on new development;
- Funds can only be used for capital infrastructure projects:
  - Applicable projects must have a five-year life.
  - No funds can be diverted for operations, maintenance, repair, or facility replacement.
- Impact fee revenue must be segregated from other revenue and used for the purposes for which it was collected;
- Fees must be imposed on all forms of development and cannot be limited to one type of land use;
- Impact fee revenue must be used for capital infrastructure expansion. No funds can be used for correcting existing system deficiencies; and

- There must be a reasonable expectation of benefit by the fee payer.

2. Supreme Court decisions. Impact fees must also be in accordance with a series of United States Supreme Court rulings. The two most notable court decisions that speak to impact fee requirements are often referred to as *Nollan* and *Dolan*.[2] Guidance from those decisions requires that there be an "essential nexus" between the fee and the state's interest. In *Dolan v. City of Tigard* (1994), the Supreme Court held that, in addition to an "essential nexus," there must be "rough proportionality" between the proposed fee and the impacts that the fee is intended to mitigate. In *Dolan,* the Court further ruled that "rough proportionality" need not be derived with mathematical exactitude but must demonstrate some relationship to the specific impact of the project:

> *"We think a term such as 'rough proportionality' best encapsulates what we hold to be the requirements of the Fifth Amendment. No precise mathematical calculation is required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development."*[3]

Over the past two decades since *Dolan*, many communities have imposed impact fees, resulting in a broad set of common practices when considering how best to reflect judicial and statutory requirements in designing new fees.

B. Fee Applicability

As noted above, communities can only use impact fee revenue to cover the costs of any necessary expansion of public infrastructure that is needed to serve new development. In addition, fee amounts can only be set in a manner that is proportional to the cost of such infrastructure expansion.

1. Public infrastructure. *Public or capital infrastructure* is the physical component of public services. Under Colorado statute, the definition of *infrastructure* can include all equipment that has at least a five-year lifetime. It does not include personnel or any elements of service costs, even in circumstances where new staff is required to operate new facilities. Public infrastructure generally includes buildings, facilities, parking, lighting, ball fields, or other support facilities. Capital infrastructure generally includes streets, parks, administrative facilities, specialized fire or police buildings, and recreational facilities.

2. Nature of infrastructure investments. Not all capital infrastructure costs are associated with community growth or with the expansion of facility capacity. Most communities make many infrastructure investments not because of growth pressures but for the repair and replacement of existing facilities, and it is not allowable to account for such investments as part of impact fee calculations. For example, communities often make infrastructure investments related to:

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2 *Nollan v. California Coastal Commission*, 483 U.S. 82; 1987 and Dolan v. City of Tigard (1994) 114S.Ct. 2309.

3 *Dolan v. City of Tigard* (1994) 114S.Ct. 2309

- *Repair and replacement of existing facilities*, such as annual building maintenance or replacing a roof;
- *Betterment of existing facilities*, such as introducing new services or improving existing infrastructure without increasing service capacity; and
- *Facilities expansions*, such as expanding an existing building to accommodate growing personnel requirements.

C. Capital Standards

In designing impact fees, communities must determine the appropriate capital standards applicable to each category of infrastructure. Facility standards, such as library space or recreation facilities per household, can vary widely between communities. Whereas some states have legislation that describes such criteria with great specificity, other states—like Colorado—use more general standards.

1. Replacement value approach. Typically, determining capital standards involves estimating the replacement value of specific capital facilities and the qualified equipment necessary for each category of infrastructure. For example, a city of 2,500 homes with a 20,000 square foot recreation center that has a replacement value of $5 million would have a recreation center standard of 8 square feet per housing unit (i.e., 20,000 square feet/2,500 homes = 8 square feet per home) and a replacement value of $250 per square foot (i.e., $5 million/20,000 square feet = $250 per square foot). Thus, each existing residence would have an embedded recreational investment of $2,000 per home (i.e., $250 x 8 square feet = $2,000 per home), representing the community's recreational facility standard, which is what a developer could be charged for recreational facilities for each new unit.

If capital standards are defined using a replacement value approach, then calculations of those standards must account for any debt that applies against the relevant infrastructure. Because current residents are already responsible for that debt, it would be duplicative and inappropriate to charge developers impact fees that also include that debt.

2. Plan-based approach. Sometimes, communities use a *plan-based approach* to set capital standards, which relies on capital improvement plans or other specific plans for each department. A plan-based approach requires forecasts of households and commercial growth and detailed data on capital expansion plans. Plan-based approaches must focus on expansion-related projects or the expansion portion of projects rather than betterment or replacement projects.

D. Other Considerations

Over time, some consensus has emerged on how best to ensure that impact fees comply with state statutes and court rulings. Many of the factors that communities must consider in designing fees appropriately are described above, but BBC also presents other considerations that communities must make.

- **Allocation by land use**. The courts have indicated that all forms of development that have facility impacts—that is, residential, industrial, and commercial developments— must pay their fair share of expansion costs. If one type of development is exempted from fees, then

fees may not be sufficient to cover the cost of needed expansion that results from new development.

- **Use specificity**. Impact fee calculations vary between different forms and sizes of residential development and different uses of commercial buildings and how they impact demand for public services. When compelling evidence is available that the forms, sizes, or uses of particular types of development will result in substantially different demands for public services, then communities' impact fees should reflect that information.
- **Redevelopment**. The application of impact fees raises questions about how to deal with the redevelopment of existing properties. The redevelopment of a residence—even if it involves full scraping—does not lead to an increase in service demands, because it is still one residential unit with no implications for service delivery costs or capital needs. In contrast, the redevelopment of a larger lot into multiple homes would be assessed an impact fee based on the net number of new residential units, because there would be clear implications for service delivery and capital needs. Commercial redevelopment would be subject to the same considerations.
- **Waivers**. Communities should not waive fees unless the funds are reimbursed from other sources such as the general fund or other contributions by the developer to system expansion that exceed the calculated fees.
- **Timing.** Fees should be assessed at the time that building permits are issued.
- **Updates**. Impact fee calculations should be updated periodically. Most communities update their fees every two or three years.
- **Fee design costs.** The cost of fee design studies can be recovered through impact fees and used to reimburse communities' general funds.

SECTION II.
Impact Fee Derivation

As described in Section I, there are several types of information that communities must consider to appropriately set their development impact fees, including determining capital standards. BBC used data from various sources to make appropriate considerations in developing WSFR's development impact fees.

- **Capital standards.** BBC used WSFR's current investment in facilities as the basis for determining capital standards for its new fees. We obtained that information directly from the District. The valuation included estimates of investments in furniture, fixtures, and durable equipment. Calculations of capital standards must account for any debt that exists in connection with relevant infrastructure.
- **Land use allocation**. It is important for communities to determine how impact fees should be allocated according to land use so that all forms of development pay their fair share of expansion costs. Although WSFR does not maintain a database of relevant land use, data from the Larimer and Weld County Assessor's Offices indicates that the majority of current development is for residential purposes (63.9% single family residential, 4.0% multifamily residential, 20.7% commercial, and 11.4% industrial and other non-residential). BBC allocated WSFR's new development impact fees accordingly, because future development in the region is not expected to differ substantially from land use.
- **Use specificity.** To the extent possible, impact fees should reflect the degree to which different forms, sizes, and uses of particular types of development will result in different demand for public services. However, there is no compelling evidence that suggests that larger homes create more demand for public services than smaller homes. In addition, WSFR has modest expectations for commercial growth, and there is uncertainty about the nature of future commercial development. As a result, BBC treated all residential units equally and all commercial units equally as the they relate to public service demand.
- **Fee design costs**: The cost of fee design studies can be recovered through impact fees, so BBC has included the cost of this report in the fee calculations.
- **Proportionality:** By using WSFR's current investment in facilities to derive capital standards and then setting fee rates to replace the current standards of facility investment, BBC has ensured that proportionality has been reasonably and fairly derived. New growth is simply replicating its proportional share of an existing facility standard. Existing standards will be the standards to which new growth will be held accountable.

A. WSFR Budget Overview

Property tax revenues for WSFR are collected through the District's 7.75 property tax mill in Larimer and Weld counties across the geographic area. A millage rate is the tax rate used to calculate local property taxes and represents the amount per every $1,000 of a property's assessed value that a community would charge. The 2020 WSFR Budget indicates the District will collect revenues of approximately $12.4 million this year, the vast majority of which is tax-related revenue from property taxes and specific ownership taxes. After interfund transfers for

pension funds, bond repayment, and capital fund, WSFR projects operating expenses of $8.6 million, most of which is allocated to personnel costs, including salaries, benefits, and volunteer incentives. However, WSFR also funds capital purchases through its operating budget. As discussed in Section I, capital investments are generally used for repair and replacement, betterment of facilities and service standards, and facilities expansion.

Additional property tax and specific ownership tax revenue that funds WSFR's operating budget will continue to be dedicated to ongoing District expenses and will not likely be sufficient to fund the required level of growth-related capital expansion. If WSFR chooses to establish impact fees of the type presented in this report, it would retain an independent and equitable source of revenue for capital expenditures required to serve new growth. With impact fees, new development pays their equitable share of new infrastructure and existing taxpayers will not be responsible for subsidizing growth. In addition, WSFR's capital and operating funds can be reserved for other, non-growth-related uses.

B. Impact Fee Calculations

BBC's methodology for calculating WSFR's impact fee includes the following tasks:

1. Quantify the infrastructure investment needed to maintain current level of service;
2. Develop estimates of WSFR's current land use pattern; and
3. Calculate the fire protection infrastructure costs per unit of development (per household or per square foot of commercial development).

1. Infrastructure investment. A conservative method of establishing WSFR's current level of service for fire protection is to quantify its financial investment in infrastructure and capital equipment. Specifically, WSFR has five types of capital infrastructure-related spending that should be included in a calculation of current infrastructure investment:

- Land and buildings, including three fire stations;
- Major apparatus, such as fire engines and specialized vehicles;
- A variety of lifesaving and fire-fighting apparatus;
- Business property, such as furniture, computers, and related durable assets; and
- The cost of this impact fee study.

WSFR currently has $1,125,236 in outstanding debt service on a bond used to fund the development of the district's fire stations. Thus, equity in the stations is 88 percent of their replacement value. WSFR holds no additional debt, so its equity in its remaining assets is 100 percent of their replacement value. Figure II-1 presents WSFR's current infrastructure and the value eligible to be included in impact fee calculations. As shown in the last row of Figure II-1, the total replacement value of WSFR's current infrastructure is approximately $16.1 million.

Figure II-1.
WSFR's Current Assets

Type of Capital Infrastructure	Total Replacement Value	Portion to Include in Impact Fees [1]	Allocated Replacement Value [2]
Buildings and Land			
100 7th St, Windsor, CO 80550	$5,034,659	88%	$4,435,937
7790 Rea Pkwy, Windsor, CO 80550	$2,081,059	88%	$1,833,579
9 Timber Ridge Pkwy, Severance, CO 80550	$2,346,405	88%	$2,067,370
121 6th St, Windsor, CO 80550 (Museum)	$762,570	0%	$0
Vehicles			
1987 Freightliner Tanker	$100,000	100%	$100,000
1941 International Antique	$15,000	0%	$0
1999 Ford Brush Vehicle	$80,000	0%	$0
1999 Freightliner Pumper	$225,000	100%	$225,000
2000 Ford Brush Vehicle	$80,000	0%	$0
2000 Spartan Pumper	$400,000	100%	$400,000
2005 Chevrolet First Responder	$20,000	100%	$20,000
2004 Pace Trailer	$2,000	100%	$2,000
2005 Sutphen Pumper	$500,000	100%	$500,000
2006 Enterprise Trailer	-	100%	$0
2007 Chevrolet Silverado	ACV	100%	$0
1925 Reo Antique	$35,000	0%	$0
2009 Spartan Rescue Hvy	$510,000	100%	$510,000
2003 Ford First Responder	$10,000	100%	$10,000
2000 IFS Tote Mule Chem Foam Trailer	$10,000	100%	$10,000
2011 SVI Pumper	$525,000	100%	$525,000
2012 Ford First Responder	$37,663	100%	$37,663
2012 Spartan Pumper	$525,000	100%	$525,000
2012 Ford Brush Vehicle	$90,000	0%	$0
2013 Wells Cargo Trailer	$9,664	100%	$9,664
1951 Ford Antique	$6,400	0%	$0
2014 Ford Expedition	ACV	100%	$0
2015 Echo Trailer	-	100%	$0
2015 Dodge Amb ALS	$165,000	100%	$165,000
2015 Dodge Amb ALS	$165,000	100%	$165,000
2015 Ford Transit Connect XLT	ACV	100%	$0
2018 Spartan Pumper	$550,000	100%	$550,000
2019 Ford First Responder	$40,800	100%	$40,800
2018 Ram Brush Vehicle	$162,900	0%	$0
2019 Chevrolet First Responder	$30,000	100%	$30,000
2019 Chevrolet First Responder	$30,000	100%	$30,000
2020 Ford First Responder	$40,000	100%	$40,000
2020 Pierce Water Tender	$425,000	100%	$425,000
2020 Pierce Ladder Truck	$1,400,000	100%	$1,400,000
Fire Equipment and Business Property			
Communication & IT	$614,430	100%	$614,430
Fire Equipment	$1,152,121	100%	$1,152,121
Station and Office Equipment	$275,000	100%	$275,000
Fee Study			
Cost of study	$10,000	100%	$10,000
Total Value of Fire Infrastructure for Fee Calculation			**$16,108,565**

Notes:

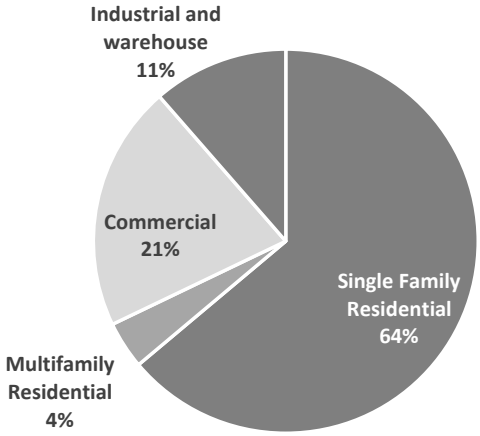
(1) Reflects WSFR's equity in each piece of capital infrastructure net of any outstanding debt service obligation.
(2) Total replacement value x Portion to include in impact fees = Allocated replacement value.

Source:

WSFR and BBC Research & Consulting.

2. Current land use. BBC used WSFR's current distribution of development as a basis for allocating certain infrastructure expansion costs over different types of land uses, which is consistent with the Colorado Municipal League's recommendation that cost allocation be based on measures of land use. Figure II-2 presents the distribution of residential and non-residential building square footage, based on data from the Weld County Assessor and the Larimer County Assessor. As shown in Figure II-2, 64 percent of development in the region is single family residential, 4 percent is multi-family residential, 21 percent is commercial, and 11 percent is industrial/other non-residential.

Figure II-2.
Distribution of Residential and Non-Residential Square Footage, 2020



Source:

WSFR and BBC Research & Consulting.

3. Impact fee calculation. Figure II-3 uses WSFR's current service standards and infrastructure replication costs to determine appropriate household, commercial, and other non-residential fees. BBC used WSFR's existing land use pattern as a proxy for the assignment of costs to particular types of development. Figure II-3 presents fee calculations for each relevant type of development. The value of total fire infrastructure is presented in the top row of Figure II-3 (and is identical to the last row of Figure II-1).

- The first step in calculating impact fees was to allocate the total value proportionally to each type of development, based on WSFR's existing land use pattern. Thus, BBC allocated $10.3 million to single family residential development (or, 63.9%), $644,000 to multifamily residential development (or, 4.0%), $3.3 million to commercial development (or, 20.7%), and $1.8 million to industrial and other non-residential development (or, 11.4%).

- Next, BBC allocated infrastructure value for each type of development to each unit of existing development within that category—that is, each dwelling unit for residential development and each square foot for commercial, industrial, and other non-residential development—to determine the relevant burden of each unit of existing development on current infrastructure.

The result of allocating costs in the manner described above resulted in full cost-recovery impact fees, which, as shown in the last three rows of Figure II-3 are $693 per single family residential dwelling unit, $272 per multifamily residential dwelling unit, and $0.35 per square foot of commercial, industrial, and other non-residential development. WSFR can choose to charge less than those amounts but it must apply discounts uniformly to all land use categories.

Figure II-3.
Full Cost Recovery Impact Fees for WSFR

Source:
WSFR and BBC Research & Consulting.

Calculation of Impact Fees	
Value of Fire Infrastructure	$16,108,565
Current Land Use Distribution	
Single family residential	63.9%
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Multifamily residential (per dwelling unit)	**$272**
Commercial (per square foot)	**$0.35**
Industrial (per square foot)	**$0.35**

4. Sprinklers in lieu of fees. The presence of sprinkler systems can reduce the service burden on a fire district, while also preventing loss of both property and life. All commercial buildings within the District are required to have a fully automatic fire sprinkler system if the square footage exceeds 5,000 square feet. Full sprinkler requirements are outlined in Chapter 9 of the 2018 International Fire Code. Fire districts may choose to waive or reduce impact fees for those residential or commercial developments who voluntarily install sprinkler systems.

Nationwide, the average cost per sprinklered square foot is $1.61. Thus, the average cost of voluntary sprinkler installation will often outweigh the value of impact fees. While the presence of sprinklers within a development does not eliminate the need for a response from the District in the event of an emergency, it helps to offset the impacts of the feepayer's development

activity. In addition, sprinkler systems reduce property loss by up to 70 percent and reduce the chance of death by up to 80 percent.

WSFR will offer waived or reduced impact fees for those developments that voluntarily install a sprinkler system. The reduction of impact fees should serve to incentivize residential and commercial developers to consider the installation of sprinkler systems when it is not required.

BBC recommends that WSFR reduce impact fees by a percentage commensurate to the reduced service costs when a sprinkler system is voluntarily installed. For example, if WSFR implemented a 75 percent fee reduction, the impact fee for a residential property would be reduced to $173 per single family dwelling unit and $68 per multifamily dwelling unit, and the fee for a commercial or industrial property would be reduced to $0.09 per square foot. Because the presence of sprinklers does not completely eliminate the need for the District to respond to a call for a service, BBC recommends that the fee not be eliminated in its entirety.

WSFR may choose whether to waive or reduce the calculated impact fees for those developments that voluntarily install a sprinkler system. Should the District choose to reduce the fees, this fee reduction must be applied uniformly across all development types. In addition, developers must install sprinklers across the entire development, rather than on selected properties.

SECTION III.
Summary and Recommendations

The development impact fees of $693 per single family residential dwelling unit, $272 per multifamily residential dwelling unit, and $0.35 per square foot of commercial, industrial, and other non-residential development that BBC recommends for WSFR's consideration represent maximum defensible amounts, and we recognize that the District may choose not to adopt fees as high as the maximum defensible amounts. BBC also offers the following recommendations:

- WSFR should maintain its impact fee fund separate and apart from its general fund and make withdrawals from the former only to pay for growth-related infrastructure.
- WSFR should adhere to a written policy governing its expenditure of monies from its impact fee fund. WSFR should be prohibited from paying for operational expenses with impact fees, including the repair and replacement of existing infrastructure not necessitated by growth. In cases when WSFR expects new infrastructure to partially replace existing capacity and to partially serve new growth, cost sharing between its general fund (or capital fund) and its impact fee fund should be allowed on a proportional basis as determined by the District's board.
- WSFR's impact fees should be updated periodically as it invests in additional infrastructure beyond what is listed in this report or the District's population or inventory of commercial square footage changes substantially.
- WSFR's fees should be updated annually based on established inflation indices, such as the Consumer Price Index or the Engineering News Record.

