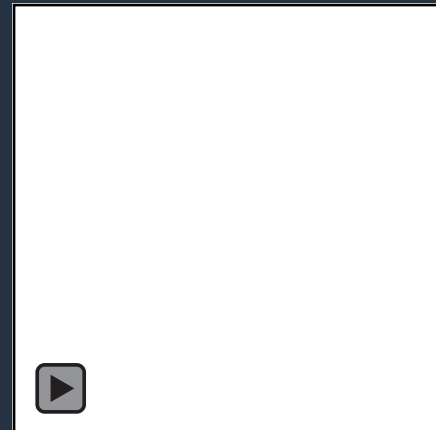




Home Rule Information Session

October 21, 2024



Home Rule in 100 Words (or less)

Home rule would allow Superior to better determine its own future and expand options through local control. Unlike currently where the Town is bound to all actions from the state, Superior could increase revenue, protect its lands, rights, and liberties, and allow greater transparency and say by residents. Home rule is a maturing step forward for nearly all Colorado towns and cities and it's time Superior join its neighbors in adopting this home rule charter in trusting local leadership in local matters.

Special Election—December 10

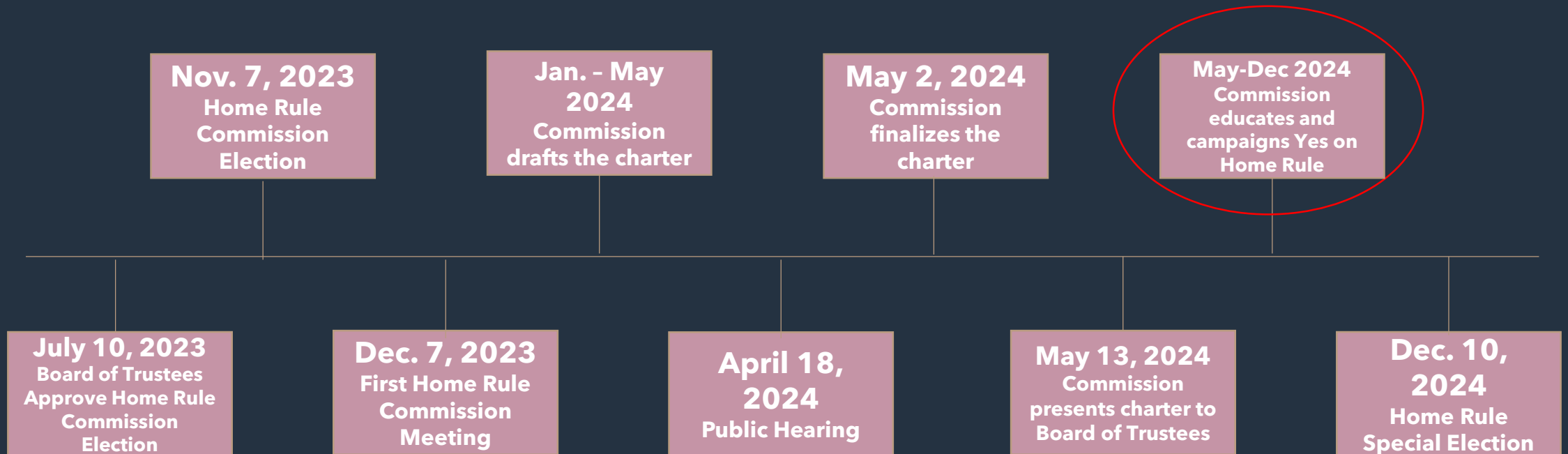
Like many of you, we were shocked, frustrated, and disappointed with the recent news that the home rule question would not appear on the November 5th general election ballot.

Following the citizen vote in November 2023, the Home Rule Charter Commission finalized its work this May and transmitted the charter document to the Town of Superior later that month. Since then, the document has not changed, nor has the Commission met. No Commissioner had any involvement in the transmittal of the ballot initiative language from the Town to Boulder County, this was strictly a Town function.

We're happy that the Superior Board of Trustees has honored our work and taken steps to rectify this error by approving a special election allowing residents to vote on the home rule charter on December 10.

More information can be found at www.superiorcolorado.gov/departments/town-clerk/elections

Timeline



Key Upcoming Dates

- November 18
 - First ballots for the special election begin being mailed
- November 25
 - First day ballots will begin being counted
- December 10
 - Special Election held, final day to return ballots to the ballot drop box at Town Hall
- ~Late December
 - Home Rule, if approved of by the voters, becomes effective. The home rule charter document becomes effective, "immediately upon certification of the election" per Article 14.01.

