



# Home Rule Commission

## Board Presentation

May 13, 2024

# Updates on Home Rule and the Charter

Voters in the November 2023 election approved of the creation of a Home Rule Charter Commission and elected nine members to serve as Commissioners.

On May 2, the Commissioners finalized the Home Rule Charter.

This Charter document and additional resources can be found in full on the Town of Superior's Website.

The Charter itself is just 35 pages long, with a Table of Contents and utilized language from other neighboring municipalities charter's such as Boulder, Eagle, Erie, and Severance.

Overall philosophy:

- Low disruption to existing town laws
- Add clarity
- Safeguard values
- Enshrine aspects of state charter into ours to hedge against state changes

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## Superior's Home Rule Charter to be considered in November 2024 Election

### Current Status: Where are we now?

Superior's Home Rule Charter Commission was elected in November 2023 to assemble Superior's proposed Home Rule Charter. After six months of work, the Commission completed the document on May 2, 2024. The final Charter document will be considered for approval by Superior voters in the November 2024 Election.

- [Home Rule Charter document](#)
- [Home Rule Charter Commission presentation to the Town Board \(To be presented at the May 13, 2024 Town Board meeting\)](#)

For questions about the Home Rule Charter and process, contact [homerule@superiorcolorado.gov](mailto:homerule@superiorcolorado.gov).

#### CONTACT US

[Email](#)  
(303) 499-3675

#### ADDITIONAL RESOURCES

[Article 20 of the Colorado State Constitution Allowing for Home Rule](#)

[Colorado Municipal League Home Rule Overview Presentation](#)

[Home Rule Governance in Colorado Issue Brief from Legislative Council Staff](#)



# Updates Continued

Superior is pursuing the adoption of a Home Rule Charter to afford the Town additional powers which have long been made available to Superior's neighbors. The Board of Trustees decided to pursue this now after years of past efforts thanks in part to actions from the State Assembly and with an aim to offer our local government and residents' better control and transparency.

Additional powers of Home Rule municipalities include: creating its own governmental form and administrative structure; establishing procedures on how ordinances and resolutions may be adopted; establishing procedures for the sale and disposal of public property; and, having broader flexibility on land use, zoning, and more.

Members of the Board, as private citizens, along with other residents of Superior, are welcomed and encouraged to be involved with promoting the Home Rule Charter and getting out the vote for people to vote **YES** on this essential document.

Visit [www.SuperiorHomeRule.com](http://www.SuperiorHomeRule.com) if you want to learn more.



Questions?

# Overview

Colorado courts have created three key areas which relate to home rule authority. These are:

- Statewide concern
- Local and municipal concern
- Mixed concern

# Overview

Local and municipal concerns are the ones which home rule municipalities may exercise exclusive jurisdiction over. Some examples of local and municipal concerns include:

- Structure of current government
- Zoning
- Sales and use taxes
- Budgeting of anticipated revenue
- Capital improvements
- Eminent domain
- Mass transit within municipal limits
- Voter qualifications

# History of Home Rule

As of today:

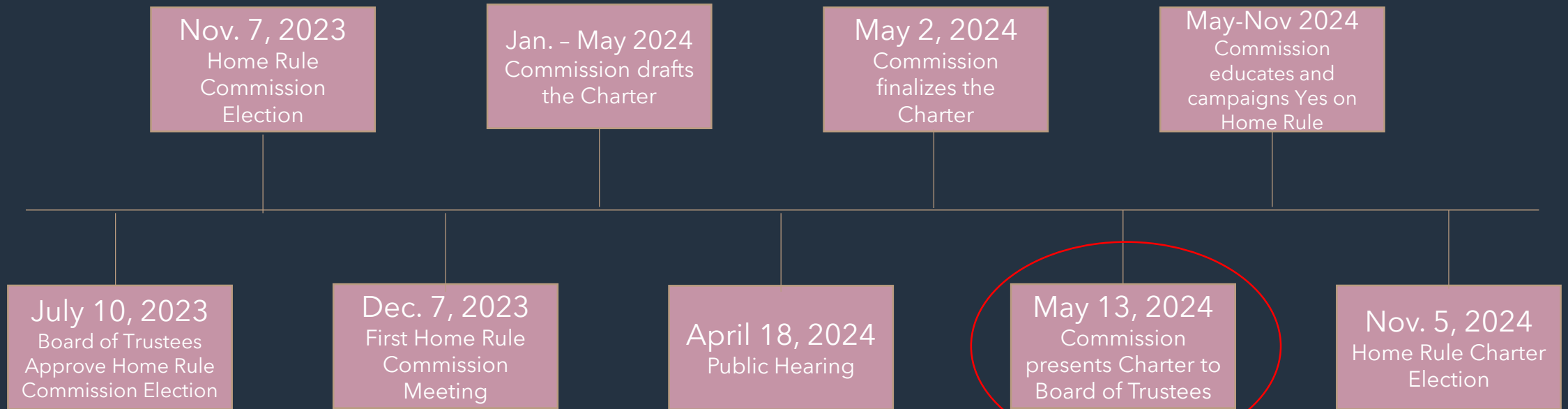
- 103 cities and towns have adopted home rule
- 93% of the state's municipal population lives in home rule jurisdictions
- No city or town has repealed their Charter

