

county commissioners or by such resolution and a vote of a majority of electors of such area in the same manner as provided for the organization of a law enforcement authority.

Source: L. 71: p. 348, § 8. C.R.S. 1963: § 36-27-11.

PART 5

COUNTY HOME RULE CHARTERS

Cross references: For provisions on home rule counties, see article 35 of this title.

30-11-501. County home rule charters. Any county in this state, pursuant to the provisions of this part 5, may establish the organization and structure of county government which shall be submitted to and adopted by a majority vote of the registered electors of the county which shall be known as a county home rule charter.

Source: L. 71: p. 349, § 1. C.R.S. 1963: § 36-28-1. L. 85: Entire section amended, p. 1344, § 8, effective April 30.

30-11-502. Charter commission. (1) Following the adoption of a resolution by the board of county commissioners, or upon the submission of a petition of not less than five percent of the registered electors of the county, requesting that a charter commission be established, the board of county commissioners shall call an election to be held on or before the next general election for the purpose of determining whether or not a charter commission shall be elected. The board of county commissioners shall publish notice of the election at least sixty days prior to the election.

(2) (a) At least sixty days before the election provided for in section 30-11-503, the board of county commissioners shall divide the county into three compact districts; such districts to be as nearly equal in population as possible, for the purpose of electing charter commission members by district according to subsection (4) of this section.

(b) If the provisions of paragraph (a) of this subsection (2) are not met before sixty days prior to the election provided for in section 30-11-503, no member of the board of county commissioners of the county shall thereafter be entitled to or earn any compensation for his services or receive any payment for salary or expenses, nor shall any member be eligible to succeed himself in office.

(3) (a) The charter commission shall consist of the following members and be elected from the district as follows:

(I) In counties having a population of less than fifty thousand, eleven members, three of whom shall reside in and be elected from each commissioner district within the county and two to be elected at large;

(II) In counties having a population of fifty thousand or more, twenty-one members, six of whom shall reside in and be elected from each commissioner district and three to be elected at large.

(b) Eligibility to serve on the commission shall extend to all qualified electors of the county. Any vacancy in the charter commission shall be filled by majority vote of the members of the charter commission.

(4) Candidates for the charter commission shall be nominated by filing with the county clerk and recorder, on forms supplied by the county clerk and recorder, a nomination petition signed by at least twenty-five registered electors of the county and a statement by the candidate consenting to serve if elected. Said petition and statement must be filed within thirty days after publication of the election notice. A second notice of the election shall be published by the said commissioners and include the names of candidates for the charter commission.

Source: L. 71: p. 349, § 1. C.R.S. 1963: § 36-28-2. L. 85: (1) and (4) amended, p. 1344, § 9, effective April 30.

Editor's note: In 2004, the provisions within subsection (3) were renumbered on revision to conform to statutory format.

30-11-503. Election on formation of charter convention and designation of members.

(1) At the election, voters shall cast ballots for or against forming the charter commission. If a majority of the registered electors voting thereon vote for forming the charter commission, a commission to frame a charter shall be deemed formed.

(2) At the election voters shall also cast ballots for electing the requisite number of charter commission members. Those candidates receiving the highest number of votes shall be elected. In the event of tie votes for the last available vacancy, the clerk shall determine by lot the person who shall be elected.

Source: L. 71: p. 350, § 1. C.R.S. 1963: § 36-28-3. L. 85: (1) amended, p. 1345, § 10, effective April 30.

30-11-504. Development of proposed charter. (1) A charter commission elected pursuant to section 30-11-503 shall meet on a date designated by the board of county commissioners for the purposes of organization within thirty days after the election. The charter commission shall elect a chairman and a vice-chairman from among its membership. Further meetings of the commission shall be held upon call of the chairman or a majority of the members of the commission. All meetings shall be open to the public. A majority of the charter commission shall constitute a quorum. The commission may adopt such other rules for its operations and proceedings as it deems necessary or desirable. Members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(2) The charter commission shall conduct a comprehensive study of the operation of county government and of the ways in which the conduct of county government might be improved or reorganized. Within two hundred forty days after its initial meeting, the charter commission shall present to the board of county commissioners a proposed charter, upon which it shall have held three public hearings at intervals of not less than fifteen nor more than thirty days, and notice of these public hearings shall be published not less than fifteen days prior to each public hearing in a newspaper of general circulation within the county. Within ten days of the last of such public hearings, the charter commission shall incorporate any amendments it

deems desirable. A majority vote of the members of the charter commission in favor of a proposed charter for the county shall be required to forward said charter to the board of county commissioners for the setting of a referendum election as provided in section 30-11-505.

