



**AGENDA
TOWN OF SUPERIOR BOARD OF TRUSTEES
SPECIAL MEETING
OCTOBER 1, 2024
06:00 P.M.
BOARD CHAMBERS, TOWN HALL**

The Board meeting will be held in-person and remotely, and members of the public wishing to attend may view the Meeting by visiting the Town's website:

<https://www.superiorcolorado.gov/home>

The Board Meeting recording will be posted subsequently on the Town's website.

1. Call to Order the Special Meeting of the Town of Superior Board of Trustees (6:00 p.m.)
2. Preliminary Matters (6:05 p.m.)
 - a. Pledge of Allegiance
 - b. Roll Call
 - c. Approval of Agenda
3. Consideration of a Resolution of the Board of Trustees of the Town of Superior Calling a Special Election for December 10, 2024, to Consider Adoption of the Proposed Home Rule Charter. (6:15 p.m.)
4. Adjournment (9:00 p.m.)

Public comment submitted via e-mail regarding general Town Board agenda items that are not the subject of public hearings should be submitted with sufficient time before the meeting to allow Board Members an opportunity to review.



ITEM NO. 3

INFORMATION FOR MEETING OF THE SUPERIOR BOARD OF TRUSTEES

AGENDA ITEM NAME: Resolution – Calling a Special Election for December 10, 2024, to Consider Adoption of the Proposed Home Rule Charter

MEETING DATE: October 1, 2024

PRESENTED BY: Matt Magley, Town Manager

PRESENTED FOR: Action

BACKGROUND:

The Town Board under this agenda item is considering a resolution to set a special election for Superior voters to consider approval of the Home Rule Charter. The proposed date of the special election is December 10, 2024, which meets the statutory requirements for consideration of the Home Rule Charter.

The Home Rule Charter Commission began drafting the Charter document in December 2023, following their election during the November 2023 general election. They met twice a month before formally approving the Charter in May 2024. The Commission has done a tremendous job drafting the Charter, which, if approved, would provide more local control to the Town as well as many other benefits. Detailed background information regarding the Commission's work, timeline and related documents is available on the Town's website:

<https://www.superiorcolorado.gov/community/home-rule-information>

A special election is needed because staff failed to submit the ballot question to the Boulder County Clerk before the deadline for consideration as part the County's coordinated election. The Town Clerk's Office has been working hard to finalize language for the three ballot measures the Town has set for this year's election. The three questions for Superior voters to consider are: the three open Trustee seats, the Home Rule Charter, and the sales and use tax increase. Assembling and finalizing ballot language involved oversight and review from bond counsel, Town attorneys and staff to ensure accuracy for each measure. Once language had been finalized for each, staff understood we had sent the final version of each of the three ballot questions to the County Clerk. When staff received the sample ballot from the County Clerk, we realized that the Home Rule question was not on the ballot. Staff immediately contacted

the County Clerk's staff to determine why the question was not on the ballot. The County Clerk's staff informed Town staff that they did not receive the Home Rule Charter ballot question. Staff immediately reviewed the information that was submitted to the County Clerk and determined that the Home Rule Charter question had not been submitted. Over the following days last week, the Town attorneys and staff explored several possibilities to have the Home Rule Charter question added to the County's coordinated general election ballot. Despite these efforts, there was not a workable solution to get it added. The only available alternative at this point is for the Town to hold a special election. Everyone involved feels horrible that the Town is in this situation. In my twenty-four years with the Town, something like this has never happened. I will be working with the Town Clerk, attorneys and staff to make sure processes are in place so an incident like this does not occur again.

Town staff is working with an experienced elections consultant to oversee each element of the special election process, including working through logistical details and determining costs, and will update the Board with this information during the meeting. Staff's initial estimate is approximately \$30,000 for oversight, services, materials and equipment to conduct a mail-in election where ballots are collected at the Town Hall drop-off.

RECOMMENDED ACTION:

Adoption of the Resolution.