BBC RESEARCH & CONSULTING

Windsor Severance Fire Rescue Impact Fee Study

FINAL **REPORT**

Final **Report**

June 20, 2024

Windsor Severance Fire Rescue Impact Fee Study

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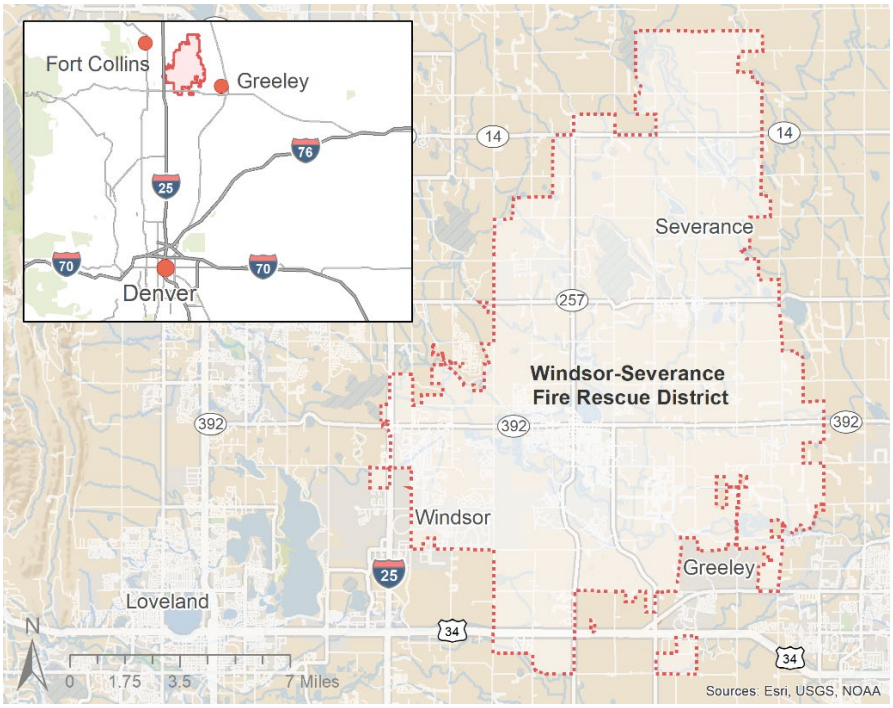
SECTION I.
Introduction

This report presents the analysis underlying calculation of updated proportional development impact fees for Windsor Severance Fire Rescue (WSFR or the District). This section describes fee design requirements and various implementation considerations.

WSFR provides fire rescue and emergency services to more than 50,000 residents across 100 square miles in Weld and Larimer Counties,[1] serving the towns of Windsor, Severance, and the surrounding communities, as shown in Figure I-1.

Figure I-1.
Windsor Severance Fire Rescue District Service Area

Source:
BBC Research & Consulting from ArcGIS shapefiles, 2024.



Objectives

Many fire districts in Colorado impose development impact fees for expansion of public infrastructure. Colorado statute and a series of United States Supreme Court decisions dictate the amounts that districts can charge in impact fees and how they can devise, impose, and spend them. Because of those requirements, WSFR retained BBC Research & Consulting (BBC) to prepare a report documenting the calculation of updated proportional and defensible impact fees to ensure it can maintain its existing service standards as development occurs in its service area.

[1] Windsor Severance Fire Rescue, https://www.wsfr.us/about-us

This report documents BBC's analysis and recommendations for an updated impact fee that recovers the proportional capital costs associated with new development and in a manner consistent with the Colorado Revised Statutes.

Colorado Impact Fee Requirements

Development impact fees have been used in Colorado going as far back as the 1920s, when cities began charging developers for the water rights required to serve new development.[2] Other states also charged impact fees to new development, and in 1947 one of the first legal challenges to impact fees was filed in Illinois. In that case, the Illinois Home Builders Association sued the Hinsdale Sanitary District over its tap fee. The case was appealed all the way to the Illinois Supreme Court, which ruled that the District's fee was legal so long as the revenues were used for capital expenditures and not operating expenses.[3]

In Colorado, impact fee requirements were heavily influenced by a 1999 lawsuit between Krupp and the Breckenridge Sanitation District. The case, known as Krupp v. Breckenridge Sanitation District, was heard by the Colorado Supreme Court, which ruled that impact fees are legal so long as they meet certain requirements. The requirements defined in the ruling on Krupp v. Breckenridge Sanitation District were formally codified by the Colorado Legislature with the passage of Senate Bill 01S2-015, "An Act Concerning Land Development Charges That May Be Imposed by Local Governments."

The Bill, which modified Section 29-20-104.5 of Title 29 of Colorado Revised Statutes, allowed local governments to impose impact fees on new development to fund expenditures on capital facilities needed to maintain existing service standards. [4] The impact fees are applicable to a broad set of land uses and can be calculated based on development characteristics of local land uses that roughly approximate each land use's burden on capital facilities. This enabling legislation allowed municipalities to charge a single impact fee to each type of development (e.g., residential, commercial, and industrial) rather than calculating fees on a case-by-case basis.

In 2016, the Colorado Legislature passed House Bill 16-1088, known as the "Public Service Fairness Act," which authorized fire protection districts organized under Article 1 of Title 32, C.R.S., or a fire authority established pursuant to Section 29-1-203.5, to levy impact fees on new development. The bill amended C.R.S. 29-20-104.5 to allow fire protection districts to charge development impact fees as a condition of issuance of a development permit and to use the funds for expenditures on capital facilities that provide fire protection, rescue, and emergency services related to the new development.

In May 2024, the Colorado Legislature passed SB24-194, known as the "Special District Emergency Services Funding Act," allowing special districts to impose and directly collect impact

[2] Lillydahl, J.H, 1987. Impact Fees in Colorado: Economic, Political, and Legal Overview. Presented at A Symposium on Impact Fees, 1987 Conference of the American Planning Association. New York City. Cited in White and Dahl, 2001.

[3] Carswell, A.T, 2012. The Encyclopedia of Housing, Second Edition. SAGE Publications. p. 385. ISBN 978-1-4129-8958-9. Retrieved 2023-04-03. Cited in Wikipedia, "Impact Fee;" accessed 2023-11-08 at https://en.wikipedia.org/wiki/Impact_fee.

[4] Local governments were defined as counties; home rule municipalities; and statutory cities, towns, territorial charter cities.

fees on new development without the requirement of an intergovernmental agreement between the district and the local government body.

To meet the requirements of current Colorado legislation, development impact fees charged by a fire protection district must:

- Be a one-time charge imposed on new development;
- Quantify the reasonable impacts of proposed development on existing capital facilities and establish the impact fee or development charge at a level no greater than necessary to defray such impacts directly related to proposed development;
- Be reasonably related to the overall cost of the capital. Fees must be fairly calculated and rationally based. Mathematical exactitude is not required, however, and the particular mode adopted by the district in assessing the fee is generally a matter of that district's discretion;
- Ensure no impact fee or other similar development charge shall be imposed to remedy any deficiency in capital facilities that exists without regard to the proposed development; and
- Ensure that impact fees adopted by a local government do not require individual landowners to provide any site-specific dedication or improvements that meet the same need for capital facilities for which the district's impact fee is imposed.

Because the setting of rates and fees involves many questions of judgment and discretion, districts have the flexibility to choose the most appropriate rate-setting method so long as it uses reasonable assumptions and logic in the basis of calculating the development impact fee schedule.

U.S. Supreme Court Decisions

In *Sheetz v. County of El Dorado* (2024), the U.S. Supreme Court unanimously ruled that impact fees are subject to the Takings Clause of the Fifth Amendment of the U.S. Constitution. The two most notable court decisions that are used to analyze takings clause cases are often referred to as *Nollan* and *Dolan*[5].

Guidance from these decisions requires that there be an "essential nexus" between the exaction/fee and the state interest being advanced by that exaction. In the more recent *Dolan v. City of Tigard* (1994) decision, the U.S. Supreme Court held that in addition to an essential nexus, there must be a "rough proportionality" between the proposed exactions and the project impacts that the exactions are intended to mitigate. In *Dolan,* the court further states that rough proportionality need not be derived with mathematical exactitude but must demonstrate some relationship to the specific impact of the subject project:

> *"We think a term such as 'rough proportionality' best encapsulates what we hold to be the requirements of the Fifth Amendment. No precise mathematical calculation is*

5 *Nollan v. California Coastal Commission*, 483 U.S. 82; 1987 and *Dolan v. City of Tigard* (1994) 114S.Ct. 2309.

required, but the city must make some sort of individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development."[6]

Over the past two decades since *Dolan*, many fire districts have imposed impact fees; thus, there now is a broad set of common practices when considering how best to reflect these judicial and statutory requirements in fee design efforts.

Fee Applicability

As noted above, fire districts can only use impact fee revenue to cover the costs of any necessary expansion of capital facilities that are required to serve new development. In addition, fee amounts can only be set in a manner that is proportional to the cost of capital facility expansion needed to maintain—but not improve—existing standards of service.

Capital facilities. *Capital facilities* are the physical component of public services. Under Colorado statute, the definition of *capital* can include all equipment that has at least a five-year lifetime. It does not include personnel or any operational elements of service costs, even in circumstances where new staff are required to operate new facilities. Capital facilities generally include buildings, apparatus, vehicles, office furniture, or other support facilities.

Nature of capital investments. Not all capital facility costs are associated with community growth or with the expansion of capacity. Most fire districts make investments in capital facilities not because of growth pressures but for the repair and replacement of existing capital. For example, fire districts often make capital investments related to:

- *Repair and replacement of existing facilities*, such as annual building maintenance or replacing a roof;
- *Betterment of existing facilities*, such as introducing new services or improving existing capital facilities without increasing service capacity; and
- *Facilities expansions*, such as expanding an existing building to accommodate growing personnel requirements.

Fire districts are not allowed to account for such investments as part of impact fee calculations nor are they allowed to expend impact fee funds on such investments.

Capital Standards

In designing impact fees, fire districts must determine the appropriate capital standards applicable to each category of infrastructure. Facility standards can vary widely between districts. Whereas some states have legislation that describes such criteria with great specificity, other states—like Colorado—use more general standards. There are two primary approaches for calculating capital standards.

[6] *Dolan v. City of Tigard* (1994) 114S.Ct. 2309.

Capital buy-in approach. Capital standards can be estimated using the replacement value of specific capital facilities and the qualified equipment necessary for each category of capital facilities. For example, a city of 2,500 homes with a 20,000 square foot recreation center that has a replacement value of $5 million would have a recreation center standard of 8 square feet per housing unit (i.e., 20,000 square feet/2,500 homes = 8 square feet per home) and a replacement value of $250 per square foot (i.e., $5 million/20,000 square feet = $250 per square foot). Thus, each existing residence would have an embedded recreational investment of $2,000 per home (i.e., $250 x 8 square feet = $2,000 per home), representing the community's recreational facility standard, which is what a developer could be charged for recreational facilities for each new unit.

One important dimension of the capital buy-in approach is the use of the replacement value of each asset. As mentioned earlier, the purpose of impact fees is to maintain the current level of service. Therefore, the value of each asset should be assessed by its current functionality, not its dollar value. For example, even if a dump truck were purchased in 1980 and its present resale value is less than $10,000, the replacement value for that dump truck would be equal to the market rate of a new unit that performs the same function as the original vehicle.

If capital standards are defined using a capital buy-in approach, then calculations of those standards must account for any debt that applies against the relevant capital facilities. Because current residents are already responsible for that debt, it would be duplicative and inappropriate to charge developers impact fees that also include that debt.

Plan-based approach. Fire districts can also use a *plan-based approach* to set capital standards, which relies on capital improvement or other specific plans to estimate the value of capital required to serve future development. A plan-based approach requires forecasts of residential and commercial growth and detailed data on capital expansion plans and costs. Plan-based approaches must focus on expansion-related projects or the expansion portion of projects rather than betterment or replacement projects.

Other Considerations

Over time, some consensus has emerged on how best to ensure that impact fees comply with state statutes and court rulings. Many of the factors that fire districts must consider in designing fees appropriately are described above, but BBC also presents other considerations to be made:

- **Land use allocation**. Courts have indicated that all forms of development that have facility impacts—that is, residential, industrial, and commercial developments—must pay their fair share of expansion costs. If one type of development is exempted from fees, then fees may not be sufficient to cover expansion costs that result from new development.
- **Use specificity**. Impact fee calculations vary between different forms of land use. When compelling evidence is available that the forms, sizes, or uses of particular types of development will result in substantially different demands for fire protection services, then a district's impact fees should reflect that information.
- **Fund balance.** A fire district's impact fee fund balance represents cash investments the existing community has made in capital expansion. When utilizing the capital buy-in approach for calculating development impact fees, these cash investments are combined

with capital facilities valuations to arrive at the total capital investment that the community has made.

- **Redevelopment**. The application of impact fees raises questions about how to deal with the redevelopment of existing properties. The redevelopment of a residence—even if it involves full scraping—does not lead to an increase in service demands, because it is still one residential unit with no implications for service delivery costs or capital needs. In contrast, the redevelopment of a larger lot into multiple homes would be assessed an impact fee based on the net number of new residential units, because there would be clear implications for service delivery and capital needs. Commercial redevelopment would be subject to the same considerations.
- **Waivers**. Fire districts should not waive fees unless the funds are reimbursed from other sources such as the general fund or other contributions by the developer to system expansion that meets or exceeds the calculated fees.
- **Timing.** Fees should be assessed at the time that building permits are issued.
- **Updates**. Impact fee calculations should be updated periodically to account for changes in costs and asset values. Most fire districts update their fees every year using an inflation multiplier and conduct updates to their impact fee studies every three to five years.
- **Fee design costs.** The cost of fee design studies can be recovered through impact fees and used to reimburse districts' expenditures on the studies.

SECTION II.
Impact Fee Derivation

As described in Section I, there are several types of information that fire protection districts must consider to appropriately set their development impact fees, including determining capital standards. BBC used data from various sources to make appropriate considerations in developing development impact fees for Windsor Severance Fire Rescue.

- **Capital standards.** BBC used WSFR's current investment in capital facilities as the basis for determining capital standards for the fee update – known as the capital buy-in approach. We obtained the information directly from the District. The valuation included estimates of investments in furniture, fixtures, and durable equipment. Calculations of capital standards must account for any debt that exists in connection with relevant infrastructure. At the time of this study, WSFR has a current debt obligation of $5.8 million on its fire stations. This debt has been accounted for when determining the portion of the station replacement value to include in the impact fee calculation (see Figure II-1).
- **Land use allocation**. It is important for fire districts to determine how impact fees should be allocated according to land use so that all forms of development pay their fair share of expansion costs. Although WSFR does not maintain a database of relevant land use, data from the Weld County and Larimer County Assessor's Offices indicates that the majority of current development in WSFR's service area is for residential purposes (68.0 percent single family residential; 7.4 percent multi-family residential; 12.8 percent commercial; and 11.8 percent industrial & warehouse). BBC allocated the value of WSFR's capital facilities following the above land use distribution, as future development in the region is not expected to differ substantially from existing land use patterns.
- **Use specificity.** To the extent possible, impact fees should reflect the degree to which different forms, sizes, and uses of particular types of development will result in different demand for fire protection services.
- **Fund balance.** When using the capital buy-in approach, the balance of a fire district's impact fee fund must be combined with capital facilities valuations to arrive at the total capital investment. At the time of this study, WSFR had an impact fee fund balance of $1,434,688.
- **Fee design costs.** The cost of impact fee studies can be recovered through impact fees, so BBC has included the cost of this report in the fee calculations.
- **Proportionality.** By using WSFR's current investment in capital facilities to derive capital standards and then setting fee rates to replace the current standards of facility investment, BBC has ensured that proportionality has been reasonably and fairly derived. New growth is simply replicating its proportional share of an existing facility standard. Existing standards will be the standards to which new growth will be held accountable.

WSFR Budget Overview

Property tax revenues for WSFR are collected through the District's 8.250 property tax mill of properties in Weld County and Larimer County that are within the District's service area. A millage rate is the tax rate used to calculate local property taxes and represents the amount per every $1,000 of a property's assessed value that a community would charge.

The 2024 WSFR Budget shows the District budgeted revenues of approximately $21.8 million in fiscal year 2024, the vast majority of which was tax-related revenue from property taxes. WSFR's anticipated expenditures in 2024 are $14.8 million, and this is allocated to personnel costs—including salaries, benefits, and volunteer incentives—as well as medical supplies, training, maintenance, capital purchases, and more. Additionally, the District has allocated $6.9 million to its Capital Reserve Fund for 2024. As discussed in Section I, capital investments are generally used for repair and replacement, betterment of facilities and service standards, and facilities expansion.

Property tax revenue that funds WSFR's operating budget will continue to be dedicated to the District's ongoing operational expenses and will not likely be sufficient to fund the District's growth-related capital infrastructure needs. With impact fees, new development pays for an equitable share of new infrastructure and existing taxpayers will not be responsible for subsidizing growth. In addition, WSFR's capital and operating funds can be reserved for other, non-growth-related uses.

Impact Fee Calculations

BBC's methodology for updating WSFR's impact fee includes the following tasks:

1. Quantify the capital facilities investment needed to maintain current level of service;
2. Develop estimates of WSFR's current land use pattern; and
3. Calculate the fire protection capital costs per unit of development (per residential dwelling unit or per square foot of non-residential development).

Capital facilities investment. A conservative method of establishing WSFR's current level of service for fire protection is to quantify its financial investment in capital facilities. Specifically, WSFR has six types of capital facility-related assets that should be included in a calculation of current infrastructure investment:

- Land and buildings, including four fire stations;
- Major apparatus, such as fire engines and specialized vehicles;
- A variety of lifesaving and fire-fighting apparatus;
- Equipment such as furniture, computers, and related durable assets;
- The balance of the existing impact fee fund; and
- The cost of this impact fee study.

Figure II-1 presents WSFR's current capital facilities and the value eligible to be included in impact fee calculations. WSFR currently has $5.8 million in outstanding debt service for its fire stations. Thus, equity across all stations is 85 percent of total replacement value. WSFR holds no additional debt, so its equity in its remaining assets is 100 percent of their replacement value. As shown in the last row of Figure II-1, the total replacement value of WSFR's current capital facilities is approximately $50.8 million.

