

# Memo

**To:** Town Council  
**From:** Melody Harrison  
**Date:** February 16, 2016  
**Re:** Term Limits for Council, Planning & Zoning and Others

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Mr. Mayor and Council,

Recently Councilor Metzger asked about term limits for Planning & Zoning Members and other committees.

The Colorado Revised Statute §31-23-203(3) authorizes that the governing body of each municipality may provide by ordinance for terms of members on the Planning & Zoning Commission.

New Castle passed Ordinance TC-2002-4 and Ordinance TC-2006 providing regulations for Planning & Zoning Commission.

Neither ordinance institutes a limit on the number of terms a P&Z member may hold on the commission.

Council members may hold as many terms as they are elected or appointed to, without limitation, according to the New Castle Home Rule Charter, Article III.

Members of Historic Preservation Commission may serve unlimited terms (Ordinance TC-2004-6)

Members of the Climate Action Advisory Commission may serve unlimited terms (Resolution TC-2007-5)

**TOWN OF NEW CASTLE, COLORADO  
ORDINANCE NO. 2002-4**

**AN ORDINANCE OF THE TOWN OF NEW CASTLE, COLORADO,  
AMENDING CHAPTER 13-18 OF THE NEW CASTLE MUNICIPAL CODE  
RELATING TO REGULATIONS FOR MEMBERS OF THE PLANNING  
AND ZONING COMMISSION**

WHEREAS, Chapter 13-18 of the draft Municipal Code sets forth the regulations for members of the Planning and Zoning Commission;

WHEREAS, Section 7.2 of the Home Rule Charter for the Town of New Castle authorizes the Town Council to provide for the powers and duties of the Planning and Zoning Commission;

WHEREAS, the Town of New Castle finds and determines that it is in the best interests of the Town to provide for only two members of Town Council to serve on the Planning and Zoning Commission, unless extraordinary circumstances, such as lack of participation from other citizens, require the Town Council to appoint a third Town Council member;

WHEREAS, the Town of New Castle finds and determines that under extraordinary circumstances, such as lack of participation or when the candidate has remarkable qualifications, the Town Council should have the authority to appoint to the Planning and Zoning Commission a non-resident of the Town who resides within the three (3) mile planning area;

WHEREAS, the Town of New Castle finds and determines that it is in the best interests of the Town that members of the Planning and Zoning Commission serve staggered terms to ensure that a limited number of new regular members are appointed to the Planning and Zoning Commission at any given time.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. The Town Council incorporates the foregoing recitals as findings by the Town Council.

2. Chapter 13-18 of the draft Municipal Code is hereby repealed in its entirety and reenacted with the following provisions:

**13-18-010 Creation**

Pursuant to the authority conferred by Article 23, Title 21, C.R.S., and the New Castle Home Rule Charter, there is hereby created a Planning Commission and a Zoning Commission for the Town of New Castle, Colorado. The members of the Planning Commission shall also serve and are hereby appointed as the Zoning Commission.

**13-18-020 Membership**

The Planning and Zoning Commission of the Town of New Castle shall consist of seven (7) members. The ex-officio members shall include the Mayor or the Mayor Pro Tem, if so designated by the Mayor, and each member of the Town Council on a minimum six (6) month rotating period, which period may be extended for up to an additional six (6) months with the approval of Town Council. The Town Council shall appoint the remaining five members, who shall not be members of Town Council; provided, however that the Town Council has the authority to appoint a third Town Council member to the Planning and Zoning Commission when necessary due to lack of participation. All members of the Planning and Zoning Commission shall be voting members.

**13-18-030 Qualifications**

All members of the Planning and Zoning Commission shall be bona fide residents of the Town of New Castle, and if any member ceases to reside in the Town, his membership shall immediately terminate; provided, however that one person who is not a bona fide resident of the Town but resides within the three (3) mile planning area may be appointed to the Planning & Zoning Commission for two years by a unanimous vote of Town Council. At the completion of the non-resident's two year term, the Town Council shall appoint a replacement to serve until the end of what would otherwise be a four year term. All members of the Planning and Zoning Commission shall serve as such without compensation.