MOTION:

Move to adopt a resolution of the Board of Trustees of the Town Calling a Special Election for December 10, 2024, to Consider Adoption of the Proposed Home Rule Charter.

ATTACHMENT:

- Resolution

**TOWN OF SUPERIOR
RESOLUTION NO. R-53
SERIES 2024**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF
SUPERIOR CALLING A SPECIAL ELECTION FOR DECEMBER 10,
2024, TO CONSIDER ADOPTION OF THE PROPOSED HOME RULE
CHARTER**

WHEREAS, on May 13, 2024, as required by C.R.S. § 31-2-206(10), the Town of Superior Home Rule Charter Commission submitted its proposed home rule charter to the Board of Trustees;

WHEREAS, pursuant to C.R.S. § 31-2-207(1), within 30 days of submission, the Board of Trustees was required to publish notice of the proposed home rule charter;

WHEREAS, on June 10, 2024, the Board of Trustees set the home rule charter ballot question for consideration at the November 5, 2024 regular election, to be coordinated with Boulder County;

WHEREAS, also on June 10, 2024, the Board of Trustees directed the Town Clerk to publish notice of the election, including the full text of the proposed home rule charter;

WHEREAS, on June 12, 2024, the Town Clerk published notice of the November 5th election, including the full text of the proposed home rule charter;

WHEREAS, the Town inadvertently failed to include the home rule charter ballot question on the Town's November 5, 2024 regular election ballot, and the ballot deadline has passed;

WHEREAS, pursuant to C.R.S. § 31-2-207(1), the Town must hold an election for consideration of adoption of the proposed home rule charter not less than 60 nor more than 185 days after publication of the notice of the proposed home rule charter;

WHEREAS, pursuant to C.R.S. § 31-10-108, the Town must now call a special election for the registered electors of the Town to consider adoption of the proposed home rule charter;

WHEREAS, special elections must be held on a Tuesday that is not within 90 days preceding the Town's regular election or 32 days before or after a general election, and must be called at least 60 days in advance;

WHEREAS, December 10, 2024 is a Tuesday that is: not within 90 days preceding the Town's regular election; at least 60 days from the date of this Resolution; more than 32 days after the November 5, 2024 general election; and not more than 185 days after publication of the notice of the proposed home rule charter;

WHEREAS, the Board of Trustees finds and determines that is it in the best interest of the public health, safety and welfare to call a special election on December 10, 2024, at which the Town's registered electors will have the opportunity to vote on the proposed home rule charter;

WHEREAS, the Board of Trustees acknowledges that the notice provision of C.R.S. § 31-2-207(1) will be impossible to satisfy at this point in time for the December 10th election, and therefore the Board is directing the Town Clerk to publish an additional notice immediately following adoption of this Resolution to serve to amend the original notice of June 12, 2024, and amend the election date from November 5, 2024 to December 10, 2024 to consider adoption of the proposed home rule charter;

WHEREAS, the Board of Trustees finds and determines that calling a special election for December 10, 2024 will meet the standard of substantial compliance with the Municipal Home Rule Act of 1971, in that the special election will allow the Town's registered electors the opportunity to vote on the proposed charter as originally intended.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The Board of Trustees hereby calls a special election to be held on Tuesday, December 10, 2024, at which the Town's registered electors will consider adoption of the proposed home rule charter. The special election shall be a polling place election conducted in accordance with the Colorado Municipal Election Code, C.R.S. § 31-10-101, *et seq.*

Section 2. In accordance with Article XX of the Colorado Constitution and the Municipal Home Rule Act of 1971, the following question shall be submitted to a vote of the Town's registered electors:

Shall the Town of Superior proposed home rule charter be adopted?

Yes/For _____

No/Against _____

Section 3. Immediately following adoption of this Resolution, the Town Clerk shall publish a new notice of the December 10th election, which notice shall contain the full text of the proposed home rule charter.

Adopted this __ day of October, 2024.

Mark Lacis, Mayor

Attest:

Lydia Yecke, Town Clerk