Figure II-1.
WSFR's Current Assets, 2024

Type of Capital Facilities	Total Replacement Value	Portion to Include in Impact Fees [1]	Allocated Replacement Value [2]
Buildings and Land			
Station 1	$16,100,000	85%	$13,677,012
Station 2	$8,050,000	85%	$6,838,506
Station 3	$4,870,250	85%	$4,137,296
Station 4	$9,200,000	85%	$7,815,436
Vehicles			
Fire Rescue and Support Vehicles	$12,365,000	100%	$12,365,000
Utility Vehicles	$500,000	100%	$500,000
Trailers	$41,500	100%	$41,500
Fire Equipment and Business Property			
Fire Rescue Equipment	$2,559,725	100%	$2,559,725
Communication Equipment	$1,023,178	100%	$1,023,178
Station/Office and Other Equipment	$436,400	100%	$436,400
Impact Fee Balance			
Fund Balance	$1,434,688	100%	$1,434,688
Fee Study			
Cost of study	$12,000	100%	$12,000
Total Value of Fire Capital Facilities for Fee Calculation			**$50,840,740**

Notes: [1] Reflects WSFR's equity in each capital facilities asset net of any outstanding debt service obligation.
[2] Total replacement value x Portion to include in impact fees = Allocated replacement value.

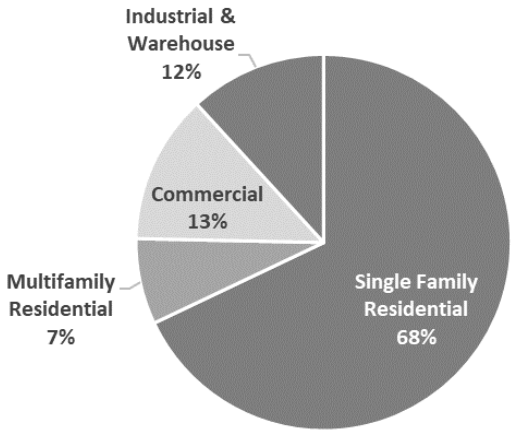
Source: Windsor Severance Fire Rescue; BBC Research & Consulting, 2024.

Current land use. BBC used the current pattern of development in WSFR's service area as a basis for allocating capital expansion costs between different types of land uses. Figure II-2 presents the distribution of residential and non-residential building square footage, based on current data from the Weld County Assessor and Larimer County Assessor. As shown in Figure II-2, about 68 percent of development in the region is single family residential, 7 percent is multifamily residential, 13 percent is commercial, and 12 percent is industrial & warehouse.

Figure II-2.
Distribution of Residential and Non-residential Square Footage in the WSFR Service Area, 2024

Source:

Weld County Assessor; Larimer County Assessor; BBC Research & Consulting, 2024.



Impact fee calculation. Figure II-3 uses WSFR's current service standards and capital replacement costs to determine appropriate residential and non-residential fees. BBC used the existing land use patterns in the District's service area as a proxy for the assignment of costs to particular types of development. Figure II-3 presents fee calculations for each relevant type of development. The value of WSFR's capital facilities is presented in the top row of Figure II-3 (and is identical to the last row of Figure II-1).

- The first step in calculating impact fees was to allocate the total value proportionally to each type of development, based on existing land use patterns in WSFR's service area. Thus, BBC allocated $34,547,189 to single family residential development (or, 68.0 percent); $3,751,400 to multifamily residential development (or, 7.4 percent); $6,529,019 to commercial development (or, 12.8 percent); and $6,013,132 to industrial & warehouse development (or, 11.8 percent).
- Next, BBC calculated the amount that each new unit of development must pay to replicate the existing service standard by dividing each development type's capital burden by the existing number of development units. For example, the $34,547,189 of capital associated with single family residential development was divided by the existing number of 17,484 single family dwelling units to derive a per-unit value.

The result of allocating the capital burden in the manner described above resulted in full cost-recovery impact fees, which, as shown in the last three rows of Figure II-3, are $1,976 per single family residential dwelling unit; $1,299 per multifamily dwelling unit; and $0.98 per square foot of commercial and industrial & warehouse development. WSFR can choose to charge less than the amounts shown in Figure II-3, but it must apply discounts uniformly to all land use categories.

Figure II-3.
Maximum Allowable Impact Fees for WSFR

Source:

Windsor Severance Fire Rescue; Weld County Assessor; Larimer County Assessor; BBC Research & Consulting, 2024.

Calculation of Impact Fees	
Value of Fire Capital Facilities	$50,840,740
Current Land Use Distribution	
Single family residential	68.0%
Multifamily residential	7.4%
Commercial	12.8%
Industrial & warehouse	11.8%
Costs by Land Use Category	
Single family residential	$34,547,189
Multifamily residential	$3,751,400
Commercial	$6,529,019
Industrial & warehouse	$6,013,132
Existing Development	
Single family residential (in dwelling units)	17,484
Multifamily residential (in dwelling units)	2,889
Commercial (in square feet)	6,652,358
Industrial & warehouse (in square feet)	6,126,726
Impact Fee by Land Use	
Single family residential (per dwelling unit)	**$1,976**
Multifamily residential (per dwelling unit)	**$1,299**
Commercial (per square foot)	**$0.98**
Industrial & warehouse (per square foot)	**$0.98**

Sprinklers in lieu of fees. The presence of sprinkler systems can reduce the service burden on a fire district, while also preventing loss of both property and life. All commercial buildings within the District are required to have a fully automatic fire sprinkler system if the square footage exceeds 5,000 square feet.[1] Full sprinkler requirements are outlined in Chapter 9 of the 2018 International Fire Code. Fire districts may choose to waive or reduce impact fees for those residential or commercial developments who voluntarily install sprinkler systems.

Nationwide, the installation cost per sprinklered square foot generally ranges from $1.50 to $2.00. Thus, the average cost of voluntary sprinkler installation will often outweigh the value of impact fees. While the presence of sprinklers within a development does not eliminate the need for a response from the District in the event of an emergency, it helps to offset the impacts of the feepayer's development activity. In addition, sprinkler systems reduce property loss and reduce the chance of fire-related death or injury.

WSFR may offer waived or reduced impact fees for those developments that voluntarily install a sprinkler system. The reduction of impact fees should serve to incentivize residential and commercial developers to consider the installation of sprinkler systems when it is not required.

[1] Windsor Severance Fire Rescue, Construction & Development Procedures Guide, p. 12

BBC recommends that WSFR reduce impact fees by a percentage commensurate to the reduced service costs when a sprinkler system is voluntarily installed. For example, if WSFR implemented a 75 percent fee reduction, the impact fee for a residential property would be reduced to $494 per single family dwelling unit and $325 per multifamily dwelling unit, and the fee for a commercial or industrial property would be reduced to $0.25 per square foot. Because the presence of sprinklers does not completely eliminate the need for WSFR to respond to a call for a service, BBC recommends that the fee not be eliminated in its entirety.

WSFR may choose whether to waive or reduce the calculated impact fees for those developments that voluntarily install a sprinkler system. Should the District choose to reduce the fees, this fee reduction must be applied uniformly across all development types. In addition, developers must install sprinklers across the entire development, rather than on selected properties.

SECTION III.
Summary and Recommendations

The development impact fees of $1,976 per single family residential unit, $1,299 per multifamily residential unit, and $0.98 per square foot of commercial, industrial, and other non-residential development that BBC recommends for WSFR's consideration represent maximum allowable amounts. WSFR may choose to adopt fees below these amounts, but if doing so the District must apply discounts uniformly to all land use categories.

BBC offers the following recommendations regarding implementation of impact fees for Windsor Severance Fire Rescue:

- WSFR should maintain its impact fee fund in an interest-bearing account that is separate and apart from its general fund. All fees collected in accordance with the impact fee schedule shall be deposited and accounted for as required in Colorado Revised Statutes Title 29, Article 1, Part 8, Section 29-1-803.
- WSFR should adhere to a written policy governing expenditure of monies from its impact fee fund. Withdrawals from the impact fee fund should only be used to pay for growth-related capital infrastructure with a service life of five or more years. All proceeds shall be used in conformance with Colorado Revised Statutes Title 29, Article 20, Part 1, Section 29-20-104.5.
- WSFR should be prohibited from paying for operational expenses with impact fees, including the repair and replacement of existing infrastructure not necessitated by growth. In cases when WSFR expects new infrastructure to partially replace existing capacity and to partially serve new growth, cost sharing between its general fund (or capital fund) and its impact fee fund should be allowed on a proportional basis as determined by the Board.
- WSFR should update its impact fee studies periodically (e.g., every three to five years) as it invests in additional infrastructure and as future development occurs, to ensure its impact fees reflect its existing service standards.
- Between updates, WSFR should adjust its impact fees annually at the start of each year based on the U.S. Bureau of Labor Statistics' Western Information Office's consumer price index for the West Region.[1]

[1] https://www.bls.gov/regions/west/news-release/consumerpriceindex_west.htm

Capital Improvement Impact Fees

Windsor Severance Fire Rescue (WSFR) provides fire protection, emergency medical services, specialized rescue, hazardous materials mitigation, community safety services, fire investigation, and community outreach in a 100 square-mile area that includes the Town of Windsor, the Town of Severance and surrounding unincorporated Larimer and Weld County. WSFR responds to almost 5,000 calls annually and performs approximately 800 development reviews and 1,000 construction inspections (new and existing) annually.

The WSFR service area is experiencing an approximate 50% annual population growth; projections assume this will continue annually until at least 2028. This increase has resulted in the corresponding construction of residential subdivisions and commercial structures, and a 26-percent annual increase in call volume since 2017 (3,572 emergency responses in 2017, 4,779 in 2023).

In 2016, the Colorado Legislature passed the Public Safety Fairness Act allowing fire districts to charge capital improvement impact fees to assist capital development of fire and emergency medical service resources to accommodate community growth. WSFR received approval from its board of directors, the Windsor Town Board, Severance Town Board, and Larimer County Board of Commissioners to implement the impact fees in 2021.

Impact fee approval does not require approval from the voters. Neighboring fire districts in Larimer and Weld County also have implemented impact fees.

The US Census Bureau estimates 340,036 people lived in Weld County as of July 1, 2021, which represents 5.85% of the total state population of 5,812,069. Among the 64 counties in Colorado, Weld County ranks ninth in total population. Between 2010 and 2020, the County population grew by over 30%, the second fastest-growing county in the state by percentage, and an average annual increase of 3%. The state grew by 14.8% over the decade. The population of Weld County increased by 76,129, the fifth fastest-growing county by numbers. In 2021, the State Demography Office again revised its projections for future population growth, Weld County's population in 2050 is now projected to be slightly under 620,000.

Through extensive planning, WSFR has identified that at least three additional fire stations will need to be constructed and staff in the next 15 years, in order to meet the additional demand for fire protection and emergency services. Additionally, a WSFR fire training center will need to be constructed to keep up with the ever-growing training demands on our employees. The impact fee will help fund WSFR capital infrastructure, purchase new apparatus and equipment associated with new development.

A Nexus study prepared by BBC Research & Consulting and finalized in 2024 produced a fee schedule of $0.98 per square foot for a commercial building and $0.98 per square foot for industrial use. Residential fees are $1,976 for a single-family home and $1,299 per dwelling unit for a multi-family building.

The impact fee is not charged for fire-protection systems, such as automatic fire sprinklers or fire alarm systems.

The presence of fire sprinklers can reduce the service burden on a fire district, while also preventing loss of both property and life. All commercial buildings within the district are required to have a fully automatic fire sprinkler system if the square footage exceeds 5,000 square feet. Full sprinkler requirements are outlined in Chapter 9 of the 2018 International Fire Code. WSFR has chosen to reduce impact fees by 100% if the development project voluntarily installs fire sprinklers consistent with fire code recommendations, as confirmed by the fire district.

Frequently Asked Questions

What is Colorado HB1088 ("Public Safety Fairness Act")?
CONCERNING THE AUTHORIZATION FOR A FIRE PROTECTION DISTRICT TO IMPOSE AN IMPACT FEE ON NEW DEVELOPMENT, AND, IN CONNECTION THEREWITH, ENACTING THE "PUBLIC SAFETY FAIRNESS ACT".

The bill authorizes the board of a fire protection district to impose an impact fee on the construction of new buildings, structures, facilities or improvements, on previously improved or on unimproved real property, if the impact fee is:

- Reasonably related to the overall cost of the fire protection district's services; and
- Imposed in accordance with a fee schedule that is legislatively adopted by the board and that applies to all construction of new buildings, structures, facilities, or improvements.

When must the fire impact fee be paid?
Fees are collected from properties within the Windsor Severance Fire Rescue's district when building permits are issued for new structures. For residential buildings, this will be when the owner obtains a building permit at Larimer County, the Town of Windsor, or the Town of Severance, as applicable. For industrial or commercial buildings in unincorporated Larimer County, the fee will be paid when the applicant obtains a building permit at the Larimer County Building Department. For projects in the Town of Windsor or the Town of Severance, WSFR fees are paid with the building permit fees; impact fees are not paid directly to the fire district.

What is the impact fee for residential buildings?
The fee is $1,976 for a single-family home and $1,299 per dwelling unit for a multi-family residential structure. A "dwelling" is defined as any building or portion thereof that is used as a private residence or sleeping place for one or more people.

How much is the impact fee for a commercial building?
The fee for commercial-use development is calculated by multiplying the total square footage by 0.98. As an example, the impact fee for a 15,000-square-foot commercial building would be $14,700.
Examples of commercial uses for WSFR impact fees include but are not limited to churches, hotels, motels, office and professional buildings, banks, restaurants, nightclubs, retail stores, theaters, storage facilities, and indoor sports facilities.

What is the impact fee for industrial property?
The fee for an industrial building is $0.98 per square foot. The impact fee for a 10,000-square-foot industrial building would be $9,800. Examples of industrial uses for the purpose of WSFR impact fees include but are not limited to manufacturing, fabricating, and oil and gas sites.

What is the impact fee for "mixed-use" buildings?
If a building is part-commercial use and part-industrial use, the impact fee will be assessed based on the majority use of the building (predominant square footage). If a building is combined with residential use and either Commercial or Industrial use, the impact fee will be assessed using the number of residential units, combined with the square footage of commercial or industrial use.

MEMORANDUM

Date: November 18, 2024
To: Mayor and Town Board
From:
Re: Budget Wrap-up/Revisions - S. Hale, Town Manager
Item #: 2.

Background / Discussion:
Please see the attached summary of the budget revisions and changes that have occurred since this was originally presented to the Town Board.

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:
1. Added or Revisions to Proposed Budget for Town Board

ADDED OR REVISED BUDGET ITEMS FOR TOWN BOARD CONSIDERATION

CAPITAL REQUESTS

1. Revision: Pedestrian Railroad Crossings – Revised Quote is $1,146,000 / Original Quote was $650,000. Please note that we could receive $573k in CDOT Multi Modal funding for the project.

2. Addition: Inserted placeholder of $300k in Capital Improvement Fund for the acquisition of new ticketing software for PD & Municipal Court.
3. Revision: TB Directed removal of Eastman Park Riverwalk Phase III Design – moved design ($900,000) into 2026 and construction into 2028.
4. Revision: AMI Water Meters – Delayed this project until 2026 in order to give staff adequate time to research possible grant funding. ($1,407,657)
5. Revision: Gold Hill Booster Pump – In light of recent planned developments with the proposed site, construction ($2,925,000) has been reclassified as a long-term project. Should the Town be required to provide reimbursement funds for any future improvements, staff will separately request funding approval from the Town Board.

6. Revision: Liquid Expansion Project – Reduced total cost to $100M from $125M – equals the mid-range of most current quotes for 5MGD capacity.
7. Revision: NISP – Reduced to $2,755,500 after updated 2025 budget distribution from Northern Water.
8. Addition: Added $15,000 for New Chairs for TB at Town Hall – TB Directed.
9. Revision: Removed Back Lot Parking Lot - West Lot (5th St. to 6th St.) per TB Directive ($207,000)
10. Addition: Added $207,000 for the design of a multi-purpose building, per TB Directive.
11. Per Town Board Directive, the Municipal Court/Town Board Chambers, has been removed from the new Community Development Center. As a note, the General Fund is providing funding of $5M for this project by way of an inter-fund transfer.

REVENUE PROJECTIONS

1. Revision: Surface Transportation Block Grant funding for Jacoby Road realignment - $1.2M – is not anticipated until 2026 (alignment with construction).
2. Addition: Debt Financing of $100M has been added to the Sewer Fund to provide funding for the Liquid Expansion project that begins design in 2025.
3. Reduction: Property Tax estimate has been reduced by $158k to $13.158M. This is a result of Larimer County assessments coming in lower than anticipated.
4. Revision: Utility Fees have been adjusted upwards in line with the proposed rate increases by Stantec. Similarly, Raw Water Development Fees have been adjusted up to match the newly proposed cost per acre foot.
5. Please note that even though current SFRE permit issuances of 450+are now exceeding the 2024 forecast of 361 issuances, staff have not adjusted the 2025 forecast of 375 SFRE issuances.

OPERATING ADJUSTMENTS

1. Mayor & Town Board Discretionary Funding: Added $25k contribution to Via Mobility Services – included in $131k original budget allowance. Also, added $75k for Grocery Sales Tax Rebate Program.
2. Adjusted Town Board direct report (Town Manager and Town Attorney) salaries following annual reviews.
3. Streets - Added $30k for streetlight supplies such as poles, lights, etc.
4. Water - Operations & Maintenance – Transferred the "Assessments" line item to the Development Raw Water sub-fund. Staff felt that this was a more appropriate location for these ever-increasing charges.
5. Sewer – Operations & Maintenance – Added $4.9M in interest-only payments for the proposed $100M in debt financing of the Liquid Expansion project.
6. Per TB Directive: Did not add $100k for Attainable Housing Study. Please note that there is a placeholder under Planning for a Housing Needs Assessment with offsetting State funding.

TOWN BOARD QUESTION SUMMARY

1. Employee re-classifications
    - What happened to the new job titles & changes – "who was doing it before"

    Response: This answer is situational job-to-job. Generically speaking, we're still small enough that we'll have incumbents that take on more once they become efficient at their current tasks, and as we reassess their work, we realize that they meet the criteria to be reclassified. Almost always, they are doing the work already and we're reclassifying after the fact. Reclassifying them is the equitable way to pay them for their higher level of work—and—protects us from turnover as they are doing higher level work and are able to seek different employment at a higher rate if we don't do this proactively.

2. Park Improvement Fund
    - **Remove** Eastman Park – Riverwalk Phase III Design $900,000

    Response: Completed--#3 Capital Request note above.

3. Capital Improvement Fund
    - Community Development Center
        - Projected Opening?
        - Do not do the Court/ Board Room for 2025

    Response: Our contractor is anticipating that the remodel will be completed by late summer in 2025—July/August timeframe. The Court/Board Room was removed per note #11 Capital Request note above.

4. Traffic Signal SH 392 & CR21 $250,000
        - Are we waiting for Severance to ask for the Cost Share?

    Response: Staff has been in conversations with Town of Severance representatives. Severance experienced some staff turnover, so we intend to rekindle the conversation in early 2025.

5. **Remove** Back Lot Parking – West Lot Design $207,000
        - **Add in Design for Muti-purpose Building $207,000**

    Response: Completed, per notes #9 and #10 Capital Request note above.

6. Where did the $1M that prior Town Board had aside for Parking
        - If Staff removes direction from Prior Town Board request, please point out to current Town Board

Response: This was removed from the budget in 2024. Recall that the backlot vote went through in January 2023, so the Town's focus shifted from acquisition to parking management.