**13-18-040 Term of Office**

The terms of the ex-officio members shall be limited to their respective official tenure. All regular members appointed after the date of this Ordinance shall serve for terms of four years, except as otherwise provided in section 13-18-030. It is the intent of this section that

the terms of regular members are staggered so that no more than three new regular members are appointed at any one given time. If a vacancy should occur prior to the end of a term, the Town Council shall appoint a replacement to serve until the end of the term in accordance with the provisions in this Chapter 13-18. Members of the Planning and Zoning Commission may be removed by Town Council only for cause. *Non-ex officio* Members appointed prior to the effective date of this ordinance shall continue to serve on the commission until the expiration of the terms for which they were originally appointed.

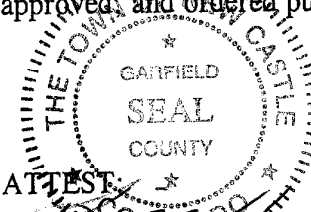
**13-18-050 Powers**


The Planning and Zoning Commission shall have all of the powers and perform each and all of the duties specified under Article 23, Title 31, C.R.S., together with any other duties or authority which may hereafter be conferred upon them by the laws of the State of Colorado. The performance of such duties and exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments.

3. The Town Council member serving as the *ex officio* member of Commission appointed by the Mayor prior to the effective date of this ordinance whose seat would be replaced by a citizen commissioner pursuant to Paragraph 2, Section 13-18-020, above, shall continue to serve on the Commission until a replacement is appointed as provided herein.

INTRODUCED at a regular meeting of the Council of the Town of New Castle, Colorado, on March 26, 2002, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the town as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on April 16, 2002, read by title and number, passed with amendment, approved, and ordered published as required by the Charter.

ATTEST:  
  
Lisa Cain, Town Clerk

TOWN OF NEW CASTLE, COLORADO  
By:   
Bill Wentzel, Mayor

**TOWN OF NEW CASTLE, COLORADO  
ORDINANCE NO. 2006-4**

AN ORDINANCE OF THE NEW CASTLE TOWN COUNCIL AMENDING  
SECTION 17.08.020 OF THE NEW CASTLE MUNICIPAL CODE REGARDING  
MEMBERSHIP OF THE PLANNING AND ZONING COMMISSION.

WHEREAS, Section 17.08.020 of the New Castle Municipal Code governs the membership of the New Castle Planning and Zoning Commission and states that the ex officio members of the Commission shall include the mayor or mayor pro tem, if so determined by the mayor; and

WHEREAS, the Town Council finds and determines that requiring the mayor or mayor pro tem to attend both Planning and Zoning Commission and Town Council meetings throughout his or her term of office is unduly burdensome on the mayor; and

WHEREAS, the Town Council accordingly believes that it is in the best interests of the citizens of New Castle to amend Section 17.08.020 to eliminate the requirement that the mayor or mayor pro tem serve throughout his or her term on the New Castle Planning and Zoning Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NEW CASTLE, COLORADO:

1. Recitals. The foregoing recitals are incorporated herein as findings and determinations of the New Castle Town Council.

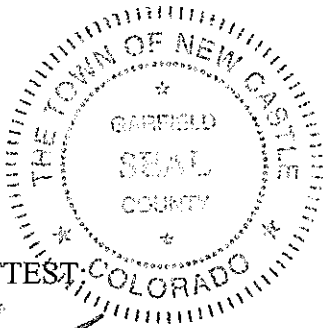
2. Section 17.08.020. Section 17.08.020 is hereby repealed in its entirety and replaced with the following language:

**17.08.020      Membership.**

The planning and zoning commission of the town shall consist of seven members. The ex officio members shall include each member of the town council on a minimum six month rotating period, which period may be extended for up to six additional months with the approval of the town council. The town council shall appoint the remaining six members. The town council shall have the authority to appoint a second town council member to the planning and zoning commission. All members of the planning commission shall be voting members.

INTRODUCED on February 7, 2006, at which time copies were available to the Council and to those persons in attendance at the meeting, read by title, passed on first reading, and ordered published in full and posted in at least two public places within the Town as required by the Charter.


INTRODUCED a second time at a regular meeting of the Council of the Town of New Castle, Colorado, on February 21, 2006, read by title and number, passed with amendments, approved, and ordered published as required by the Charter.



TOWN OF NEW CASTLE, COLORADO

By:

  
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Bill Wentzel, Mayor

  
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Lisa Cain, Town Clerk