(3) In the event that the charter commission fails to present a charter to the board of county commissioners after the specified time, the charter commission shall recess for a period of not less than thirty days nor more than ninety days. The board of county commissioners shall then call the charter commission to begin a second attempt to present a charter which shall be presented within a period of ninety days. In the event a second attempt to present a charter to the board of county commissioners also fails, the charter commission shall be excused from its duties and dissolved by the board. All records, files, and proceedings of the charter commission shall be submitted to the board of county commissioners for storage and safekeeping as a public record. A new charter commission shall be elected on dissolution as provided in section 30-11-502.

(4) The board of county commissioners is authorized to establish a special county charter fund and establish a mill levy therefor when the charter commission has submitted a preliminary budget approved by the board of county commissioners. The expenses of the charter commission shall be verified by a majority vote of the commission and shall be submitted to the board of county commissioners for approval, which approval shall not be unreasonably withheld. If approved, payment shall be made from the special county charter fund. The charter commission may employ a staff, may consult and retain experts, and may purchase, lease, or otherwise provide for such supplies, materials, equipment, and facilities as it deems necessary or desirable. The board of county commissioners may accept funds, grants, gifts, and services for the charter commission from the state of Colorado, the government of the United States or any of its agencies, or other sources, public or private.

Source: L. 71: p. 350, § 1. C.R.S. 1963: § 36-28-4. L. 75: Entire section amended, p. 993, § 1, effective June 4.

30-11-505. Referendum election on charter - adoption or rejection. (1) Upon submission to the board of county commissioners of a charter by the charter commission, the board of county commissioners shall call a special election, to be paid for from the special county charter fund and held pursuant to the Colorado election laws. The special election shall be held not more than ninety days nor less than forty-five days after the board of county commissioners receives the proposed charter; however, if a coordinated election or general election is to be held within sixty days after the board of county commissioners receives the proposed charter, the special election shall be held as part of the coordinated election or general election. The board of county commissioners shall publish in a newspaper of general circulation within the county a complete text of the proposed charter not less than ten days prior to the special election. At the special election a referendum of the registered electors of the county shall be held to determine the question of whether the proposed charter as submitted shall be adopted. Notice of the election on the proposed charter shall be published at least thirty days prior to the election.

(2) If a majority of those voting on the question favor the adoption of the charter, the said charter shall become effective January 1 of the succeeding year or at such other time as the

charter may provide. Such charter, once adopted by the electors, may be amended only by the registered electors of the county.

(3) If a majority of the voters disapprove the proposed charter, the charter commission may proceed to prepare a revised proposed charter in the same manner provided for preparation, submission, and election on the proposed charter. The election on any revised proposed charter must be held not less than ninety nor more than one hundred eighty days after the election rejecting the proposed charter. The charter commission shall not submit more than one proposed charter and one revised proposed charter. If a majority of the voters disapprove the proposed charter, or the revised proposed charter, if one is submitted, no new referendum may be held during the next twelve months following the date of the last disapproval.

(4) Upon acceptance or rejection of the proposed charter or the revised proposed charter, if one is submitted by the registered electors of the county, the charter commission shall be dissolved, and all property of the charter commission shall thereupon become the property of the county, and the board of county commissioners shall adopt a resolution to that effect.

Source: L. 71: p. 351, § 1. C.R.S. 1963: § 36-28-5. L. 85: (1), (2), and (4) amended, p. 1345, § 11, effective June 4. L. 2006: (1) amended, p. 2036, § 25, effective June 6.

30-11-506. Procedure to amend or repeal charter. (1) Action to amend a charter shall be initiated by:

- (a) A petition signed by at least five percent of the registered electors of the county; or
- (b) A resolution adopted by the board of county commissioners submitting the proposed amendment to the registered electors.

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

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

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

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

Source: L. 71: p. 352, § 1. C.R.S. 1963: § 36-28-6. L. 85: (1)(a), (1)(b), (2), and (4) amended, p. 1345, § 12, effective June 4.

30-11-507. Filings - effect of. (1) Within twenty days after voter approval, a certified copy of the charter shall be filed with the division of local government and with the county clerk and recorder.

(2) This section shall also apply to an amendment or repeal of a charter.