7. Artificial Turf $1.4M
    - *There are 4 key cost benefits related to conversion of Aaron Cook Field at Chimney Park:*

      (1) Aaron Cook Field was built with a grass infield at High School dimensions. It is currently utilized primarily by Windsor High School baseball teams along with High School aged baseball teams run through the parks and recreation department. Annually those average 200 events. By converting to artificial turf, we would be able to increase programs by at least 40 events annually because the conversion would allow a variety of ages and programs on that location rather than limiting programs to high school aged baseball programs. Over the life of the turf this results in a minimum of 480 additional programming opportunities. The ability to utilize this field for additional programming is critical given the lack of programmable field space in Windsor.

      (2) Weather related impacts (rain), become minimal with artificial turf. Instead of having to cancel games due to wet infield dirt or deal with long delays while maintenance crews work to make the field playable, artificial turf is ready to play shortly after the weather passes with minimal effort by staff. Thereby, reducing costs and cancellation or postponement of events and tournaments.

      (3) Water savings are estimated to be $15,000 annually or $180,000 over the 12-year life of the turf.

      (4) Maintenance savings are estimated at $15,000 annually or $180,000 over the 12 - year life of the turf.

8. Water/ Sewer / Storm Funds
    a. Please give the quick reference/ reason on the Oversizing request for Prairie Song

Response: Ordinance 2021-1629 states "In the event the Town requires a developer to install...utility facilities that exceed the...facilities required to serve the developer's property, the Town shall pay the additional costs incurred ("Oversizing Costs").

The Ordinance also states, "At the time connections are made by any person to any...facility for which Oversizing Costs have been reimbursed pursuant to this Section, the Town reserves the right to collect a charge assessed in relation to the benefit received by connections that serve the affected property, based upon the original Oversizing Cost actually reimbursed by the Town under this Section."
For the sewer line reimbursement specifically, this line is a part of our north sewer interceptor that the Town has been planning/designing for nearly seven years. It won't serve Prairie Song, but will be less expensive to construct now, compared to tearing up landscaping in Prairie Song if we construct it on our own in a few years. Accordingly, it's not really an oversizing; the developer is installing it as a courtesy to the Town.

- Town Board
    b. Can we add 7 new chairs for the Board?

Response: Added $15,000 per note # 8 above.

- Information Technology Fund
    c. Update projector or overhead display in TB Room
    d. Work Session Conference Room, adjust to show on TVs on both sides of room

    Response: Staff have requested a quote from Lynx for the above request.

- Miscellaneous
    e. **Remove** the $100K that was set aside for the Attainable Housing
        - Wait until we hear what the feasibility study says before

Response: It has been removed per #6 of the operation budget adjustments.

UNDER CONSTRUCTION – These Tables may Change

FUND	2025 ESTIMATED BEGINNING FUND BALANCES	ESTIMATED REVENUES	TOTAL RESOURCES AVAILABLE	TOTAL OBLIGATIONS	REVENUE VERSUS EXPENSE VARIANCE	2025 EST. ENDING FUND BALANCES	2025 MINIMUM FUND BALANCE REQUIREMENTS
General Fund	$22,568,534	$38,717,792	$61,286,325	$43,553,956	($4,836,165)	$17,732,369	$8,565,611
Park Improvement Fund	$20,601,539	$5,176,977	$25,778,516	$2,872,228	$2,304,749	$22,906,288	$86,167
Conservation Trust Fund	$831,990	$448,102	$1,280,092	$75,000	$373,102	$1,205,092	$0
Capital Improvement Fund	$19,045,764	$24,184,644	$43,230,408	$28,853,844	($4,669,200)	$14,376,564	$4,600,000
Community / Rec Center Fund	$2,223,383	$0	$2,223,383	$0	$0	$2,223,383	$0
Water Fund	$36,961,939	$19,079,834	$56,041,773	$17,779,710	$1,300,123	$38,262,063	$3,831,578
Sewer Fund	$18,768,685	$108,653,585	$127,422,270	$33,474,024	$75,179,561	$93,948,246	$3,852,100
Storm Drainage Fund	$4,828,760	$2,562,221	$7,390,981	$2,436,087	$126,134	$4,954,893	$885,934
Open Space Fund	$4,129,707	$2,455,324	$6,585,031	$104,759	$2,350,565	$6,480,272	$0
CRC Expansion Fund	$9,216,696	$6,787,633	$16,004,329	$4,736,541	$2,051,092	$11,267,788	$931,520
Fleet Management Fund	$151,355	$3,894,374	$4,045,729	$3,487,238	$407,136	$558,491	$0
Information Technology Fund	$1,005,838	$4,461,985	$5,467,823	$4,965,454	($503,469)	$502,369	$0
Windsor Building Authority Fund	$438,056	$145,080	$583,136	$145,080	$0	$438,056	$0
Facility Services Fund	$1,082,326	$866,121	$1,948,446	$1,895,768	($1,029,648)	$52,678	$0
Economic Dev. Incentive Fund	$442,156	$0	$442,156	$0	$0	$442,156	$0
TOTALS	**$142,296,725**	**$217,433,671**	**$359,730,397**	**$144,379,690**	**$73,053,981**	**$215,350,706**	**$22,752,910**

EXPENSE CATEGORY	2022 ACTUAL	2023 ACTUAL	2024 BUDGET	2024 PROJECTED	2025 BUDGET
PERSONNEL SERVICES	$20,754,854	$24,245,941	$29,132,722	$28,721,553	$32,981,841
OPERATIONS & MAINTENANCE	$21,338,473	$22,000,244	$27,579,844	$27,999,513	$29,063,758
DEBT SERVICE & TRANSFERS	$22,997,326	$30,282,478	$13,328,327	$13,419,084	$23,629,345
CAPITAL OUTLAY	$55,345,975	$64,337,557	$72,279,110	$68,932,529	$58,704,746
Total Expenditures	$120,436,629	$140,866,221	$142,320,002	$139,072,678	$144,379,690
PERSONNEL SERVICES	17.2%	17.2%	20.5%	20.7%	22.8%
OPERATIONS & MAINTENANCE	17.7%	15.6%	19.4%	20.1%	20.1%
DEBT SERVICE & TRANSFERS	19.1%	21.5%	9.4%	9.6%	16.4%
CAPITAL OUTLAY	46.0%	45.7%	50.8%	49.6%	40.7%

MEMORANDUM

Date: November 18, 2024
To: Mayor and Town Board
From: Daniel Money, Town Attorney
Shane Hale, Town Manager
Karen Frawley, Town Clerk
Re: Charter Review Ad Hoc Committee Recommendaitons - D. Money, Town Attorney; S. Hale, Town Manager; K. Frawley, Town Clerk
Item #: 3.

Background / Discussion:
Staff will present the recommendations for potential Charter amendments. Staff is looking for direction on what provisions the board would like to see on the ballot of the February 18th special election.

Staff and Legal suggest that amendments to the following Charter sections are referred to the voters in the February 18th, 2025, Special Election (Please locate these Sections in your red-lined Charter attachment):

Section 3.1(C),(D), and (F); and
Section 3.2(C); and
Section 3.3(A) and (B); and
Section 3.4, 3.5 and 3.7(A) and (B); and
Section 4.7(B); and
Section 6.4(B).

Financial Impact:

Relationship to Strategic Plan:

Recommendation:

CC:

Attachments:
1. Resolution No. 2024-55 - Creating Charter Review Ad Hoc Committee
2. WINDSOR Charter Redline 5
3. 11-14 Ordinance 2024- XX - Emergency Ordinance For Special Election Vote to Amend the Charter

TOWN OF WINDSOR

RESOLUTION NO. 2024-55

A RESOLUTION CREATING AN AD HOC CHARTER REVIEW COMMITTEE AND APPOINTING DISTRICT REPRESENTATIVES TO THE COMMITTEE

WHEREAS, the Town of Windsor ("Town") is a Colorado home rule municipality with all powers and authority provided by Colorado law; and

WHEREAS, the Town has a home rule charter ("Charter") created and adopted pursuant to the Colorado Constitution and Colorado Revised Statutes; and

WHEREAS, the Town desires to review and update the Charter to resolve any ambiguous language and inconsistencies within the Charter; and

WHEREAS, to review and update the Charter, the Town desires to establish an Ad Hoc Charter Review Committee ("Committee") that will meet on a regular basis to accomplish this task; and

WHEREAS, the Town advertised, scheduled and conducted interviews to appoint representatives from each District in Windsor to fill the Committee; and

WHEREAS, following these interviews, the Town desires to appoint Committee primary and alternate representatives who will review and make recommendations for the Charter revision; and

WHEREAS, once the revisions to the Charter are drafted, the Town intends to send these Charter revisions to a vote of the Windsor electorate; and

WHEREAS, the Town finds that these updates are needed to better serve the community and to preserve the health, safety and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. An Ad Hoc Charter Review Committee is hereby created.

Section 2. The Ad Hoc Charter Review Committee will consist of select Board Members, Staff and Residents of Windsor.

Section 3. The District representatives appointed to the Ad Hoc Charter Review Committee are as follows:

- District 1:

  Bill Kaufman – Primary

Myles Baker – Alternate

- District 2:

  Karen Jacobsen – Primary
  Doug Kilgore – Alternate

- District 3:

  Jose Valdes – Primary
  Walter Willis – Alternate

- District 4:

  Toni Rae Andres – Primary
  Hunter Rivera – Alternate

- District 5:

  Kristie Melendez – Primary
  Nancy Frase – Alternate

- District 6:

  Garrett Scallon – Primary
  Scott Simmons – Alternate

- At Large:

  Dr. Tom Jones – Primary
  David Sislowski - Alternate

Upon motion duly made, seconded and carried, the foregoing Resolution was adopted this 23rd day of September, 2024.

TOWN OF WINDSOR, COLORADO

Julie Cline, Mayor

ATTEST:

Karen Frawley, Town Clerk

.

Charter Review Committee Redline

Reflecting changes from 10/04/, 10/16/, 10/23/, 11/06/ and 11/11/2024 Meetings

TOWN OF WINDSOR
HOME RULE CHARTER

2003

Beginning with Supp. 11,
Supplemented by Municipal Code Corporation

municode
POWERED BY CIVICPLUS

info@municode.com | 800.262.2633 | www.municode.com
P.O. Box 2235 Tallahassee, FL 32316

PREFATORY SYNOPSIS

We, the fifteen Charter Commission Members elected by the citizens of the Town of Windsor, have drafted this Home Rule Charter in accordance with the Constitution of the State of Colorado and the Municipal Home Rule Act of 1971 and hereby respectfully submit this Charter to the electors of the Town of Windsor for their approval.

The members of the Charter Commission have worked diligently and earnestly to draft a broad and general Home Rule Charter, which provides a basic framework for our local government, requires fiscal responsibility and accountability, while creating a Charter that addresses the issues and challenges facing the Town of Windsor. Recognizing the importance of citizen participation in Town government and being mindful of the dynamic

environment, and the opportunities for the Town, the members of the Commission held public meetings, conducted public hearings, encouraged citizen involvement, and received valuable input and opinion from the Windsor citizens.

The Charter provisions grant its citizens full rights to participate in Town government through powers of initiative, referendum, and recall as protected by the Constitution of the State of Colorado. This philosophy of citizen participation is reinforced by the continued application of the Taxpayers Bill of Rights (TABOR).

Special mention should be made as to the relationship of the Charter to other applicable laws. The Bill of Rights and other protections afforded citizens by the United States Constitution are, of course, primary. The Constitution of the State of Colorado also contains specific limitations on the Town's home rule powers. The Commission recognizes that the Charter is subordinate to, and must keep faith with, those federal and state enactments that limit the Town's home rule powers. The Commission also recognizes that certain State Statutes should continue to apply to the Town. Variations were made from the statutes only where home rule powers permitted and sound reasons existed. Transition provisions were included to insure an orderly implementation of the Town Charter.

It is the intent of this Charter to uphold, promote and demand the highest standards of ethics and conduct for all the employees and officials, whether elected, appointed, or hired for the Town of Windsor. The Town Board, all Town employees and all members of boards, commissions, committees and task forces shall maintain the highest standards of personal integrity, truthfulness, honesty, and accountability in discharging their public duties, and shall never abuse their positions or powers for improper or personal gain.

PREAMBLE

With the foregoing principles in mind, this Charter serves as the framework for a Town government that best serves the entire Windsor community of the people, by the people and for the people.

SPECIAL RECOGNITION

One of the original Charter Commission members, Mary Lee, served as recording secretary and provided exceptional support in the process of writing this Charter. Her expertise and dedication were invaluable and was greatly appreciated by all members.

ARTICLE I Definitions

The following definitions shall apply as used in this Charter except where the context clearly indicates otherwise.

1.1 Abuse of Public Office.

Any violation of State Statutes relating to public trust or public funds classified as a felony or a misdemeanor.

1.2 Ad Valorem Tax.

The general property tax levied annually on taxable real or personal property listed with the assessors of Weld and Larimer Counties, Colorado.

1.3 Appropriation.

The authorized amount of monetary funds designated for an expenditure during a specified time for a specified purpose, usually as an appropriation of funds in the Town budget or amendment thereto.

1.4 Board or Commission.

The boards or commissions established by this Charter or ordinances.

1.5 Board Member.

Each member of the Town Board except the Mayor.

1.5.5 Board Manager Government.

The form of government, also known as the "Council-Manager" form of government, which is generally described in Part___ of Article____ of Title 31, C.R.S.

1.6 Business Entity.

A. Any corporation whether for profit or nonprofit, governmental entity, business, trust, limited liability company, partnership, association, or other legal entity; and

B. Any other form of business, sole proprietorship, firm or venture, carried on for profit.

1.7 Clerk.

The Town Clerk of the Town of Windsor or such office designation as may be used in place of the office of Town Clerk.

1.8 Conflict Of Interest.

A situation, circumstance, or financial interest that has the potential to cause a private or public interest to interfere with the proper exercise of a public duty.

Check the adequacy of this definition when we get to Art. V.

1.9 Contract.

Any arrangement or agreement pursuant to which any material, service, or other thing of value is to be furnished for a valuable consideration or is to be sold or transferred.

1.10 Director Of Finance.

The Director of Finance for the Town of Windsor or such office designation as may be used in place of the office of Director of Finance.

1.11 Domestic Partnership.

An exclusive committed relationship between two (2) unmarried adult persons who are unrelated by blood, maintain a mutual residence, and share basic living expenses.

Check for use in context (Art. V?). Update to State law?

1.12 Elected Official.

The Mayor and each Board member, whether elected or appointed.

1.13 Emergency.

A matter which could not have been reasonably anticipated or foreseen, and on which immediate action is genuinely and urgently necessary for the preservation of the public health, safety and welfare.

1.14 Employee, Town Employee, or Employee of the Town.

Each compensated person in the service of the Town who is designated as an employee in the personnel rules and regulations of the Town.

1.15 Family.

Any person who is related to the official, public body member, or employee in one of the following ways: spouse, parent, grandparent, child, stepchild, grandchild, sibling, or other similar relation to the individual or individual's spouse. This includes all persons who are members of the same household as the official, public body member or employee in question, regardless of whether they are related by blood or marriage.

Add "domestic partner" as defined above? Check in context.

1.16 Franchise.

A right conferred by the Town (such as a public utility) to use public property for the public use but for private profit.

1.17 General Statewide Election.

The statewide election held on the Tuesday succeeding the first Monday of November in each even-numbered year.

1.18 Initiative.

The power of the registered electors of the Town of Windsor to propose to the Town Board, in accordance with the provisions of this Charter, certain ordinances for adoption by the Town Board which, if not adopted by the Town Board, shall be submitted to a vote of the registered electors of the Town for acceptance or rejection, in accordance with the provisions of this Charter.

1.19 Interest.

A pecuniary, property, or commercial benefit, or any other benefit the primary significance of which is economic gain or the avoidance of economic loss, but does not include any matter in which a similar benefit is conferred to all persons or property similarly situated nor does it include the ownership or control of shares of stock.

1.20 Lease-Purchase Agreement.

A. Any installment purchase agreement for the purchase of real or personal property which requires or permits payments during more than one (1) fiscal year, regardless of any right of the Town to terminate the agreement; or

B. Any agreement for the lease or rental of real or personal property which requires or permits payments during more than one (1) fiscal year, regardless of any right of the Town to terminate the agreement, and under which title to the real property is transferred at the end of the term for nominal or no additional consideration.

Check in context, perhaps Art. XI (Finance). Consider relocating text to that Article.

1.21 Manager.

The Town Manager of the Town of Windsor.

1.22 Mayor.

The Mayor of the Town of Windsor.

1.23 Member of the Town Board.

The Mayor and each Board Member.

~~1.24 Newspaper.~~

~~A newspaper of general circulation in the Town that meets the requirements for a legal newspaper as established in the State Statutes.~~

Term only used in 1.30, post, so text incorporated into that definition.

1.25 Officer.

The Mayor and each Board Member.

1.26 Official.

Any elected or appointed officer, public body member, or agent of the Town of Windsor.

1.27 Official Action.

Any legislative, administrative, or quasi-judicial act of any officer, public body member, or employee, or of the Town Board or any public body of the Town.

1.28 Ordinance.

A permanent law or regulation adopted by legislative action of the Town Board pursuant to the procedures set forth in this Charter or by ordinances.

1.29 Principals.

Those people who are the subject of the action or application that is before the board.

1.30 Publication or Posting.

A. Publication in a newspaper of general circulation that meets the requirements for a legal newspaper as established in the State Statutes. or

B. Publication by electronic means and methods; or

C. In the event of an emergency, or when no such newspaper is available, posting. Anything published by such posting because of an emergency shall subsequently be published in a newspaper of general circulation or published electronically; or

D. Posting shall be effected by providing written or printed notice in various locations throughout the Town as provided by ordinance.

1.31 Public Body.

Any board or commission, or any task force or committee, except any task force or committee for which the Town Board determines, in the resolution establishing it, that Article V, or such portions thereof as selected by the Town Board, shall not apply because the public interest would be served by the participation of persons who would otherwise have an interest in the matters to be addressed by the task force or committee.

1.32 Public Records.

The term "Public Records" shall refer to those records as defined in the Colorado Revised Statutes at Section 24-72-202, et seq. as amended from time to time.

1.33 Public Servant.

A person who serves the Town of Windsor in an official capacity, whether elected or appointed, paid or unpaid, as a Town official, public body member or employee.

1.34 Quasi-Judicial Action.

Any action where the board or committee has a duty to notify the potential parties, hear the parties, and can only decide after weighing and considering such evidence and arguments as the parties choose to lay before them.

~~**1.35 Recuse.**~~

~~Officials, public body members or employees who have been recused from a matter, shall remove themselves completely from all further participation in the matter in question. Official, public body members or employees who have been recused shall immediately leave the room or shall seat themselves with the other members of the public who are present. The recused person shall not participate in further discussions, unless they clearly state for the record that they are doing so only as a general member of the public. Recused persons shall not deliberate or vote on the matter in question.~~ **[Relocated to new 5.3 B]**

Definition contains a command/rule. Consider relocating substance to Art. V

1.36 Referendum.

The power of the registered electors of the Town of Windsor to request that the Town Board reconsider certain ordinances adopted by the Board as provided in this Charter; and, if the Board fails to repeal such ordinances, to require that the Board submit the referred ordinances to a vote of the registered electors of the Town for approval or rejection in accordance with the provisions of this Charter.