Overview

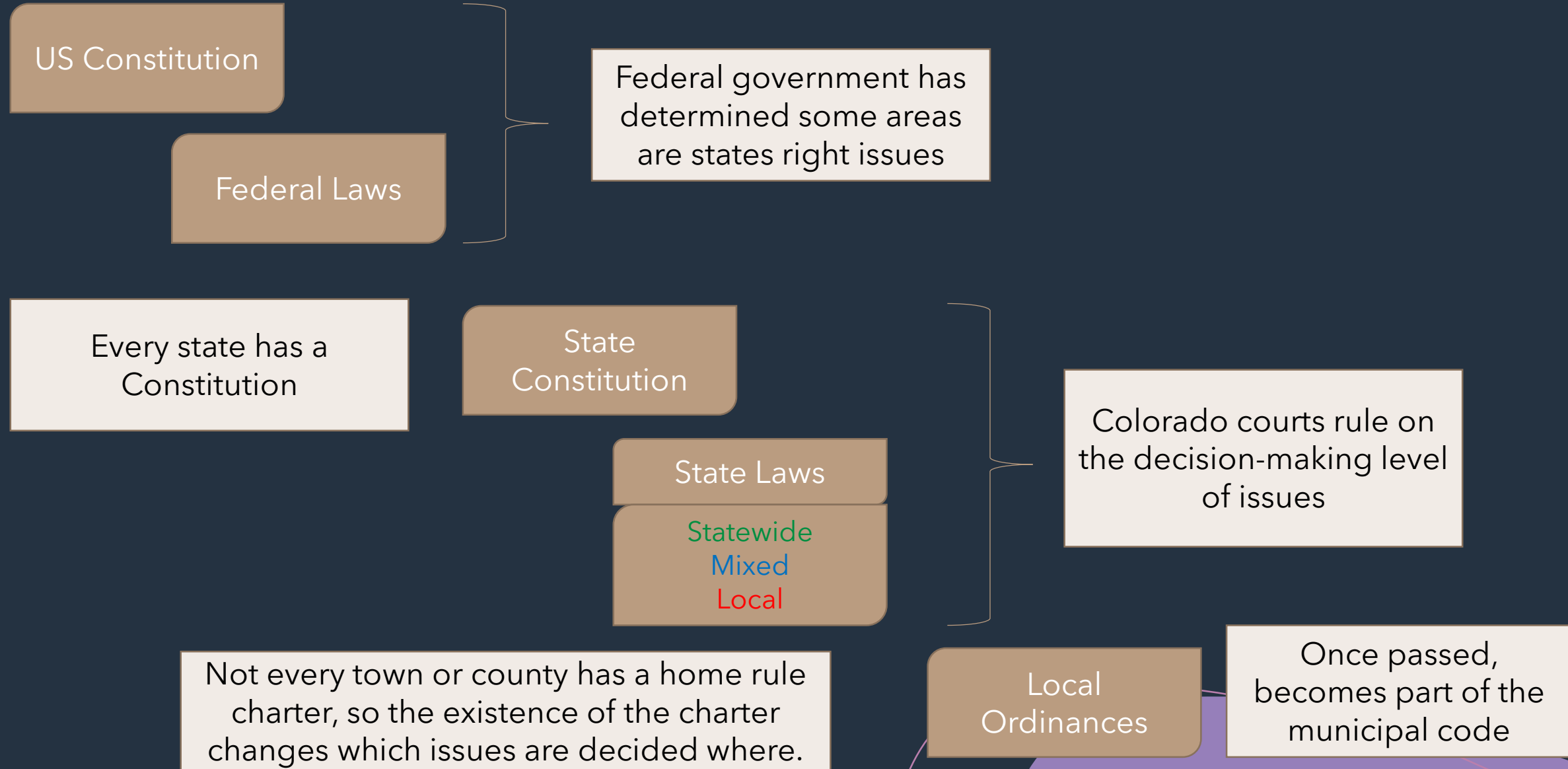
Home Rule is a form of government outlined in Article XX of the Colorado Constitution that gives local municipalities greater autonomy in governing their affairs.

The alternative to Home Rule is Statutory Rule, which Superior is currently under. This means that instead of being governed by our own charter, we follow legislation enacted by the State legislature exclusively.

Moving to home rule would mean that Superior could enact its own ordinances in areas that are of local concern, and some areas of mixed concern, but not of statewide concern.