Source: L. 71: p. 353, § 1. **C.R.S. 1963:** § 36-28-7.

30-11-508. Initiative, referendum, and recall. Every charter shall contain procedures for the initiative and referendum of measures and for the recall of elected officers.

Source: L. 71: p. 353, § 1. **C.R.S. 1963:** § 36-28-8.

30-11-509. Time limit on submission of similar proposals. No proposal for a charter commission, charter amendment, or repeal of a charter shall be initiated within twelve months after rejection of a substantially similar proposal.

Source: L. 71: p. 353, § 1. **C.R.S. 1963:** § 36-28-9.

30-11-510. Publication requirements. "Publish" or "publication" means one publication in one newspaper of general circulation in the county. If there is no such newspaper, publication shall be by posting in at least three public places within the county.

Source: L. 71: p. 353, § 1. **C.R.S. 1963:** § 36-28-10.

30-11-511. Board of county commissioners - home rule counties. A home rule county shall provide all mandatory county functions, services, and facilities and shall exercise all mandatory powers required by statute. A home rule county may provide such permissive functions, services, and facilities and may exercise such permissive powers as authorized by statute applicable to nonhome rule counties, except as may be otherwise prohibited or limited by the county charter or the constitution of Colorado. Any power, function, service, or facility vested by statute in a particular county officer, agency, or board, including a board of county commissioners, may be exercised or performed within a home rule county by such county officer, agency, or board or by any other county officer, agency, or board designated in the home rule charter. For home rule counties, the term "board of county commissioners" means the governing body of the county designated by the county.

Source: L. 71: p. 353, § 1. **C.R.S. 1963:** § 36-28-11. **L. 76:** Entire section R&RE, p. 693, § 1, effective March 16.

30-11-512. Finality. No proceeding contesting the adoption of a charter, charter amendment, or repeal thereof shall be brought unless commenced within one hundred eighty days after the election adopting the measure.

Source: L. 71: p. 353, § 1. **C.R.S. 1963:** § 36-28-12.

30-11-513. Officers. Officers of a home rule county shall be appointed or elected as provided for in the charter; the terms of office and qualifications of such officers shall also be provided for in the charter; however, the duties of such officers shall be as provided by statute.

The charter shall designate the officers who shall respectively perform the acts and duties required of county officers by statute. No elected official shall receive any increase or decrease in compensation under any resolution passed during the term for which he was elected.

Source: L. 71: p. 353, § 1. **C.R.S. 1963:** § 36-28-13.

PART 6

TELECOMMUNICATIONS RESEARCH FACILITIES OF THE UNITED STATES

30-11-601. Short title. This part 6 shall be known and may be cited as the "Telecommunications Research Facilities of the United States Protection Act of 1969".

Source: L. 69: p. 235, § 1. **C.R.S. 1963:** § 36-26-1.

30-11-602. Legislative declaration. (1) The general assembly hereby declares that it is the purpose of this part 6 to assist in promoting and protecting telecommunications research facilities of the United States which are located within the state of Colorado.

(2) Specifically, it is the purpose of this part 6 to:

(a) Avoid undue interferences caused by emanation of electrical impulses from electrical equipment functioning in the area surrounding telecommunications research facilities of the United States;

(b) Promote the public interest by encouraging economic improvement and development of this state, and further, to promote educational and scientific research within this state;

(c) Encourage the continued operational capability of telecommunications research facilities of the United States in areas of this state, which, in turn, will encourage and contribute to the economic improvement and development of the state and will promote educational and scientific research within this state.

Source: L. 69: p. 235, § 1. **C.R.S. 1963:** § 36-26-2.

30-11-603. Definitions. As used in this part 6, unless the context otherwise requires:

(1) "Expressways" or "major arterials" means those rights-of-way used primarily for fast or heavy traffic; and "collector streets" means those rights-of-way which have four lanes or more of moving traffic which carry traffic from local streets to the system of major arterials and highways and move traffic to parks, schools, and shopping centers serving residential neighborhoods.

(2) "Governing body" means a city council, a board of trustees of a town, or a board of county commissioners.

(3) "Planning commission" means the regional planning commission, county planning commission, district planning commission, or zoning commission, as the case may be, which has the responsibility of preparing plans for zoning or the making or adopting of plans for the physical development of the unincorporated and incorporated territory located within a distance of two miles from the perimeter of any telecommunications research facility of the United States.