1.37 Registered Elector.

An elector who has registered in compliance with the provisions for registration to vote as provided in the State Statutes.

1.38 Regular Election or Regular Municipal Election.

A Town election held pursuant to Article 6.2.

1.39 Relative.

Any person related to an officer, public body member, or employee by blood, marriage, or domestic partnership, in any of the following degrees; parents, spouse, children, step-children, brothers, sisters, parents-in-law, nephews, nieces, aunts, uncles, first cousins, grandparents, grandchildren, and children-in-law. A separation between spouses shall not be deemed to terminate relationships described herein.

1.40 Resident.

A person who has established residency in the Town of Windsor under the criteria set forth in C.R.S. 31-10-201(3), as from time to time amended. ~~resident of the Town of Windsor~~.

1.41 Resolution.

An expression of an administrative or a ministerial act of the Board without any required form or procedure, as distinguished from legislative acts embodied in Town ordinances.

1.42 Special Election or Special Town Election.

A Town election held at a time other than a regular election.

1.43 State Constitution or Colorado Constitution.

The Constitution of the State of Colorado, as amended from time to time.

1.44 State Statutes.

The statutes of the State of Colorado, as amended or repealed from time to time and also referred to as the Colorado Revised Statutes or C.R.S.

1.45 Town.

The Town of Windsor, Colorado.

1.46 Town Board.

The governing body constituting the Board Members and the Mayor.

1.47 Town Prosecutor.

An attorney at law admitted to practice in the State of Colorado who is appointed by the Town Board to (1) appear on behalf of the Town before the Municipal Court of the Town; (2) to enforce violation of the Code of Ethics; and (3) to perform such other duties as prescribed by the Town Board.

1.48 United States Constitution.

The Constitution of the United States of America, as amended from time to time.

ARTICLE II General Provisions

2.1 Names and Boundaries

The Colorado municipal corporation now existing as the Town of Windsor shall remain and continue under the same name and with the same boundaries unless changed in a manner authorized by law.

2.2 Purpose of Charter

It is the purpose of this Charter to establish a basic governmental structure that will provide for the effective and efficient conduct of the business of the Town. Full participation in the affairs of the Town, by every member of the community, shall be encouraged and permitted in the manner provided for throughout this Charter.

2.3 Form of Government

The municipal government provided by this Charter shall be known as a Board-Manager government.

2.4 Powers of the Town

A. The Town shall have all the power of local self-government and of home rule, and shall have all power possible for a municipality under the State Constitution. All such powers shall be exercised in a manner

consistent with the United States Constitution, the State Constitution, and this Charter, or, if not provided for in this Charter, in such manner as shall be provided by ordinance.

B. Except as otherwise provided in this Charter, the Town shall also have all powers granted to municipalities by the State Statutes.

C. The enumeration of specific powers in this Charter shall not be considered as limiting or excluding any other power under Article XX of the State Constitution.

2.5 Amendments to the Charter

This Charter may be amended in the manner provided in the State Constitution and the State Statutes pertaining to home rule charter amendments. Proceedings to amend the Charter may be initiated by the filing of a petition meeting the requirements of the State Statutes, or by the adoption of an ordinance by the Town Board submitting the proposed amendment to a vote of the registered electors of the Town.

2.6 Charter Amendments Only by Measures Expressing a Single Subject

A. No measure proposing an amendment to this Charter shall be submitted to the registered electors of the Town if the measure contains more than one subject.

B. The Town Clerk shall approve for petition circulation measures proposing Charter amendments only when such measures contain a single subject.

C. As used in this Section, the single subject requirement means, that the matters in the measure submitted for voter approval are necessarily or properly connected and are not disconnected or incongruous.

ARTICLE III Town Board

3.1 Town Board

A. The Town Board shall be the governing body of the Town, and shall have such powers as are possessed by the Town and not conferred by this Charter on others. All such powers shall be exercised in the manner prescribed in this Charter or, if not provided for herein, in such manner as shall be provided by ordinance.

B. The Town Board shall consist of six (6) board members nominated and elected by the qualified voters of six (6) geographic districts, and a Mayor nominated and elected from the Town at large.

C. Districting. The town shall be divided into six (6) geographical districts numbered one (1) through six (6), inclusively, each district shall be represented by one (1) Town Board member. The Districts shall be contiguous, compact, and have approximately the same number of registered electors. The boundaries of the districts shall not be changed more often than once in four (4) ~~six (6)~~ years, unless such change is necessary to conform to constitutional apportionment requirements. Territory added to the Town shall become part of such district or districts as may be determined by ordinance, consistent with constitutional requirements. Notwithstanding any other provision of this Charter, no change in district boundaries shall create a vacancy during the term of any Town Board member in office at the time of the change.

D. Formula for redistricting. No later than one hundred and eighty days (180) before each regular mayoral ~~biennial~~ election, the Town Clerk shall determine if the number of registered electors in the district containing the lowest number of registered electors is less than eighty-five (85) percent of the number of registered electors in the District containing the highest number.

E. ~~Transition to districts. A Districting Commission shall be formed. The Districting Commission shall consist of five (5) members. Members of the Districting Commission must be registered electors of the Town. No member of the Town Board or employee of the Town shall be a member of the Districting Commission.~~

~~Districts shall be created and in effect for the next municipal election (April, 2008).~~

~~The following entities will each have one representative appointed by the former Mayor W. Wayne Miller, the former Mayor pro tem Kristy Duffy, and the Town Clerk to the Districting Commission for determining the six (6) geographical districts:~~

~~1. Windsor Residents residing in Larimer County.~~

~~2. Windsor Residents residing east of CR 13 and north of HWY 392.~~

~~3. Windsor Residents residing in central Windsor (east of CR 13).~~

~~4. Windsor Residents residing in Water Valley.~~

~~5. Windsor Planning Commission.~~

F. ~~To transition to districts, the first municipal election following the creation of districts (April, 2008) shall be held to elect three (3) Town Board members for four (4) year terms and such Town Board Members shall be from three (3) of the six (6) geographic districts defined by the District Commission, the choice of such three (3) districts to be made by the District Commission after giving due regard to those districts that are presently unrepresented on the Town Board. Town Board members for the three (3) remaining districts shall be chosen at the 2010 municipal election, such elections also being for four (4) year terms.~~

~~During the transition period, any appointments to fill vacancies shall be for the geographic or at-large position held by the vacating Town Board member.~~

~~No Town Board member presently serving on the Town Board shall have his term shortened as a result of this Section 3.1. (Amended by voters on November 7, 2007; amended by voters on April 3, 2012)~~

3.2 Mayor; Mayor Pro Tem

A. The Mayor shall be a member of the Town Board and shall have the same voting powers as any Board Member.

B. The Mayor shall preside over meetings of the Town Board and shall be recognized as the head of the Town government for all ceremonial purposes.

C. By a ~~two-thirds (⅔)~~ majority vote of all members of the Town Board in office at the time, a Board Member shall be appointed as Mayor pro tem, for a term of two years, to perform the responsibilities of the Mayor when the Mayor is absent or is otherwise unable to perform the responsibilities of the Mayor.

3.3 Qualifications

A. Except during the during the transition period set forth in Section 3.1, (F) no person shall be eligible to be elected or appointed to the office of Mayor or Board Member unless he or she is:

1. A citizen of the United States of America; and
2. A registered elector of the Town; and
3. A resident of the Town for twelve (12) consecutive months immediately preceding the election, and in the case of a District Town Board member, has continuously resided in the District from which he or she is to be elected for twelve (12) consecutive months immediately preceding the election. At all times during their terms Town Board members shall reside in the Districts from which elected. In the

case of annexation, residence within the annexed territory for the prescribed period shall satisfy the residency requirements of this Article.

4. Eligible to complete the entire term to which he or she seeks election or is to be appointed.

B. No person who is disqualified from holding public office under the Constitution of the State of Colorado ~~has been convicted of a felony~~ shall be eligible to be elected or appointed to the office of Mayor or Board Member. The Town Clerk shall provide that a background check be made on any individual who is, or will be **appointed to or** running for an elected office in the Town of Windsor to ascertain that individual's qualifications for office as required under **this subsection.** ~~Section 3.3 B A of this Charter. (Amended by voters on April 3, 2012)~~ **[Redline #5: Second sentence relocated from 6.4 B]**

C. No person who is an employee of the Town may serve as Mayor or Board Member. Any Town employee elected or appointed as Mayor or a Board Member shall be deemed to have resigned as an employee on the date of taking office.

D. No person may be a candidate for both Mayor and Board Member at the same election.

E. The Mayor and each Board Member shall continue to meet the requirements of this Article throughout their term of office.

F. The Town Board shall be the judge of the election and qualifications of its own members, subject to judicial review. (Amended by voters on November 7, 2007; amended by voters on April 3, 2012)

3.4 Term of Office; Time of Taking Office; Oath (RELOCATED; formerly 3.5)

A. Each Board Member shall be elected for a four-year term.

B. The Mayor shall be elected for a four-year term.

C. The Mayor and each Board Member shall take office at the **beginning** ~~conclusion~~ of all Official Action during the first regular or special meeting of the Town Board following their election or appointment and shall continue in office until their successors have been elected and take office, or a vacancy is earlier established.

D. Before taking office, the Mayor and each Board Member shall take and file with the Town Clerk an oath or affirmation to support the United States Constitution, the State Constitution, and the Charter and ordinances of the Town, and to faithfully perform the duties of the office. (Amended by voters on April 3, 2012)

~~3.4 Term Limits~~

~~The term of office for an elected official either as a Board Member, Mayor or a combination of Board Member and Mayor shall be limited to two consecutive elected terms but not more than ten consecutive years in office whether elected or appointed, which shall include terms served prior to the effective date of this Charter. No elected official whose term expires pursuant to these term limits shall be eligible for appointment or election as a Board Member or Mayor prior to four years following the expiration of that person's prior term in office.~~

3. 5 Limit on Time in Office

The length of time a person may spend in the office of Mayor, or in the separate office of Town Board member is subject to the following limits:

A. A person may serve in the office of Mayor for no more than ten (10) consecutive years, whether elected or appointed.

B. A person may serve in the office of a Board Member for no more than ten (10) consecutive years, whether elected or appointed.

C. A combination of terms for Mayor and a Board Member shall not exceed twelve (12) consecutive years in office, whether elected or appointed.

D. These limits on years of service shall include any period in office served prior to the effective date of this Section, as amended at the February 2025 Town election.

E. No elected official whose eligibility to hold office expires pursuant to these limitations shall be eligible for appointment or election as Mayor or a Board Member prior to four years following the expiration of that person's prior term in office.

~~3.5 Term of Office; Time of Taking Office; Oath~~

~~A. Each Board Member shall be elected for a four-year term.~~

~~B. The Mayor shall be elected for a four-year term.~~

~~C. The Mayor and each Board Member shall take office at the conclusion of all Official Action during the first regular or special meeting of the Town Board following their election or appointment, and shall continue in office until their successors have been elected and take office, or a vacancy is earlier established.~~

~~D. Before taking office, the Mayor and each Board Member shall take and file with the Town Clerk an oath or affirmation to support the United States Constitution, the State Constitution, and the Charter and ordinances of the Town, and to faithfully perform the duties of the office. (Amended by voters on April 3, 2012)~~

3.6 Compensation

The Mayor and each Board Member shall receive such salary and benefits as may be prescribed by ordinance. The salary of the Mayor, or of any Board Member, shall not be increased or diminished during the term for which the Mayor or Board Member has been elected. Subject to the Board's approval, the Mayor and Board Members may be reimbursed for the actual and necessary expenses incurred in the performance of the duties of office.

3.7 Vacancies

A. A vacancy in the office of Mayor or Board Member shall exist if during the term of office the Mayor or a Board Member:

1. Is disqualified from holding office by the Constitution of the State of Colorado; ~~convicted of a felony;~~
2. Is no longer a resident of the Town;
3. Dies, is judicially declared incompetent, resigns, or is recalled without the election of a successor;
4. Has had more than three (3) unexcused absences from regular Town Board meetings during any period of twelve (12) consecutive calendar months. The date of the fourth unexcused absence shall be

determined to be the date on which the office was vacated. Any absence from a regular meeting shall be considered unexcused only if the Town Board so determines by a motion, setting forth the reasons for the determination.

5. Ceases residing within the election district from which that Board Member was elected.

B. Should the position of Mayor be vacated for any reason,

1. If two years or more remain in the mayor's term at the time a vacancy occurs, the Town Board shall order a special vacancy election at the earliest opportunity.

2. If less than two years remain in the Mayor's term at the time a vacancy occurs, the Town Board shall select, by a two-thirds (⅔) vote of all members of the Town Board in office at the time, from its members a Mayor, who shall perform all duties and have all powers of the Mayor until the next regular municipal election. Upon taking the oath of office, the Appointed Mayor shall no longer serve as a Board Member, and a vacancy shall exist on the board. Such vacancy shall be filled in accordance with Article 3.7.D of this Charter.

C. Should the position of Mayor Pro Tem be vacated for any reason, the Town Board shall select, by a two-thirds (⅔) vote of all members of the Town Board in office at the time, from its members a Mayor Pro Tem to serve out the term.

D. Should the position of a Board Member be vacated for any reason, the Board shall fill the vacancy by one of the following options:

1. The position may remain vacant if it is less than one year until the next regular municipal election; or

2. The Town Board may select a person to fill the position until the next regular municipal election.

3. The Town Board may call for a special election to fill the vacated seat. (Amended by voters on April 3, 2012)

ARTICLE IV Town Board Procedures

4.1 Meetings

A. The activities of Town government will be conducted in public to the greatest extent feasible in order to assure public participation and enhance public accountability.

B. The Town Board shall meet regularly each month. The Town Board shall determine the day and hour of its regular meetings and the rules of procedure governing meetings. The first meeting following each regular municipal election shall be the organizational meeting.

C. The Town Board shall cause written minutes of its regular and special meetings to be taken and retained in the records of the Town.

4.2 Special Meetings and Business at Special Meetings

A. Special meetings shall be called by the Town Clerk on the written request of the Town Manager, or any two (2) members of the Town Board.

B. A special meeting shall be held on at least twenty-four (24) hours' notice communicated to each member of the Town Board. A special meeting may be held on shorter notice if all members of the Town Board are present or if those members not present have waived notice thereof in writing. Advance notice of such meeting shall be posted in one public place.

C. At any special meeting of the Town Board, no action shall be taken by the members of Town Board on any item of business that has not been stated in the notice of the meeting.

4.3 Quorum

A majority of the members of the Town Board holding office at the time shall be a quorum, and a quorum shall be required for the transaction of business at all Town Board meetings.

4.4 Work Sessions

A. Each work session of the Town Board shall be held on at least twenty-four (24) hours' notice to each member of the Board. All work sessions shall be publicly posted in advance and open to the public.

B. No final policy decision, rule, regulation, resolution, ordinance, action approving a contract or calling for the payment of money, or other formal action, shall be taken at any work session.

C. The Town Board shall cause a summary or copy of the agenda of each work session to be made and to be retained in the records of the Town.

4.5 Meeting to be Public; Executive Sessions

A. All regular and special meetings of the Town Board shall be open to the public, and persons shall have a reasonable opportunity to be heard at each meeting under such rules as the Town Board may prescribe.

B. Notice of each regular and special meeting shall be posted at least twenty-four (24) hours in advance of the meeting. The notice shall include specific agenda information to the extent available.

C. Any meeting may be recessed into an executive session in the by a ~~majority~~ two-thirds vote of the members of the Town Board present and may be closed to the public for any of the basis for which an executive session is permitted pursuant to the Colorado Open Meetings Law, C.R.S. 24-6-402, as from time to time amended. ~~the following purposes only:~~

~~1. To determine a position relative to issues subject to negotiation, to receive reports on negotiation progress and status, to develop strategy, and to instruct negotiators;~~

~~2. To consider the acquisition or disposal of property if, in the judgment of the Town Board, premature disclosure of information might give any person an unfair competitive or bargaining advantage;~~

~~3. For matters of attorney-client privilege, to receive legal advice from an attorney representing the Town, and for matters required by law to be kept confidential;~~

~~4. For matters critical to the personal safety of elected officials and for matters involving the protection and security of Town property;~~

~~5. For personnel matters;~~

~~6. To deliberate on evidence presented to the Town Board while acting in a quasi-judicial capacity; or~~

~~7. To consider additional matters for which an executive session is permitted under the State Statutes concerning the meetings of local public bodies.~~

D. The general subject matter of any executive session shall be stated in the motion calling for the session. No formal action, no final policy decision, no rule, regulation, resolution or ordinance, and no action approving a contract or calling for the payment of money shall be adopted or approved at any session closed to the public.

1. The Town attorney will provide guidelines for discussing topics in executive session.

E. Except as authorized by the Town Board, as required or permitted by judicial order, or as otherwise required or permitted by law, no participant in any executive session shall reveal any information gained as a result of the session.

4.6 Town Board Acts

The Town Board shall act only by ordinance, resolution, or motion. All legislative enactments shall be in the form of ordinances. All other actions, except as herein provided, may be in the form of resolutions or motions. A true copy of every ordinance and resolution as hereafter adopted shall be numbered and recorded in the official records of the Town.

4.7 Voting

A. Each member's vote on an ordinance or resolution shall be recorded in the minutes.

B. Except where a greater number is required in this Charter, the final adoption of any ordinance shall require a majority ~~two-thirds (⅔)~~ vote of all members of the Town Board in office at the time, and resolutions and motions shall require the majority vote of the members of the Town Board present.

C. No member of the Town Board shall vote on any matter concerning the member's own conduct.

D. No member of the Town Board shall vote on any matter in which the member has a conflict of interest, as defined in the State Statutes or contained in Article V of this Charter. On such matter, the official shall disclose to the Town Board the nature of the conflict of interest prior to recusal from participation.

E. Except as provided in Subsections C. and D. of this Article, each member of the Town Board who is present shall vote on each matter. (Amended by voters on April 3, 2012)

4.8 Action By Ordinance Required

In addition to such acts of the Town Board as are required by the State Constitution or this Charter to be by ordinance, and except as otherwise provided in this Charter, the following acts of the Town Board shall be by ordinance:

A. Authorizing the borrowing of money, creating indebtedness, a voter-approved new tax and/or tax rate increase, or approving a lease-purchase agreement;

B. Approving any transfer of fee ownership in real property owned by the Town;

C. Approving any transfer of water rights owned by the Town;

D. Establishing any rule or regulation for the violation of which a penalty is imposed; or

E. Placing any burden upon or limiting the use of private property.

4.9 Form of Ordinance

A. Every ordinance shall be introduced in printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO.

B. Except as otherwise provided in this Charter, all ordinances shall take effect ~~ten (10)~~ thirty (30) days after publication following final adoption. Unless otherwise specifically provided in the ordinance, every ordinance shall be deemed to contain a severability clause whether stated therein or not.