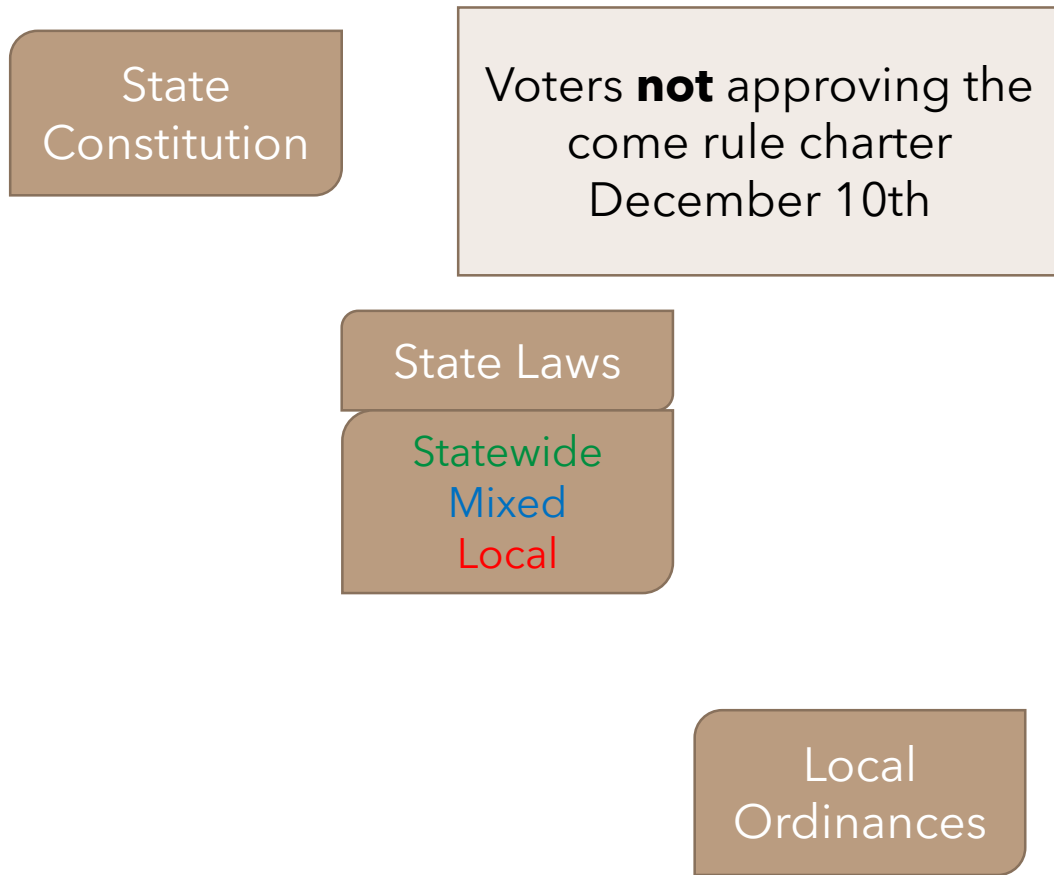
Some examples of local issues include the structure of government, zoning, sales and use taxes, and voter qualifications. This form of government requires a charter to be approved by the residents.