Superior's Home Rule neighbors include:

Arvada (adopted in 1963), Boulder (1917), Broomfield (1974), Erie (2023), Lafayette (2020), Longmont (1961), Louisville (2001), and Westminster (1958).



# Timeline



# Home Rule Commission

Last year, Superior voters approved of the creation of a Home Rule Commission and with that, nine individuals were elected to draft the Charter.

Since December, the Commission has met eight times with an additional meeting planned for May 2 to discuss any necessary updates to the Charter following this public hearing.

Should in this year's election, Superior voters reject the charter drafted by the Commission, the Commission will be called upon again to revise or rewrite the charter.

# The Charter

All residents have access to review, ask questions, and provide suggestions to the Charter Commission prior to the Charter being finalized on May 2, 2024.

The Charter will continue to be available for review by the public through the November 2024 election.

This document cannot be voted for in “piecemeal.”

The Charter will act as Superior’s central governing document. As such, the charter can be designed to be broad and general or narrow and specific. It’s a fine line to write a charter which can address specific local and municipal concerns while also being general enough to allow for flexibility in government function.

# What's Staying the Same

The consensus view of the Commission was not to disrupt Town processes or overhaul the governing structure of the Town.

The Town of Superior will remain a town (as opposed to a city).

The current Mayor and Trustees will continue their terms.

Elections will remain the same (though there is flexibility in language to allow for changes in the future).

Town boundaries, the absence of wards, taxes, and voting processes (handled currently by Boulder County) will also remain the same.

# What's Changing

Little will change for the average Superior resident in the immediacy following the Charter adoption.

The Board of Trustees will change its name to the Town Council.

Additional safeguards have been put in place towards protecting Town rights and liberties as a home rule municipality, water rights, open space, and the creation, modification, or dissolving of different advisory committees.

The Charter allows for a greater number of individuals to run for public office should individuals desire and clarifies positions able to be held by individuals. Clarifications and processes have been included to address concerns from the State, such as recalls and referendums.

Articles of the Charter may be changed or amended in the future by Superior voters.

# FAQs

## **Does the Charter address current issue or concerns related to RMMA? HOAs?**

The Charter does not state anything specifically about any of the above issues. RMMA as a county-owned airport is not designated as a 'local and municipal concern.' There are still state and even federal preemption for aviation operations. Town ordinances can be put in place by a future Town Council to address HOAs so long as they are exclusively within Superior's boundaries.

## **What does the Charter say about gun rights? Off leash dogs? Business friendliness?**

The Charter does not address gun rights, off leash dogs, or business friendliness. Decisions related to any of these matters would be subject either to current municipal code or ordinances passed by a future Town Council.

## **What does the Charter say about open space? Eminent domain? Affordable housing?**

Article 12 of the Charter is devoted exclusively to Open Space. Eminent domain is mentioned in Article 13, giving the Town the right of eminent domain for municipal purposes. This does not create new authority other home rule municipalities don't have. Affordable housing is not explicitly mentioned, but the Charter would grant Superior greater say on zoning rights which could impact affordable housing options.

# FAQs

## **Will my taxes go up?**

No, approving the Charter will not raise taxes.

## **What are the risks with adopting the Charter?**

There is the risk of creating a too restrictive Charter which then requires additional changes through ballot amendments or the impression of local government overreach. There is also the risk of having an overly broad Charter which could make for confusing guidance. We believe we have written a Charter that is explicit in areas of clarification while being flexible enough to changes in the future. The Commission did not wish to overturn engrained precedents of the Town, reducing the risks of the Town overextending its authority. We wanted a Charter to, above all else, guide governments and residents, endure over the years, and bolster transparency.

## **What are the financial costs with going home rule?**

Between Town staff time, attorney fees, and coordination with Boulder County for elections, the Town has estimated the home rule process will cost \$42,500.

# Additional Resources

- [Home Rule Charter Commission](#)
- [Town of Superior Home Rule Information](#)
- [Colorado Municipal League \(CML\)'s Home Rule Handbook](#)
- [IssueBrief Home Rule Governance in Colorado](#)
- [Constitution for the State of Colorado, Article XX](#)

The Home Rule Commission can also be contacted at—  
[homerule@superiorcolorado.gov](mailto:homerule@superiorcolorado.gov)