4.10 Ordinances - Adoption Procedure

A. Each ordinance shall be presented to Town Board at least twice, and the following procedure shall be followed in adopting any ordinance except an emergency ordinance:

1. The ordinance shall be introduced by motion at a regular or special meeting of the Town Board.
2. The ordinance shall be read in full or by title if copies of the ordinance are available to the public.
3. At the first reading, the Town Board shall vote to amend, adopt or reject the ordinance, or take other action, as it deems appropriate. Approval of any ordinance at first reading shall require an affirmative vote of a majority of the members of the Town Board participating in the vote.
4. If the ordinance is adopted by Town Board upon its initial introduction, either as presented or as amended, it shall be published in full as it was adopted.
5. The ordinance shall then be introduced by motion a second time at a regular or special meeting of the Town Board held not earlier than four (4) days after the first publication.
6. Prior to taking final action on the ordinance, the Town Board shall permit public comments on the ordinance, then shall vote to amend, finally adopt, or reject the ordinance, or take other action, as it deems appropriate.
7. Upon final adoption, the ordinance shall be published either in full or by title only, as the Town Board may direct; however, if the ordinance is amended prior to final adoption and is published by title only, the amendment shall be published in full along with the ordinance title.
8. The ordinance shall be signed by the Mayor and attested by the Town Clerk, ~~and affidavits of publication shall be retained with the ordinance in the Town's records.~~ **[Redline #5]**

B. Every ordinance published by title shall contain a notice that copies of the ordinance are available at the office of the Town Clerk. (Amended by voters on April 3, 2012)

4.11 Emergency Ordinances

A. An emergency ordinance necessary for the immediate preservation of public property, health, welfare, peace, or safety shall require a two-thirds (⅔) vote of the members of the Town Board in office at the time. The facts determining the emergency shall be specifically stated in the ordinance. Determination by Town Board as to the existence of an emergency shall be final and conclusive.

B. No ordinance granting, renewing, or amending any franchise, fixing rates charged by any municipal utility system, fixing an impact fee, valuation for assessment ratio increase for a property class, extension of an expiring tax, or tax policy change directly causing a net tax revenue gain to the Town shall be adopted as an emergency ordinance.

C. An emergency ordinance may be introduced and finally adopted at any regular or special meeting, shall require only one (1) reading, and shall not require publication prior to final adoption. An emergency ordinance shall take effect upon final adoption or on such later date as specified in the ordinance. Following final adoption, an emergency ordinance shall be published in full.

4.12 Codification

The Town Board shall cause the ordinances to be codified and thereafter maintained in current form. Revisions to the codes may be accomplished by reference as provided in Article 4.13 of this Charter.

4.13 Adoption of Codes by Reference

The Town Board may adopt, by ordinance, any code by reference. The procedure of adoption of a code by reference shall be as provided in the State Statutes applicable to the adoption of codes by reference or such other procedure as the Town Board may provide by ordinance. Every ordinance adopting a code by reference shall contain a notice that copies of the code are available at the office of the Town Clerk. Any penalty clause in such a code may be adopted only if set forth in full in the adopting ordinance.

4.14 Public Records

All public records of the Town of Windsor shall be open for inspection by any person at reasonable times in accordance with applicable law. Copies of records may be obtained at a reasonable cost or be made available in alternative formats when practicable.

4.15 Fines and Penalties for Ordinance Violations

Penalties for the violation of Town ordinances shall be established by ordinance. No fine or sentence for such a violation shall exceed the maximums established by the State Statutes for municipal ordinance violations.

ARTICLE V Code of Ethics

[I checked the Section to see whether the language describing the applicability of this Section appears deliberate, and consistent where intended. The language in red appears consistent throughout those sections.]

5.1 Purpose

The purpose of this code is to establish guidelines for the ethical standards of conduct for Town officials, public body members and employees. Public servants and volunteers are expected to act in the best interest of the Town. Town officials, public body members and employees are expected to disclose any personal, financial or other interests in matters affecting the Town that come before them for action. Town officials, public body members and employees are expected to recuse themselves from decision making if they have a conflict of interest or even the appearance of one. Town officials, public body members and employees are expected to be independent, impartial, and responsible to their fellow townspeople in their actions. Official decisions and policies will be made following proper channels of town government. Public offices or volunteer positions in our Town will not be used for personal gain. It is important that the public has confidence in the integrity of its government and that town officials, public body members, volunteers and employees have an opportunity to protect their personal reputation. This code establishes a process by which one may obtain guidance regarding potential ethical issues and it establishes a course of action for resolving disputes in a manner that is fair to all of the parties involved.

5.2 Standards

A. The following requirements shall constitute reasonable standards and guidelines for the ethical conduct of elected or appointed officials, public body members, and employees.

B. No elected or appointed official, public body member, or employee who has the power or duty to perform, or has any influence over, an official action related to a contract, shall:

1. Have or acquire an interest in a contract between a business entity and the Town, unless the Town's procedures applicable to the solicitation and acceptance of such contract are followed and unless the elected or appointed official, public body member, or employee has complied with the provisions of Article 5.3;

2. Have an interest in any business entity, which is a party to the contract with the Town, unless the elected or appointed official, public body member, or employee has complied with the provisions of Article 5.3;

3. Represent or appear before the Town Board, any public body, or any other elected or appointed official, public body member, or employee, on behalf of any business entity which is a party to the contract with the Town;

4. Have solicited or accepted present or future employment with any business entity which is a party to a contract with the Town, if the offer or acceptance of such employment is related to or results from any official action performed by the elected or appointed official, public body member, or employee with regard to the contract; or

5. Solicit, accept, or be granted a present or future gift, favor, discount, items of perishable or nonpermanent value, service or thing of value from or for any person involved in the contract. Nothing in this paragraph shall prohibit any elected or appointed official, public body member, or employee from accepting an occasional non-pecuniary gift of an amount to be determined by ordinance, or from accepting an award, publicly presented, in recognition of public service. However, no elected or appointed official, public body member, or employee shall accept a non-pecuniary gift of any value if the gift is or may be in any way associated with a contract that is or may be one for which the elected or appointed official, public body member, or employee has the power or duty to perform an official action.

C. No elected or appointed official, public body member, or employee shall influence or attempt to influence the compensation, benefits, or other terms and conditions of Town office or Town employment applicable to a relative of the elected or appointed official, public body member, or employee.

D. No relative of an elected or appointed official, public body member, or employee shall be hired as a full time, permanent employee unless the Town's personnel procedures applicable to such employment have been followed.

E. No elected or appointed official, public body member, or employee shall use for personal or private gain, or for any other personal or private purposes, any information which is not available to the public and which is obtained by reason of his or her position with the Town, or disclose any such information except as required by law or for Town purposes.

F. No employee shall engage in or accept any employment or service, other than employment by the Town, if such employment or service reasonably would tend to impair the employee's independence of judgment in the performance of the employee's duties. This restriction shall not be construed to prohibit any other restrictions or prohibitions on outside employment applicable to an employee.

G. Neither the Town Manager, nor any employee who is the head of a Town department, shall be appointed to serve as a voting member of a public body, but this does not preclude town staff from serving in an advisory capacity.

H. No elected or appointed official, public body member, or employee shall request or direct the use of any Town resources for personal or private gain, including work time, except in the same manner and under the same circumstances applicable to any other person. No special consideration, treatment, or advantage beyond that which is available to every other person in similar circumstances or need shall be granted unless such use will substantially benefit the Town.

I. No elected or appointed official, public body member, or employee shall, at any time within two (2) years after termination from the Town:

1. Appear on behalf of the elected or appointed official's, public body member's, or employee's interest, or on behalf of the interest of any other person, before the Town Board, any public body, or department of the Town, in relation to any matter concerning which the elected or appointed official, public body member, or employee performed an official act; or

2. Represent the interest of the elected or appointed official, public body member, or employee, or of any other person, in any other matter before the Town Board, any public body, or department of the Town, without disclosing to the Town the elected or appointed official's, public body member's, or employee's prior relationship to the Town and present relationship to the interest.

J. Except as provided in Subsection K, no elected or appointed official, public body member, or employee shall appear before the Town Board or any public body on behalf of any business entity.

K. A member of a public body may appear on behalf of a business entity before the Town Board or before a public body other than the public body of which he or she is a member, so long as the appearance does not concern any matter that has or may come before the public body of which he or she is a member.

L. Nothing in the Code of Ethics shall preclude an elected or appointed official, public body member, or employee from appearing before the Town Board, any public body, or any other elected or appointed official, public body member, or employee on behalf of any person which is not a business entity, so long as the appearance does not concern the elected or appointed official's, public body member's, or employee's interest.

M. No elected or appointed official or public body member shall offer or promise to give his or her vote or influence in favor of or against any proposed official action in consideration or upon condition that any other elected or appointed official, public body member, will promise or assent to give his or her vote or influence in favor of or against any other proposed official action.

N. No elected or appointed official shall become a full-time employee of the Town at any time during the term of office, or for two (2) years after leaving office.

O. No elected or appointed official shall acquire or seek to acquire any real estate or interest therein if the elected or appointed official knows, or reasonably should know, that the Town Board is evaluating, proposing, or pursuing the acquisition of such real estate or interest therein. The elected or appointed official's knowledge shall be presumed. The prohibitions of this subsection shall continue to apply until after the Town Board has abandoned any effort to acquire such real estate or interest therein, and such abandonment has been reflected in the minutes or other record of a Town Board meeting.

5.3 Duty to Disclose **[Redline #4: Divided into subsections and modified to incorporate concept of recusal herein.]**

A. *Disclosure.* An official, public body member or employee of the Town of Windsor shall disclose ~~not participate in the conduct of business on behalf of the Town or enter into discussion or deliberation of any matter without first,~~ publicly and on the record, ~~stating all possible~~ any conflicts of interest that ~~may~~ exist between themselves and their family members, and the principals or the issue under consideration. Should such a conflict of interest be declared, the person making such declaration shall recuse themselves from consideration of the issue under consideration.

B. *Recusal.* Officials, public body members or employees who have been recused from a matter, shall remove themselves completely from all further participation in the matter in question. Official, public body members or employees who have been recused shall immediately leave the room ~~or shall seat themselves with the other members of the public who are present. The recused person shall not participate in further discussions, unless~~

~~they clearly state for the record that they are doing so only as a general member of the public. Recused persons shall not deliberate or vote on the matter in question.~~ **Redline #4: Subsection B relocated from 1.35; Definitions. Redline #5: deletion of latter portion of B.] [**

5.4 No Misuse of Confidential Information

No official, public body member or employee of the Town of Windsor shall use any confidential information acquired by virtue of that individual's official position for personal benefit, or for the benefit of any other person or business. This does not apply to information, which is readily available to the general public. In addition, no official, public body member or employee of the Town of Windsor shall violate the privacy of others by discussing information confidentially acquired in the course of official duties.

5.5 Exclusions

The provisions of this Code of Ethics shall not be interpreted so as to bar:

A. Any official, public body member or employee who is a resident of the Town of Windsor from fully participating in any Town Meeting;

B. Acceptance of donations for the expressed purpose of financing a political campaign, provided such contributions are reported in accordance with all local, state and federal laws that pertain to such donations;

C. Participation in a matter that relates to a person or business from which an official, public body member or employee has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business;

D. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments.

5.6 Enforcement

A. The provisions of Articles 5.2 through 5.5 shall be enforced as follows:

1. The Town Attorney shall have the primary responsibility for administration of said provisions.

2. Any person who believes that an elected or appointed official, public body member, or employee has violated any of said provisions and wishes to initiate proceedings on such alleged violations shall file a written complaint with the Town Attorney. The complaint shall state in detail the facts of the alleged violation, shall specify the section or sections of the Code of Ethics alleged to have been violated, and shall contain a sworn or verified statement signed by the complainant and stating under penalty of perjury that the information in the complaint is true and accurate, and that the complaint is filed in good faith and not out of malice or any other improper motive or purpose. Any complaint that does not contain such a signed statement shall be returned forthwith to the complainant without action.

3. If the complaint is made against an officer or public body member, within ten (10) days after receipt of the complaint the Town Attorney shall forward a copy of the complaint to the elected or appointed official or public body member against whom the complaint is made, and to an advisory judge referred to in Article 5.7. The Town Attorney shall request the advisory judge to appoint a qualified disinterested attorney to serve as special prosecutor. If, within ten (10) days after the request, the advisory judge has not appointed a special prosecutor, the Town's Municipal Judge shall appoint a qualified disinterested attorney to serve as special prosecutor. The reasonable expenses and fees of an advisory judge making such an appointment and of the attorney serving as special prosecutor shall be

paid by the Town. The attorney recommended or appointed pursuant to this paragraph shall serve as special prosecutor for purposes of investigation and action on the complaint, and shall take such actions concerning the complaint as are consistent with the Code of Ethics, the Colorado municipal court rules of procedure, and the prosecutor's ethical responsibilities. Before completing the investigation, the special prosecutor shall provide the elected or appointed official or public body member against whom the complaint is made an opportunity to provide information concerning the complaint.

4. If the complaint is against an employee, the Town Attorney shall investigate the complaint and shall take such actions concerning the complaint as are consistent with the Code of Ethics, the Colorado municipal court rules of procedure, and the prosecutor's ethical responsibilities. Within ten (10) days after receipt of the complaint the Town Attorney shall forward a copy of the complaint to the employee against whom the complaint is made and, before completing the investigation, shall provide the employee an opportunity to provide information concerning the complaint.

B. A person commits false reporting of a complaint under this Article if:

1. The person makes a complaint of a violation under Articles 5.2 through 5.5 or knowingly causes the transmission of a complaint to the Town Attorney of such a violation when the person knows that the violation did not occur; or

2. The person makes a complaint or knowingly causes the transmission of a complaint to the Town Attorney pretending to furnish information relating to a violation of Articles 5.2 through 5.5 when the person knows that he or she has no such information or knows that the information is false.

C. A person who is convicted of false reporting of a complaint under this article shall be punished as provided in Article 16.5 of this Charter.

5.7 Advisory Opinions

A. The Municipal Judge shall maintain the consent of one (1) or more judges of municipalities other than the Town, to provide advisory opinions with respect to the applicability of Articles 5.2 through 5.6. The names of such advisory judges shall be provided to the Town Board, the Town Manager, and the Town Attorney. The reasonable expenses and fees of an advisory judge providing such an opinion shall be paid by the Town.

B. If any officer, public body member, or employee is uncertain as to the applicability of Articles 5.2 through 5.6 to a particular situation, or as to the definition of terms used in said Articles, the officer, public body member, or employee may apply in writing to the Town Board, Mayor, or Town Manager for an opinion from an advisory judge pursuant to these Articles, and the Town Board, Mayor, or Town Manager may submit an application to the advisory judge for procurement of an opinion. Any officer or public body member may apply directly to an advisory judge for an opinion. The application shall state in detail the applicable facts and the Article or Articles of the Code of Ethics concerning which the opinion is requested.

C. Any person who requests and acts in accordance with an advisory opinion issued pursuant to this Article shall not be subject to any penalties for such action under the Code of Ethics, unless material facts were omitted or misstated in the request for the advisory opinion.

D. An opinion rendered by an advisory judge pursuant to these Articles shall be disclosed to the public by posting, unless the advisory judge who issued the opinion determines it in the best interest of the Town to delay such posting, in which case the opinion shall be posted as soon as the judge determines that the best interest of the Town will no longer be harmed by public disclosure of the opinion.

5.8 Violations - Injunction

The Town Prosecutor shall have the power and the duty, where a violation of the provisions of the Code of Ethics is threatened or has occurred, to bring a civil action or proceeding at law or in equity for a judgment enjoining any violation of the provisions of the Code of Ethics. Any member of the community shall have the opportunity to submit, in good faith, a sworn statement of any suspected violation of the Charter to the Town Attorney.

5.9 Violations - Voiding of Contract

Any contract that was the subject of any official action of the Town in which there was or is an interest prohibited by the Code of Ethics shall be voidable at the option of the Town, if legally permitted. Where the Town Attorney determines that the public interest may best be served by not voiding such contract, it may be enforced and an action or proceeding may be brought against any elected or appointed official, public body member, or employee in violation of the provisions of the Code of Ethics for damages in an amount not to exceed twice the damages suffered by the Town or twice the profit or gain realized by the elected or appointed official, public body member, or employee, whichever is greater.

5.10 Distribution

The Town Clerk shall cause any forms required for compliance with the Code of Ethics, to be distributed to each elected or appointed official, public body member, and employee of the Town within twenty (20) days after such person assumes Town office, position or employment, and to each elected or appointed official, public body member, and employee elected, appointed, or hired thereafter, before entering into any duties with the Town, and to each candidate for elective office at the time the candidate obtains a nomination petition. In addition, the Town Clerk shall cause a copy of any amendment to the Code of Ethics to be distributed to each elected or appointed official, public body member, and employee of the Town within twenty (20) days after the enactment of the amendment. (Amended by voters on April 3, 2012)

ARTICLE VI Elections

6.1 Colorado Municipal Election Laws Adopted

Town elections shall be governed by the State Statutes contained in the Colorado Municipal Election Code, except as otherwise provided by this Charter or by ordinance. All regular and special elections shall be nonpartisan.

6.2 Regular Elections

A regular municipal election shall be held in April of each even-numbered year on the Tuesday succeeding the first Monday of April.

6.3 Special Elections

A special election shall be called by a resolution adopted at least sixty (60) days prior to the election. The resolution calling a special election shall set forth the purpose of the election.

6.4 Conduct of Elections

A. The Town Clerk shall have charge of all activities and duties required pursuant to this Charter relating to the conduct of Town elections. In any case where election procedure is in doubt, the Town Clerk shall prescribe the procedure to be followed.

B. The Town Clerk shall provide that a background check be made on any individual who is, or will be, running for an elected office in the Town of Windsor to ascertain that individual's qualifications for office as required under Section 3.3 B of this Charter. (Amended by voters on April 3, 2012)

ARTICLE VII Initiative, Referendum and Recall

7.1 Initiative

A. The initiative power, reserved by Article V, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the Town as to that Town legislation which is subject to the initiative power reserved in said Constitution. Any initiated measure shall be in the form of an ordinance. The measure shall be initiated pursuant to the State Statutes, which establish procedures for a municipal initiative, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

B. The initiative petition shall be signed by registered electors of the Town equal in number to at least five (5) percent of the total number of electors of the Town registered to vote at the last regular municipal election.

C. The Town Clerk shall not count as valid any signature on an initiative petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

D. The Town Clerk shall not count as valid any signature on an initiative petition if more than ninety (90) days have elapsed between the date the form of the petition was approved by the Town Clerk and the date of the signature.

7.2 Referendum

A. The referendum power, reserved by Article V, Section 1(9) of the Colorado Constitution, is hereby extended to the registered electors of the Town as to those ordinances that are subject to the referendum power reserved in said Constitution. Such ordinances shall be referred pursuant to the State Statutes that establish procedures for a municipal referendum, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter. The referendum power shall not apply to an emergency ordinance.

B. A referendum petition shall be signed by registered electors of the Town equal in number to at least five (5) percent of the total number of electors of the Town registered to vote at the last regular municipal election.

C. The Town Clerk shall not count as valid any signature on a referendum petition if the date of the signature is prior to the date the form of the petition was approved by the Town Clerk.

7.3 Recall

A. Any elected official may be recalled at any time after six (6) months in office, pursuant to the State Statutes that establish procedures for the recall of municipal elected officers, except as otherwise provided in this Charter and in ordinances not inconsistent with this Charter.

B. A petition to recall a Town Board Member or Mayor will be signed by at least twenty-five (25) percent of the entire vote cast for all the candidates for that particular office at the last preceding election in which the person sought to be recalled was elected to office.