Local Government Authority

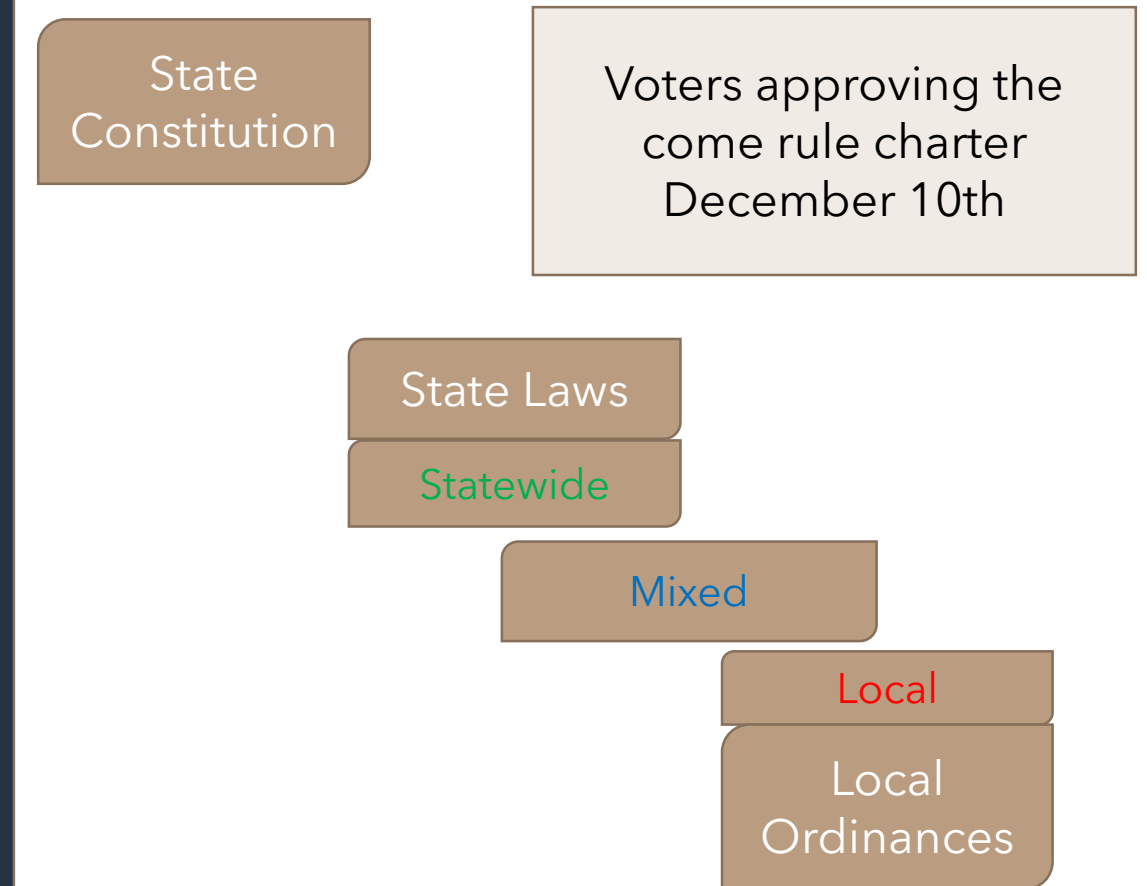


Statutory vs Home Rule

Statutory (Today)




Home Rule (New)





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, including land use
 - Taxation
 - Budgeting of anticipated revenue
 - Capital improvements
 - Eminent domain
 - Mass transit within municipal limits
 - Voter qualifications
- 

History of Home Rule

As of today:

- 107 cities and towns have adopted home rule since Denver first adopted home rule in 1902
- 93% of the state's municipal population lives in home rule jurisdictions
- No city or town has repealed their charter or voted against home rule

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).

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.

Between December and May, the Commission met ten times to discuss and write the charter.

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.

Process:

- Choose representative Charter. Erie with input from Eagle.
- Review each paragraph in detail with legal support.
- Sign and submit after all debate was done.

The Charter

The charter was finalized on May 2, 2024, following a public hearing.

The charter will continue to be available for review through the December 2024 election.

This document cannot be voted for in “piecemeal.”

The charter will act as Superior’s central governing document, in essence a constitution. 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.

The Charter

Overall philosophy of the Commission:

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

The Charter

There are 13 Articles in the Charter:

- General Provisions
- Elections
- Town Council
- Town Officers
- Boards, Commissions, and Committees
- Ordinances
- Municipal Court
- Town Finances & Borrowing
- Public Utilities, Franchises, and Use of Public Property
- Taxation
- Initiatives, Referendum, and Recall
- Open Space
- Miscellaneous Provisions

What's Staying the Same

The Commission took a conservative approach to making changes. We were united in wanting to create a document that was simple to read and follow and that provided for flexibility for governing bodies and would hold up for the future. We considered proposals to establish districts, to enact proportional voting, and what language to include regarding open space.

Most changes are minor and have to do with number of signatures required to get on a ballot, or deadlines for filing petitions, etc.

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

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.

Better protection for water rights.

Added open space restrictions on how it could be rezoned or sold.

More details around creation, modification, or dissolving of different advisory committees.

Allows 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. Can be as simple as a single paragraph.



FAQs

What are some examples of home rule authority potentially be used or when it could have helped?

HB 1313 (housing requirements in transit-oriented communities), HB 1152 (accessory dwelling unit requirements), and HB 1304 (parking requirements), Rocky Flats controversy (2018). Towns and cities such as Aspen, Golden, and Louisville have all recently launched initiatives from electrical usage to short-term rental regulations to cannabis taxes have all used their home rule status to their benefit.

Will home rule create a 'Superior HOA'?

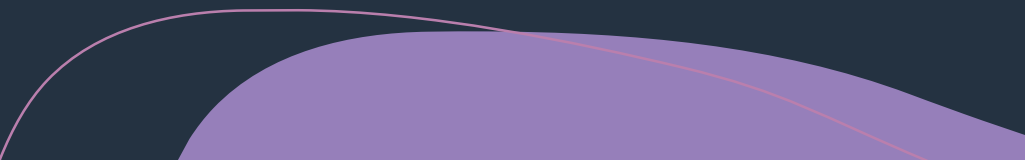
No. The home rule charter commissions are only elected to create the charter. Once the charter is approved, there is more individual involvement in local government. An HOA typically relies on resident volunteers as board members, there is no equivalent to a new board with home rule.

Will my taxes go up?

No, approving the charter will not raise taxes.

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.



FAQs

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.

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 guide governments and residents, endure over the years, and bolster transparency.

What are the financial costs of the special election?

It is estimated that the special election will cost approximately \$60,000.

Additional Resources

- [Yes on Superior Home Rule \(www.superiorhomerule.com\)](http://www.superiorhomerule.com)
- [Home Rule Charter Commission](#)
- [Town of Superior Home Rule Information](#)
- [Superior 2024 Election 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



Any Further Questions?

Thank You For
Attending!