C. For the recall of a person appointed to fill a vacancy, signers shall number at least twenty-five (25) percent of the entire vote cast for all candidates for the vacated office at the last preceding regular municipal election at which a person was elected to that office.

D. If a regular municipal or statewide general election is scheduled to be held within ninety (90) days after submission of a recall petition, even though that election is not the one at which the office held by the person sought to be recalled would otherwise be filled, the recall election shall be held at the same time as that regular municipal or statewide general election.

E. After one (1) recall petition and election, no further petition shall be filed against the same person during the term for which such person was elected or appointed, unless the signers number at least fifty (50) percent of the registered electors at the last preceding regular municipal election.

F. Except as to requirements contained in this Charter, in the State Statutes which are applicable to the recall of municipal elected officers, and in the ordinances of the Town, the form, content, approval, and other petition requirements in the State Statutes applicable to municipal initiatives shall apply as nearly as practicable to recall petitions.

7.4 Board Referral

The Board shall have the power to submit to a vote of the registered electors of the Town, without receipt of any petition, any proposed or adopted ordinance or any question.

7.5 Prohibited Action by Board

A. No initiated ordinance adopted by the registered electors of the Town may be substantively amended or repealed by the Board during a period of one (1) year after the date of the election on the initiated ordinance, unless the amendment or repeal is approved by a majority vote of the registered electors of the Town.

B. No referred ordinance repealed by the registered electors of the Town may be readopted by the Board during a period of one (1) year after the date of the election on the referred ordinance, unless the re-adoption is approved by a majority vote of the registered electors of the Town.

7.6 Withdrawal of Petition

A. An initiative, referendum, or recall petition may be withdrawn at any time prior to thirty (30) days preceding the day scheduled for a vote by filing with the Town Clerk a written request for withdrawal.

B. The written request for withdrawal shall be signed by a majority of persons who are designated in the petition as representing the signers on matters affecting the petition.

C. Upon the filing of such request the petition shall have no further force or effect, and all proceedings thereon shall be terminated.

7.7 Petition Forms to be Provided

The Town Clerk shall provide upon request sample forms of initiative, referendum and recall petitions that conform to the requirements of this Charter.

ARTICLE VIII Administration

8.1 Town Manager

A. The Town Manager shall be the chief administrative officer of the Town. The Town Board, by a two-thirds (⅔) vote of all members of the Town Board in office at the time, shall appoint a Town Manager who shall serve at the pleasure of the Town Board and at a salary as determined by the Town Board.

B. The Town Manager shall become a resident of the Town within the time established by the Town Board, and shall remain a resident throughout the Manager's appointment.

C. The job performance of the Town Manager shall be evaluated annually by the Town Board, and the Town Board shall review such evaluation with the Town Manager.

D. The Town Board, upon a majority vote of all members of the Town Board, may remove the Town Manager or any Acting Town Manager from office. However, the Town Board shall provide the Town Manager or any Acting Town Manager with notice of its intent to consider such removal at its next regular or special meeting.

8.2 Acting Town Manager

The Town Manager shall designate a qualified Town employee to serve as acting Town Manager or administrative contact as needed during the Manager's temporary absence or disability. Whenever the position of Town Manager has been vacated, the Town Board shall make the appointment of an Acting Town Manager to carry out the responsibilities and duties of the Town Manager until the position is filled.

8.3 Exclusive Service to Town

During the period of the appointment, the Town Manager shall not be an employee of, or perform any services for compensation from, any person or entity other than the Town, unless the Manager has first obtained the approval of the Town Board.

8.4 Powers and Duties

A. Be responsible for the enforcement of the ordinances, resolutions, franchises, contracts, and other enactments of the Town;

B. Establish and implement personnel rules and regulations for Town employees. Such rules and regulations shall provide for the selection, promotion, and retention of Town employees on the basis of ability, training, experience, and performance;

C. Prepare a proposed budget and submit it to the Town Board and administer the adopted budget;

D. Prepare and submit to the Town Board at the end of each fiscal year a complete report on the finances and administrative activities of the Town; and upon request of the Town Board, report on the affairs of the Town supervised by the Town Manager;

E. Advise the Town Board of the financial condition of the Town and make recommendations to the Town Board for future Town needs;

F. Except as to the Municipal Court and the office of the Town Attorney, exercise supervision and control over all Town departments, and make recommendations to the Town Board concerning the establishment, consolidation or abolition of such departments;

G. Attend meetings of the Town Board and participate in discussions with the Town Board in an advisory capacity;

H. Be responsible for informing the public on, and involving the public in, Town functions, plans and activities;

I. Perform such other duties as prescribed in this Charter or as prescribed by ordinance or by the Town Board and that are not in conflict with this Charter.

8.5 Town Board's Relationship to Employees

Neither the Town Board, the Mayor, nor any Board Member shall dictate or interfere with the appointment of, or removal of, or the duties of any Town employee subordinate to the Town Manager, the Town Attorney, or the Municipal Judge, or prevent or interfere with the exercise of judgment in the performance of the employee's Town responsibilities. The Town Board, the Mayor, and each Board Member shall deal with such employees solely through the Town Manager, the Town Attorney, or the Municipal Judge as applicable and shall not give orders or reprimands to any such employee. The Town Manager alone shall be responsible to the Town Board for the proper administration of all matters placed in the Manager's charge by or pursuant to this Charter.

8.6 Town Clerk

The Town Manager shall appoint a Town Clerk to perform duties required by applicable law and ordinance and such other duties as directed by the Town Manager.

8.7 Director of Finance

The Town Manager shall appoint a qualified person as Director of Finance to perform duties required by law and ordinance and such other duties as may be required by the Town Manager.

ARTICLE IX Legal and Judiciary

9.1 Town Attorney

A. The Town Board, by the affirmative vote of two-thirds (⅔) of the members of the Town Board in office at the time, shall appoint a Town Attorney to serve at the pleasure of the Town Board.

B. The Town Board shall establish the Town Attorney's compensation.

C. The Town Attorney shall be, at all times while serving as Town Attorney, an attorney at law admitted to practice in Colorado.

D. The Town Attorney shall serve as the chief legal advisor of the Town, shall advise the Town Board and other Town officials in matters relating to their official powers and duties, and shall perform such other duties as may be designated by the Town Board.

E. Town employees subordinate to the Town Attorney shall be subject to the sole supervision and control of the Town Attorney.

F. The job performance of the Town Attorney shall be evaluated annually by the Town Board, and the Town Board shall review such evaluation with the Town Attorney.

G. The Town Board may employ such special counsel as may be recommended by the Town Attorney or the Town Manager.

H. The removal of the Town Attorney shall require a majority vote of all members of the Town Board.

9.2 Municipal Court; Municipal Judge

A. There shall be a Municipal Court vested with jurisdiction over matters arising under the Charter and ordinances of the Town.

B. The Town Board shall appoint, by the affirmative vote of two-thirds (⅔) of the members of the Town Board in office at the time, a presiding Municipal Judge and such Deputy Municipal Judges as the Town Board deems necessary.

C. The presiding Municipal Judge and each Deputy Municipal Judge shall be, at all times while serving as judge, an attorney at law admitted to practice in Colorado.

D. The Town Board shall establish the compensation for the presiding Municipal Judge and each Deputy Municipal Judge. The compensation shall not be dependent upon the outcome of the matters to be decided by the Judge.

E. The removal of any Municipal Judge during a term of office shall require a majority vote of all members of the Town Board. Any such removal shall be only for cause as specified in the State Statutes applicable to the removal of Municipal Judges or for any other conduct that would constitute a violation of the Colorado Code of Judicial Conduct, as from time to time amended, if committed by a judge subject to such code.

ARTICLE X Boards and Commissions

10.1 Boards and Commissions

A. The Town Board may, by ordinance, establish, consolidate, or abolish any board or commission, except that the Planning Commission and the Boards of Adjustment and Appeals may not be abolished.

B. Except as otherwise provided by this Charter or by ordinance, each board and commission shall be advisory in character. The selection, term, responsibilities, policies, and other matters concerning each board and commission shall be as established by ordinance.

C. The appointment or removal of any board or commission member who is required by ordinance to be appointed by the Town Board shall require the vote of a majority of the Town Board. Each member of a board or commission shall be a resident of the Town at the time of appointment and throughout the member's term. A member appointed by the Town Board shall serve at the pleasure of the Town Board.

D. The members of each board and commission shall serve without compensation but may be paid authorized expenses actually incurred in the performance of the duties of the office.

E. No board or commission shall hold any executive session except in accordance with procedures that shall be consistent with those established in Article 4.5 of this Charter and only for the purposes specified in said Article 4.5.

ARTICLE XI Finance, Budget and Audit

11.1 Fiscal Year

The fiscal year of the Town shall commence on the first day of January or on such date each year as shall be fixed by the Town Board.

11.2 Annual Budget Estimates

A. Unless a different date is set by the Town Board, each department head shall submit to the Town Manager, on or before the fifteenth (15th) day of September, the department's proposed budget for the next ensuing fiscal year.

B. Unless a different date is set by the Town Board, the Town Manager shall submit to the Town Board, on or before the fifteenth (15th) day of October of each year, a proposed budget for the Town for the next ensuing fiscal year.

C. The proposed budget shall provide a complete financial plan for the Town in a format acceptable to the Town Board. Except as otherwise provided by this Charter, the proposed budget shall be prepared in accordance with the State Statutes establishing the local government budget laws and the local government uniform accounting laws. Such budget shall present a complete financial plan by fund and by spending agency with each fund and shall set forth the following:

   1. All proposed expenditures for administration, operation, maintenance, debt service, and capital projects to be undertaken or executed by any spending agency during the fiscal year;

   2. Anticipated revenues for the fiscal year;

   3. Estimated beginning and ending fund balances;

   4. The corresponding actual figures for the prior fiscal year and estimated figures projected through the end of the current fiscal year, including disclosures of all beginning and ending fund balances, consistent with the basis of accounting used to prepare the budget;

D. Each fund in the budget must be balanced. The budget shall not provide for expenditures in excess of projected revenues and beginning fund balances.

E. The budget shall set forth, in a supplemental schedule, each of the following:

   1. The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements involving real property;

   2. The total maximum payment liability of the Town under all lease-purchase agreements involving real property over the entire terms of such agreements, including all optional renewal terms;

   3. The total amount to be expended during the ensuing fiscal year for payment obligations under all lease-purchase agreements other than those involving real property; and

   4. The total maximum payment liability of the Town under all lease-purchase agreements other than those involving real property over the entire terms of such agreements, including all optional renewal terms.

11.3 Capital Program

A. The Town Manager, with such assistance as needed or as the Town Board may direct, shall ensure a long-range capital program is prepared and submitted to the Town Board for a long-range capital program for the ensuing fiscal year and the four (4) fiscal years thereafter, prior to or concurrent with the submission of the recommended budget.

B. The capital program shall include:

1. A clear general summary of its contents;
2. A list of all capital improvements which are proposed to be undertaken during the life of such long-range capital programs, with appropriate supporting information as to the necessity for the improvement;
3. Cost estimates, method of financing, and recommended schedules for each improvement; and
4. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

C. This information may be revised or extended each year with regard to capital improvements still pending or in process of construction or acquisition.

11.4 Budget Hearing

A public hearing on the proposed budget and capital program shall be held by the Town Board after receipt of the proposed budget. Notice of the time and place of such hearing shall be published at least one (1) time at least ten (10) days prior to the hearing and shall state that copies of the proposed budget and the proposed capital projects programs are available for public inspection in the office of the Town Clerk.

11.5 Town Board Action on Budget

After the public hearing the Town Board may adopt the budget as presented or as amended. In amending the budget Town Board may add or increase programs or amounts and may delete or decrease programs or amounts except those expenditures required by law or for debt service or for estimated cash deficit. Such amendments shall not increase the total expenditures for the overall budget as presented at the public hearing. If such amendment does increase the total expenditures, then another public hearing shall be held prior to adoption of the budget.

A. Notwithstanding any other provision of this Charter, any resolution approving or amending the budget or making any appropriation, or any ordinance levying any *ad valorem* property tax, shall be effective upon final adoption of such resolution or ordinance. (Amended by voters on April 3, 2012)

11.6 Town Board Adoption

A. The Town Board shall adopt the budget by resolution on or before the final day of the fiscal year. If it fails to adopt the budget by this date, the amounts appropriated for the current operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items in it prorated accordingly, until such time as the Town Board adopts the budget for the ensuing fiscal year.

B. Monthly or more often if required by the Town Board, the Town Manager shall ensure that the Town Board is submitted data showing the relation between the estimated and actual revenues and expenditures to date.

11.7 Appropriations

A. Adoption of the budget by Town Board shall constitute appropriations of the amounts specified therein for expenditure from the funds indicated.

B. The proceeds of any municipal borrowing authorized by Article 11.13 of this Charter shall not be subject to any requirement of prior budgeting or appropriation as a condition of their expenditure.

C. The amount necessary to repay any such municipal borrowing, including interest, need not be budgeted or appropriated in full in the year in which the borrowing occurs; however, such amounts necessary to pay debt service shall be budgeted and appropriated on an annual basis, provided that no failure to budget and appropriate such annual debt service amounts shall affect the enforceability of any covenant of the Town to make such payments.

11.8 Property Tax Levy

The Town Board shall cause the ad valorem property tax levy to be certified as provided by law.

11.9 Public Records

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public through the Town Clerk's office.

11.10 Amendments After Adoption

A. Supplemental Appropriations: If during the fiscal year the Town Manager certifies that there are revenues available for appropriation in excess of those estimated in the budget, the Town Board may by resolution make supplemental appropriations for the year up to the amount of such excess, provided that such additional spending is not in conflict with the Colorado Constitution.

B. Emergency Appropriations: To meet a public emergency affecting life, health, property or the public peace, the Town Board may make emergency appropriations. Such appropriations may be made by emergency resolution. To the extent that there are no available unappropriated revenues to meet such appropriations, the Town Board may by emergency resolution, authorize the issuance of emergency notes as provided in this Charter.

C. Reduction of Appropriations: If during the fiscal year it appears probable to the Town Manager that the revenues available will be insufficient to meet the amount appropriated, it shall be reported to the Town Board without delay, indicating the estimated amount of deficit, any remedial action taken, and recommendations as to any other steps to be taken. The Town Board shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by resolution reduce one or more appropriations.

D. Transfer of Appropriations: During the fiscal year the Town Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, project or agency within a fund. Upon written request from the Town Manager, the Town Board may also authorize by resolution the transfer of part or all of any unencumbered appropriation balance from one fund, department, office, agency, or project to another.

E. Limitation: No appropriation for debt service may be reduced or transferred. No appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

F. Effective date: The supplemental appropriations, emergency appropriations, and reduction or transfer of appropriations authorized by this Article may be made effective immediately upon adoption.

11.11 Payments and Obligations Prohibited

During the fiscal year no Town official, employee, or spending agency shall expend any money, incur any liability, or enter into any contract which, by its terms, involves the expenditures of money in excess of the

amounts appropriated. Any contract, verbal or written, made in violation of this Article shall be void, and no monies belonging to the Town shall be paid on such contract.

11.12 Independent Audit

A. The Town Board shall provide for an independent annual audit of all Town accounts by a certified public accountant selected by the Town Board and may provide for more frequent audits, as it deems necessary.

B. The audit shall be performed in accordance with the State Statutes establishing the local government audit laws.

C. The accountant selected shall have no direct personal interest in the fiscal affairs of the Town, an elected official of the Town, or any employee of the Town.

D. Unless another date is provided by ordinance, the audit shall be completed within six (6) months after the close of the fiscal year.

E. Upon completion, the audit shall be presented to the Town Board and copies made available for public inspection through the Town Clerk's office.

11.13 Municipal Borrowing

The Town may, subject to any applicable limitations in the Colorado Constitution, borrow money and issue securities or enter into other obligations to evidence such borrowing in any form and in any manner determined by the Town Board to be in the best interests of the Town.

11.14 Provision for Tax System

The Town Board may, by ordinance, provide a system for the assessment, levy, and collection of all Town taxes not inconsistent with this Charter.

11.15 Municipal Taxation

The Town Board may adopt by ordinance for municipal taxes as long as those taxes comply with the following conditions:

A. Such taxes are subject to any applicable limitations in the Colorado Constitution, including any requirements for voter approval; and

B. The Town Board may, subject to ordinance requirements and limitations, adopt ordinances providing for the establishment and operation of any enterprise deemed to be in the best interest of the Town. Within this Article, *enterprise* refers to a government-owned business authorized to issue its own revenue bonds and receiving less than 10% of its annual revenue in grants from all Colorado state and local governments combined.

11.16 Bonding

Before permitting any member of the Town Board or any Town employee to perform any function or duty involving the handling of Town funds, the Town shall obtain a fidelity bond or insurance coverage in an amount acceptable to the Town Board.

11.17 Municipal Investments

The Town Board may, by ordinance or resolution, initiate and adopt guidelines for municipal investments as long as those guidelines comply with and are subject to any applicable limitations in the Colorado Constitution, including any requirements for voter approval.

ARTICLE XII Town-Owned Utilities

12.1 Authority and Powers

The Town shall have and exercise all the authority and powers provided by the Colorado Constitution, State Statutes, and other applicable laws in any matter pertaining to Town-owned utilities, including water and water rights and acquisition thereof, and bonded indebtedness in connection therewith.

12.2 Utility Rates and Finances

A. The Town Board shall from time to time fix, establish, maintain, and provide for the collection of rates, fees, and charges for water, sewer, and other utility services furnished by the Town.

B. Such rates, fees, and charges shall be sufficient in the Town Board's judgment to provide good service to the customers, pay all bonded indebtedness, pay legally required refunds, cover the cost of operation, maintenance, additions, extensions, betterments, and improvements, provide a reasonable return on the Town's investment in utility properties and capital investments, and reimburse the general fund for administrative services and overhead provided and incurred by the Town on behalf of each utility, as allowed by the Colorado Constitution and other applicable laws.

C. The provisions of this section shall be subject at all times to the performance by the Town of all covenants and agreements made by it in connection with the issuance, sale, or delivery of any bonds of the Town, payable out of the revenues derived from the operation of its water, sewer, and other utilities, whether such revenue bonds be heretofore or hereafter issued.

12.3 Separate Utility Accounting

A. All monies derived from Town-owned utilities shall be accounted for separately from other monies of the Town.

B. Any loan of money derived from a Town-owned utility to any other Town-owned utility, or to any other Town fund, shall be approved by ordinance. The motion approving the loan shall specify the terms of the loan.

ARTICLE XIII Franchises

13.1 New Franchises and Renewals

A. A franchise may be granted or renewed for a period of twenty-five (25) years or less.

B. Any franchise, and any renewal of or amendment to a franchise, shall be granted by the Town Board by ordinance. Any ordinance granting, renewing or amending a franchise shall be subject to a referendum, notwithstanding any emergency declaration in the ordinance, if one is filed in accordance with the procedures and requirements set forth in this Charter. If such an election is ordered, the grantee of such

franchise shall deposit the cost of the election with the Town Clerk in an amount determined by the Town Clerk.

ARTICLE XIV Permits

14.1 Revocable Permits or Licenses

Except as otherwise provided in this Charter, the Town may grant a permit or license at any time for the temporary use or occupation of any street, alley, other public way, or Town-owned place. Any such permit or license shall be revocable by the Town at any time and without cause, whether or not such right to revoke is expressly reserved in the permit or license.

ARTICLE XV Special Districts

15.1 Power to Create Districts

The Town Board, subject to applicable restrictions in the Colorado Constitution, shall have full authority to create by ordinance special districts within the Town. (Amended by voters on April 3, 2012)

ARTICLE XVI Miscellaneous Provisions

16.1 Interpretation

A. Except as otherwise specifically provided in or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

B. Except as otherwise specifically provided in or indicated by the context, the singular number shall include the plural, the plural shall include the singular, and the word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as individuals.

16.2 Severability of Charter Provisions

If any part of this Charter or the application thereof to any person or circumstance is found to be invalid, such invalidity shall not affect the validity of any remaining part of this Charter, and to this end this Charter is declared to be severable.

16.3 Sale or Encumbrance of Property

The Town Board may not sell, exchange, or dispose of public utilities or permanent public buildings or any fee interest in real property except by ordinance or a majority vote of the electors at the option of the Town Board Members. The Town Board may not mortgage or encumber public utilities or permanent public buildings or real or personal property except by ordinance or majority vote of the electors at the option of the Town Board Members. (Amended by voters on April 3, 2012)

16.4 Bequests, Gifts and Donations

Except as otherwise provided in this Charter, the Town Board, on behalf of the Town, may receive bequests, gifts, and donations of all kinds of property with power to manage, sell, lease, or otherwise dispose or provide for the disposition of the same.

16.5 Penalty for Violation of Charter

Any willful violation of a provision of this Charter shall be deemed a misdemeanor and may be prosecuted in the Municipal Court. Any person convicted of such a violation may be punished by imprisonment for a term not to exceed the maximum term of imprisonment that the Municipal Court is authorized to impose, or by a fine in an amount not to exceed the maximum fine that the Municipal Court is authorized to impose, or by both such fine and imprisonment.

16.6 Competitive Bidding

The Town Board shall establish by ordinance procedures requiring competitive bidding for contracts for the procurement of services, equipment, and supplies. Any such ordinance may provide exclusions from the competitive bidding requirements for contracts below an amount specified in the ordinance, for the types of contracts specified in the ordinance, and for the types of services, equipment, or supplies specified in the ordinance.

16.7 Continuity of Government

The Town Board shall provide by ordinance for continuity of government for the Town in the event of natural or enemy-caused disaster or in the event of riot, insurrection, or emergency. Such ordinance shall provide for an orderly line of succession of Town officials with the authority to take appropriate action for the protection of life and property.

16.8 Eminent Domain

The Town Board, subject to applicable restrictions in the Colorado Constitution, shall have full powers of eminent domain and dominant eminent domain.

ARTICLE XVII Transitional Provisions

17.1 Effective Date of Charter

This Charter shall become effective immediately upon filing and recording with the Secretary of State of Colorado following approval of the registered electors of the Town.

17.2 Prior Town Legislation

All ordinances, resolutions, rules, and regulations of the Town which are not inconsistent with this Charter, and which are in force and effect on the effective date of this Charter, shall continue in full force and effect until repealed or amended. Any provision of any ordinance, resolution, rule, or regulation that is inconsistent with this Charter is hereby repealed.

17.3 Continuation of Present Elected Officials

The present Board Members and Mayor, in office on the date this Charter becomes effective, shall continue to serve and carry out the functions, powers and duties of their offices until their successors assume the duties of their offices, and they shall in all respects be subject to provisions of this Charter with the term limits of Article 3.4 applying to those terms served prior to adoption of this Charter.

17.4 Continuation of Present Boards and Commissions

All boards and commissions in existence on the effective date of this Charter shall continue to function as established by ordinance. The members of each Town Board and commission, serving on the effective date of this Charter, shall continue as though they had been appointed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter.

17.5 Continuation of Present Personnel

The employment of all employees of the Town serving on the effective date of this Charter shall continue as though they had been employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter.

17.6 Saving Clause

This Charter shall not affect any suit pending in any court or any document heretofore executed in connection therewith. Nothing in this Charter shall invalidate any existing contracts between the Town of Windsor and individuals, corporations, or public agencies.

17.7 Directives to Write Ordinances

The ordinances required by Articles 5.2.B.5, 16.6 and 16.7 of this Charter shall be adopted by the Town Board no later than six months after the effective date of this Charter.

TOWN OF WINDSOR

ORDINANCE NO. 2024-

AN EMERGENCY ORDINANCE REFERRING TO THE VOTERS AMENDMENTS TO ARTICLE III SECTIONS 3.1(C), (D), (E), (F), 3.2(C), 3.3(A), (B), 3.4, 3.5, 3.7(A) AND (B), ARTICLE IV SECTION 4.7(B), AND ARTICLE VI SECTION 6.4(B) OF THE TOWN OF WINDSOR HOME RULE CHARTER

WHEREAS, the Town of Windsor ("Town") is a Colorado home rule municipality with all powers and authority provided by Colorado law; and

WHEREAS, the Town's Home Rule Charter ("Charter") was duly adopted as required by law; and

WHEREAS, Charter Sections 3.1(C), (D), (E), (F), 3.2(C), 3.3(A), (B), 3.4, 3.5, 3.7(A), (B) and 4.7(B) all are being proposed for amendments upon voter approval; and

WHEREAS, the Town's Charter may only be amended through a voter-approved referred measure; and

WHEREAS, Article XX, Section 5 of the Colorado Constitution and C.R.S. § 31-2-210(1)(b) provide that the Town Board ("Board") may submit a Charter amendment to a vote by ordinance; and

WHEREAS, the Board sends forth these amendments to update the Charter and bring clarification to certain provisions; and

WHEREAS, in order to give voters the opportunity to vote on amendments to the Charter, the Board herein desires to refer the ballot questions stated below to the voters for consideration at a special election set for February 18, 2025; and

WHEREAS, the Board finds that adoption of this Ordinance as an emergency Ordinance pursuant to Charter Section 4.11 is necessary for the immediate preservation of public property, health, welfare, peace or safety based upon the following specific fact that the notification of requirements of C.R.S. Section 31-2-210(4) do not require a second reading if the measure referred herein is to be considered by the voters at the special election already called for on February 18, 2025.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF WINDSOR, COLORADO, AS FOLLOWS:

Section 1. Pursuant to the Charter, the Colorado Constitution, and C.R.S. § 31-2-210(1)(b), the following proposal shall be submitted to the electors of the Town and shall become effective if approved by the majority of the voters at the municipal election to be held on February 18, 2025.

Section 2. The following ballot language is hereby referred to the voters at said election:

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SHALL SECTION 3.1(C) OF THE TOWN OF WINDSOR HOME RULE CHARTER BE AMENDED TO REDUCE THE REDISTRICTING TIMEFRAME FROM SIX TO FOUR YEARS? THIS SECTION SHALL READ AS FOLLOWS:

3.1 Town Board

C. Districting. The town shall be divided into six (6) geographical districts numbered one (1) through six (6), inclusively, each district shall be represented by one (1) Town Board member. The Districts shall be contiguous, compact, and have approximately the same number of registered electors. The boundaries of the districts shall not be changed more often than once in **four (4) years**, ~~six (6) years~~ unless such change is necessary to conform to constitutional apportionment requirements. Territory added to the Town shall become part of such district or districts as may be determined by ordinance, consistent with constitutional requirements. Notwithstanding any other provision of this Charter, no change in district boundaries shall create a vacancy during the term of any Town Board member in office at the time of the change.

_____ YES _____ NO

SHALL SECTION 3.1(D) OF THE TOWN OF WINDSOR HOME RULE CHARTER BE AMENDED TO CONNECT THE REDISTRICTING FORMULA TO THE MAYORAL ELECTION EVERY FOUR YEARS INSTEAD OF BIENNIAL ELECTIONS? THIS SECTION SHALL READ AS FOLLOWS:

3.1 Town Board

D. Formula for redistricting. No later than one hundred and eighty days (180) before each regular **mayoral** ~~biennial~~ election, the Town Clerk shall determine if the number of registered electors in the district containing the lowest number of registered electors is less than eighty-five (85) percent of the number of registered electors in the District containing the highest number.

_____ YES _____ NO

SHALL SECTIONS 3.1(E) AND 3.1(F) OF THE TOWN OF WINDSOR HOME RULE CHARTER, REFERRING TO THE TOWN'S 2008 TOWN ELECTION, BE REPEALED AS BEING OUTDATED AND UNNECESSARY?

_____ YES _____ NO

SHALL SECTION 3.2(C) OF THE TOWN OF WINDSOR HOME RULE CHARTER BE AMENDED TO REDUCE THE CURRENT 2/3 MAJORITY VOTE REQUIREMENT TO A MAJORITY VOTE REQUIREMENT FOR THE APPOINTMENT OF MAYOR PRO TEM? THIS SECTION SHALL READ AS FOLLOWS:

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3.2 Mayor; Mayor Pro Tem

C. By a **majority** ~~two-thirds (2/3)~~ vote of all members of the Town Board in office at the time, a Board Member shall be appointed as Mayor pro tem, for a term of two years, to perform the responsibilities of the Mayor when the Mayor is absent or is otherwise unable to perform the responsibilities of the Mayor.

_____ YES _____ NO

SHALL SECTION 3.3(A) OF THE TOWN OF WINDSOR HOME RULE CHARTER BE AMENDED TO ADD A SECTION (4) IN ORDER TO CLARIFY THAT IN ORDER TO BE ELIGIBLE TO BE ELECTED OR APPOINTED TO OFFICE, THE INDIVIDUAL MUST BE ELIGIBLE TO COMPLETE THE ENTIRE TERM OF THAT OFFICE? THIS SECTION SHALL READ AS FOLLOWS:

3.3 Qualifications

A. Except during the during the transition period set forth in Section 3.1, (F) no person shall be eligible to be elected or appointed to the office of Mayor or Board Member unless he or she is:

1. A citizen of the United States of America; and

2. A registered elector of the Town; and

3. A resident of the Town for twelve (12) consecutive months immediately preceding the election, and in the case of a District Town Board member, has continuously resided in the District from which he or she is to be elected for twelve (12) consecutive months immediately preceding the election. At all times during their terms Town Board members shall reside in the Districts from which elected. In the case of annexation, residence within the annexed territory for the prescribed period shall satisfy the residency requirements of this Article.

4. **Eligible to complete the entire term to which he or she seeks election or is to be appointed.**

_____ YES _____ NO

SHALL SECTION 3.3(B) OF THE TOWN OF WINDSOR HOME RULE CHARTER BE AMENDED TO CONFORM TO THE COLORADO CONSTITUTION AND SHALL IT INCLUDE LANGUAGE THAT REQUIRES THE TOWN CLERK TO CONDUCT BACKGROUND CHECKS ON APPLICANTS FOR THE TOWN BOARD? THIS SECTION SHALL READ AS FOLLOWS:

3.3 Qualifications

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B. No person who **is disqualified from holding public office under the Constitution of the State of Colorado** ~~has been convicted of a felony~~ shall be eligible to be elected or appointed to the office of Mayor or Board Member. **The Town Clerk shall provide that a background check be made on any individual who is, or will be appointed to, or running for an elected office in the Town of Windsor to ascertain that individual's qualifications for office as required under this subsection.**

_____ YES _____ NO

SHALL SECTION 6.4(B) OF THE TOWN OF WINDSOR HOME RULE CHARTER BE REPEALED, IF THE LANGUAGE OF 3.3(B) IS APPROVED BY THE VOTERS AS THE SECTION HAS BEEN RELOCATED TO THE STATED SECTION:

_____ YES _____ NO

SHALL SECTION 3.5 OF THE TOWN OF WINDSOR HOME RULE CHARTER BE RELOCATED TO SECTION 3.4 FOR RENUMBERING PURPOSES AND BE AMENDED TO ALLOW THE MAYOR AND BOARD TO TAKE OFFICE AT THE BEGINNING OF THE OFFICIAL ACTION OF THAT MEETING? THIS SECTION SHALL READ AS FOLLOWS:

3.4 Term of Office; Time of Taking Office; Oath

A. Each Board Member shall be elected for a four-year term.

B. The Mayor shall be elected for a four-year term.

C. The Mayor and each Board Member shall take office at the **beginning** ~~conclusion~~ of all Official Action during the first regular or special meeting of the Town Board following their election or appointment and shall continue in office until their successors have been elected and take office, or a vacancy is earlier established.

D. Before taking office, the Mayor and each Board Member shall take and file with the Town Clerk an oath or affirmation to support the United States Constitution, the State Constitution, and the Charter and ordinances of the Town, and to faithfully perform the duties of the office. (Amended by voters on April 3, 2012)

_____ YES _____ NO

SHALL SECTION 3.4 OF THE WINDSOR HOME RULE CHARTER PERTAINING TO TERM LIMITS BE RENUMBERED AS SECTION 3.5 AND SHALL IT BE REPEALED AND REENACTED TO CLARIFY THAT THE MAYOR IS A SEPARATE OFFICE THAN THE TOWN BOARD AND THAT THE MAYOR AND BOARD MAY SERVE UP TO TEN YEARS IN OFFICE AS MAYOR OR TOWN BOARD OR UP TO TWELVE YEARS AS A

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COMBINATION OF MAYOR AND TOWN BOARD? THIS SECTION SHALL READ AS FOLLOWS?

3.5 Limit on Time in Office

The length of time a person may spend in the office of Mayor, or in the separate office of Town Board member is subject to the following limits:

A. A person may serve in the office of Mayor for no more than ten (10) consecutive years, whether elected or appointed.

B. A person may serve in the office of a Board Member for no more than ten (10) consecutive years, whether elected or appointed.

C. combination of terms for Mayor and a Board Member shall not exceed twelve (12) consecutive years in office, whether elected or appointed.

D. These limits on years of service shall include any period in office served prior to the effective date of this Section, as amended at the February 2025 Town election.

E. No elected official whose eligibility to hold office expires pursuant to these limitations shall be eligible for appointment or election as Mayor or a Board Member prior to four years following the expiration of that person's prior term in office

_____ YES _____ NO

SHALL SECTION 3.7(A)(1) OF THE TOWN OF WINDSOR HOME RULE CHARTER BE AMENDED TO CONFORM TO THE COLORADO CONSTITUTION? THIS SECTION SHALL READ AS FOLLOWS:

3.7 Vacancies

A. A vacancy in the office of Mayor or Board Member shall exist if during the term of office the Mayor or a Board Member:

1. Is **disqualified from holding office by the Constitution of the State of Colorado;** ~~convicted of a felony;~~

2. Is no longer a resident of the Town;

3. Dies, is judicially declared incompetent, resigns, or is recalled without the election of a successor;

4. Has had more than three (3) unexcused absences from regular Town Board meetings during any period of twelve (12) consecutive calendar months. The date of the fourth unexcused absence shall be determined to be the date on which the office was vacated.

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Any absence from a regular meeting shall be considered unexcused only if the Town Board so determines by a motion, setting forth the reasons for the determination.

5. Ceases residing within the election district from which that Board Member was elected.

_____ YES _____ NO

SHALL SECTIONS 3.7(B)(1) AND (2) OF THE TOWN OF WINDSOR HOME RULE CHARTER PERTAINING TO MAYORAL VACANCIES BE AMENDED? THESE SECTIONS SHALL READ AS FOLLOWS:

3.7 Vacancies

(B) Should the position of Mayor be vacated for any reason,

1. **If two years or more remain in the mayor's term at the time a vacancy occurs, the Town Board shall order a special vacancy election at the earliest opportunity.**

2. **If less than two years remain in the Mayor's term at the time a vacancy occurs,** the Town Board shall select, by a two-thirds (⅔) vote of all members of the Town Board in office at the time, from its members a Mayor, who shall perform all duties and have all powers of the Mayor until the next regular municipal election. Upon taking the oath of office, the Appointed Mayor shall no longer serve as a Board Member, and a vacancy shall exist on the board. Such vacancy shall be filled in accordance with Article 3.7.D of this Charter.

_____ YES _____ NO

SHALL SECTION 4.7(B) OF THE TOWN OF WINDSOR HOME RULE CHARTER PERTAINING TO VOTING ON ORDINANCES AND RESOLUTIONS BE AMENDED TO ALLOW THE PASSAGE OF AN ORDINANCE BY A MAJORITY VOTE RATHER THAN A TWO-THIRDS (2/3) VOTE? THIS SECTION SHALL READ AS FOLLOWS:

4.7 Voting

B. Except where a greater number is required in this Charter, the final adoption of any ordinance shall require a **majority** ~~two-thirds (2/3)~~ vote of all members of the Town Board in office at the time, and resolutions and motions shall require the majority vote of the members of the Town Board present.

_____ YES _____ NO

Section 3. Setting Ballot Title and Content. For purposes of Sec. 31-11-111 of the Colorado Revised Statutes, the ballot title for the Question set forth above shall be fixed as follows:

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A REFERRRED MEASURE TO AMEND SECTIONS 3.1(C), (D), (E), (F), 3.2(C), 3.3(A), (B), 3.4, 3.5, 3.7(A) and (B), 4.7(B) and 6.4(B) OF THE TOWN OF WINDSOR HOME RULE CHARTER TO UPDATE THE LANGUAGE OF THE CHARTER TO REFLECT UPDATES IN COLORADO LAW

Any petition to contest the form or content of the ballot title may be filed with the District Court and a copy served on the Town Clerk within five days after the title of the ballot issue is set by the Town Board upon adoption of this Ordinance.

Section 4. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance and the holding of a mail ballot election on February 18, 2025.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 6. Effective Date. This ordinance shall be in full force and effect upon its publication as required by law and approval by a majority of those voting at the Town election to be held on February 18, 2025.

Introduced, passed by a vote of ___ in favor of___ opposed, adopted and ordered published this ____ day of _____ 2024.

TOWN OF WINDSOR, COLORADO

_____
Julie Cline, Mayor

ATTEST:

_____
Karen Frawley, Town Clerk [Seal]

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FUTURE TOWN BOARD MEETINGS

November 25, 2024 5:30 p.m.	Town Board Work Session Natural Medicine Psilocybin Mushroom Discussion Windsor Chamber of Commerce Update Dig Once Policy Discussion
November 25, 2024 7:00 p.m.	Town Board Regular Meeting
December 2, 2024	Canceled – 1st Monday
December 9, 2024 5:00 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting Vision Zero Plan Update Kodak Open Space Master Plan Water Efficiency Kick-off Discussion
December 9, 2024 7:00 p.m.	Town Board Regular Meeting
December 16, 2024	Board/Manager/Attorney Annual Dinner
December 23, 2024	Canceled
December 30, 2024	Canceled
January 6, 2025	Canceled – 1st Monday
January 13, 2025 5:30 p.m.	Town Board Work Session Board/Manager/Attorney Monthly Meeting
January 13, 2025 6:45 p.m.	Kern Board Meeting
January 13, 2025 7:00 p.m.	Town Board Regular Meeting
January 20, 2025 5:30 p.m.	Town Board Work Session
January 27, 2025 5:30 p.m.	Town Board Work Session
January 27, 2025 7:00 p.m.	Town Board Regular Meeting

Future Work Session Topics

- Water 101 (January)